

MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday, April 4, 2002
7:00 p.m. - Council Chambers, City Hall

AGENDA

- I Roll Call
- II Public Hearing
 - 1. None
- III Citizen Questions, Concerns and Consideration
- IV Approval of Minutes
 - Planning Commission Meeting (3/7/02)
- V Unfinished Business
 - 1. None
- VI New Business
 - 1. Jacqueline Trucks - Parcel Split (301 & 303 First Street)
 - 2.
 - 3.
- VII Other Communications
- VIII Work/Study Session
- IX. Adjournment

Speaking at Meetings:

Unless waived by the Commission for a specific meeting, any public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be appointed who may request that the Chairman approve more than the normal five (5) minutes. If necessary, a maximum of five (5) minutes will be allowed for the group to caucus to choose their spokesperson and develop their comments.

MEMORANDUM

TO: Planning Commission Members

FROM: Denise Blakeslee 
Secretary, Community Development

DATE: March 28, 2002

RE: Planning Commission Meeting April 4, 2002

The April Meeting of the Planning Commission will be on Thursday, April 4, 2002 at 7:00 p.m. Items on the agenda include:

1. We have received a request for a parcel split from Jacqueline Trucks the owner of the Parcel 51-51-568-701-01, 301 & 303 First Street (Stacey's Flowers & Gifts and First Street Tavern). Mrs. Trucks would like to split Parcel #51-51-568-701-01 so the property could then be sold to each business. Mrs. Trucks received the necessary variances from the Zoning Board of Appeals at their February 28, 2002 meeting to ask the Planning Commission for the proposed split. Copies of the request, survey and minutes are enclosed for your review.

If you are unable to attend please call me at 723-2558. See you at the meeting!

Request to Split a Parcel

Name and Address of Applicant:

JACQUELINE TRUCKS
115 MCKEE

Signature

Jacqueline Trucks
MANISTEE, MI. 49660

Phone Numbers:

Home 398-0992 Work 398-9339

Name and Address of other parties who have an interest:

VAA'S Properties, INC.

HOWARD & STACEY VAAS

2440 SUIDA RD - MANISTEE

Signature

Stacey Vaas

Phone Numbers: Home

231-723-5965 Work 231-723-1087

Parcel Identification Numbers for all parcels involved:

568-701-01

Reason for request:

SPLITTING BUILDING TO SELL
PROPERTY TO TWO SEPARATE
BUSINESS OWNERS, STACEY VAAS OF
STACEY'S FLOWER SHOP AND RICHARD
MOOREHOUSE OF FIRST ST. TAVERN

Attach a sketch or site plan of all parcels involved in the request. The sketch must include the location of buildings and/or structures, building set-backs, streets, street names and lot dimensions.

Fee: \$50.00 for first split + \$25.00 for each additional split.

