

MANISTEE CITY ZONING BOARD OF APPEALS

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

MEETING MINUTES

June 15, 1999

A meeting of the Manistee City Zoning Board of Appeals was held on Monday, June 15, 1999 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 5:30 p.m. by Chairman Ed Grabowski.

MEMBERS PRESENT: Ed Grabowski, Mary Ann Johnson, John Perschbacher, Ray Rutkowski, John Serocki

MEMBERS ABSENT: None

ALTERNATE PRESENT: None

ALTERNATE ABSENT: Mark Wittlief

OTHERS PRESENT: Dr Charles & Rose Marie Dillon, Liz Laskey (537 Fourth Street), Cyndy Fuller (18 Cottage Lane), Denis Johnson (464 Fifth Street), John & Louise Brastrom (468 Fifth Street), David & Ruth Pratt (463 Fourth Street), Harris McBride (217 River Street), Donna Williams (466 Fifth Street), Rick Jensen (456 Fifth Street), Barry Bauman (552 Harvard Lane), Kendra Thompson (Kendra Thompson Architects, P.C.), Mark Niesen (Building Inspector) and Jon Rose (Community Development)

PUBLIC HEARING:

Dr. & Mrs. Chuck Dillon

Kendra Thompson is representing Dr. & Mrs. Chuck Dillon who are purchasing the home at 467 Fourth Street. Dr. & Mrs. Dillon would like to construct a carriage house that matches the architecture of the home at 467 Fourth Street. A variance would be needed to the accessory height structure limitation of 14 feet to 29 feet. This hearing was postponed from the June 7, 1999 Zoning Board of Appeals Meeting.

Ruth Pratt, 463 Fourth Street commented on the tightness of the lots and expressed concern that the proposal meet the required set-back.

Donna Williams, 466 Fifth Street commented on a power line going over the building site.

David Pratt, 463 Fourth Street commented on Picardat's carriage house only being one story.

Rick Jensen, 456 Fifth Street spoke of the sewer running down the vacated alley and is concerned with the impact the proposed project may have on the sewer line.

Denis Johnson, 464 Fifth Street said the sewer line is north of the center line and deep.

Jon Rose read a letter received from Connie Erickson, 505 Fourth Street supporting the proposed project.

John Perschbacher asked if there was a carriage house there at one time.

Kendra Thompson said that there was a carriage house at the south west corner.

Mr. Perschbacher asked about the footprint and size of the former carriage house.

Ms. Thompson said that research indicated that the original carriage house was comparable but thought maybe the property was larger at that time.

John Brastrom, 468 Fifth Street said that he had no problem with the 29 foot height.

Donna Williams offered photos.

Cyndy Fuller commented on need for being sensitive to environment and possible changes to ordinance.

Liz Laskey, 537 Fourth Street said that too low a roof line is more of a problem than too high a roof.

Rose Marie Dillon said that they would not build the carriage house unless sleeping quarters were involved due to expense, but no matter how this turns out she is happy to be here.

There being no further discussion the public hearing closed at 6:05 p.m.

Dan & Elizabeth Laskey

Kendra Thompson introduced a request for Dan & Elizabeth Laskey, 537 Fourth Street. Mr. & Mrs. Laskey are requesting a variance to reduce the side-yard set-back from 10 feet to 23 inches to allow attachment of existing detached garage.

Barry Bauman, 554 Harvard lane spoke in support of the proposed project.

There being no further discussion the public hearing closed at 6:09 p.m.

Harris & Marlene McBride

Mr. & Mrs. McBride own the home at 217 River Street. Mr. McBride introduced a request for a variance to the side and rear-yard set-backs from 10 feet to 3 feet to construct a detached garage.

Public Hearing closed at 6:11 p.m.

BUSINESS SESSION:

Minutes

MOTION by Mary Ann Johnson, seconded by John Serocki that the minutes of the June 7, 1999 Zoning Board of Appeals be approved with the addition *John Perschbacher expressed concern that he might have a conflict due to his concerns with lighting etc. Asked the board if he should abstain. Consensus was no.* Minutes were approved unanimously as corrected by Perschbacher.

Dr & Mrs. Chuck Dillon

A public hearing was held earlier in response to a request from Dr. & Mrs. Chuck Dillon, 467 Fourth Street for a variance to accessory structure height limitation of 14 feet to allow construction of a carriage house with a height of 29 feet to match the architecture of the home.

MOTION by John Serocki, seconded by John Perschbacher that a variance to accessory structure height limitation of 14 feet to allow construction of a carriage house with a height of 29 feet to match the architecture of the home 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.

Voting 4 yes with Ray Rutkowski abstaining.

MOTION PASSED.

Dan & Elizabeth Laskey

A Public Hearing was held earlier regarding the request from Dan & Elizabeth Laskey for a variance for a side-yard set-back reduction from 10 feet to 23 inches for attachment of an existing detached garage.

MOTION by John Perschbacher, seconded by Mary Ann Johnson that a variance for a side-yard set-back reduction from 10 feet to 23 inches for attachment of an existing detached garage be granted. 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 PASSED UNANIMOUSLY.

Harris & Marlene McBride

A public hearing was held earlier regarding the request from Harris & Marlene McBride, 217 River Street to reduce the side and rear-yard set-backs from 10 feet to 3 feet to construct a detached garage.

MOTION by John Serocki, seconded by John Perschbacher that a variance be granted to Harris & Marlene McBride to reduce the side and rear-yard set-backs from 10 feet to 3 feet to construct a detached garage. 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 PASSED UNANIMOUSLY.

Jon Rose discussed the number of variances that have been requested to increase the height of accessory structures.

MOTION by Ray Rutkowski, seconded by John Serocki that the Planning Commission review the height limitation for accessory structures as written in the Zoning Ordinance.

MOTION PASSED UNANIMOUSLY.

ADJOURNMENT:

There being no further business a motion to adjourn was made by John Perschbacher, seconded by Ray Rutkowski.

MOTION APPROVED UNANIMOUSLY.

Meeting adjourned at 6:32 p.m.

Respectfully Submitted



Jon R. Rose, Acting as Secretary