

**MINUTES SILVER CREEK TOWNSHIP  
ZONING BOARD OF APPEALS HEARING HELD ON MAY 17, 2017**

The meeting was called to order by Richard Morey at 7:00 p.m. on Wednesday, May 17, 2017.. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Richard Morey, Bruce Nevins, Jean Rowe, Adele Straub

OTHERS PRESENT: Attorney John Magyar, Supervisor Bill Saunders, Recording Secretary Lindsay Krohne, seven members from the public.

ABSENT: Trustee Mike Glynn, Jerry Donley, Building/Zoning Administrator Todd Herter

**PUBLIC HEARING**

Richard Morey read the Notice of Zoning Board of Appeals Hearing for the variance request for William Drew of 31232 Curran Beach Road, Dowagiac, MI 49047 with tax identification numbers 14-130-342-079-00 and 14-130-280-025-00. The notice stated that the applicant was requesting a variance of Section 6.04 and Section 3.11(B)(4) of the Ordinance to construct an accessory building that did not comply with the side yard or rear yard setbacks.

Richard Morey stated that Mr. Drew had previously met with Building/Zoning Administrator Todd Herter to establish that he would need a variance for the proposed garage, due to the setback requirements in the Zoning Ordinance.

**PUBLIC COMMENT**

Richard Morey opened the floor for public comment.

William Drew explained that was asking for a variance to replace his 20 x 22 garage with a 24 x 22 garage. He explained that it would not affect his neighbors, and it would be adding 4 feet of building on his lot. He stated that after speaking with Todd, he understood that the worst case scenario was rebuilding on the same footprint.

Attorney John Magyar referenced Section 3.21 on page 3-13 D and E. Discussion followed. Attorney Magyar stated that A through E should be considered in place of the five standards of review.

Richard Morey marked the exhibits number one through eleven.

Richard Morey called those in favor of the variance to speak.

Ed Miller, property owner contiguous to Mr. Drew, spoke in favor of the variance. He stated that he was all in favor, as well as his neighbors. He stated Mr. Drew would be replacing an old shack with a nice building.

Randy Voorn spoke in favor of the variance request. He stated that his property is west of Mr. Drew's home and since the proposed garage would not be built closer to the street, he didn't see why the board wouldn't approve it.

Bonnie Kubin stated that she was in favor of the variance request.

Larry Schmidt stated that he agreed with all of the previous comments, and stated that every inch counts at the lake and if Mr. Drew couldn't build the proposed size, he would be wasting valuable space.

There were no comments in opposition of the variance request.

There was no written communication received regarding the variance request.

Mr. Drew stated that his family had been at the lake since he was little, and he looked forward to building at the lake.

Richard Morey closed the floor for public comments at 7:20 p.m.

### **COMMISSION MEMBER DISCUSSION**

Adele Straub commented that she found one small flag at the corner of the existing building. She asked if she understood correctly that Mr. Drew wished to build in the same footprint, with the exception of an extra four feet. Mr. Drew answered that the Northwest and Southwest sides would remain the same, but the Northeast and Southeast sides would extend out four feet further into his lot.

Jean Rowe stated that she had a hard time visualizing the proposed building due to the flags missing and so much debris being on the lot. She stated that she couldn't walk through it to look. Jean Rowe asked Mr. Drew if he owned both the lot with the garage and the lot next to it with the debris. He answered yes. Ms. Rowe commented that it would be better next time to have better markings. Mr. Drew stated that the flags had been placed, maybe too early.

Bruce Nevins questioned if there were plans for the existing lot. Mr. Drew stated that it would be for both the well and parking.

Richard Morey stated that he spoke with two of Mr. Drew's neighbors twice within the last month. They were both in favor of the variance request. He stated that he saw where the flags were placed, and viewed the exhibits provided by Mr. Drew and had no further questions.

Adele Straub questioned if there was only four feet between the two garages. Mr. Drew answered that no, they were just requesting a four foot extension of their garage. He referred to Exhibit two showing the existing garage and the proposed garage.

Richard Morey read through Nonconforming Uses: Enlargements or Extensions on page 3-12 and 3-13 of the Zoning Ordinance and asked that A through E be considered. He questioned whether the commission members had any questions or discussion on any of those points. Attorney John Magyar commented that they all agreed that it was not going to interfere with the

use of any other properties in the vicinity, and there was no opposition. He also stated that it should be a fine structure.

**MOTION TO APPROVE VARIANCE REQUEST**

Bruce Nevins motioned to approve the variance for Section 6.04 and Section 3.11(B)(4) as requested. Adele Straub seconded. Motion carried by unanimous roll call vote.

Yes: (4) Bruce Nevins, Jean Rowe, Richard Morey, Adele Straub

No: (0) None.

Absent: (2) Jerry Donley, Mike Glynn

**ADJOURNMENT**

Richard Morey adjourned the Zoning Board of Appeals hearing at 7:33 p.m.

Respectfully submitted,

Lindsay Krohne  
Recording Secretary