

**MANISTEE CITY ZONING BOARD OF APPEALS**  
70 Maple Street, P.O. Box 358  
Manistee, MI 49660

**MEETING MINUTES**  
November 29, 2000

A meeting of the Manistee City Zoning Board of Appeals was held on Wednesday, November 29, 2000 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 Chairman John Serocki.

**MEMBERS PRESENT:** Ed Grabowski, Mary Ann Johnson, John Perschbacher, John Serocki, and Mark Wittlief

**ALTERNATES PRESENT:** Brenda Alfred-Birks and Marlene McBride

**OTHERS PRESENT:** David & Sarah Bailey (340 Fifth Street), Jerry Lewis (342 River Street), Barb Tegler (522 Fifth Avenue), Lois & Tom Culbert (514 Fifth Avenue), Rich Mosher (358 - 360 River Street), Dick Garten (320 River Street), Eddie Petzak (344 River Street), Jon Rose (Community Development) and Mark Niesen (Building and Zoning)

**PUBLIC HEARING:**

David & Sarah Bailey

David and Sarah Bailey, 340 Fifth Street are requesting a variance to the side-yard set-back to allow a split of parcel #51-51-574-732-01 into two parcels consisting of the original platted lots. This request would reduce the side-yard set-back from 10 feet to 1.25 feet.

Parcel code #51-51-574-732-01 consists of Lot 7 and Lot 8 Block 16 M.S. Tyson & Co's Addition to the City of Manistee. The church is located on Lot 7 and the Rectory is located on Lot 8. Mr. & Mrs. Bailey purchased the rectory and the church was sold to different owners.

David Bailey explained the reason for the variance and pictures were passed around to ZBA members.

Ed Grabowski asked if the neighbors of lot #7 would sell a 3 foot strip of property to make a 4.25 foot setback. Mr. Bailey said that he ask the neighbor if he would sell 3 feet.

Mark Niesen read a letter from Dan Bailey, 309 & 311 Walnut street (no relation). The letter asked that the variance not be granted.

Jon Rose explained the reason for the problem that it was an illegal sale by the church. John Perschbacher spoke of a similar situation where an easement was obtained and asked if that would be a possibility. Mr. Rose said that an easement is not possession that with an easement the property lines do not change.

Mr. Bailey said that the other neighbors fence is six feet on his property.

There being no further discussion the public hearing closed at 5:42 p.m.

#### United States Coast Guard

The United Sates Coast Guard Station is located at 523 Fifth Avenue. They have requested a variance to reduce the waterfront set-back to 49 feet to allow placing temporary modular housing for personnel pending construction of a new Coast Guard Station.

Ed Grabowski asked what the waterfront set-back is. Jon Rose said that the waterfront set-back is 100 feet.

John Serocki asked if anyone from the Coast Guard was in attendance. Jon Rose spoke on behalf of the Coast Guard and explained the reason for the temporary quarters.

Tom Culbert, 514 Fifth Avenue said that he was in favor of the Coast Guard but was against a new building. Mr. Culbert wants the Zoning Board to watch out for their interests and would like to be consulted about the site plan and asked for a site plan before granting the variance. Mr. Rose said that there is no site plan as of yet.

Marlene Mc-Bride asked how long they would be using the temporary housing. Jon Rose said four years or less or until completion of new Coast Guard Station.

Ed Grabowski asked when the temporary housing would be coming. Jon Rose said around mid-January. Ed Grabowski asked why the old station was not big enough. Jon Rose said the Coast Guard is adding more staff.

Marlene McBride asked if the boat was big enough to house the additional staff. Jon Rose said that it was not.

Tom Culbert wanted to make the Coast Guard aware of the residence in the area.

Barb Tegler, 522 Fifth Avenue did not object to the temporary housing but wants to know what the plans are and how they effected the park across Fifth Avenue from her property.

Jon Rose explained that the property across the street from Ms. Tegler is City owned property but not charter protected. It was held back from charter protection specifically with Coast Guard expansion in mind.

There being no further discussion the public hearing closed at 6:02 p.m.

### Eddie Petzak

Eddie Petzak owns Eddie's Waterfront Pub located at 344 River Street. Mr. Petzak is requesting a variance to the waterfront set-back to allow the construction of a second egress. This second egress would be located on the back of the building with stairs to the Riverwalk.

