

**MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS MEETING – JANUARY 12, 2021
ORGANIZATIONAL MEETING**

Chairman Thom Brown called the Zoning Board of Appeals meeting to order at 7:00 p.m. on Tuesday, January 12, 2021.

The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Nick Barnes, Thom Brown, Wendy Fitzgerald, Mike Glynn, David Grabemeyer, Jean Rowe

MEMBERS ABSENT: None

OTHERS PRESENT: Township Clerk Lorri Behnke, Recording Secretary Liberty Nevins

APPROVAL OF DECEMBER 8, 2020 MINUTES

Mike Glynn motioned to approve the December 8, 2020 Zoning Board of Appeals minutes.

David Grabemeyer seconded.

YES (6): Nick Barnes, Thom Brown, Wendy Fitzgerald, Mike Glynn, David Grabemeyer, Jean Rowe

NO (0): None

Motion passed by roll call vote.

NEW AGENDA FORMAT

Mike Glynn asked about the Roman numerals on the new agenda format.

Thom Brown stated that Roman numerals had been used on old agendas in the past. He asked if a motion and second were required before a roll call vote was taken.

David Grabemeyer stated that it would be smart to get a motion and second before taking a roll call vote.

Thom Brown stated that a motion and second requirement should be added to section 11 of the new agenda format.

Lorri Behnke stated that roll call votes are mandatory for Zoom meetings.

Mike Glynn commented that “after a motion, support, and a roll call vote, if there is not evidence of practical difficulty, the variance should be denied” should be added in parenthesis to section 11.

The Zoning Board members agreed.

Mike Glynn motioned to adopt the new agenda format, along with changing the Roman numerals to numbers, and the addition of “after a motion, support, and a roll call vote, if there is not evidence of practical difficulty, the variance should be denied” in parenthesis to section 11.

Wendy Fitzgerald seconded.

YES (6): Nick Barnes, Thom Brown, Wendy Fitzgerald, Mike Glynn, David Grabemeyer, Jean Rowe

NO (0): None

Motion passed by roll call vote.

NEW VARIANCE APPLICATION FORM

Thom Brown stated that he liked the new variance application form. He recommended adding a part about *the desire to build a structure larger than the designated building area does not constitute a practical difficulty*, or wording of similar composure.

Mike Glynn stated that he was in favor of the new variance application form.

Lorri Behnke stated that the Building Department requested for the wording of *the desire to build a structure larger than the designated building area does not constitute a practical difficulty* to be presented in a softer way. She stated that the Zoning Board could potentially have their own webpage containing useful information regarding building and variances.

Mike Glynn recommended moving the new variance application form forward to the Building and Zoning Administrator. He stated that Township Attorney Roxanne Seeber thought that Use Variances should be removed from the ordinance.

Thom Brown motioned to approve the new variance application form.

Wendy Fitzgerald seconded.

YES (6): Nick Barnes, Thom Brown, Wendy Fitzgerald, Mike Glynn, David Grabemeyer, Jean Rowe

NO (0): None

Motion passed by roll call vote.

STANDARD WORDING FOR MOTIONS/SECONDS

Thom Brown recommended to consistently have the Zoning Board members “motion to approve the proposed variance” for each variance requested. He stated that after the motion and second, the members would be free to vote how they wanted. Thom stated that by consistently motioning in favor of the applicant, the applicant may feel like the Zoning Board is on their side.

David Grabemeyer commented that what Thom Brown recommended could be misleading.

Mike Glynn commented that making a motion does not equal a vote. He stated that motioning only brings a topic into discussion.

Thom Brown stated that if a variance is denied, either the applicant or Zoning Board members could make modifications for new measurements for the variance. Thom stated that it would be a case-by-case basis on whether the Zoning Board would provide recommendations to the applicant or not.

Lorri Behnke shared a motion and second template document from Roxanne Seeber through Zoom screen share. Lorri commented that the practical difficulty along with solutions would need to be stated during each Zoning Board meeting if applicable.

Thom Brown suggested the wording “I need a motion to approve or deny the variance” when asking for a motion on an applicant’s variance request.

David Grabemeyer motioned to table the discussion on the standard wording for motions and seconds.

Nick Barnes seconded.

Motion passed by voice vote.

ELECTION OF OFFICERS

Thom Brown stated that the Chairman, Vice Chairman, and Secretary would be the positions voted on.

Mike Glynn stated that the Zoning Board Alternate Jean Rowe was appointed by the Chairman and approved by the Township Board. Mike proposed to vote Thom Brown as Chairman, David Grabemeyer as Vice Chairman, and Wendy Fitzgerald as Secretary.

Nick Barnes motioned to vote Thom Brown as Chairman, David Grabemeyer as Vice Chairman, and Wendy Fitzgerald as Secretary.

Mike Glynn seconded.

Jean Rowe stated that as an Alternate she would not vote.

YES (5): Nick Barnes, Thom Brown, Wendy Fitzgerald, Mike Glynn, David Grabemeyer

NO (0): None

Motion passed by roll call vote.

OTHER BUSINESS

Mike Glynn thanked former Zoning Board member Bruce Nevins for his service on the Zoning Board of Appeals.

ADJOURNMENT

Thom Brown adjourned the meeting at 8:35 p.m.