

MINUTES SILVER CREEK TOWNSHIP
ZONING BOARD OF APPEALS MEETING – FEBRUARY 22, 2022
VARIANCE REQUEST BY JACOB WILLIAMS

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, Bill Saunders, Ben Schilling

Members absent – None

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

APPROVAL OF JANUARY 25, 2022 MINUTES

Wendy Fitzgerald motioned to approve the previous Zoning Board meeting minutes, seconded by Ben Schilling.

Motion passed by voice vote.

PUBLIC HEARING NOTICE

Wendy Fitzgerald read the request: A continuation of the previously-tabled request of Jacob Williams, 29337 M-152 Dowagiac, MI for a 424-square foot variance from the 3000-square foot accessory building size limitation in order to permit the construction of a 40' x 60' accessory building on the property (Parcel No. 14-130-011-004-00) which contains a house with attached 32' x 32' garage. The parcel is 4.5 acres in size, allowing for 3000 square feet in overall accessory building size. The existing garage is 1024 square feet in area. The proposed additional accessory building for the storage of a boat, lawn tractor, extra vehicle, trailer, tools and outdoor furniture is 2400 square feet in area, resulting the request for a 424-square foot variance. (3000-2400-1024= -424). The new accessory building is proposed to be located in the northwest portion of the property behind and to the west of the house, with all setbacks and height limitations met. The property is located in the A/R Agricultural/Rural Residential District Zoning Classification. Standards of review for the Zoning Board of Appeals are contained in Section 155.253 of the Zoning Ordinance. Minutes from the December 7, 2021 meeting at which the request was tabled are available by contacting the undersigned.

Thom Brown stated that the notice should read “in the southeast portion” rather than “in the northwest portion”, and that “the west of the house” should be “the east of the house”.

STANDARDS OF REVIEW

Thom Brown read the 5 standards of review.

Thom Brown stated that there was no practical difficulty in regards to the requested variance, and that the request should have been denied at the previous meeting.

ZONING ADMINISTRATOR COMMENT

None

PUBLIC HEARING

Nick Barnes stated that the Planning Commission would discuss the matter more at the following Thursday's meeting. He stated that the Zoning Board could consider a lesser variance if Jacob Williams was interested.

Jacob Williams questioned why he was allowed to apply and pay the fee for the hearing if the Zoning Board already knew they would deny his request.

Nick Barnes motioned to vote on the application as presented, seconded by Ben Schilling.

Roll call vote was taken, all members voted to deny.

Jacob Williams stated he would be open to a 36'x60' or 40'x56' building, but would prefer 40'x56'.

Nick Barnes motioned to vote on the lesser variance of the 40'x56' pole building, which would put Jacob Williams 264 sq ft over the current ordinance. Wendy Fitzgerald seconded.

Motion passed by roll call vote, all members voted to approve.

Amended variance approved.

ADJOURNMENT

Thom Brown adjourned the meeting at 7:42 p.m.

Liberty Nevins, Recording Secretary

Wendy Fitzgerald, Secretary