

**MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS MEETING – APRIL 9, 2024**

Ben Schilling called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Members present – Ben Schilling, Thom Brown, Wendy Colburn, Glenn Feirick

Members absent – Todd Tirota

Others present - Mark Davis and members of the public.

APPROVAL OF THE FEBRUARY 13, 2024, MINUTES

Glenn Feirick motioned to approve the previous Zoning Board meeting minutes, seconded by Thom Brown.

Motion carried by voice vote.

READING OF PUBLIC HEARING NOTICE

Wendy Colburn read the public hearing notice: *“The request of Mateo Chinchilla on behalf of property owner Herbert Kashanitz, regarding the property at 50791 East Bay Road, Dowagiac, MI (Parcel No. 14-130-260-025-00) in the “WD” Waterfront Residential District Zoning Classification to construct a new 24’ x 32’ garage in the front side (E Bay Drive side) of the property. The house portion and the lake portion of the property are bi-furcated by Middle Road. The applicant is seeking a variance from Section 3.11A.2 prohibiting accessory buildings in the front yards in order to place the proposed new garage between the house and the existing barn, 8 feet from the south property line and 25’ from the center of East Bay Drive on the East Bay Side of the property. Standards of review for consideration by the Zoning Board of Appeals are contained in Section 18.04 of the Silver Creek Township Zoning Ordinance. b. Such other and further matters as may properly come before the zoning board of appeals.”*

STANDARDS OF REVIEW

Standards of Review, Section 155.253 of the Zoning Ordinance, was read by Ben Schilling.

ZONING ADMINISTRATOR COMMENT

Mark Davis is unsure about how the elevation of the land will affect the construction project. He is particularly concerned about following the appropriate setbacks, noting that due to an unusual dip in the property and the property's unusual shape, as well as its location surrounded by four roads, make it a challenging project.

PUBLIC COMMENT

Bill Saunders, who is a 35-year-neighbor to Herver Kashanitz stated he has no issues with the garage being built and feels it is a reasonable request.

According to Herbert Kashanitz, his neighbors have been supportive of his project. He pointed out that bringing in dirt would make it appear as if the garage is on a mountain in his yard. He believes that the elevation change from East Bay Road makes it difficult to build the structure.

There were no written comments noted and no other parties present expressed their support or opposition.

ZONING BOARD OF APPEALS DISCUSSION

All members present stated they visited the property before the meeting. Ben Schilling requested some clarification about the location of the backyard of the property. He also wanted to know if any other requests like this property in that area had been made, and what the required elevation would be to follow the ordinance. Mark Davis was not aware of any other requests and was not certain about the elevation, but he guessed it would be around 32 inches. Thom Brown noted that if the properties are divided this could be an issue with no main building being on the lot. No other members had any questions or comments. After reviewing the Standards of Review Section 155.253, the members determined that there is evidence of a practical difficulty.

Thom Brown motioned to approve the request of Herver Kashanitz as presented.
Glenn Feirick seconded the motion.
Motion carried by roll call vote.

Ben Schilling- yes
Thom Brown- yes
Glenn Feirick- yes
Wendy Colburn- yes

Motion Approved as presented with no modifications.

PUBLIC COMMENT

Alex, who owns a property located at the corner of School Street and Indian Lake Road, expressed his concerns about a drone flying over his property. He was advised that he should bring his concerns to the township during normal business hours. The Zoning Board does not have jurisdiction over this matter.

ADJOURNMENT

Glenn Feirick motioned to adjourn, seconded by Wendy Colburn.
Adjourned at 7:24 p.m.

Wendy Colburn, Secretary/Recording Secretary