

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

September 16, 2010

A meeting of the Manistee City Zoning Board of Appeals was held on September 16, 2010 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

MEMBER ABSENT: Bill Kracht (excused)

ALTERNATE PRESENT: Mark Wittlief

ALTERNATE ABSENT: Craig Schindlbeck

OTHERS PRESENT: Daniel & Deborah Green (353 Fifth Street), Jon Rose (Community Development Director), Denise Blakeslee (Planning & Zoning)

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

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Marlene McBride to approve the September 16, 2010 meeting Agenda.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the March 18, 2010 Zoning Board of Appeals Meeting Minutes as corrected.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

Applicant Info :

ZBA-2010-01 Daniel & Deborah Green, 300 Spruce Street - Variance to front yard set-back

Daniel & Deborah Green, own the home at 300 Spruce Street. The property is a corner lot with frontage on both Spruce Street and Third Street. Third Street is undeveloped, and is where a reduction in the front yard set-back from 15 feet to 8 feet is requested to construct a 24' x 24' attached garage.

Chair Perschbacher opened the Public Hearing.

Daniel & Deborah Green 300 Spruce Street - Mr. Green spoke to the commission about the property and their desire to have an attached garage. The property has an unusual shape and there are topography changes. They purchased the home in December 2009 and are renovating it for their retirement home. They feel that having an attached garage is significant as they grow older. During heavy rains the property has areas that get very wet due to water runoff. If a garage were built on the south side of the home it could undermine the neighbors garage and retaining wall. The logical location for the garage is on the North side of the home. Third Street will not be developed and there is a 10 to 12 foot drop from his property to the right-of-way. The request is for a reduction from 15 feet to 8 feet. He will keep the existing cement pad on the south side of the home as it provides access to the rear of his property. There are no utilities in the Third Street right-of-way. He has spoken to several neighbors who expressed to him their support of the project. Mr. Green showed the members of the ZBA photos of the property and the proposed location of the garage.

Members asked Mr. Green questions that he answered as follows:

- Q. Is there more than one shed on the property?
A. The aerial photo shows two, but there is only one metal shed on the property.
- Q. What type of siding will be used on the garage?
A. He will be using siding that matches the existing.
- Q. How does the roof line on the garage fit with the house?
A. The garage roof line will be below the houses roof line so that he can still have windows on the north side of the home. The existing windows will be replaced with smaller windows.
- Q. Will the road on Third Street ever be put through?
A. Jon Rose said that Third Street on the West side of the block has been vacated. The east end provides access from Spruce Street to the property in the middle of the block (the ravine).
- Q. Will the addition cause any visibility issues for traffic going up the hill?
A. No

Q. Will the existing cement pad to the south of the house remain?

A. Yes, it will provide additional parking if needed and access to the rear of the property.

Jon Rose, Community Development Director - The extra parking by leaving the cement pad to the south is a good idea because off street parking in front of the home is extremely difficult because of the hill. The request is not excessive, it is a standard size garage.

Public - No public in attendance.

Correspondence

Letter from Laura and Roger Betts, 469 Third Street in favor of the request.

Letter from Mary Kowalski Wiehelm owner of 478 Fourth Street in favor of the request.

There being no further discussion the Public Hearing Closed at 6:00 p.m.

BUSINESS SESSION:

Action on Pending Case:

ZBA- 2010-01Daniel & Deborah Green, 300 Spruce Street - Variance to front yard set-back

A public hearing was held earlier in response to the request from Daniel & Deborah Green, 300 Spruce Street for a variance to reduce the front yard set-back on Third Street (undeveloped) from 15 feet to 8 feet to construct a 24' x 24' attached garage.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507.C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

The Board shall find that a variance request meets all of the following conditions.

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
5 - Yes Voice Vote
0 - No None

2. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
5 - Yes Voice Vote
0 - No None

3. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
5 - Yes Voice Vote
0 - No None

4. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
5 - Yes Voice Vote
0 - No None

5. The requested variance shall relate only to property that is under control of the applicant.
5 - Yes Voice Vote
0 - No None

6. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
5 - Yes Voice Vote
0 - No None

7. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
5 - Yes Voice Vote
0 - No None

8. The requested variance is the minimum variance that will make possible the reasonable use of the land.
5 - Yes Voice Vote
0 - No None

Special Conditions. When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** (1) of the following special conditions can be clearly demonstrated:

1. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.
2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
5 - Yes Voice Vote
0 - No None
3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

MOTION by Mark Hoffman, seconded by Ray Fortier to approve the variance request from Daniel & Deborah Green, 300 Spruce Street to reduce the front yard set-back from 15 feet to 8 feet on Third Street to construct a 24' x 24' attached garage.

With a roll call vote this motion passed 5 to 0.

- 5 - Yes Hoffman, Fortier, McBride, Wittlief, Perschbacher
0 - No None

Old Business:

None

Other Business of the Appeals Board:

None

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

The Zoning Board of Appeals will be meeting on September 22, 2010 at 4:00 p.m. in the Second Floor Conference Room to approve the September 16, 2010 Meeting Minutes.

ADJOURNMENT:

There being no further business meeting MOTION by Mark Hoffman, seconded by Mark Wittlief the meeting be adjourned.

Meeting adjourned at 6:15 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary