

**MINUTES OF THE BENTON HARBOR ZONING BOARD OF APPEALS MEETING
LULA LEE COMMISSION CHAMBERS, 200 E. WALL STREET
SEPTEMBER 6, 2022**

The meeting of the Zoning Board of Appeals was called to order by Mayor Muhammad at 9:02 p.m. Roll call showed the following members present: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Singleton and Mayor Muhammad. Members Absent: Mayor Pro Tem Seats. Also present: City Manager Mitchell, Deputy Assessor Store, Director of Community & Economic Development/Assistant City Manager Little, Finance Director Williams, Attorney Racht, City Clerk Moore.

CITIZENS COMMENTS

None.

PUBLIC HEARING – VARIANCE REQUEST FOR 300 W MAIN ST (AEP SUBSTATION), BENTON HARBOR, MI 49022 TO PLACE A 10FT NON-CONDUCTIVE BRICK WALL AND FENCE AROUND THE SUBSTATION

The Public Hearing opened at 9:04 p.m.

Mona Livingston with AEP and Pete Siglow with Whitman and Associates were present. The request is for a variance for the fence that will go around the Main St Substation. The site plan was approved by the Planning Commission a couple months ago. This request is for the fence only that will go around the substation, it will be non-conductive with a brick fence that faces the main street, the sides will be a fiberglass fence. The height and material is required by the National Association for Electric and Utilities, the height is for safety so nobody can get in. There will be live wires at the substation. The front part of the fence is meant to match the building structure. The 10ft height is a safety standard, it is non-conductive for multiple reasons, including safety to not conduct electricity if a wire falls on it. In some cases the fence is right on the property line. On the Main St sign the fence is able to be moved back to enhance the view.

MEMBER DISCUSSION / QUESTIONS

Commissioner Henderson asked for clarity on moving the current fence, which will no longer be chain link but will be brick. She asked if the brick will be on the front and back and the non-conductive on the sides and asked why not put a brick on the back as well where there is a view from the school.

Mona Livingston stated that the fences have to be moveable to get equipment in and there will be underground conduits, there can't be brick because there will be a need to dig under it. The brick on the front was to make it more aesthetically pleasing. Pete Siglow added that the fences need to be taken down if equipment needs to be brought in quickly. The fences are more nicer than chain link fencing.

Commissioner Adams liked the plans and taking input to make Main St pleasing to the eyes. Commissioner Singleton asked for clarification if the brick and fiberglass would all be 10ft.

Mona Livingston stated yes, the 10ft is a requirement and explained that there will be landscaping on the West and East sides and a few trees on the back side with heavy landscaping in the front.

Mayor Muhammad asked Attorney Racht if all requirements have been met.

Attorney Racht stated there was a recommendation from the building official and that there were no legal reasons the zoning board could not make a finding based on the application.

PUBLIC COMMENTS ON THE PUBLIC HEARING

None.

The Public Hearing closed at 9:18 p.m.

A motion was made by Commissioner Edwards and seconded by Commissioner Singleton to approve the Variance Request for 300 W Main St (AEP Substation), Benton Harbor, MI 49022 (11-51-0805-0048-02-0) to Place a 10ft Non-Conductive Brick Wall and Fence Around the Substation. Motion carried on the following roll call vote: YAYS: Commissioners Isom, Henderson, Edwards, Singleton, Clark-Griffin, Adams, Henry, Mayor Muhammad. NAYS: None. Abstain: None. Absent: Mayor Pro-Tem Seats.

MOTION TO ADJOURN

A motion was made by Commissioner Adams and seconded by Commissioner Edwards to adjourn the meeting. Motion carried on the following roll call vote: YAYS: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Singleton, Mayor Muhammad. NAYS: None. Absent: Mayor Pro Tem Seats

There being no further business to discuss, the meeting adjourned at 9:20 p.m.

Kimberly Thompson, City Clerk

Marcus Muhammad, Mayor