

**MINUTES SILVER CREEK TOWNSHIP**  
**ZONING BOARD OF APPEALS MEETING – APRIL 21, 2021**  
**VARIANCE REQUEST BY STEVEN MACGREGOR**

Thom Brown called the Zoning Board of Appeals meeting to order at 7:00 p.m. on Wednesday, April 21, 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, Dave Grabemeyer

MEMBERS ABSENT: None

OTHERS PRESENT: Recording Secretary Liberty Nevins, members of the public

**APPROVAL OF JANUARY 12, 2021 MINUTES**

Dave Grabemeyer motioned to approve the January 12, 2021 minutes.

Mike Glynn seconded.

Motion passed by voice vote.

**APPROVAL OF CHANGES TO THE AGENDA AND STANDARD MOTION/SECOND VERBIAGE**

Mike Glynn motioned to approve the change of verbiage in motions/seconds to approve/deny.

Dave Grabemeyer seconded.

Motion passed by voice vote.

**REASON FOR MEETING**

Wendy Fitzgerald read the Public Notice: The request of Steven MacGregor 31765 Karl Street, Dowagiac, MI (Parcel No. 14-130-155-061-00) in the LR Lake Residential District Zoning Classification for a 21'variance from the required 30' setback on the Karl Street (north) line in order to permit him to construct a new 32' x 20' accessory building on the eastern portion of the property in the triangle-shaped portion formed by the intersection of Lakeshore Drive and Karl Streets. The proposed structure will sit approximately the same distance from Karl Street as the existing house and 2-car attached garage. Standards of review for the Zoning Board of Appeals are contained in Section 155.253 of the Zoning Ordinance.

**STANDARDS OF REVIEW**

Thom Brown read the Standards of Review: (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.

#### **BUILDING/ZONING ADMINISTRATOR COMMENT**

None

#### **PUBLIC COMMENT**

Steven MacGregor stated there was no place for the accessory garage to be built on his odd shaped property that would be within the proper variances.

Wendy Fitzgerald read a letter in opposition from Thomas Blake.

In response to the letter, Steven MacGregor stated he did not think the building would disturb the natural runoff.

Public comment closed.

#### **ZONING BOARD OF APPEALS DISCUSSION**

Dave Grabemeyer asked if the building could be moved west for a lesser variance.

Mike Glynn responded that the building could not go west due to the curvature of the road.

Dave Grabemeyer mentioned that the 1 ½ foot variance on the other side of the road was not in the original request. Dave asked if the garage door would be facing the east, and Steven MacGregor responded that it would be.

Mike Glynn motioned to establish that the odd shaped lot is the practical difficulty of the situation.

Nick Barnes seconded.

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

NO (0): None

Motion passed by roll call vote.

Mike Glynn reread the Standards of Review.

Dave Grabemeyer motioned to approve the request with the addition of the 1 ½ foot variance on the south side.

Nick Barnes seconded.

APPROVE (5): Nick Barnes, Thom Brown, Wendy Fitzgerald, Mike Glynn, Dave Grabemeyer

DENY (0): None

Variance granted.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Thom Brown adjourned the meeting at 7:42 p.m.

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Liberty Nevins, Recording Secretary

Wendy Fitzgerald, Secretary