

MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS – MAY 17, 2022
REQUEST BY JOSEPH WARGO

Thom Brown called the meeting to order at 6:58 p.m.

The Pledge of Allegiance was recited.

Attendance was not taken; however, Nick Barnes, Thom Brown, Jean Rowe, Bill Saunders, and Ben Schilling were present.

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

APPROVAL OF FEBRUARY 22, 2022 MINUTES

Bill Saunders motioned to approve the previous Zoning Board meeting minutes, seconded by Ben Schilling.

Motion passed by voice vote.

PUBLIC HEARING NOTICE

Thom Brown read the request: 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.

STANDARDS OF REVIEW – SECTION 155.253 OF THE ZONING ORDINANCE

Ben Schilling read the 5 standards of review.

ZONING ADMINISTRATOR COMMENT

Mark Davis stated he had been working with Joseph Wargo, and would let the Zoning Board decide what to do about the request.

PUBLIC HEARING

Joseph Wargo stated that the current slab on the property is tilting, which is why he would like to rebuild. He stated he would be willing to do whatever the Zoning Board decides.

ZONING BOARD OF APPEALS DISCUSSION

Thom Brown mentioned there was no practical difficulty addressed or mentioned.

Jean Rowe asked if there was a smaller prefabricated house option.

Joseph Wargo responded that the house mentioned was the smallest prefabricated option.

Ben Schilling motioned to approve or deny the variance as presented, seconded by Jean Rowe.

Request denied by roll call vote.

APPROVE (0): None

DENY (3): Thom Brown, Jean Rowe, Ben Schilling

ABSTAIN (2): Nick Barnes, Bill Saunders

Thom Brown motioned to approve the variance as modified; to include the house as stated in the original variance request, but with no deck. Jean Rowe seconded.

Motion approved by roll call vote.

APPROVE (3): Thom Brown, Jean Rowe, Ben Schilling

DENY (0): None

ABSTAIN (2): Nick Barnes, Bill Saunders

ADJOURNMENT

Ben Schilling motioned to adjourn the meeting, seconded by Nick Barnes.

Motion passed by voice vote.

Thom Brown adjourned the meeting at 7:29 p.m.

Liberty Nevins, Recording Secretary

Wendy Fitzgerald, Secretary