Mr. Petzak explained the history behind his purchase of this property and explained the reason for his request for the variance. The variance would provide an egress in the event of a fire, beautification, promote growth and business.

Marlene McBride asked how he would monitor patrons from using the exit and entrance. Mr. Petzak said that in summer it would be used as a second entrance from the riverwalk but would probably have an alarm and only be used as emergency egress during peak hours.

Dick Garten, 320 River Street asked about landscaping. Eddie Petzak said that he would need to install the steps first and then would address the landscaping.

Marlene McBride asked if Mr. Petzak had tried to obtain an easement from bookstore. Mr. Petzak said that the business owner was interested but the building is in trust and the trust was not interested.

Ed Grabowski asked if the electrical transformers were in the way? Mr. Petzak said that they were not in the way and that the stairway would benefit the riverwalk and that he would install an alarm on the back door.

Jerry Lewis, 342 River Street expressed concerns about his liability if someone entering/exiting were to hurt themselves on his adjoining property. He asked if the steps could be reversed to exit in the opposite direction. Mr. Petzak said that he had no objection if the light post on the riverwalk was not in the way. Jon Rose said that the west side would be a tighter point of exit. Ed Grabowski reminded that 15' must be maintained from the waters edge.

Rich Mosher, 358 - 360 River Street had concerns about the aesthetics of the project and said that Mr. Petzak had answered most of them.

There being no further discussion the public hearing closed at 6:29 p.m.

**BUSINESS SESSION:**

Minutes

MOTION by Ed Grabowski, supported by Mary Ann Johnson that the minutes from the October 24, 2000 meeting be approved.

MOTION PASSED UNANIMOUSLY.

David & Sarah Bailey

David and Sarah Bailey, 340 Fifth Street are requesting a variance to the side-yard set-back to allow a split of parcel #51-51-574-732-01 into two parcels consisting of the original platted lots. This request would reduce the side-yard set-back from 10 feet to 1.25 feet.

MOTION by Ed Grabowski, seconded by John Perschbacher that a variance to the side-yard set-back to allow a split of parcel #51-51-574-732-01 into two parcels consisting of the original platted lots reducing the side-yard set-back from 10 feet to 1.25 feet be granted with the condition that Mr. Bailey demonstrate trying to obtain 3 feet of property from the neighbor within the next 90 days. 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.

United States Coast Guard Station

The United States Coast Guard Station is located at 523 Fifth Avenue. They have requested a variance to reduce the waterfront set-back to 49 feet to allow placing temporary modular housing for personnel pending construction of a new Coast Guard Station.

MOTION by Ed Grabowski, seconded by John Perschbacher that a variance to reduce the waterfront set-back to 49 feet to allow placing temporary modular housing for personnel pending construction of a new Coast Guard Station be granted with the condition that the temporary housing be removed by January 2, 2005. 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.

Eddie Petzak

Eddie Petzak owns Eddie's Waterfront Pub located at 344 River Street. Mr. Petzak is requesting a variance to the waterfront set-back to allow the construction of a second egress. This second egress would be located on the back of the building with stairs to the Riverwalk.

MOTION by John Perschbacher, seconded by Mark Wittlef that a variance to reduce the waterfront set-back from 50 feet to 15 feet to allow the construction of a second egress from the building at 344 River Street to the riverwalk be granted with the following conditions:

1. That the existing framing be enclosed and the raw wood under the floor be covered to the satisfaction of the Historic Overlay Review Committee
2. That the stairway be cleared of snow at least as frequently as the front door.

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

**OTHER BUSINESS:**

John Perschbacher asked if future meeting could be held on Thursdays. Members said if it worked into the time frame of the request the meeting will be scheduled for Thursdays.

Mark Niesen said that we may be receiving another request before year end and asked members when a meeting would work into their scheduled. If received in time for noticing the meeting will be scheduled for Thursday, December 14, 2000.

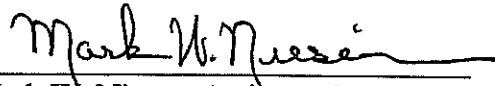
**ADJOURNMENT:**

MOTION by John Perschbacher, seconded by Mary Ann Johnson that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY.

There being no further business meeting adjourned.

Respectfully Submitted

  
Mark W. Niesen, Acting as Secretary