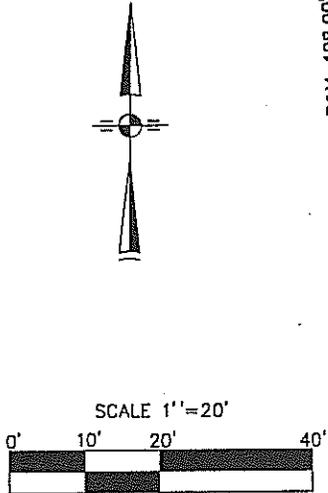
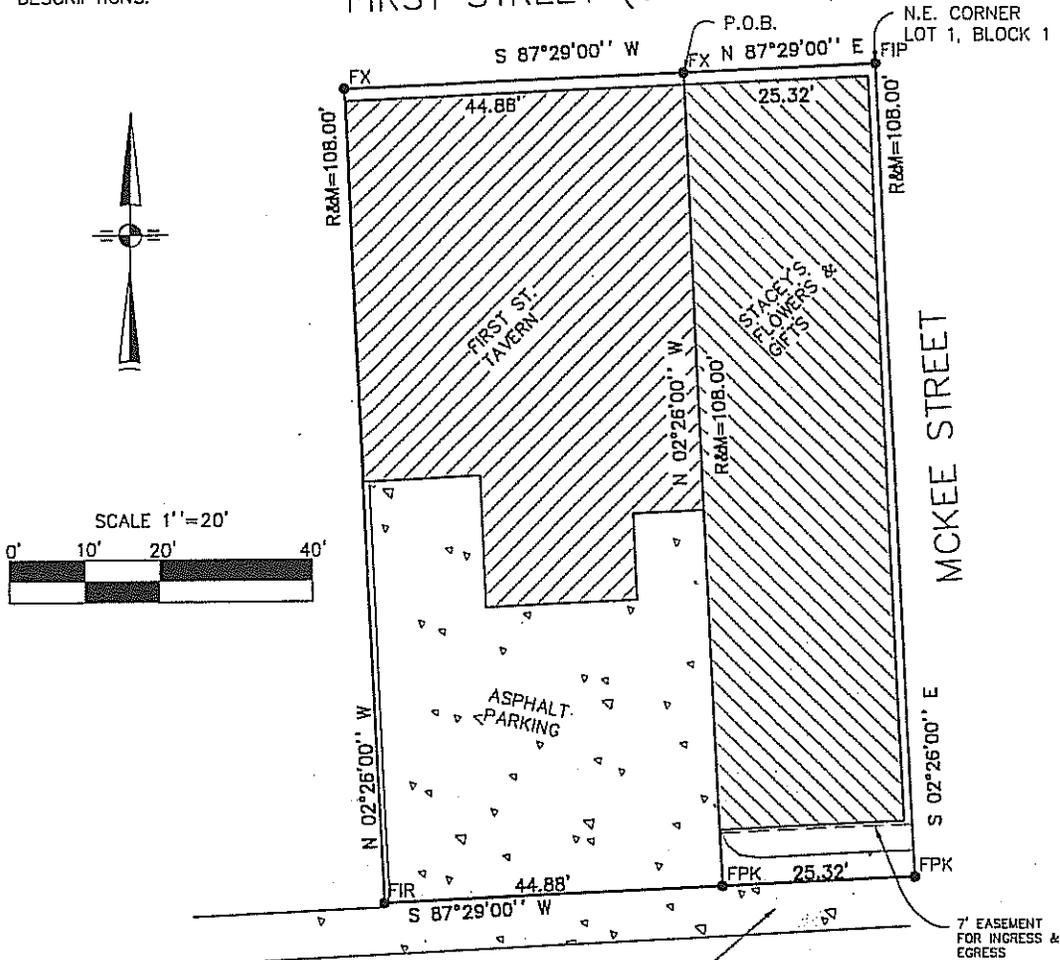
Receipt # 1347

CERTIFICATE OF SURVEY

I, CRAIG R. STAPLEY, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 46687, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND:

SEE PAGE 2 FOR LEGAL DESCRIPTIONS.

FIRST STREET (66' R.O.W.)



LEGEND

- FIP FOUND IRON PIPE
- FX FOUND CHISELED CROSS
- FIR FOUND 1/2" ROD W/CAP 13597
- FPK FOUND P.K. NAIL



Craig Stapley
 CRAIG R. STAPLEY
 LICENSED PROFESSIONAL SURVEYOR No. 46687
 ABONMARCHE CONSULTANTS, INC.

12/14/01
 DATE OF CERTIFICATE
 BEARING BASIS: PLAT OF NICOLSON & INGRAM

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF ACT 132 OF THE PUBLIC ACTS OF 1970, AS AMENDED AND WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000.

PLAT OF SURVEY FOR:

JACQUELINE
 TRUCKS



ABONMARCHE CONSULTANTS, INC.

361 First Street
 Manistee, Michigan 49660
 231-723-1198
 FAX: 231-723-1194

95 West Main Street
 Benton Harbor, Michigan 49022
 616-927-2295
 FAX: 616-927-4639

ARCHITECTS / ENVIRONMENTAL ENGINEERS / LAND SURVEYORS
 CONSTRUCTION MANAGEMENT

DATE: DEC. 10, 2001

DRAWN BY: CRS

SCALE: 1"=20'

SEC. 12 T. 21N R. 17W

CERTIFICATE OF SURVEY

I, CRAIG R. STAPLEY, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 46687, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND:

PARCEL "A"

STACEY'S FLOWERS & GIFTS.

