

**MANISTEE CITY ZONING BOARD OF APPEALS**

70 Maple Street, P.O. Box 358

Manistee, MI 49660

**MEETING MINUTES**

September 6, 2001

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, September 6, 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:** Lee Hawkins (1304 Manistee Street), Mrs. Edward Galwas (1310 Manistee Street), Mary Jo Oleniczak (1305 Manistee Street), Jon Rose (Community Development) and Mark Niesen (Building and Zoning)

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

**PUBLIC HEARING:**

Lee Hawkins, 1304 Manistee Street

Lee Hawkins owns the house at 1304 Manistee Street. Mr. Hawkins is requesting a variance to allow the construction of a detached garage that would be 21 feet in height with 14 foot sidewalls.

Mr. Hawkins explained the reason for the height of the building, the extra height is needed to store his panel truck. John Serocki asked how long the truck was. Mr. Hawkins said 37' with the sleeper.

Marlene McBride asked if any other business would run out of the building. Mr. Hawkins said no other business would be run out of the building. Ms. McBride asked if the vehicle could be stored at the Post Office. Mr. Hawkins said that it was his truck and could not be left on Post Office property.

Mrs. Galwas, 1310 Manistee Street did not want a metal pole barn. Mr. Hawkins said it would be a conventional stick building.

Jon Rose questioned the size of the building -vs- the house. Mark Niesen said it was smaller than the primary structure. Jon Rose questioned run off of rainwater. After much discussion it was decided to word condition "All water run off will need to be contained on the property".

Marlene McBride asked if the house was going to be sided. Mr. Hawkins said that it was. After discussion the board decided that as a condition the house is to be sided prior to foundation being poured.

The Zoning Board of Appeals decided to only address the issue of the sidewalls. Mr. Hawkins will need to take a request to the Historic Overlay Review Committee regarding the height of 21 feet.

Members of the Board asked Mark Niesen if he had received any calls regarding the proposed project. Mr. Niesen said that he had received a call from Harvey Young, 1311 Vine Street who said that he had intended to attend the meeting but was called out of town. Mr. Young said that he was opposed to the building of the structure.

There being no further discussion the public hearing closed at 5:45 p.m.

#### No Representation at meeting

Members of the ZBA asked Jon Rose if he had looked into a policy for "no representation" at meetings from applicants. Mr. Rose said that he had spoke with the City Attorney who said that an ordinance could be written that states a representative is required at a meeting, in the case of no representation the application would be considered void. This would be similar to a person who did not show up in court for an appearance.

MOTION by John Serocki, seconded by Mark Wittlief that an ordinance amendment be drafted to establish a policy for no representation for Zoning Board of Appeal requests.

MOTION PASSED UNANIMOUSLY

#### Dale Rybicki, 205 Ninth Street

Dale Rybicki owns the house at 205 Ninth Street. Mr. Rybicki would like a variance to the side-yard set-back from 10 feet to 3 feet to construct an attached garage.

No one was present representing the request for Mr. Rybicki. The ZBA asked Mr. Rose if the item could be tabled. Mr. Rose said that no policy is in place regarding no representation at meetings and the only options available is to respond to the request by approving the request or denying the request according to the findings of fact. Mark Niesen explained the request to the members of the ZBA.

Mark Wittlief expressed concern over the changes on the plan. Mr. Niesen said that he had made the changes when it was discovered that the property record card showed a difference in dimensions than Mr. Rybicki had on his plan.

There being no further discussion the public hearing closed at 5:49 p.m.

**BUSINESS SESSION:**

Minutes

MOTION by John Perschbacher, supported by John Serocki that the minutes from the August 23, 2001 meeting be approved.

MOTION APPROVED UNANIMOUSLY.

Lee Hawkins, 1304 Manistee Street

A public hearing was held earlier in response to a request from Lee Hawkins, 1304 Manistee Street. Mr. Hawkins is requesting a variance to allow the construction of a detached garage that would have 14 foot sidewalls. The Zoning Board of Appeals determined that Mr. Hawkins would have to go before the Historic Overlay Review Committee for the increase in height to 21 feet.

MOTION by Mark Wittlief, seconded by Marlene McBride that the request from Mr. Hawkins for a variance to construct a detached garage with 14 foot sidewalls at 1304 Manistee Street be approved with the following conditions:

1. The house will need to be sided prior to the construction of the garage.
2. The house and garage will need to be sided in harmony with each other.
3. The existing garage will need to be demolished within six months of the completion of the new garage.
4. All water run off will need to be contained on the property.

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

Dale Rybicki, 205 Ninth Street

A public hearing was held in response to a request from Dale Rybicki, 205 Ninth Street. Mr. Rybicki would like a variance to the side-yard set-back from 10 feet to 3 feet to construct an attached garage.

MOTION by John Serocki, seconded by John Perschbacher that a variance to the side-yard set-back from 10 feet to 3 feet be granted to Dale Rybicki, 205 Ninth Street to allow the construction of an attached garage with the following conditions:

1. Water run off will need to be contained on the property.
2. Existing detached shed needs to be removed prior to foundation work for new structure.

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 discussed per diem for members who serve on the board. Mr. Rose said that this was discussed by City Council several months ago and a survey that was done shows generally townships pay board members per diem but City's do not. The ZBA were disappointed that they had not received any correspondence regarding the matter. Mr. Rose said that it was around the time that Mr. Bifoss left as City Manager and apologized for the oversight. Mr. Rose expressed his gratitude on behalf of the City for the members who serve on the board and said that with out their dedication the City would not be able to function. Members would still like to see some type of per diem if possible.

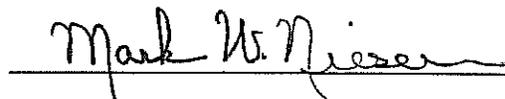
**ADJOURNMENT:**

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 6:41 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