

Council Chamber  
Henry L. Brown Municipal Bldg.  
One Grand Street  
Coldwater, Michigan



**April 20, 2022**  
4:30 p.m.  
(517) 279-9501  
[www.coldwater.org](http://www.coldwater.org)

## **Zoning Board of Appeals Minutes Regular Meeting**

### **ATTENDANCE**

**MEMBERS PRESENT:** The meeting was called to order by Chairman Gordon Swan at 4:30 p.m. with the following members present: Mike Eddy, Dave Sattler and Alternate Member Jim Bilsborrow.

**MEMBERS ABSENT:** Joseph Hayes, David Cole and Alternate Member Jeff Holbrook.

**OTHERS PRESENT:** Administrator Dean Walrack, Shauna Chávez and Katie Higgs.

### **MINUTES**

1. Regular Meeting of March 16, 2022.

Board Action: Motion by Member Sattler, and seconded by Member Eddy, to approve the Regular Meeting minutes of March 16, 2022 with the following correction: Member Gordon Swan's name corrected spelling, as presented.

Ayes: 4

Nays: 0

Motion carried.

### **PUBLIC COMMENTS**

- None.

### **PUBLIC HEARING**

2. ZBA22-02 A request from Patrick & Tracy Kelley located at 37 N. Monroe St. to consider a 4ft. dimensional variance from Section 5.13.C to install a fence at a height of eight ft. in a residential side and rear yard in the C-2 Central Business District

Chairman Swan called the public hearing to order at 4:32 pm.

The residential home is directly adjacent to the Milnes Plaza public parking lot and near the four-story Lofts at Milnes apartment building. A six ft.-tall side and rear yard privacy fence is

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currently in place on this property line and the request is to enable to applicant to replace it with the proposed eight ft.-tall privacy fences

The applicable sections of the zoning code are highlighted below:

### 3.1.8.A C-2 Central Business District Purpose and Intent.

This Zoning District is intended to serve the entertainment, meeting, and centralized shopping and merchandising activities of the community, together with limited residential and office needs.

### 5.13.C Height Regulations

1. Except as otherwise provided herein, no fence in any front yard shall exceed four feet and six inches in height, nor shall any fence exceed six feet and six inches in height.
2. In the C2 Central Business District, a fence for nonresidential properties shall not exceed four feet in height.

The Zoning Board of Appeals may grant a “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulty is when the applicant has demonstrated all of the following:

- A. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same zoning district so as to present such a unique situation that a precedent will not be established for other properties in the district to also ask the same or similar change through the zoning appeal procedure.
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- C. The authorization of such variance will not be of substantial detriment to adjacent property and will not naturally impair the intent and purpose of this Zoning Code or the public interest. Petitioner’s response: It will not be detrimental to adjacent properties for the intent of the ordinance.
- D. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provision of this Zoning Code to other lands, structures or building in the same zoning district.

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E. That the reasons set forth in the application for the variance justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.

**PUBLIC COMMENTS:**

- None.

Notices were sent to all property owners within 300 ft. of the subject parcel and published in the April 6, 2022 edition of the Coldwater Daily Reporter. One written comment has been received by City of Coldwater Neighborhood Services Department Staff as of the drafting of this report. All material constituting these public comments are included with this report.

Chairman Swan closed the public hearing at 4:44 p.m.

Board Action: Motion by Member Sattler, and seconded by Member Eddy, to approve the Dimensional Variance request from Section 5.13.C of the Coldwater Zoning Code to allow an eight ft.-tall privacy fence to be placed on the south and west residential side and rear yard property lines of 37 N. Monroe St. adjacent to the Milnes Plaza public parking lot as it meets the guidelines listed below, as presented.

- A. Special conditions and circumstances do exist which are peculiar to the land: The proximity to a four (4) story building and the home's location within a C-2 Central Business District are unique.
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity.
- C. The authorization of such variance will not be of substantial detriment to adjacent property and will not naturally impair the intent and purpose of the Zoning Code or the public interest.
- D. The granting of the variance will not confer on the applicant a special privilege: There are few similar properties within the C-2 Central Business District.
- E. That the reasons set forth do justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land.

Ayes: 4

Nays: 0

Motion Carried.

**OLD BUSINESS**

3. Zoning Board of Appeals Member Skill Set

Board Action: Motion by Alternate Member Bilsborrow, and seconded by Member Eddy, to approve the Zoning Board of Appeals Member Skill Set, as presented.

Ayes: 4

Nays: 0

Motion Carried.

**NEW BUSINESS**

4. 2021 Annual Report of the Planning & Zoning Administrator

Board Action: None – Presentation only.

5. Resolution 22-34: 2023 Meeting Dates of the Zoning Board of Appeals

Board Action: Motion by Member Sattler, and seconded by Member Eddy, to adopt Resolution 22-34 (attached in Addendum A), as presented.

Ayes: 4

Nays: 0

Motion Carried.

**PUBLIC COMMENTS**

- None.

**ADJOURNMENT** – Next meeting 4:30 p.m. May 18, 2022.

Meeting adjourned at 5:16 p.m.



Shauna Chávez  
Deputy City Clerk

**CITY OF COLDWATER  
RESOLUTION NO. 22-34**

**A RESOLUTION REGARDING THE 2023 MEETINGS OF THE  
COLDWATER ZONING BOARD OF APPEALS**

**WHEREAS**, pursuant to Section 5(2) of Act 267 of 1976, the Open Meetings Act, the Coldwater Zoning Board of Appeals must establish and post notice of its regularly scheduled meetings; and

**WHEREAS**, regular Zoning Board of Appeals meetings are held at 4:30 p.m. local time on the **third Wednesday** of each month in the Coldwater City Council Chambers located at One Grand Street, Coldwater, Michigan, unless otherwise stated; and

**WHEREAS**, a regular meeting may be rescheduled or canceled or a special meeting may be called upon eighteen (18) hours' posted notice; and

**WHEREAS**, the City of Coldwater will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one week's notice to the City Clerk's office by writing or calling the following: City Clerk, One Grand Street, Michigan 49036, (517) 279-9501; and

**WHEREAS**, questions regarding meetings should be directed to the Planning and Zoning Administrator at One Grand Street, Coldwater, Michigan, (517) 279-6926;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

That the **Coldwater Zoning Board of Appeals Meetings for 2023** are scheduled for the following dates:

January 18  
February 15  
March 15  
April 19  
May 17  
June 21  
July 19  
August 16  
September 20  
October 18  
November 15  
December 20

AYES: 4  
NAYS: 0  
ABSENT: 3



Gordon Swan, Chairman

Dated: 4/20/2022