

MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS MEETING –DECEMBER 7, 2021

VARIANCE REQUEST BY JACOB WILLIAMS

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, Jean Rowe, Bill Saunders

Members absent – None

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

APPROVAL OF OCTOBER 5, 2021 MINUTES

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

Thom Brown seconded.

Motion passed by voice vote.

PUBLIC HEARING NOTICE

Wendy Fitzgerald read the request: The request of Jacob Williams, 29337 M-152 Dowagiac, MI for a 424-square foot variance from the 3000-square foot accessory building size limitation in order to permit the construction of a 40' x 60' accessory building on the property (Parcel No. 14-130-011-004-00) which contains a house with attached 32' x 32' garage. The parcel is 4.5 acres in size, allowing for 3000 square feet in overall accessory building size. The existing garage is 1024 square feet in area. The proposed additional accessory building for the storage of a boat, lawn tractor, extra vehicle, trailer, tools and outdoor furniture is 2400 square feet in area, resulting the request for a 424-square foot variance. (3000-2400-1024= -424). The new accessory building is proposed to be located in the northwest portion of the property behind and to the west of the house, with all setbacks and height limitations met. The property is located in the A/R Agricultural/Rural Residential District Zoning Classification.

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 stated that the requested building would not be a problem or have an impact on the neighbors.

PUBLIC HEARING

Jacob Williams stated the requested building would be for storage.

There was one written comment from Jacob Williams that entailed a correction on the initial variance request. It was supposed to read that the new building would be in the southeast corner of the lot.

ZONING BOARD OF MEMBER DISCUSSION

Bill Saunders recommended to downsize the measurements of the building to 40'x50'.

Jacob Williams responded that after the purchase of a travel trailer which would be stored in the new building, 40'x50' would not be enough room to store all other items.

Thom Brown stated that there was no practical difficulty and brought up 155.030 section B #3 in support.

Nick Barnes stated the case could be brought up at the January 2022 Planning Commission meeting.

Thom Brown suggested to table the topic until after the Planning Commission discusses the topic.

Nick Barnes motioned to table the discussion until the Planning Commission address the current size of the building.

Wendy Fitzgerald seconded.

Discussion tabled by roll call vote. All members voted to table.

PUBLIC COMMENT

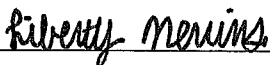
None

ADJOURNMENT

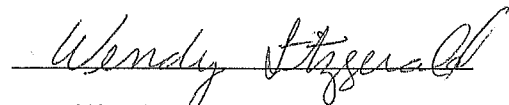
Jean Rowe motioned to adjourn the meeting.

Wendy Fitzgerald seconded.

Motion passed by voice vote. Meeting adjourned at 7:37 p.m.



Liberty Nevins, Recording Secretary



Wendy Fitzgerald, Secretary