

**CITY OF BATTLE CREEK**  
**ZONING BOARD OF APPEALS**  
10 North Division, Battle Creek, MI 49014  
**MINUTES FOR MEETING -TUESDAY, AUGUST 23, 2022**

**MEETING CALLED TO ORDER:** By Chairperson Moreno at 4:10p.m. This meeting was held in person.

**ATTENDANCE:** Chair Moreno asked for attendance. A roll call was taken:

**PRESENT:**

CHAIRPERSON JAMES MORENO  
BOARD MEMBER MICHAEL DELAWARE  
BOARD MEMBER BILL HANNER  
BOARD MEMBER NORRIS LINDSEY  
BOARD MEMBER MARK JONES

**EXCUSED:**

BOARD MEMBER CHRIS ROGERS

**STAFF PRESENT:** SUSAN CRONANDER, PLANNING AND ZONING ADMINISTRATOR; MARCEL STOETZEL, DEPUTY CITY ATTORNEY; CRYSTAL BAX, CUSTOMER SVC. REP II.

**APPROVAL OF MINUTES FOR JULY 12, 2022 MEETING:**

**STAFF RECOMMENDED TO POSTPONE THE APPROVAL OF THE JULY 12, 2022 MEETING MINUTES TO THE SEPTEMBER 13, 2022 MEETING DUE TO THE MINUTES BEING VERBATUM VERSUS ACTION MINUES. MINUTES APPROVAL WAS POSTPONED.**

**CORRESPONDENCE:** None

**PUBLIC HEARINGS/DELIBERATIONS:**

**NEW BUSINESS:**

- A. Z-03-22 ZONING DIMENSIONAL VARIANCE REQUEST:** Petition from Lyubomir Drachev for Paragon Growers, LLC, 1008 Watkins Road, Battle Creek, MI 49015. Requesting a variance to build an eight (8) foot tall chain link fence in three of their property's three front yards as defined by the City of Battle Creek's Zoning Ordinance Section 1241.07 Yard Requirements, where no fence in the front yard of an Industrial District shall exceed six (6) foot in height per Zoning Ordinance Section 1260.02 Fences; and an additional variance to allow a chain link fence in the Clear Vision Triangle area where the area must be free from visual obstruction per Zoning Ordinance Section 1260.04 Clear Vision Triangle Area. The property is zoned I-2 Heavy Industrial District. **PARCEL# 0079-00-310-0 SECS 29 & 30 T2S R8W COMM NE COR OF SEC 30 - S 1590.99 FT - S 33 DEG 56 MIN 2 SEC W 243.69 FT TO POB - S 33 DEG 56 MIN 2 SEC W 317.36 FT - SELY ALG NLY LI OF I-94, 1247.20 FT - N 14 DEG 19 MIN 42 SEC E 25 FT - NWLY ALG C/L OF WATKINS RD (RELOCATED) & ARC TO RT 614.17 FT - NWLY ALG SD**

**Staff Presentation:** Susan Cronander, Planning Administrator, presented the staff report. The subject site, 1008 Watkins Road, has applied for a variance to construct an eight foot tall, less than 50% opaque galvanized fence where normally six feet is allowed in front yards. The proposed fence is for security purposes for an adult-use marihuana facility along the lot lines of the subject property's three front yards as defined by the Zoning Ordinance. The applicant is also requesting a variance to allow a portion of the less than 50% opaque fence to be located within the clear vision triangle at the intersection of Renton Rd. and Watkins Rd. The subject property is zoned I-2 Heavy Industrial. Staff recommends approval of the proposed fence along two of the three fronts. Staff does not recommend approval of the fencing within the clear vision triangle. Cronander discussed the hardships associated with the property, as well as street and yard definitions per the Zoning Ordinance.

**Applicant Presentation:** Lyubomir Drachev for Paragon Growers, LLC, 1008 Watkins Road, Battle Creek, MI 49015 states that he believes it would be safer to have an 8ft fence vs the 6ft due to theft, and that it will help his employees feel they work in a safer environment. Mr. Drachev went on to describe visually what the clear vision triangle area is and how an 8ft fence would be more beneficial in that location due to the height of the road.

**Public Comments:** None. Public hearing closed.

**MOTION MADE BY BOARD MEMBER JONES TO REVERSE THE ZONING ADMINISTRATORS DECISION AND ALLOW FOR THE 8FT FENCE TO SURROUND THE PERMIMETER OF THE PROPERTY. SECONDED BY BOARD MEMBER HANNER.**

**VOTED YES: DELAWARE, HANNER, LINDSEY, JONES**

**VOTED NO: MORENO**

**Comments from the Public:** None.

**Board Member Comments:** Board Member Moreno thanked the staff for their efforts on this item.

**Board Member Jones** concurred.

**ADJOURNMENT:**

Chairperson Moreno adjourned the meeting at 4:43p.m.

Submitted by: Crystal Bax, CSR II, Planning and Zoning

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