

CITY OF BATTLE CREEK
ZONING BOARD OF APPEALS
10 North Division, Battle Creek, MI 49014
MINUTES FOR MEETING June 13, 2023

MEETING CALLED TO ORDER: By Chairperson Moreno at 4:00 p.m.

PRESENT:

CHAIRMAN JAMES MORENO
COMMISSIONER MICHAEL DELAWARE
COMMISSIONER BILL HANNER
COMMISSIONER NORIS LINDSEY
COMMISSIONER CHRIS ROGERS
COMMISSIONER JANINE REED
COMMISSIONER REAGAN SMITH

STAFF PRESENT: Travis Sullivan, Planner, Melody Carlsen, Zoning Administrative Assistant, Darcy Schmitt, Planning Supervisor, Marcel Stoetzel, Deputy City Attorney.

NEW BUSINESS:

A) Z03-23 ZONING VARIANCE REQUEST:

Petition from Gloria Szakacs for property located at 604 W Territorial Road, Battle Creek, MI 49015. Requesting a variance for a four-foot tall solid fence in the front yard. Pursuant to the City of Battle Creek's Zoning Ordinance Section 1260.02(d)(3), Parcel #8340-18-017-0.

Staff Presentation: Travis Sullivan gave the staff report for 604 W Territorial Road. The applicant, Ms. Gloria Szakacs, has applied for a nonuse (dimensional) variance to allow for the continuation of a flower wall which has been constructed in the front yard of the property at 604 W Territorial Rd. and which does not meet the required 50% transparency as prescribed in Section 1260.02 (D.2) of the Zoning Ordinance and which is located in the R-1B Single-Family Residential zoning district. The wall which is the subject of this application has been constructed in the front yard of the corner lot located at 604 W Territorial Rd. At present, in the absence of the nonuse variance providing relief from the provisions of Section 1260.02, staff is not authorized to issue a zoning permit for the wall, as the structure does not consist of a surface with at least 50% transparency. Given the information provided by the applicant and the above considerations, staff regretfully must recommend denial of Z03-23.

Correspondence: Correspondence read by Melody Carlsen. In response to the Public Hearing Notice mailing, staff received two correspondence; an anonymous letter and a letter from 595 W. Territorial Road.

Applicant Presentation: Gloria Szakacs of 604 W Territorial Road was present to speak and answer questions from Commissioners.

Questions from Commission:

Norris Lindsey asked Ms. Szakacs why she did not apply for a permit before building the wall in question.

Public Comment: Joyce Crouch of 19681 Wabash Road, spoke in favor of item #Z03-23.

Michael Delaware: asked for clarification to whether a permit was applied for before the wall was erected or after.

MOTION MADE BY NORIS LINDSEY TO FOR THE APPROVAL OF APPEAL Z03-23. SECONDED BY BILL HANNER.

Internal Board Discussion:

James Moreno could not support this variance request due to proper processes not being filed.

Michael Delaware concerns proper processes were not followed and stated he physically drove by the location for better understanding. Leaning toward the staff recommendation of disapproval.

Chris Rogers commended the applicant on her work in the City and with children. Inclined to vote against the request because it does not meet requirements.

ROLL VOTE:

CHAIRMAN JAMES MORENO	NO
COMMISSIONER MICHAEL DELAWARE	NO
COMMISSIONER BILL HANNER	NO
COMMISSIONER NORIS LINDSEY	YES
COMMISSIONER CHRIS ROGERS	NO
COMMISSIONER JANINE REED	NO
COMMISSIONER REAGAN SMITH	NO

ATTENDANCE: Chair Moreno asked for attendance to be noted.

UNFINISHED BUSINESS: None.

APPROVAL OF MINUTES: May 9, 2023

MOTION MADE BY BILL HANNER TO APPROVE THE MAY 9, 2023 MEETING MINUTES. SECONDED BY CHRIS ROGERS.

ROLL VOTE: All in favor to signify by saying “aye”: Approved.

COMMENTS BY THE PUBLIC: None.

COMMENTS BY STAFF AND COMMISSION MEMBERS:

ADJOURNMENT: Chairperson Moreno adjourned the meeting at 4:27 p.m.

Submitted by: Melody Carlsen, Administrative Assistant, Planning and Zoning