

## **MINUTES SILVER CREEK TOWNSHIP**

### **ZONING BOARD OF APPEALS MEETING – August 21, 2024**

Ben Schilling called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**Members present** – Ben Schilling, Thom Brown, Todd Tirota, Glenn Feirick

**Members absent** – Wendy Colburn

**Others present** - Members of the public.

### **APPROVAL OF THE April 9, 2024, MINUTES**

Todd Tirota motioned to approve the previous Zoning Board meeting minutes, seconded by Thom Brown.

Motion carried by voice vote.

### **READING OF PUBLIC HEARING NOTICE**

*Glenn Feirick read the public hearing notice: “The request of property owner Gerald Martin (“applicant”) regarding the property at 31652 South Lakeshore drive, Dowagiac, MI 49087 (Parcel No. 14-130-190-032-00) in the “WD” Waterfront Residential District Zoning Classification to replace the existing 8’ by 10’ shed in the rear yard (Lakeshore Drive Side) of the property with a new 12’ by 24’ shed. The applicant is seeking a 4’ variance from the 7’ side yard setback requirement contained in Section 6.04 of the Township Zoning Ordinance to locate the shed 3’ from the west property line. Standards of review for consideration by the Zoning Board of Appeals are contained in Section 18.04 of the Silver Creek Township Zoning Ordinance. b. Such other and further matters as may properly come before the zoning board of appeals.”*

### **STANDARDS OF REVIEW**

Standards of Review, Section 155.253 of the Zoning Ordinance, was read by Ben Schilling.

### **ZONING ADMINISTRATOR COMMENT**

Mark Davis left a letter for the record for the meeting.

ZBA,

This letter is pertaining to the variance for Jerry Martin. I was on site a few times going over the property. I am sorry to not be there this evening I have a planning and zoning conference tonight. I believe that the existing shed, 8'x10' with the existing side yard setback of 3'6" or so and with the storm sewer manhole cover in the driveway can be considered a hardship (manhole cover). If we consider the existing side yard setback as a grandfather, he can go towards the manhole I believe 22". The setback from the home is good and with the layout of the land is also a problem to consider placing a shed anywhere else on this property. Hope this helps and didn't confuse you. SC zoning Mark D.

Further written note:

Thanks Ben there is no hardship for the manhole cover and grandfather is not in play so if he wants it towards the West he will need a side yard variants as we measured ok without it.

### **PUBLIC COMMENT**

Gerald Martin reviewed his request and Q&A commenced. He did note that he accidentally requested a 12' x 24' instead of a 14' x 24' shed. He requested we adopt a correction to the application.

There were no other written comments noted and no other parties present expressed their support or opposition.

### **ZONING BOARD OF APPEALS DISCUSSION**

All members present stated they visited the property before the meeting.

Thom Brow motioned and Glenn Feirick supported to make and approve a correction to the application to now read a 14' x 24' shed. Motion carried by verbal vote.

After reviewing the Standards of Review Section 155.253, the members determined that there is evidence of a practical difficulty.

Todd Tirota motioned and Glenn Feirick seconded a motion to identify that practical difficulty exists due the hill in the applicants' yard along with the sewer ejector cover location in the driveway.

Motion carried by roll call vote.

Ben Schilling- yes

Thom Brown- yes

Glenn Feirick- yes

Todd Tirota- yes

Glenn Feirick motioned to approve the request of Gerald Martin as amended/corrected.

Thom Brown seconded the motion.

Motion carried by roll call vote.

Ben Schilling- yes

Thom Brown- yes

Glenn Feirick- yes

Todd Tirota- yes

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Thom Brown motioned to adjourn, seconded by Glenn Feirick.

Adjourned at 7:40 p.m.

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Ben Schilling, Acting as Secretary/Recording Secretary