

**MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS HEARING HELD ON JULY 20, 2016**

The meeting was called to order by Chairman Jerry Donley at 7:00 p.m. on Wednesday, July 20, 2016. The Pledge of Allegiance to the Flag of the United States of America was led by Jean Rowe.

MEMBERS PRESENT: Joe Moore, Adele Straub, Jerry Donley, Jean Rowe, Bruce Nevins.

OTHERS PRESENT: Attorney John Magyar, Building and Zoning Administrator Todd Herter, Supervisor Bill Saunders, Recording Secretary Lindsay Krohne, five members from the public.

ABSENT: None.

PUBLIC HEARING

Chairman Jerry Donley read the notice aloud for the hearing requested by Regina Hemminger. He questioned Building and Zoning Administrator Todd Herter on the reason a Zoning Board of Appeals hearing was needed.

Todd Herter explained that he had a conversation with Chad Velthouse, Regina Hemminger's fiancé, around April 1, 2016. He explained that Mr. Velthouse was in the middle of constructing a deck with no permits. Todd stated that after doing measurements of the property, he found that the deck would be required to be 83' from the center of the road and it was only 72' a difference of 11 feet. Todd also stated that the side yard setback is also out of compliance by 8 feet. He stated that he told Mr. Velthouse he could not do any more work until he obtained a building permit.

Todd stated that Mr. Velthouse came in to the Township Hall on April 15, 2016 and obtained a building and zoning permit for the South side and rear deck, which were both in compliance. He stated that Mr. Velthouse then decided to ask for a variance for the deck that is out of compliance, because he already had a good portion of it put up and it would be costly to remove it.

Jerry Donley questioned Todd on the front yard setback measurement. Todd explained the 50' setback requirement from the property line back, which starts 33' from the center line of the road, making the requirement 83' from the center line of the road. Discussion followed.

PUBLIC COMMENT

Jerry Donley opened the floor for public comment at 7:10 p.m. Mr. Velthouse, who had been building the deck, spoke for Ms. Hemminger. He stated that he got the permit, and Todd was going to allow him to build as long as he was granted the variance. He stated that his fiancé's mother is handicap and they wanted to make the deck easily accessible for her to use. He stated

that in building the deck they were hoping to make the area look nicer as the deck was starting to look bad.

Attorney John Magyar questioned Mr. Velthouse if he was not used to getting permits. He replied that he is a contractor but this was his first time building a deck like this.

Mr. Velthouse stated that he was fined for not getting a permit.

There were no other public comments. Public Comment was closed at 7:13 p.m.

COMMISSION MEMBER DISCUSSION

Joe Moore stated that the 3 properties surrounding Ms. Hemminger were zoned Waterfront District. He questioned what the setbacks would be if this property were zoned in that district. Todd Herter answered that the setbacks would be 7ø on the side, and 63ø on the front, and that they would be in compliance if the property were zoned Waterfront District. Joe also asked Todd if he knew why that single property was zoned Ag-Residential when the surrounding properties are zoned Waterfront. Todd answered that he did not know why that single property was zoned that way.

Adele Straub asked for clarification that the setbacks were not in compliance due to 11ø on the front yard setback and 8ø on the side yard setback. Todd answered yes.

Jerry Donley read aloud the Five Standards of Review for the members to consider.

MOTION TO APPROVE VARIANCE REQUEST

Adele Straub motioned to grant the variance request. Jean Rowe seconded. Motion passed by roll call vote:

Yes: (5) Bruce Nevins, Jerry Donley, Jean Rowe, Joe Moore, Adele Straub

No: (0) None.

ADJOURNMENT

Jerry Donley adjourned the meeting at 7:23 p.m.

Respectfully submitted,

Lindsay Krohne
Recording Secretary