

**MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS MEETING – SEPTEMBER 22, 2020
ZONING BOARD OF APPEALS BYLAWS SEGMENT**

Chairman Thom Brown called the Zoning Board of Appeals bylaws segment to order at 6:35 p.m. on Tuesday, September 22, 2020.

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

MEMBERS PRESENT: Thom Brown, Alternate Wendy Fitzgerald, Mike Glynn, Bruce Nevins

MEMBERS ABSENT: David Grabemeyer, Jean Rowe

OTHERS PRESENT: Building and Zoning Administrator Todd Herter, Recording Secretary Liberty Nevins

APPROVAL OF AGENDA

Vice Chairman Bruce Nevins motioned to approve the agenda.

Board Representative Mike Glynn seconded.

Motion passed by voice vote.

APPROVAL OF AUGUST 11, 2020 MINUTES

Mike Glynn motioned to approve the August 11, 2020 Zoning Board of Appeals minutes.

Alternate Wendy Fitzgerald seconded.

Motion passed by voice vote.

ZONING BOARD OF APPEALS BYLAWS DISCUSSION

Thom Brown suggested adding “and an alternate will be assigned” to Article 3 Section C of the bylaws. Thom suggested restating Article 7 Section C to read “the agenda will be developed by the Secretary and reviewed by the Chair”. Thom questioned what the rules of procedure were from Section E.

Mike Glynn responded that the rules of procedure are how meetings are conducted. Mike commented that Parliamentary Procedure from Section H should be continuously used in meetings.

Wendy Fitzgerald motioned to close the bylaws segment.

Mike Glynn seconded.

Motion passed by voice vote.

VARIANCE REQUEST BY INDIAN LAKE VOLUNTEER FIRE DEPARTMENT

Thom Brown called the Zoning Board of Appeals meeting to order at 6:59 p.m.

MEMBERS PRESENT: Thom Brown, Alternate Wendy Fitzgerald, Mike Glynn, David Grabemeyer, Bruce Nevins

MEMBERS ABSENT: Jean Rowe

OTHERS PRESENT: Building and Zoning Administrator Todd Herter, Recording Secretary Liberty Nevins, members of the public

EXPLANATION FOR MEETING

Thom Brown recited the Notice of Public Hearing, explaining the reason for the public hearing:

The request of the Indian Lake Volunteer Fire Department, 33104 Old M-62, Dowagiac, Michigan (Parcel No. 14-130-031-089-00) for an 15’ variance from the 30’ side yard setback required

by Section 155.083 (D)(1) in order to permit construction of a new 32’ x 40’ x 16’ pole

barn/accessory structure 15 feet from the west property line. The property is approximately 1.6

acres in area and is located in the “C” Commercial District Zoning Classification. Standards of review for the Zoning Board of Appeals are contained in Section 155.253 of the Zoning Ordinance.

BUILDING AND ZONING ADMINISTRATOR COMMENT

Todd Herter restated that the Indian Lake Volunteer Fire Department has a concrete pad 15 feet from the property line on which they wish to build on.

APPLICANT COMMENT

Member of the Indian Lake Volunteer Fire Department James Bolt commented that the Fire Department wanted to reuse the concrete pad to be closer to the property line rather than build out in the middle of their driveway.

PUBLIC COMMENT

Thom Brown read aloud a letter from David Montross that in summary said that David opposed the variance because it would be a violation of the Building Code. The letter suggested that the Fire Department should expand on west side of the already existing building, resulting in no setback requirement violations.

James Bolt commented that building on the concrete pad would save the Fire Department money.

David Grabemeyer asked if there were buried tanks underground.

James Bolt was unsure.

Thom Brown closed public comment.

ZONING BOARD OF APPEALS DISCUSSION

Mike Glynn commented that the Fire Department had room in the parking area for their storage building, and that the idea of saving money did not stand as a practical difficulty.

Thom Brown agreed.

Mike Glynn motioned to uphold the ordinance and deny the variance.

Wendy Fitzgerald seconded.

Motion passed by roll call vote.

YES (5): Thom Brown, Alternate Wendy Fitzgerald, Mike Glynn, David Grabemeyer, Bruce Nevins

NO (0): none

Variance denied.

APPROVAL OF BYLAWS

Mike Glynn motioned to accept the bylaws with the changes of removing the word “draft” from the cover page, and by adding the line “and assign an alternate if needed” to Article 3 Section C.

Wendy Fitzgerald seconded.

Motion passed by roll call vote.

YES (5): Thom Brown, Alternate Wendy Fitzgerald, Mike Glynn, David Grabemeyer, Bruce Nevins

NO (0): none

ADJOURNMENT

David Grabemeyer motioned to adjourn.

Wendy Fitzgerald seconded.

Meeting adjourned at 7:28 p.m.

DRAFT