

MANISTEE CITY ZONING BOARD OF APPEALS

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

MEETING MINUTES

August 23, 2001

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, August 23, 2001 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

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

ALTERNATES PRESENT: Marlene McBride

OTHERS PRESENT: Rick Cabot and Mark Niesen (Building and Zoning)

The meeting was called to order at 5:30 p.m. by Chairman Ed Grabowski

PUBLIC HEARING:

Homer & Kris Ramsdell (front-yard set-back - Tamarack Street)

Homer & Kris Ramsdell own the house at 539 Eighth Street. Mr. & Mrs. Ramsdell would like a variance to the front-yard set-back on Tamarack street from 30 feet to 13 feet to enclose the existing carport/covered patio to convert to living space.

Mark Niesen explained the request to the members of the Zoning Board of Appeals. Mr. & Mrs. Ramsdell had received a variance for this request in 1991. Variances expire after one year if the project has not been started. The previous variance had expired and that is the reason that the request is before the board at this time.

There being no further discussion the public hearing closed at 5:37 p.m.

Homer & Kris Ramsdell (front-yard set-back - Eighth Street)

Mr. & Mrs. Ramsdell's property is located on a corner lot which results in two front-yard set-backs. The Ramsdell's would also like a variance to the front-yard set-back on Eighth Street from 30 feet to 23 feet to construct a covered porch.

There being no further discussion the public hearing closed at 5:40 p.m.

Manistee Heights Care Center, DBA Tender Care of Manistee

Manistee Heights Care Center is located at 300 Care Center Drive. A request has been submitted for a variance to allow a 3 foot by 8 foot sign to be placed at the southwest corner of the building. This property is zoned residential and the Sign Ordinance only allows a 4 square foot sign.

Mr. Niesen explained the requirements of the Sign Ordinance and that this facility is zoned residential and the sign exceeds the size allowed in the ordinance.

There being no further discussion the public hearing closed at 5:46 p.m.

Ervin Cabot

Rick Cabot is Ervin Cabot's son and presented the request to the Zoning Board of Appeals on behalf of his father. Ervin Cabot owns an apartment building at 122 Hancock Street. The Zoning Ordinance requires that there be 2 off street parking spaces per unit. Mr. Cabot recently converted this building from a 3 unit apartment building to a 5 unit apartment building. Mr. Cabot is requesting a reduction in off street parking spaces from 10 spaces to 7 spaces.

There being no further discussion the public hearing closed at 5:55 p.m.

BUSINESS SESSION:

Minutes

MOTION by John Perschbacher, supported by Mark Wittlief that the minutes from the July 9, 2001 meeting be approved.

MOTION APPROVED UNANIMOUSLY

Homer & Kris Ramsdell (front-yard set-back - Tamarack Street)

Homer & Kris Ramsdell own the house at 539 Eighth Street. Mr. & Mrs. Ramsdell would like a variance to the front-yard set-back on Tamarack Street from 30 feet to 13 feet to enclose the existing carport/covered patio to convert to living space. A public hearing was heard earlier in response to this request.

MOTION by John Serocki, seconded by Mary Ann Johnson that a variance be granted to Homer & Kris Ramsdell, 539 Eighth Street to reduce the front-yard set-back on Tamarack Street from 30 feet to 13 feet to enclose the existing carport/covered patio to convert to living space. 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.

Zoning Board discussion - no representation at meeting

John Perschbacher asked why there was no representation from two of the parties asking for variances. Marlene McBride said that when she served on a Zoning Board in a different community if no representative was present at the meeting the item was tabled until the next meeting. Members of the board discussed different options for handling this situation options included:

1. That the owner be notified in writing prior to the meeting that if they or their representative does not appear at the hearing their request will be tabled until the next meeting.
2. If no representative at a meeting the item will be tabled until the next meeting, the party will be notified by letter that their request was tabled and informed as to when the next meeting will be scheduled .
3. In the event that no representative is present at the second meeting the request will be considered withdrawn and the party will need to reapply for a variance.

Members of the board felt that Mr. Niesen should not serve as a-representative. A representative could be a builder, architect, attorney, or someone familiar with the request who could act on behalf of the property owner.

MOTION by John Serocki, seconded by John Perschbacher that a policy be established regarding no representative present at a meeting for requests.

MOTION PASSED UNANIMOUSLY

Mr. Niesen will discuss this item with Jon Rose and will review at the next meeting.

Homer & Kris Ramsdell (front-yard set-back - Eighth Street)

A public hearing was held earlier in response to a request from Homer & Kris Ramsdell. Mr. & Mrs. Ramsdell's property is located on a corner lot which results in two front-yard set-backs. The Ramsdell's would also like a variance to the front-yard set-back on Eighth Street from 30 feet to 23 feet to construct a covered porch.

MOTION by Marlene McBride, seconded by John Serocki that a variance be granted to Homer & Kris Ramsdell, 539 Eighth Street to reduce the front-yard set-back on Eighth Street from 30 feet to 23 feet to construct a covered porch. 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 APPROVED UNANIMOUSLY

Manistee Heights Care Center. DBA Tender Care of Manistee

A public hearing was held in response to a request from Manistee Heights Care, 300 Care Center Drive. The request is for a variance to allow a 3 foot by 8 foot sign to be placed at the southwest corner of the building. This property is zoned residential and the Sign Ordinance only allows a 4 square foot sign.

MOTION by Mark Wittlief, seconded by Mary Ann Johnson that a variance be granted to Manistee Heights Care Center, 300 Care Center drive to allow the installation of a 3 foot by 8 foot sign located at the southwest corner of the building with the condition that no direct light or significant glare from the sign shall be cast onto any adjacent parcel that is zoned residential. 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

Ervin Cabot owns an apartment building at 122 Hancock Street. The Zoning Ordinance requires that there be 2 off street parking spaces per unit. Mr. Cabot recently converted this building from a 3 unit apartment building to a 5 unit apartment building. Mr. Cabot is requesting a reduction in off street parking spaces from 10 spaces to 7 spaces. A public hearing was held earlier in response to this request.

MOTION by John Serocki, seconded by John Perschbacher that a variance be granted to Ervin Cabot, 122 Hancock Street for a reduction in the number of off street parking spaces from 10 spaces to 7 spaces with the condition that three (3) units remain one (1) bedroom or efficiency units. 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:

Members of the Zoning Board of Appeals expressed their condolences to Marlene McBride on the loss of her husband.

Mark Niesen told the board members that two more requests for variances have been received. After asking the members what would be a good date for a meeting, September 6, 2001 was set as the date for the next Zoning Board of Appeals meeting.

Mark Niesen also discussed with members from the ZBA the concerns with "tarped temporary structures" that have been popping up recently. These are available at local outlet stores and are usually canvas topped with metal pole framing. Typically they are not anchored and do not meet any building code requirements. After a period of time these units break down due to weather and become unsightly. After much discussion the ZBA decided to review the ordinance on such structures and will resume discussion at the next meeting.

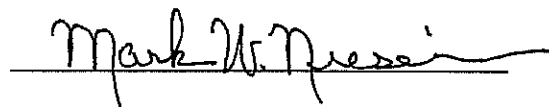
ADJOURNMENT:

There being no further business MOTION by John Perschbacher, seconded by John Serocki that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY.

There being no further business meeting adjourned at 6:54
p.m.

Respectfully Submitted

A handwritten signature in cursive script that reads "Mark W. Niesen". The signature is written in black ink and is positioned above a horizontal line.

Mark W. Niesen, Acting as Secretary