

**MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS HEARING HELD ON APRIL 4, 2018**

The hearing was called to order by Bruce Nevins at 7:00 p.m. on Wednesday, April 4, 2018. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Adele Straub, Mike Glynn, Bruce Nevins, Jean Rowe, Thom Brown

OTHERS PRESENT: Attorney John Magyar, Building/Zoning Administrator Todd Herter, Supervisor Bill Saunders, Recording Secretary Lindsay Krohne, several members from the public.

ABSENT: Jerry Donley

PUBLIC HEARING

Bruce Nevins read the Notice of Public Hearing, which explained the reason for the hearing: A variance request by Tim and Michelle Coyne for a new 2,040 square foot garage, when the Ordinance only allows a 1,500 square foot garage for their acreage in Water Front District.

Building/Zoning Administrator Todd Herter explained the reason for the Zoning Board of Appeals Hearing, being that according to Section 155.030 of the Zoning Ordinance, the maximum allowed square footage for an accessory building is 1,500 for a property with less than one acre in Water Front District, and the applicant is requesting a variance for an additional 540 square feet.

PUBLIC COMMENT

Bruce Nevins opened the floor for public comment at 7:05 p.m.

Trudy Wilder stated that she is the contractor for the proposed garage and has prepared and provided copies of the packet. Trudy explained that the property is currently two different parcels, in two different subdivisions, and they would like to combine them and build the garage on the back lot. She added that it would be one home and one garage on the combined property. Trudy stated that the other structures down the street are very similar in nature, specifically the one to the north. She added that the garage would be into the hill, and wouldn't be high up. She also added that it would fit right in. She stated that she put copies of the survey in the packet.

James Coyne, property owner, stated that this is their second home in Magician Lake. James stated that they had an empty lot on the back, and their goal was to build a 6 car garage.

Darlene Wigboldy of 50139 West Lakeshore Drive, next door to the Coyneø, stated that she is very much okay with what the Coyneø would like to do, as it will add more value to the area and match what is already there.

Darlene stated that another neighbor, Bertha Amptower, of 50149 West Lakeshore, who lives in Boston and is unable to attend the hearing, called and spoke to her stating that she is in favor as well. Darlene stated that she understands that she should have a letter from her, but she did not get one. She added that she has her cell phone number and would be willing to discuss it if need be.

Darlene stated that she has a letter signed by her and her husband that they are both okay with this, which Appeals Member Nevins collected.

Bill Saunders stated that he received a call and spoke with Bertha and her son, Dennis, who were both in favor of the variance request.

Michelle Scaccia-Coyne stated that she grew up here, and loves the area and people. She added that she would like to make improvements to the property, and it would be an asset to the neighborhood.

Kayla Wisniewski of 50141 Circle Drive stated that she and her husband Steven live directly behind the property where the proposed garage was going to be built. She added that they received a letter stating the request, and were interested in getting more information to find out how it would affect them if it is granted. She questioned whether the garage would impede their view.

Judd Augustyniak, Trudyø contracting partner, stated that it would look like the garage next door, and the only thing sticking out would be the roof, although it would not be as noticeable as the neighborø. He added that he does not believe it would impede their view any more than the house they have to look over now.

Trudy explained that there would be 85 feet between the back property line and the proposed garage. She added that the proposed garage would be another 20 feet.

Bruce Nevins closed the public comment at 7:16 p.m.

COMMUNICATIONS

Adele Straub read a written statement by Andrew and Sheryl Huguenard of 50103 West Lakeshore Drive, stating that they approved of the variance request.

COMMISSION MEMBER DISCUSSION

Mike Glynn questioned how the property is zoned. It was confirmed that it is Water Front District. Mike stated that for 1-2 acres, 1800 square feet is the maximum allowed for an

accessory building, and 2,400 square feet is the maximum allowed for 2-3 acres. He stated that they are in the middle of the allowed 1,500-1,800 square feet. Mike added that the property is contiguous, so that is not an issue.

Mike stated that the allowable sizes for accessory buildings were discussed in great depth by the Planning Commission, and the numbers they arrived at were considered practical. Mike stated that 1,000 square feet for a two car garage would be appropriate for accessory use, and that is how they landed on those numbers.

Mike stated that at 2,040 square feet, he feels it is now beyond residential use, and could be used as storage, such as renting for storage of the neighbors things.

Mike stated that the fact that they are only going to see the roof is going to be the argument tonight. He added that he would rather see a building than a roof. Mike stated that they are strictly considering the size tonight.

Thom Brown questioned if there would be an increase in square footage if the storage space were turned into residential living quarters. Trudy answered that there are currently two different parcels, and it is not their intent; their intent is to have one house and one garage. She referred to page 13 in the packet.

Bruce stated that the paperwork shows they want to hook up to sewer, water, and have a range outlet; while the drawing shows only storage.

Trudy explained that originally, the plan was to keep the property separate and build a living area above the garage. The drawings were revised to show just the garage with no living area. She added that they want water to wash vehicles. Trudy stated that they would not need a sewer tap, and there would be no half bath. Trudy stated that they did not want to live there; they want their home to be on the lake.

Jean Rowe thanked whoever marked out the area with flags. She stated that she was somewhat inclined to agree with Mike, that the ordinance requirements are there for a reason and they should stick with them.

Adele Straub stated that she understands the request for the larger building.

Mike Glynn asked Adele if she understands how big 1,500 square feet is in residential Water Front District. Mike stated that their Master Plan states they are to preserve the character of the area.

Adele stated that she travels along the area and understands the idea, as the houses are all in a row and there is not a lot of room in between.

Discussion of the neighboring garages took place.

Bruce asked if anyone had a lesser recommendation.

Mike answered that a 1,500 square foot garage would not need a variance. He also stated that the next person who owned the property may not use the 2,040 square foot as storage and may rent out space for the neighbor's boat.

MOTION TO DENY VARIANCE REQUEST FOR 2,040 SQUARE FOOT GARAGE

Jean Rowe motioned to deny the variance request for the 2,040 square foot garage.

Jean Rowe read the Five Standards of Review:

- (1) The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

Mike Glynn answered that he doesn't think it would be detrimental to other properties.

- (2) The variance will not impair the intent and purpose of this chapter.

All agreed that it would impair the intent and purpose.

- (3) The immediate practical difficulty causing the need for the variance request was not created by any action of the applicant or predecessor.

All agreed that the problem was created, and it is not a practical difficulty or due to the character of the property.

- (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.

Attorney John Magyar explained that number four and five go together, and that number three answered these two questions. He added that the request has nothing to do with the lot, and anyone can ask for a variance of the ordinance.

Mike seconded the motion to deny the variance request.

Roll call vote:

Yes (3): Jean Rowe, Thom Brown, Mike Glynn

No (2): Bruce Nevins, Adele Straub

Absent (1): Jerry Donley

Motion passed by roll call vote. Jean Rowe declared the variance request by James and Michelle Coyne denied.

ADJOURNMENT

The hearing adjourned at 7:44 p.m.

Respectfully submitted,

Lindsay Krohne
Recording Secretary

Adele Straub, Secretary

To be approved at the next Zoning Board of Appeals meeting