

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



August 17, 2022
4:30 p.m.
(517) 279-9501
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: Dave Sattler, David Cole, Joseph Hayes and Alternate Member Jim Bilsborrow.

MEMBERS ABSENT: Mike Eddy.

OTHERS PRESENT: Administrator Dean Walrack, Shauna Chávez, Paul Jakubczak, Katie Higgs (via Zoom); Don Reid plus two others .

MINUTES

1. Regular Meeting of April 20, 2022.

Board Action: Motion by Member Hayes, and seconded by Member Sattler, to approve the Regular Meeting minutes of April 20, 2022, as presented.

Ayes: 5

Nays: 0

Motion carried.

PUBLIC COMMENTS

- None.

PUBLIC HEARING

2. ZBA22-03 A request from Paul & Kerri Jakubczak located at 17 Thompson Blvd. to consider a 2ft. dimensional variance from Section 5.13.C.1 and a characteristic variance from Section 5.13.D.1 to install a privacy fence at a height of six ft. six in. (6'6") in a residential front yard in the A-1 One-Family Residential District.

Chairman Swan called the public hearing to order at 4:35 pm.

The residential property is the final property on a cul-de-sac. It abuts adjacent residential rear yards on the entirety of its south and west sides. There presently exist chain-link and wire fences in two of the areas of the yard affected by this variance application. The applicants are requesting the ability to install a six ft. (6') privacy fence in this location.

The applicable sections of the zoning code are highlighted below:

5.13.C.1 Fence height in residential front yards

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.

5.13.D.1 Construction regulation of fences in residential front yards Except as otherwise provided herein, no chain link fence, wire mesh fence, or privacy fence may be located in any front yard.

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.
- 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 July 30, 2022 edition of the Coldwater Daily Reporter. No comments have been received by City of Coldwater Neighborhood Services Department Staff as of the drafting of this report.

Chairman Swan closed the public hearing at 4:51 p.m.

Board Action: Motion by Member Hayes, and seconded by Member Cole, to allow a 2ft. dimensional variance from Section 5.13.C.1 and a characteristic variance from Section 5.13.D.1 to install a privacy fence at a height of six ft. six in. (6'6") in a residential front yard in the A-1 One-Family Residential District as it meets the following guidelines listed below, as presented.

- A. Special conditions exist which are peculiar to the land: The property's orientation is unique from other properties within an A-1 One-Family Residential District.
- B. Such a 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 property's front yard directly abuts adjacent rear yards with the ability to install fencing matching the requested characteristics.
- C. The authorization of such variance will not be of substantial detriment to the adjacent property and will not naturally impair the intent and purpose of the Zoning Code or the public interest: The variance will not impair the intent of any of the applicable ordinances.
- D. The granting of the variance will not confer a special privilege: The variance will grant the subject property the ability to install a fence in a location which the immediately adjacent property may install by right.
- 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: The variance is justified by the reasons laid out in criteria A-D.

Ayes: 5

Nays: 0

Motion Carried.

OLD BUSINESS

- None.

NEW BUSINESS

3. Zoning Board of Appeals By-Laws and Rules of Procedure.

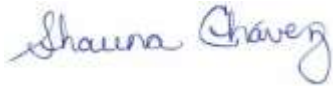
Board Action: None, discussion only.

PUBLIC COMMENTS

- None.

ADJOURNMENT – Next meeting 4:30 p.m. September 21, 2022.

Meeting adjourned at p.m.

A handwritten signature in blue ink that reads "Shauna Chávez". The signature is written in a cursive style.

Shauna Chávez
Deputy City Clerk