

CITY OF BATTLE CREEK
ZONING BOARD OF APPEALS
10 North Division, Battle Creek, MI 49014
MINUTES FOR MEETING AUGUST 8, 2023

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

BOARD MEMBERS PRESENT:

Comm. James Moreno, present
Comm. Michael Delaware, present
Comm. Bill Hanner, present
Comm. Noris Lindsey, present
Comm. Chris Rogers, absent
Comm. Janine Reed, present
Comm. Reagan Smith, present
Alternate Comm. Jack McCulley, present

STAFF PRESENT: Melody Carlsen, Administrative Assistant, Darcy Schmitt, Planning Supervisor, Susan Cronander, Planning and Zoning Administrator, Marcel Stoetzel, Deputy City Attorney.

ATTENDANCE: Chair Moreno asked for attendance to be noted.
Introduction of Alternate Board Member, Jack McCulley.

ADDITIONS OR DELETIONS: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

A) Z04-23 ZONING VARIANCE REQUEST:

Petition from Sarah Wilson for property located at 575 Lakeview Ave, Battle Creek, MI 49015. Requesting a dimensional (non-use) variance for a swimming pool located nearer than 6 feet to a side lot line. Pursuant to the City of Battle Creek's Zoning Ordinance Section 1260.01. Parcel #3630-07-609-0.

Staff Presentation: Susan Cronander gave the staff report for 575 Lakeview Ave. The applicant, Ms. Sarah Wilson, has applied for a nonuse (dimensional) variance for a swimming pool located closer than the required 6 feet to a side lot line. The Applicant is asking to continue to allow an existing swimming pool currently located 3 feet 6 inches from the east side property line to remain in the same location. The general provisions of the City's Zoning Ordinance requires that swimming pools, hot tubs, and jacuzzis shall not be nearer than 6 feet from the side or rear lot line.

Correspondence: None.

Applicant Presentation: Spencer and Sarah Wilson present to speak and answer questions from Commissioners.

Questions from Commission:

Janine Reed verified the property owner’s statement that he notified his neighbors and asked if they have provided a written statement.

Norris Lindsay asked questions about the property owner’s knowledge of pulling a permit or contacting the city prior to putting the pool up.

James Moreno had more questions about pulling a permit before putting a pool up.

Public Comment: Phillip Hill of 571 Lakeview, property owner next door spoke in favor of item #Z04-23. States he does not any issues with the pool being close to his property line.

Internal Board Discussion:

James Moreno asked staff for clarification on an electrical issues mentioned in the staff report. Stated his concerns about the parcel not having a “hardship” in place to approve this appeal.

Michael Delaware asked staff if there were any safety issues involved with pool distance and the property line. Asked counsel if there were any statute of limitations requiring someone to remove something.

Bill Hanner asked if the pool could be moved to accommodate the 6 foot clearance form a property line.

Marcel Stoetzel answered Mr. Moreno’s questions about the electrical permit.

MOTION MADE BY MICHAEL DELAWARE FOR THE APPROVAL OF APPEAL #Z04-23. SECONDED JANINE REED.

ROLL VOTE:

Comm. James Moreno	NO
Comm. Michael Delaware	YES
Comm. Bill Hanner	NO
Comm. Noris Lindsey	YES
Comm. Janine Reed	YES
Comm. Reagan Smith	YES
Comm. Jack McCulley	NO

MOTION APPROVED will consideration that all electrical and mechanical/plumbing permits pulled and pass.

APPROVAL OF MINUTES: June 13, 2023.

MOTION MADE BY BILL HANNER TO APPROVE THE JUNE 13, 2023 MEETING MINUTES SECONDED BY MICHAEL DELAWARE.

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

COMMENTS BY THE PUBLIC: None

COMMENTS BY STAFF AND COMMISSION MEMBERS:

James Moreno voiced concern that the Body is stepping outside the constraints of the Zoning Board with their decision to approve item #Z04-23 and cautioned the Body moving forward.

Michael Delaware felt the Body did not step outside their boundaries and that they met the practical difficulties in regards to the placement of the pool.

ADJOURNMENT: Chairperson Moreno adjourned the meeting at 4:30 p.m.