

**MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS HEARING HELD ON SEPTEMBER 7, 2016**

The meeting was called to order by Chairman Jerry Donley at 7:22 p.m. on Wednesday, September 7, 2016. The Pledge of Allegiance to the Flag of the United States of America was led by Jerry Donley.

MEMBERS PRESENT: Trustee Joe Moore, Adele Straub, Chairman Jerry Donley, Jean Rowe, Richard Morey, alternate

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

ABSENT: Bruce Nevins

PUBLIC HEARING

Chairman Jerry Donley read aloud the Notice of Zoning Board of Appeals Hearing, explaining that Shirley Wedemeier was requesting a variance for multiple sections of the Zoning Ordinance.

Jerry Donley referred to Building and Zoning Administrator Todd Herter to explain why the Zoning application was denied.

Todd Herter stated that Ms. Wedemeier came in to apply for a Zoning compliance permit, in which he had to deny due to several factors. He stated that the proposed garage would put them over the 1500 square foot maximum for accessory buildings in Waterfront District, by 483 square feet. Todd also stated that there would only be a 6ø rear yard setback when the requirement for Waterfront District is 20ø. Todd added that in Section 3.11 (B) 4 of the Zoning Ordinance, it states that an accessory building located in the rear yard shall not occupy more than 25% of the required rear yard area. He asked for clarification on the meaning of that statement.

PUBLIC COMMENT

Jerry Donley opened the floor for public comment at 7:30 p.m.

Shirley Wedemeier stated that she has pictures of the current house and garage, showing the existing garage in the back of the house, and a one car attached garage. Ms. Wedemeier stated that they need space for more vehicles, as they are planning to be primary residents of Sister Lakes within three years. Ms. Wedemeier added that they currently have a total of 3 car spaces and need 6. She added that they wish to remove the existing garage behind the house to build a new, larger garage.

Ms. Wedemeier provided Exhibit A, a photo of the current house at street level, showing that you cannot see the garage in the back yard from the street.

Ms. Wedemeier provided Exhibit B, a photo of the side of the house, which is an empty lot with nothing built on it.

Ms. Wedemeier provided Exhibit C, a photo of the existing garage behind the house.

Ms. Wedemeier stated that she would like to keep the garage in the same location, where it leaves the house visually appealing, since you cannot see the garage from the street.

Joy Carmichael, Ms. Wedemeier's next door neighbor, stated that she shares a driveway with her and would like to see the variance happen because they could store their snowmobiles and keep cars out of the driveway during the winter and summer.

Ms. Wedemeier's mother, Judith Kickard, stated that she believes it is a good idea.

There was no opposition.

Ms. Wedemeier added that the proposed garage location would be convenient for them; otherwise they would have to build somewhere else.

Jerry Donley closed the public comment at 7:35 p.m.

COMMISSION MEMBER DISCUSSION

Trustee Joe Moore stated that they were asking for a lot, compared to a normal variance request, since they are asking for a variance for lot coverage and both setbacks.

Attorney John Magyar stated that they have combined lots 27, 28, and 29, therefore there is way more footage on the sides, and they would definitely not reach the 25% maximum. He stated that he did not believe the 25% of the rear yard area or a side yard setback applied for this request.

Jerry Donley asked Todd Herter if he agreed with Attorney Magyar's statement, meaning a side yard setback variance was not required. Todd answered yes.

Todd Herter added that since the rear yard was more than 80' a 20' setback was required and they are asking for 6'. He also added that the Zoning Ordinance allows 1500 square feet total for accessory buildings, and they are asking for an additional 483 square feet.

Joe Moore asked for clarification that there is not a 25% coverage problem or a side yard setback problem.

Dick Morey stated that his only question was about the percentage, which is no longer being considered, as well as the side yard setback. He stated they were just considering the 14' additional rear yard setback.

Jerry Donley questioned Todd Herter about whether there was an issue of the amount of space between the house and garage. Todd answered that if they did not receive the variance, and had to maintain a 20' rear yard setback, they would not have the required 10' between structures, and would have to ask for a variance for that.

Jean Rowe questioned whether the space between the current structures met the requirement, and Ms. Wedemeier answered yes.

Jerry Donley asked Ms. Wedemeier how many square feet her home was, in which she answered 3200. Discussion followed.

Jerry Donley read the Five Standards of Review. Joe Moore commented on #2, stating that he believes the intent was to keep Waterfront District looking residential. He stated his concern of having multiple requests of the same nature, and how this could change the residential appearance. Discussion followed.

Jerry Donley stated that there was no written correspondence regarding the variance request.

MOTION TO APPROVE VARIANCE REQUEST

Jean Rowe motioned to approve the variance request for a 6ørear yard setback and additional 483 square foot for an accessory building. Adele Straub seconded. Motion passed by roll call vote.

Yes: (5) Dick Morey, Jean Rowe, Jerry Donley, Joe Moore, Adele Straub

No: (0) None.

ADJOURNMENT

Jerry Donley adjourned the Zoning Board of Appeals hearing at 8:05 p.m.

Respectfully submitted,

Lindsay Krohne
Recording Secretary