

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

February 9, 2006

A meeting of the Manistee City Zoning Board of Appeals was held on February 9, 2006 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

ALTERNATES PRESENT: Linda Albee and Craig Schindlbeck

OTHERS PRESENT: Mitch Deisch (City Manager), Tom Amor Jr. (Amor Sign Studios), Aaron Wemple (AC First Street Tavern), 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:

AC'S FIRST STREET TAVERN

AC's First Street Tavern, 303 First Street has applied for a variance to allow an increase in the size of a projecting sign from 16 square feet to 20 square feet.

Aaron Wemple (AC's First Street Tavern), 303 First Street

Mr. Wemple is the new owner of First Street Tavern. They wish to put up a new projecting sign and remove the current sign that is in disrepair. They do not want their sign to block the neighboring business's sign which is also projecting. The neighboring sign was granted a variance and is 42 square feet in size. The new sign would provide better viewing from US 31. Many people do not know where the tavern is because of the current signage that reads "Liquor" not the tavern name. The installation of a new sign is the first step in their plans to fix up the building.

Questions/concerns from the members that were answered by Mr. Amor and Mr. Wemple include:

- ▶ The Sign will meet the required clearance of 8 feet from the sidewalk.
- ▶ The increase in size allows the sign letters to be more visible from First Street and advertise their intent to serve food.
- ▶ The size of the sign was a recommendation from the Sign Company and met their budget for signage.
- ▶ Lighting would either be from an eternal light or neon.
- ▶ Sign will be attached from Roof or cornice and will not block neighbors sign.

There being no further discussion the Public Hearing Closed at 5:41 p.m.

BUSINESS SESSION:

APPROVAL OF MINUTES. OCTOBER 5, 2005

MOTION by Ray Fortier, supported by Bill Kracht that the minutes from the October 5, 2005 Zoning Board of Appeals meeting be approved.

MOTION PASSED UNANIMOUSLY

AC'S FIRST STREET TAVERN, 303 FIRST STREET

A Public Hearing was held earlier in response to a request from AC's First Street Tavern, 303 First Street for a variance to allow the installation of a 20 square foot projecting sign. The Zoning Ordinance limits the size of a projecting sign to 16 square feet.

Members of the Zoning Board of Appeals discussed the request and reviewed the following findings of facts:

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?
3 - Yes Fortier, McBride, Hoffman,
2 - No Kracht, Perschbacher
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, Hoffman, Kracht, 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?
4 - Yes McBride, Hoffman, Fortier, Perschbacher
1 - No Kracht,
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?
3 - Yes Hoffman, Fortier, McBride
2 - No Kracht, Perschbacher
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?
4 - Yes Fortier, McBride, Hoffman, Perschbacher
1 - No Kracht

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, Fortier, McBride, Hoffman, 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 Kracht, Fortier, McBride, Hoffman, Perschbacher

MOTION by Ray Fortier, seconded by Mark Hoffman that the request from AC'S First Street Tavern, 303 First Street for a variance to allow a 20 square foot projecting sign be approved.

With a Voice Vote Motion Passed 4 to 1.

- 4 - Yes McBride, Hoffman, Fortier, Perschbacher
1 - No Kracht,

OTHER BUSINESS:

ELECTION OF OFFICERS

At this time the meeting was turned over to Jon Rose to accept nominations for the election of officers.

Chair

Jon Rose asked for nominations to the position of Chair.

Bill Kracht nominated John Perschbacher for the position of Chair.

Nominations were asked for three times. There being no further nominations the nominations were closed.

Roll Call Vote as follows:

Bill Kracht	voted for	John Perschbacher
Marlene McBride	voted for	John Perschbacher
Mark Hoffman	voted for	John Perschbacher
Ray Fortier	voted for	John Perschbacher
John Perschbacher	voted for	John Perschbacher

John Perschbacher was elected Chair for the Zoning Board of Appeals for 2006 by unanimous vote.

Jon Rose turned the meeting back over to John Perschbacher.

Vice-Chair

John Perschbacher asked for nominations to the position of Vice-Chair.

Ray Fortier nominated Mark Hoffman for the position of Vice-Chair.

Nominations were asked for three times. There being no further nominations the nominations were closed.

Roll Call Vote as follows:

Bill Kracht	voted for	Mark Hoffman
Marlene McBride	voted for	Mark Hoffman
Mark Hoffman	voted for	Mark Hoffman
Ray Fortier	voted for	Mark Hoffman
John Perschbacher	voted for	Mark Hoffman

Mark Hoffman was elected Vice-Chair for the Zoning Board of Appeals for 2006 by unanimous vote.

Secretary

John Perschbacher asked for nominations to the position of Secretary.

Ray Fortier nominated Marlene McBride for the position of Secretary.

Nominations were asked for three times. There being no further nominations the nominations were closed.

Roll Call Vote as follows:

Bill Kracht	voted for	Marlene McBride
Marlene McBride	voted for	Marlene McBride
Mark Hoffman	voted for	Marlene McBride
Ray Fortier	voted for	Marlene McBride
John Perschbacher	voted for	Marlene McBride

Marlene McBride was elected Secretary for the Zoning Board of Appeals for 2006 by unanimous vote.

Appointment of a Recording Secretary:

The By-Laws of the Zoning Board of Appeals allow the Secretary to appoint a designee.

Marlene McBride appointed Denise Blakeslee as her designee. Ms. Blakeslee shall act as the Recording Secretary for the Zoning Board of Appeals.

BY LAW REVIEW

Annually the Zoning Board of Appeals reviews their By-Laws. Members of the Zoning Board of Appeals were sent a draft of new By-Laws that reflect the By-Laws for the Planning that were developed by our Planning Consultant. Since the By-Laws reference the new Zoning Ordinance they cannot be adopted until the new ordinance is in place.

A worksession will be scheduled for Thursday, March 9, 2006 at 5:30 p.m. to Review the By-Laws.

Items the ZBA wanted to further discuss at the worksession included:

- ▶ Organizational Meeting be scheduled in January of each year.
- ▶ Determine what is and is not an excused absence because the Board meets on an as needed basis.
- ▶ Establish what a conflict is and when it should be declared.

Discussed the desire to have a presentation on the new Zoning Ordinance.

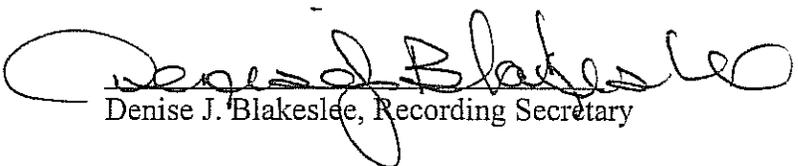
Communications:

Members were asked to take time to do an on-line survey for MSU Extension.

ADJOURNMENT:

There being no further business meeting motion by Mark Hoffman, seconded by Marlene McBride that the meeting be adjourned. Meeting adjourned at 6:55 p.m.

Respectfully Submitted


Denise J. Blakeslee, Recording Secretary