

## MANISTEE CITY ZONING BOARD OF APPEALS

425 Sixth Street, P.O. Box 358  
Manistee, MI 49660

### MEETING MINUTES

July 19, 2004

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, June 10, 2004 at 5:30 p.m. in the Conference Room, City Hall, 425 Sixth Street, Manistee, Michigan.

**MEMBERS PRESENT:** Ray Fortier, Mark Hoffman, Bill Kracht, Marlene McBride, and John Perschbacher

**ALTERNATES PRESENT:** Craig Schindlbeck

**ALTERNATES ABSENT:** Linda Albee

**OTHERS PRESENT:** Bill and Mary Beth Kennedy (415 Cedar Street), Jon Rose (Community Development Director) and Denise Blakeslee (Administrative Assistant)

The meeting was called to order at 5:30 p.m. by Chairman John Perschbacher.

#### **PUBLIC HEARING:**

Bill and Mary Beth Kennedy, 415 Cedar Street

Mr. And Mrs. Kennedy are requesting a variance to increase wall height on an accessory structure from 10 feet to 14 feet to allow construction of a carriage house similar to the one built in 1885

Craig Schindlbeck said he will be abstaining from discussion because he is a neighboring property owner.

Jon Rose said that all property owners within 300 feet received notification including the correct address of the appeal.

Bill Kennedy, 415 Cedar Street gave background information on the property. The original home and carriage house were built by Mr. Kennedy's Great Grandfather and he is in the process of restoring the home and wants to construct a carriage house. The proposed Carriage house will be smaller than the original one which was demolished in the 1960's. In an attempt to reconstruct a similar styled building Mr. Kennedy is asking for a variance to allow the sidewalls to be constructed to a height of 14 feet instead of the 10 foot sidewall height allowed by zoning. Mr. Kennedy showed a photo from the early 1900's which showed the larger two story carriage house as it was constructed in the late 1800's. The roof of the new carriage house will match the roof line of the house and will include decorative elements of the home.

Mary Beth Kennedy, 415 Cedar Street said that they are not attempting to build an exact replica of the original carriage house that this is a smaller version in size and height.

It was noted that the approximate height of the proposed structure will be around 24 feet. Jon Rose said that it will exceed the 14 foot height requirement, but approval has been received from Steve Harold on behalf of the Historic Overlay Review Committee for an exception under the ordinance.

Correspondence was received from Molly Cichy, Mike Fatke expressing their support (attached).

Steve Harold, Museum Director wrote a letter in support of the project (attached).

There being no further discussion the public hearing closed at 5:52 p.m.

### **BUSINESS SESSION:**

#### Approval of Minutes June 10, 2004

MOTION by Ray Fortier, supported by Mark Hoffman that the minutes from the June 10, 2004 Zoning Board of Appeals Meeting be approved.

MOTION PASSED UNANIMOUSLY

#### Bill and Mary Beth Kennedy. 415 Cedar Street

A Public Hearing was held earlier in response to the request from Bill and Mary Beth Kennedy, 415 Cedar Street for a variance to increase wall height on an accessory structure from 10 feet to 14 feet to allow construction of a carriage house similar to the one built in 1885.

Jon Rose said that as Zoning Administrator it is his responsibility to uphold the Zoning Ordinance. Mr. Rose spoke of provisions that have been discussed for the Zoning Ordinance Re-write that will allow the construction of Carriage Houses. It is important to maintain the historic flavor of the community and this type of reconstruction that the Kennedy's proposes is a true attempt at Historic Preservation.

Members of the Zoning Board of Appeals reviewed and discussed the Findings of Fact for this request.

#### Findings of Fact:

1. Do 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?  
5 - Yes Fortier, Kracht, McBride, Hoffman and Perschbacher  
0 - No

2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?  
5 - Yes Kracht, Hoffman, McBride, Fortier, and Perschbacher  
0 - No
3. 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?  
5 - Yes McBride, Hoffman, Fortier, Kracht and Perschbacher  
0 - No
4. Would granting of the variance 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?  
5 - Yes Hoffman, Fortier, McBride, Kracht and Perschbacher  
0 - No
5. Do the reasons set forth in the application justify the variance and is the requested variance the minimum variance that will make possible the reasonable use of the land, building or structure?  
5 - Yes Fortier, Kracht, Hoffman, McBride and Perschbacher  
0 - No
6. Does the requested variance include the allowance for a use which is not permitted in the Land Use District in question? [If Yes, the variance CANNOT be granted]  
0 - Yes  
5 - No McBride, Kracht, Hoffman, Fortier and Perschbacher
7. Are there any conditions, safeguards or guarantees, in conformity with the Ordinance, that the Board feels are necessary if a variance is granted?  
0 - Yes  
5 - No Fortier, McBride, Hoffman, Kracht and Perschbacher

MOTION by Ray Fortier, seconded by Bill Kracht that the request from Bill and Mary Beth Kennedy for a variance to increase wall height on an accessory structure from 10 feet to 14 feet to allow construction of a carriage house similar to the one built in 1885 be approved.

