

MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS MEETING – AUGUST 31, 2021
VARIANCE REQUEST BY FRANK WARD

Thom Brown called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

Members present – Nick Barnes, Thom Brown, Wendy Fitzgerald, Mike Glynn, Dave Grabemeyer

Members absent – None

Others present – Zoning Administrator Mark Davis, Recording Secretary Liberty Nevins, members of the public

APPROVAL OF APRIL 21, 2021 MINUTES

Dave Grabemeyer motioned to approve the previous Zoning Board meeting minutes.

Mike Glynn seconded.

Motion passed by voice vote.

PUBLIC HEARING NOTICE

Wendy Fitzgerald read the request: The request of Frank Ward, 50171 Sister Lakes Road within the Township (Parcel No. 14-130-006-001-04) in the Waterfront District Zoning Classification for a variance from the maximum authorized 2400-square-foot accessory building size in order to permit construction of a 2400-square foot accessory building on the south side of the parcel within all required setbacks. The property is 2.84 acres in area and is improved with a single family residence and attached accessory building. 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 5 standards of review: (A) Granting of non-use variances. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are addressed. (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.

ZONING ADMINISTRATOR COMMENT

Mark Davis stated that the ordinances should be abided by.

PUBLIC HEARING

Frank Ward stated that the accessory building would be used to ensure the safety of his belongings. He stated that the requested building would match the style of the house.

ZONING BOARD MEMBER DISCUSSION

Thom Brown brought up Section 155.030, which points out that the total area of an accessory building on a lot more than 2 up to 3 acres cannot exceed 2,400 sq feet.

Thom Brown, Wendy Fitzgerald, and Dave Grabemeyer claimed there was no evidence of practical difficulty.

Mike Glynn motioned that there was not practical difficulty in evidence.

Dave Grabemeyer seconded.

Motion passed by roll call vote, all members supported.

Mike Glynn motioned to approve or deny the variance as presented.

Nick Barnes seconded.

Request denied by roll call vote, all members voted to deny.

Variance denied.

PUBLIC COMMENT

Dave Grabemeyer recommended bringing up the issue to the Planning Commission to see if it could be revisited and updated.

Nick Barnes stated he would bring up the discussion to the Planning Commission.

ADJOURNMENT

Mike Glynn motioned to adjourn.

Dave Grabemeyer seconded.

Meeting adjourned at 7:32 p.m.

Liberty Nevins, Recording Secretary

Wendy Fitzgerald, Secretary