

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

October 5, 2005

A meeting of the Manistee City Zoning Board of Appeals was held on Wednesday, October 5, 2005 at 5:30 p.m. in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Bill Kracht, Marlene McBride, John Perschbacher

MEMBER ABSENT: Mark Hoffman

ALTERNATES PRESENT: Linda Albee, Craig Schindlbeck

OTHERS PRESENT: Kay Wagner (523 Second Street), Gregg King (526 Third Street), Sally Stanton (500 Third Street), Jon Rose (Community Development Director), and Denise Blakeslee (Planning & Zoning)

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

PUBLIC HEARING:

KAY WAGNER. 521 SECOND STREET

Kay Wagner lives in the house at 523 Second Street. Ms. Wagner has purchased the house next to hers at 521 Second Street. Ms. Wagner would like to convert the house at 521 Second Street into an Accessory Structure (garage/carport and workshop).

The request would require four variances to convert the house into an accessory structure as follows:

Reduction in Front Yard Set-back (Second Street) from 25 feet to 20 feet 6 inches (existing structure).

Reduction in Front Yard Set-back (Cedar Street) from 25 feet to 2 feet 7 inches (existing structure).

Increase in Height limitation for an accessory structure from 14 feet to 19 feet 10 inches (existing structure)

Increase in Side Wall Height limitation for an accessory structure from 10 feet to 13 feet 6 inches (existing structure).

One variance to allow the construction of a Gazebo:

Reduction in Front Yard Set-back (Cedar Street) from 25 feet to 2 feet 7 inches to allow the construction of a gazebo.

One variance to the curb cut standards:

Reduction in the curb cut standards on Second Street to allow a driveway 19 feet from the intersection rather than the required 30 feet.

Kay Wagner - 521/523 Second Street

Ms. Wagner spoke to the members of the Zoning Board of Appeals about her request. The home at 521 Second Street was owned by Arlene Stamp who passed away. She spoke of the condition that the home was in when she purchased it and that it would be very expensive to update the utilities if it were to remain a residence -vs- an accessory structure. She had concerns about how close the home is to her residence. Ms. Wagner recycles as a way of life and feels that there is a viable use for this structure.

This plan provides off street parking for her residence and handicap access for family members. She would combine the parcels creating a parcel that meets the standards of the Zoning Ordinance. Ms. Wagner found a survey that indicates the parcels are 130+ feet in depth instead of the 120 feet she had on her plans.

The development of a workshop would allow Ms. Wagner income opportunities that she currently does not have. The construction of the proposed Gazebo would re-use the existing porch columns and would be a way for her to show respect to the former owner (Mrs. Stamp) who enjoyed sitting on the porch watching the neighborhood.

Ms. Wagner submitted three pages of changes to the plan that includes an addition onto the structure that does not effect the set-backs, reduction in the amount of pavement, and a new elevation including the proposed addition. These changes do no effect or change any of Ms. Wagner's requests.

Ms. Wagner spoke of the desire to provide handicap access and it would be more difficult to accomplish having to meet the set-backs required with new construction. Cedar Street Hill is closed for five months a year and the proposed paving in the City right-of-way would allow her access to the Workshop/handicap access garage stall without having to use Cedar Street Hill. This garage entrance off Cedar Street provides the handicap access she desires for her home.

Ms. Wagner has been working with Christie Engineering who has advised her to fill the existing basement with sand (compacted) and utilize the existing concrete flooring. There will be additional ties and re-rod added to the structure as needed to make the building structurally sound and support the change of use.

Ms. Wagner said there is a portion of the roof that is sagging because a chimney was removed and the roof was not repaired correctly. This would be repaired during renovation.

Jon Rose - Community Development Director

Mr. Rose said that the paving that Ms. Wagner shows in her plan on the Cedar Street right-of-way would require Council approval. This is not an issue for the Zoning Board of Appeals. Also the two parcels would be required to be combined in the event the Zoning Board of Appeals approved the project.

Gregg King - 526 Third Street

Mr. King owns the adjoining property to the South of Ms. Wagner's. He has lived there for 26 years and is very supportive of Ms. Wagner's proposal. He has watched Ms. Wagner refurbish the home on Second Street and feels she is a person who wants to take what is there and do something really good. He is sensitive to the needs of the handicapped because of his father. Mr. King is very supportive of the needs for Handicap Accessibility for Ms. Wagner's family and future owners of the property.

Sally Stanton -500 Third Street

Ms. Stanton said that Ms. Wagner has done a fabulous job improving her property and wishes her well in her venture. Ms. Stanton is in support of the project.

Jon Rose - Community Development Director

Mr. Rose said that this request probably involves the most variance requests for one project that has come before the Zoning Board of Appeals. There are four variances directly related to the conversion of the existing home into an accessory structure as Ms. Wagner proposes. The request to Construct a Gazebo and the reduction to the Curb Cut Standards are separate issues.

Ms. Wagner's request would improve the looks of the area as would the demolition of the existing house. Ms. Wagner does a good job with her projects, just not as rapidly as we may like. Mr. Rose sees no justification for the request for the Gazebo, it could be constructed on a different location and still meet the requirements of the ordinance. The location of the proposed driveway is the most restrictive that would still allow access to the proposed garage/carport.

Kay Wagner - 521/523 Second Street

Ms. Wagner would like to use the gazebo as part of a fence she wants to construct along Cedar Street. This location would still allow her to look out over the street. She feels it would not serve the same purpose in a different location.

