

Silver Creek Township Zoning Board of Appeals

Meeting Agenda

Date: May 17, 2022, 2022

Time: 7 PM

Meeting Facilitator:

1. Call to Order
2. Pledge to the Flag
3. Roll Call
4. Approval of previous Zoning Board of Appeals Minutes (February 22, 2022)
5. Reading of Public Hearing Notice
 - a. The request of Joseph Wargo, regarding the property at 50745 West Bay Road, Dowagiac, MI (Parcel No. 14-130-260-009-00) for variances to permit the demolition of the existing house and the replacement thereof with a single-story house with a larger footprint and to add a 28' x 8' (224 square feet) deck facing the channel. The parcel is approximately 40 feet x 80 feet and is located on the Magician Lake Channel in the "WD" Waterfront District Zoning Classification. The property owner could rebuild on the existing footprint without variances. The proposed new house is 1'5" wider and 3" longer (12.57 square feet) than the existing house.
 - i. The following variances are being requested:
 1. A variance from the permitted 30% parcel coverage limitation (924 square feet) as follows:
 - a. With house (only), the requested lot coverage is 38.36% percent, which is a .41% difference coverage from the existing house lot coverage percentage of 37.95 %.
 - b. Adding the deck, the requested lot coverage is 45.54%; and
 - b. A variance from the required 30-foot front yard (waterfront) setback in order to permit construction of the deck on the east side of the proposed house approximately 6' (south) and 4' (north) from the existing deck. Front yard setback is from the ordinary high water line, not shown on the drawing.
 - c. Applicant may request to move the entire footprint of the proposed new house 7' closer to West Bay Road, which, if granted, may require a rear yard setback variance.
6. Such other and further matters as may properly come before the zoning board of appeals.
7. Standards of review for the Zoning Board of Appeals are in Section 155.253 of the Zoning Ordinance.
8. Zoning Administrator Comment
9. Open Public Hearing-Chairperson
10. Please wait to be recognized by the Chairperson, then clearly state your name and address prior to speaking to assist us in the preparation of the meeting minutes.
 - a. Applicant's opportunity to speak
 - b. Those in favor (may be limited to 3 minutes per speaker)
 - c. Those in opposition (may be limited to 3 minutes per speaker)
 - d. Written Comments
 - e. Rebuttal by Applicant
11. Close Public Hearing- Chairperson
12. Zoning Board of Appeals Discussion-Board members Only (board may seek clarification by asking questions of the Zoning administrator)
13. Standards of Review – Section 155.253 – Begin by determining if there is *reasonable evidence of practical difficulty; identify it and specifically state it for the official record (motion, support, roll call vote)* If there is not evidence of practical difficulty, variance request should be denied. If there is practical difficulty, then conditions 1-5 should be addressed in order with specific statements.
14. Motion & Support to "approve or deny variance as presented" (board members respond with approve or deny).
15. If variance denied, applicant may request a variance with modifications.
 - a. (Motion & Support to "approve or deny variance as modified"; Roll Call Vote)
16. Announce variance request(s) as approved or denied or approved with any modifications.
 - i. Applicant to receive a copy of the completed application; appeal time begins upon receipt.
17. Such other and further matters as may properly come before the zoning board of appeals.
18. Public Comment**
19. Adjournment

- a. ****Public Comment is the opportunity for the public to make a comment/statement to the board members. Please raise your hand to be recognized by the Chairperson. When it is your turn to speak, please begin with stating your name and then your comment(s). We ask each person speak only one time so others will have time to speak as well. If you have questions about the process or need general information, please contact the trustee who is the liaison for this board to the Silver Creek Township Board.**