

**CALL TO ORDER:**

Mayor Pro-Tem Hunsaker called the Zoning Board of Appeals Workshop to order at 6:00 p.m.  
He led the Pledge of Alliance

**ROLL CALL:**

Council Members Present: Matt Cooper, Dave Hunsaker, Trevor VanDyke, Frank Waters  
(arrived at 6:56 pm), and Jennifer Whitman.

Absent: Denise Donohue

**STAFF:**

Daniel Coss, Lisa Grysen, and Brian Goodenough

**AUDIENCE:**

Mayor Leeming, Any Joslyn, Spencer Lippert, Nicole Osgood-Badgero, Cathy Mitchell, Ted Mitchell, Stella Gallagher, Nick Jury, Bill Sermak, James Styka

**PUBLIC HEARING:**

Mayor Pro-Tem Hunsaker called the Public Hearing for a non-use dimensional variance request at 110 S. Bridge Street at 6:01 p.m.

Kathy Mitchell, Ted Mitchell, and Bill Sermak, asked questions in regards to parking, snow removal, and if the City has plans to put in an additional parking lot to accommodate the residents and customers of the downtown businesses.

Mayor Pro-Tem Hunsaker closed the Public Hearing for a non-use dimensional variance request at 110 S. Bridge Street at 6:06 p.m.

City Administrator, Daniel Coss informed the applicant that there is not a full Zoning Board of Appeals present and he has the option to reschedule. The applicant declined to reschedule and requested that the Zoning Board of Appeals move forward with the special land use.

1. **Non-Use Dimensional Variance Requests 110 South Bridge Street:**

The owner of 110 South Bridge Street, Andy Joslyn, AWJ Holdings, Inc. has submitted an application for various dimensional variances contained in the zoning ordinance for a mixed-use building at the aforementioned address.

The property is currently zoned CB, Central Business District, which provides for mixed-use buildings as a Special Land Use (SLU). City Council has the authority to grant or deny SLU requests once a recommendation from the Planning Commission has been made.

The Planning Commission reviewed the request for SLU at their July 28 regular meeting and did make a favorable recommendation to City Council on the SLU request.

What is before the ZBA is a request for several dimensional variances. The variances being requested are outlined in the attached Beckett and Raeder report. Our planner, Liz Gunden, outlines each request and provides a basis for each condition for the request.

The City Council will be reviewing the SLU request at their regular meeting on August 22, 2022.

The Zoning Board of Appeals was given for their review the following documents:

- Variance Application and Site Plan
- Resolution to Grant
- Resolution to Deny
- Public Hearing Notice
- Resident Public Hearing Notification Letter & Mailing List
- Beckett and Raeder Variance Report

The applicant has provided a site plan that highlights each of the variance requests and what the current zoning ordinance requires.

Representatives of the property owner, AWJ Holdings, Inc., were in attendance to answer any questions the ZBA may have.

Based on the information contained in the application and the primary purpose of a Non-Use Variance the ZBA will need to deliberate and determine if a practical difficulty exists.

The Zoning Board of Appeals will have to make a motion on whether to adopt the Resolution to Grant or adopt the Resolution to Deny the non-use dimensional variance requests as outlined in the Application.

Council Member/Planning Commission Member VanDyke stated that the Planning Commission voted to send this special land use to the Zoning Board of Appeals, however, he was not present at this meeting.

Motion by Cooper, seconded by VanDyke and carried by unanimous vote of the Zoning Board of Appeals

WHEREAS, the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*, as amended, and the City of DeWitt Zoning Ordinance (the "Zoning Ordinance") authorizes the Zoning Board of Appeals ("ZBA") to consider requests for non-use variances; and

WHEREAS, the Applicants, AWJ Holdings, Inc (the "Applicants"), the property applicants of 110 South Bridge Street (the "Property"), have submitted a non-use variance request (the "Application") for the purposes of a mixed-use new construction building that would violate the zoning requirements, as outlined in the Application, of the Property; and

WHEREAS, the Property is zoned CB, Central Business District, which contains certain requirements for development; and

WHEREAS, the Applicants have based their request upon the arguments made within the Application.

**THEREFORE**, be it resolved by the Zoning Board of Appeals of the City of DeWitt, Clinton County, Michigan, as follows:

1. The ZBA **GRANTS** the non-use variance request as outlined in the Application to allow the Applicants to operate a mixed-use building at 110 South Bridge Street:
  - A. There are exceptional or extraordinary circumstances or conditions applying to the property in question that does not apply generally to other properties in the same zoning district.
  - B. Compliance with the setback requirements would unreasonably prevent the use of the property. Granting the non-use variance would do substantial justice to the Applicants and 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 the vicinity.
  - C. That the requested variance will not be significantly detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.
  - D. That the granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, comfort, morals, or welfare of the inhabitants of the City.
  - E. The immediate practical difficulty causing the need for the variance request was not self-created by the Applicants.
2. The ZBA directs the Secretary to send notice to the Applicants of the decision of the ZBA, including a copy of this Resolution.
3. Any and all resolutions, motions or decisions of the ZBA that are in conflict with this Resolution are hereby repealed.

**ADJOURNMENT:**

Motion by VanDyke, seconded by Whitman and carried by unanimous vote of the Zoning Board of Appeals that **the Zoning Board of Appeals be adjourned at 7:15 p.m.**

Respectfully submitted,

Lisa M. Grysen  
City Clerk-Treasurer

Dave Hunsaker  
Mayor Pro-Tem