

MANISTEE CITY ZONING BOARD OF APPEALS

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

MEETING MINUTES

June 7, 1999

A meeting of the Manistee City Zoning Board of Appeals was held on Monday, June 7, 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, and John Serocki

ALTERNATE LATE: Mark Wittlief

ALTERNATE ABSENT: Bob Johnson

OTHERS PRESENT: Linda Shively (221 Ninth Street), Lani Kraus (534 Second Street), Rosi Livingston, Glen Parr, Kendra Thompson (Kendra Thompson Architects, P.C.), Denis Johnson, Mark Niesen (Building Inspector) and Jon Rose (Community Development Officer)

PUBLIC HEARING:

A letter was received from Kendra Thompson, Kendra Thompson Architects P.C. requesting a change in the Agenda allowing her requests to be heard first due to a previous commitment.

The agenda was modified as per Ms. Thompson's request.

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 home at 467 Fourth Street. A variance would be needed to the accessory height structure limitation of 14 feet to 29 feet. Ms. Thompson requested that the hearing be postponed to a later date.

Denis Johnson raised the issue of "use variance". The Zoning Ordinance does not allow living quarters in accessory structures. Jon Rose is going to research the issue.

The Zoning Board of Appeals scheduled another meeting for Tuesday, June 15, 1999 at 5:30 p.m. to further discuss this request.

garage with storage space above.

Glen Parr said he would be opposed to a building height greater than the adjacent building to the north.

There being no further discussion the Public Hearing closed at 6:10 p.m.

BUSINESS SESSION:

Minutes

MOTION by John Perschbacher, seconded by John Serocki that the minutes of the April 8, Zoning Board of Appeals be approved. Minutes were approved unanimously.

Manistee County

A public hearing was held earlier in response to a request from Manistee County, 415 Third Street for the proposed expansion of the Courthouse Building. Manistee County is requesting a variance to reduce the rear-yard set-back from 10 feet to 4 feet to allow construction of addition to East Annex of Courthouse.

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.

MOTION by John Perschbacher, seconded by John Serocki that a variance be granted to Manistee County for a variance to the rear-yard set-back from 10 feet to 4 feet to allow construction of addition to East Annex of Courthouse. Approval includes the condition that a 5 foot wide raised sidewalk be installed on the south side of the addition to provide protection from vehicles. 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.

Steven Shively

A Public Hearing was held earlier regarding the request from Steven Shively for a variance to the side-yard set-back to allow enlarging and attaching to the home a currently detached shed. This request would reduce the required side-yard set-back from 10 feet to 4 feet 6 inches.

MOTION by John Serocki, seconded by Mary Ann Johnson that a variance to the required side-yard set-back from 10 feet to 4 feet 6 inches to allow enlarging and attaching to the home a currently detached shed be approved. 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.

Lani Kraus

Side-yard set-back

A public hearing was held earlier regarding the request from Lani Kraus, 534 Second Street to reduce the required side-yard set-back from 3 feet to 0 feet for the construction of a detached garage.

MOTION by Ray Rutkowski, seconded by Mary Ann Johnson that a variance be granted to Lani Krause to reduce the side-yard set-back from 3 feet to 1 foot with eaves no closer than 6 inches to the property line for the construction of 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.

Mary Ann Johnson left the meeting at this time.

Height

A public hearing was held earlier in response to Ms. Kraus' request for a variance to height limitation of 14 feet to 20 feet to construct a detached garage with storage space above.

MOTION by Mark Wittlief, seconded by John Serocki that a variance be granted to Lani Krause for a variance to height limitation from 14 feet up to 20 feet but not to exceed the height of the south end of the building immediately to the north. This variance is to allow construction of a detached garage with storage space above. 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 introduced Mark Niesen to the Zoning Board of Appeals Members. Mark Niesen is the new Building Inspector/Plan Reviewer and will assist Mr. Rose with the Zoning Board of Appeals.

Ed Grabowski read a letter of resignation from Bob Johnson, Alternate Member of the Zoning Board of Appeals.

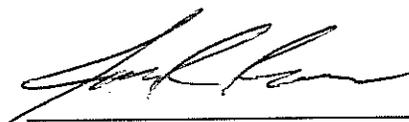
ADJOURNMENT:

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

MOTION APPROVED UNANIMOUSLY.

Meeting adjourned at 6:37 p.m.

Respectfully Submitted



Jon R. Rose, Acting as Secretary