There being no further discussion the Public Hearing Closed at 6:11 p.m.

BUSINESS SESSION:

Approval of Minutes, May 19, 2005

MOTION by Ray Fortier, supported by Bill Kracht that the minutes from the May 19, 2005 Zoning Board of Appeals meeting be approved.

MOTION PASSED UNANIMOUSLY

Selection of Alternate - Linda Albee

One regular member of the ZBA is absent and two alternates are present. Review of the records show that it is Linda Albee's turn to serve. Ms. Albee will be acting on the requests.

KAY WAGNER, 521 SECOND STREET

A Public Hearing was held earlier in response to a request from Kay Wagner who lives in the house at 523 Second Street. Ms. Wagner has purchased the house next to hers at 521 Second Street. Ms. Wagner would like to convert the house at 521 Second Street into an Accessory Structure (garage/carport and workshop).

MOTION by Bill Kracht, seconded by Ray Fortier that the first four variance requests:

Reduction in Front Yard Set-back (Second Street) from 25 feet to 20 feet 6 inches (existing structure).

Reduction in Front Yard Set-back (Cedar Street) from 25 feet to 2 feet 7 inches (existing structure).

Increase in Height limitation for an accessory structure from 14 feet to 19 feet 10 inches (existing structure)

Increase in Side Wall Height limitation for an accessory structure from 10 feet to 13 feet 6 inches (existing structure).

will be handled under one Findings of Fact.

MOTION PASSED UNANIMOUSLY

Members of the Zoning Board of Appeals reviewed and discussed the Findings of Fact for these four requests.

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, Albee, 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 McBride, Kracht, Albee, Fortier, 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 Kracht, McBride, Albee, Fortier, 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 Fortier, McBride, Kracht, Albee, 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 Albee, Fortier, Kracht, McBride, 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 Kracht, McBride, Albee, Fortier, 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?
5 - Yes Albee, Kracht, Fortier, McBride, Perschbacher
0 - No

CONDITIONS:

That the two parcels be combined into one parcel under 523 Second Street.

MOTION by Ray Fortier, seconded by Linda Albee that the four requests from Kay Wagner:

Reduction in Front Yard Set-back (Second Street) from 25 feet to 20 feet 6 inches (existing structure).

Reduction in Front Yard Set-back (Cedar Street) from 25 feet to 2 feet 7 inches (existing structure).

Increase in Height limitation for an accessory structure from 14 feet to 19 feet 10 inches (existing structure)

Increase in Side Wall Height limitation for an accessory structure from 10 feet to 13 feet 6 inches (existing structure).

Be approved with the condition:

That the two parcels be combined into one parcel under 523 Second Street.

VOTING ON MOTION TO APPROVE WITH CONDITIONS AS FOLLOWS:

5 - Yes Kracht, McBride, Fortier, Albee, Perschbacher
0 - No

MOTION PASSED UNANIMOUSLY - REQUEST APPROVED WITH CONDITIONS

Reduction in Front Yard Set-back (Cedar Street) from 25 feet to 2 feet 7 inches to allow the construction of a gazebo

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?

0 - Yes
5 - No Fortier, Kracht, McBride, Albee, Perschbacher

With the denial of the first finding of fact the ZBA will not be able to approve the request.

MOTION by Bill Kracht, seconded by Linda Albee that the request from Kay Wagner for a reduction in Front Yard Set-back (Cedar Street) from 25 feet to 2 feet 7 inches to allow the construction of a gazebo be denied.

VOTING ON MOTION TO DENY AS FOLLOWS:

5 - Yes Albee, McBride, Perschbacher, Kracht, Fortier
0 - No

MOTION PASSED UNANIMOUSLY - REQUEST DENIED

Reduction in the curb cut standards on Second Street to allow a driveway 19 feet from the intersection rather than the required 30 feet

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, Albee, 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 McBride, Kracht, Albee, Fortier, 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 Kracht, McBride, Albee, Fortier, 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 Fortier, McBride, Kracht, Albee, 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 Albee, Fortier, Kracht, McBride, 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 Kracht, Albee, Fortier, McBride, 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

MOTION by Bill Kracht, seconded by Linda Albee that the request from Kay Wagner for a Reduction in the curb cut standards on Second Street to allow a driveway 19 feet from the intersection rather than the required 30 feet be approved.

VOTING ON MOTION TO APPROVE AS FOLLOWS:

- 5 - Yes Kracht, Albee, McBride, Fortier, Perschbacher
- 0 - No

MOTION PASSED UNANIMOUSLY - REQUEST APPROVED

OTHER BUSINESS:

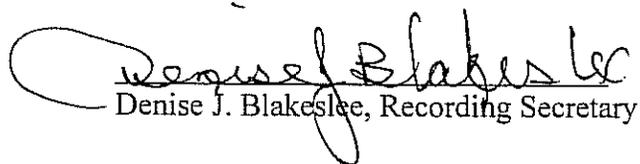
Communications:

Discussion on progress of Zoning Ordinance Re-write. Tentative date for a training/workshop is Wednesday, November 30, 2005. Information will be forwarded as it develops.

ADJOURNMENT:

There being no further business meeting motion by Bill Kracht, seconded by Linda Albee that the meeting be adjourned. Meeting adjourned at 7:05 p.m.

Respectfully Submitted


Denise J. Blakeslee, Recording Secretary