A PART OF LOT 1, BLOCK 1 OF NICHOLSON AND INGRAM'S ADDITION TO THE CITY OF MANISTEE, BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, THENCE SOUTH 02°46'00" EAST, ALONG THE EAST LINE OF SAID LOT, 108.00 FEET; THENCE SOUTH 87°29'00" WEST, ALONG THE SOUTH LINE OF SAID LOT, 25.32 FEET; THENCE NORTH 02°46'00" WEST, 108.00 FEET, TO THE NORTH LINE OF SAID LOT; THENCE NORTH 87°29'00" EAST, 25.32 FEET TO THE POINT OF BEGINNING, SUBJECT TO AND TOGETHER WITH A 7 FOOT EASEMENT OVER THE SOUTH 7 FEET THEREOF, PARCEL CONTAINING 2734.56 SQUARE FEET.

PARCEL "B"

FIRST STREET TAVERN.

A PART OF LOT 1, BLOCK 1 OF NICHOLSON AND INGRAM'S ADDITION TO THE CITY OF MANISTEE, COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, THENCE SOUTH 87°29'00" WEST, ALONG THE NORTH LINE OF SAID LOT 25.32 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°46'00" EAST, 108.00 FEET; THENCE SOUTH 87°29'00" WEST, ALONG THE SOUTH LINE OF SAID LOT, 44.88 FEET; THENCE NORTH 02°46'00" WEST, ALONG THE WEST LINE OF SAID LOT, 108.00 FEET, TO THE NORTH LINE OF SAID LOT; THENCE NORTH 87°29'00" EAST, 44.88 FEET TO THE POINT OF BEGINNING, TOGETHER WITH A 7 FOOT EASEMENT OVER THE SOUTH 7 FEET OF PARCEL "A", PARCEL CONTAINING 4847.04 SQUARE FEET.



Craig Stapley

CRAIG R. STAPLEY
LICENSED PROFESSIONAL SURVEYOR No. 46687
ABONMARCHE CONSULTANTS, INC.

12/17/01
DATE OF CERTIFICATE

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF ACT 132 OF THE PUBLIC ACTS OF 1970, AS AMENDED AND WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000.

PLAT OF SURVEY FOR:

JACQUELINE
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ARCHITECTS / ENGINEERS / LAND SURVEYORS
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DATE: DEC. 10, 2001

DRAWN BY: CRS

SCALE: 1"=20'

SEC. 12 T. 21N R. 17W

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street, P.O. Box 358

Manistee, MI 49660

MEETING MINUTES

February 28, 2002

DRAFT

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, February 28, 2002 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

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

MEMBERS ABSENT: Ed Grabowski

ALTERNATE PRESENT: Bill Kracht

ALTERNATE ABSENT: Marlene McBride

OTHERS PRESENT: Jon and Jackie Trucks, Howard and Stacey Vaas, Richard Morehouse, Pat Dougherty, Leslie Kirks, Timothy Kirks, Jon Rose (Community Development) and Mark Niesen (Building and Zoning)

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

PUBLIC HEARING:

Timothy Kirks, 720 Locust Street

Timothy Kirks, 720 Locust Street. Mr. Kirks owns the house on the corner of Locust and Eighth Street. Mr. Kirks has placed a utility shed within the front-yard set-back on Eighth Street. Mr. Kirks is requesting a variance to allow the shed to remain at the current location. This request would reduce the front-yard set-back from 30 feet to 22 feet.

Timothy Kirks explains that the storage shed in question is sitting where it is at because they thought that it was out of the way, didn't hinder traffic and they thought the neighbors would appreciate it more if they did not have to look at it if it were placed in the other backyard corner. He did not realize that his corner lot was considered two front yards. So he paid the \$250.00 to see if he could get a variance to leave it where it is. Leslie Kirks added that 'it looks very nice'. Jon Rose(Community Development Director) stated that it did look very nice where it is but doesn't see where it creates a hardship if it were put in a legal location on the lot...Mr. Kirks Disagrees.