5 - Yes McBride, Fortier, Kracht, Hoffman and Perschbacher  
0 - No

MOTION PASSED UNANIMOUSLY - REQUEST APPROVED

**OTHER BUSINESS:**

**Communications:**

Denise Blakeslee handed out Citizen Planner information to members who have not previously attended training. The course is being offered in Mason & Lake Counties at the Mason County Eastern High School. Registration is due by August 20, 2004, it is first come first serve. She asks that anyone interested notify her by August 1, 2004. The City will process the paperwork, pay for the training and mileage to the person who drives.

Mark Hoffman said that he will be interested in attending all of the core sessions and would be happy to drive, he has room for three others who want to ride with him.

Jon Rose said that the kick-off meeting for the Zoning Ordinance Re-Write will be scheduled for August 12<sup>th</sup> in the evening. A location has not been selected at this time. ZBA members will be invited to attend.

Members and staff had an informal discussion on height limitation requirements and the portion of the ordinance that allows approval from the Historic Overlay Review Committee. Any questions or concerns that members of the ZBA have should be sent in writing to the Community Development Office and they will be forwarded to Mr. Kilpatrick. This will allow him time to review and possibly include the concerns in his presentation on August 12<sup>th</sup>.

Bill Kennedy asked how long the variance was good for. Variances are good for one year, once a building permit is pulled construction must begin within six months.

**ADJOURNMENT:**

There being no further business meeting motion by Bill Kracht, seconded by Mark Hoffman that the meeting be adjourned. Meeting adjourned at 6:22 p.m.

Respectfully Submitted

  
Denise J. Blakeslee, Recording Secretary



70 Maple Street • P. O. Box 358 • Manistee, Michigan 49660

231-723-2558  
FAX 231-723-1546

July 12, 2004

NOTICE OF ADDRESS CORRECTION:

*The original notice you received regarding this request had the wrong address for the location of request. The request is for the property located at 415 Cedar Street.*

The City of Manistee Zoning Board of Appeals will hold a meeting in the Conference Room of the Temporary City Hall, 425 Sixth Street, Manistee, Michigan. The purpose of this hearing is to consider a request from:

NAME: Bill and Mary Beth Kennedy  
415 Cedar Street  
Manistee, MI 49660

LOCATION OF REQUEST: 415 Cedar Street

ACTION REQUESTED: Variance to increase wall height on accessory structure from 10 feet to 14 feet to allow construction of a carriage house similar to the one built in 1885.

DATE/TIME OF HEARING: Monday, July 19, 5:30 p.m.

Interested parties are welcome to attend the hearing, or can comment in writing to: Jon Rose City of Manistee, P.O. Box 358, Manistee, MI 49660.

Sincerely,

CITY OF MANISTEE

Jon R. Rose  
Community Development Director

JRR

WE HAVE NO  
OBJECTIONS & THINK  
IT'S A GREAT IDEA!

Molly Gray  
+  
Mike FATKE

# MANISTEE COUNTY HISTORICAL MUSEUM

425 River Street  
Manistee, Michigan 49660  
616-723-5531

16 July 2004

Zoning Board of Appeals  
City of Manistee  
Manistee Mi 49660

Re: 51-51-341-70201  
415 Cedar Street  
Accessory Building

Dear Board Members:

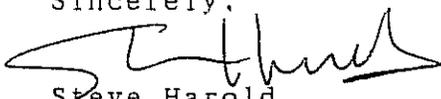
This letter is to indicate my support for the proposed accessory building at this address.

This building will replace an original carriage house at the site and will be placed on the original building's footprint. I understand the original building, which was built over a hundred years ago, suffered several alterations, deterioration, and was finally torn down.

The proposed structure will be similar to the original and will match the architecture of the Victorian home on the property. It will enhance the historic character of both the home and the neighborhood. I have always thought this neighborhood should be our next historic district and hope to see work to that end in the near future.

Again I feel your support of the construction of this building is in the best interest of historic preservation and this particular part of the City of Manistee.

Sincerely,

  
Steve Harold,  
Museum Director

