

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street
P.O. Box 358
Manistee, MI 49660

MEETING MINUTES

September 3, 1998

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, September 3, 1998 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

The meeting was called to order at 5:32 p.m. by Chair Ed Grabowski

MEMBERS PRESENT: Ed Grabowski, Mary Ann Johnson, John Serocki

MEMBER ABSENT: Ray Rutkowski

ALTERNATE ABSENT: Robert Johnson

OTHERS PRESENT: Cindy Welsh(446 Sixth Street), Richard Lovas (Ambar Chemical Inc.)
Dennis Dunlap (Bayview Condominiums), Ray Fortier, Jon Rose (Community
Development Officer) and others

PUBLIC HEARING:

Ambar Chemical, Inc.

Richard Lovas presented a request from Ambar Chemical, Inc for a variance to the height limitations from 30 feet to 48 feet for the construction of a penthouse for loading of hopper to bulk railroad cars.

Public hearing for Ambar Chemical closed at 5:37 p.m.

Dennis Dunlap

Dennis Dunlap, developer for Bayview Condominiums on Arthur Street presented a request for a variance to the waterfront set-back requirements to allow the construction of a privacy fence/wall.

Public hearing for Dennis Dunlap closed at 5:41 p.m.

Patrick & Cindy Welsh

Cindy Welsh presented a request for a variance to the side-yard set-back requirements from 10 feet to 6.5 feet. Mr. & Mrs. Welsh's live at 446 Sixth Street and their home is already 6.5 feet from the west property

line and they would like to put a 21' x 18.6" addition onto the back of the home where they currently have a deck.

Public hearing for Pat & Cindy Welsh closed at 5:45 p.m.

BUSINESS SESSION:

Minutes

MOTION by M. Johnson, seconded by J. Serocki that the minutes of the August 13, 1998 Zoning Board of Appeals Meeting be approved. Minutes were approved unanimously.

MOTION by M. Johnson, seconded by J. Serocki that the minutes of the August 18, 1998 Board of Appeals Meeting be approved. Minutes were approved unanimously.

Ambar Chemical, Inc.

A public hearing was held earlier regarding a request from Ambar Chemical, Inc. for a variance to the height limitation from 30 feet to 48 feet for the construction of a penthouse for loading of hopper to bulk railroad cars.

MOTION by J. Serocki seconded by M. Johnson that a variance be granted to Ambar Chemical, Inc. to the height limitation from 30 feet to 48 feet to construct a penthouse. This motion was made with the following findings of fact:

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands structures, or buildings in the same Land Use District.

The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the Land Use District under the terms of this Ordinance.

The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance.

Granting of the variance would be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?

MOTION WAS PASSED UNANIMOUSLY

Dennis Dunlap

A public hearing was held earlier in response to a request from Dennis Dunlap developer of Bayview Condominiums on Arthur Street. Mr. Dunlap is requesting a variance to the waterfront set-back from 40 feet to 15 feet construct a privacy fence/wall along the south property line of his development.

MOTION by M. Johnson, seconded by J. Serocki that Mr. Dunlap's request for a variance to the waterfront set-back from 40 feet to 15 feet to construct a privacy fence/wall along the south property line of his development be granted. This motion was made with the following findings of fact:

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands structures, or buildings in the same Land Use District.

The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the Land Use District under the terms of this Ordinance.

The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance.

Granting of the variance would be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?

MOTION WAS PASSED UNANIMOUSLY

Patrick & Cindy Welsh

Patrick & Cindy Welsh are requesting a variance to the side-yard set-back from 10 feet to 6.5 feet to construct a 21' x 18'6" addition onto their home at 446 Sixth Street.

MOTION by J. Serocki, seconded by M. Johnson that a variance to the side-yard set-back from 10 feet to 6.5 feet to construct an addition be granted to Patrick & Cindy Welsh, 446 Sixth Street. This motion was made with the following findings of fact:

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands structures, or buildings in the same Land Use District.

The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the Land Use District under the terms of this Ordinance.

The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance.

Granting of the variance would be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?

MOTION WAS PASSED UNANIMOUSLY

MOTION by J. Serocki, seconded by M. Johnson that the Planning Commission look at raising the height limitation in the Industrial Districts.

MOTION PASSED UNANIMOUSLY

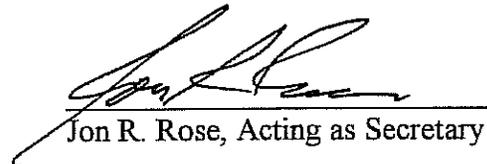
ADJOURNMENT

There being no further business a motion to adjourn was made by M. Johnson, supported by J. Serocki.

APPROVED UNANIMOUSLY.

Meeting adjourned at 5:57 p.m.

Respectfully Submitted


Jon R. Rose, Acting as Secretary