There being no further discussion the public hearing closed at 5:47 p.m.

DRAFT

DRAFT

Jacqueline Trucks, 301 & 303 First Street

Jacqueline Trucks owns the property at 301 and 303 First Street commonly known as Stacy's Flower Shop and the First Street Tavern. Ms. Trucks needs a variance to the rear-yard set-back, side-yard set-back, front-yard set-back, area requirements, off street parking requirements and street frontage requirements of the Zoning Ordinance to allow a split of the parcel into two separate businesses.

Mr. Dougherty (lawyer) spoke for the Trucks' interests. He explained the history of the building and doesn't see any adverse results from this action. He states that the building would not change from what it is today, other than having two owners. John Serocki asked about fire walls. Mark Niesen (Building Inspector) stated that the Trucks have already addressed this and have hired an Architect who has researched this and has come up with an acceptable solution. Jon Rose expressed concerns regarding the rear access of the bar. Mr. Dougherty said that the seven foot easement indicated on the survey would be granted to the bar for rear ingress. John Perschbacher asked if there were any other issues that should be addressed at this time. Mr. Niesen indicated that there may be water pipes and other utilities that may weave in and out of the two buildings and that these matters may well better be addressed at this time.

There being no further discussion the public hearing closed at 5: 58 p.m.

BUSINESS SESSION:

Minutes

MOTION by John Serocki, supported by Mary Ann Johnson that the minutes from the December 13, 2001 meeting be approved.

MOTION APPROVED UNANIMOUSLY

DRAFT

Timothy Kirks, 720 Locust Street

A public hearing was held earlier in response to a request from Timothy Kirks, 720 Locust Street requesting a variance to the front-yard set-back of 30 feet to 22 feet to for an accessory structure.

MOTION by John Serocki, seconded by John Perschbacher that the request from Timothy Kirks for a variance to reduce the front yard set-back of 30 feet to 22 feet for an accessory structure be denied.

Motion denies with voting as follows:

3 - 0 with Mary Ann Johnson abstaining due to being neighbors.

MOTION TO DENY REQUEST PASSED

DRAFT

Jacqueline Trucks, 301 and 303 First Street

A public hearing was held earlier in response to a request from Jacqueline Trucks owner of property at 301 and 303 First Street commonly known as Stacy's Flower Shop and the First Street Tavern. Ms. Trucks needs a variance to the rear-yard set-back, side-yard set-back, front-yard set-back, area requirements, off street parking requirements and street frontage requirements of the Zoning Ordinance to allow a split of the parcel into two separate businesses.

MOTION by Serocki , seconded by Mary Ann that the request from Jacqueline Trucks for a variance to the rear-yard set-back, side-yard set-back, front-yard set-back, area requirements, off street parking requirements and street frontage requirements of the Zoning Ordinance be granted. With the following conditions:

Approved with the condition that the First Street Bar, 303 First Street be granted a 7 foot legal easement at the rear of Stacy's Flower Shop, 301 First Street as shown on the survey prepared by Craig Stapley dated December 10, 2001. A utility easement will need to be prepared in the event that it is needed

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

OTHER BUSINESS:

Election of Officers

Meeting was turned over to Mark Niesen who asked for nominations to the position of Chair.

Mark Niesen asked for nominations to the position of Chair.

Serocki nominated Perschbacher to the position of Chair, Mary Ann seconded the nomination.

There being no further nominations John Perschbacher was nominated as Chair of the Zoning Board of Appeals for the year 2002.

DRAFT

Mark Niesen asked for nominations to the position of Vice-Chair/Secretary.

Mary Ann nominated Ed Grabowski to the position of Vice-Chair/Secretary, Serocki seconded the nomination.

There being no further nominations

Ed Grabowski was nominated as Vice-Chair/Secretary of the Zoning Board of Appeals for the year 2002.

ADJOURNMENT:

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

MOTION PASSED UNANIMOUSLY.

There being no further business meeting adjourned at 6:14p.m.

Respectfully Submitted

M.W.N.

Mark W. Niesen, Acting as Secretary

DRAFT