

MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS MEETING – OCTOBER 5, 2021
VARIANCE REQUEST BY BRAD AND TAMMY LINDORF

Thom Brown called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

Members present – Nick Barnes, Thom Brown, Wendy Fitzgerald, Mike Glynn, Jean Rowe

Members absent – None

Others present – Zoning Administrator Mark Davis, Recording Secretary Liberty Nevins, members of the public

APPROVAL OF SEPTEMBER 14, 2021 MINUTES

Nick Barnes motioned to approve the previous Zoning Board meeting minutes.

Mike Glynn seconded.

Motion passed by voice vote.

PUBLIC HEARING NOTICE

Wendy Fitzgerald read the request: The request of Brad and Tammy Lindorf, respecting the property at 50948 3rd Street Dowagiac, Michigan, within the Township (Parcel No. 14-130-004-036-00) in the WD Waterfront District Zoning Classification for an approximately 12.5 foot variance from the required 30 foot front yard (waterfront side) setback in order to permit the construction of a new two-story dwelling with attached deck that will be located between 17.5 and 30 feet from the ordinary high water mark on the northwest (lake) side of the parcel. The applicants indicate that the proposed new deck will be no closer to the lake than the existing deck and that the stairs will be removed and relocated. The parcel is 10,333 square feet in area and is presently improved with a nonconforming dwelling, which is to be removed.

STANDARDS OF REVIEW

Thom Brown read the 5 standards of review: : (A) Granting of non-use variances. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are addressed. (1) The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. (2) The variance will not impair the intent and purpose of this chapter. (3) The immediate practical difficulty causing the need for the variance request was not created by any action of the applicant or predecessor. (4) The variance requested is the variance necessary to meet the purpose and intent of the chapter and to meet the other standards of review in this section. (5) Would a lesser relaxation than applied for give

substantial relief to the owner of the property involved and be more consistent with justice to other property owners, and whether relief can be granted in such fashion that the spirit of the chapter will be observed and public safety and welfare secured.

ZONING ADMINISTRATOR COMMENT

Mark Davis commented that the property had a seawall, and that there would be improvement.

PUBLIC HEARING

Brad Lindorf stated the reason a variance was being requested was because there was no other way to make the changes of construction around the utility pole on the property.

ZONING BOARD MEMBER DISCUSSION

Thom Brown stated that the easement from the utility pole should be 15 feet, however Brian Smith from AEP/INM says a 12 foot easement could be okay.

Mike Glynn stated that Silver Creek Township has no jurisdiction over utility easements.

Thom Brown commented that since the utility pole on the property can't be moved, it counts as a practical difficulty.

Nick Barnes motioned that there is evidence of a practical difficulty.

Mike Glynn seconded.

Motion was not voted on.

Mike Glynn motioned to approve or deny the variance as presented.

Thom Brown seconded.

Request approved by roll call vote, all members voted to approve.

Variance approved.

PUBLIC COMMENT

None

ADJOURNMENT

Thom Brown adjourned the meeting at 7:28 p.m.

Liberty Nevins, Recording Secretary

Wendy Fitzgerald, Secretary