

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

March 24, 2011

A meeting of the Manistee City Zoning Board of Appeals was held on March 24, 2011 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Mark Hoffman, John Perschbacher, Craig Schindlbeck

MEMBER ABSENT: Bill Kracht (excused) Vacancy

ALTERNATES PRESENT: Mark Wittlief

OTHERS PRESENT: Ilona Haydon (517 Ramsdell Street), (Julian T. & Maralee Cook - 383 Second 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 Mark Hoffman to approve the March 24, 2011 meeting Agenda.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Craig Schindlbeck to approve the January 20, 2011 Zoning Board of Appeals Meeting Minutes.

With a roll call vote this MOTION PASSED 5 to 0.

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

PUBLIC HEARING:

Applicant Info :

ZBA-2011-01 Ilona Haydon, 517 Ramsdell Street - Variance to side yard set-back

Ilona Haydon owns the home at 517 Ramsdell Street. Ms. Haydon is requesting a variance to reduce the side-yard set back from 10 feet to 2 feet (1 foot for eaves) to construct a car port on the south side of the home.

Chair Perschbacher opened the Public Hearing.

Ilona Haydon, 517 Ramsdell Street - presented the request to the members of the Zoning Board of Appeals. Ms. Haydon is the owner of the home which was constructed in 1890 on a half lot. There is no access to the rear property and no alley. She would like to construct the carport on the existing cement slab. This is the last phase of the renovations she has done to the home. She has owned the home for 2 ½ years.

The carport will be attached to the home and have a metal roof and wooden support posts. It is designed to look like part of the home.

Members asked the following questions that Ms. Haydon responded to.

Q. Was any consideration to use regular roofing?

A. Metal is easier to install and would shed the snow.

Q. What about water run off?

A. They intend to install rain gutters.

Q. What about noise?

A. Rain gutters on the upper portion of the home will eliminate the water from that roof falling onto the roof the carport.

Jon Rose, Community Development Director - there is no access to the property in the rear of the home. The proposed location is the only location where any type of shelter could be constructed for a vehicle. The roof of the carport is going to be close to the upper roof and is intended to look like part of the home. The request is appropriate for consideration.

The posts will be two feet from the property line with the eave being one foot from the property line. This is the minimum amount necessary to allow a cover for the vehicle.

Public - No Public Comments

Correspondence - No correspondence received

There being no further discussion the Public Hearing Closed at 5:50 p.m.

BUSINESS SESSION:

Action on Pending Case:

ZBA-2011-01 Ilona Haydon, 517 Ramsdell Street - Variance to side yard set-back

A Public Hearing was held earlier in the evening in response to a request from Ilona Haydon to reduce the side-yard set back from 10 feet to 2 feet (1 foot for eaves) to construct a car port on the south side of the home.

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 Fortier, Hoffman, Wittlief, Schindlbeck, Perschbacher
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 Hoffman, Schindlbeck, Wittlief, Fortier, Perschbacher
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 Hoffman, Wittlief, Schindlbeck, Fortier, Perschbacher
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 Hoffman, Schindlbeck, Fortier, Wittlief, Perschbacher
- 0 - No None
- 5. The requested variance shall relate only to property that is under control of the applicant.
 - 5 - Yes Wittlief, Schindlbeck, Fortier, Hoffman, Perschbacher
 - 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 Schindlbeck, Wittlief, Fortier, Hoffman, Perschbacher
 - 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 Wittlief, Fortier, Hoffman, Schindlbeck, Perschbacher
 - 0 - No None
- 8. The requested variance is the minimum variance that will make possible the reasonable use of the land.
 - 5 - Yes Fortier, Hoffman, Wittlief, Schindlbeck, Perschbacher
 - 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:

- 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 Hoffman, Wittlief, Schindlbeck, Fortier, Perschbacher
 - 0 - No None

MOTION by Ray Fortier, seconded by Craig Schindlbeck to approve the variance request from Ilona Haydon to reduce the side-yard set back from 10 feet to 2 feet (1 foot for eaves) to construct a car port on the south side of the home.

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

- 5 - Yes Hoffman, Schindlbeck, Fortier, Wittlief, Perschbacher
- 0 - No Hoffman, Schindlbeck, Fortier, Wittlief, Perschbacher

Julian T. & Maralee Cook - 383 Second Street

Mr. & Mrs. Cook requested and received a variance from the Zoning Board of Appeals on March 26, 2009. That allowed a variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage. This would result in 48.7% Lot Coverage.

In March 2010 the Zoning Board of Appeals granted an extension (March 26, 2011). Mr. Cook is requesting another extension and assured the board that this was the last extension he would be requesting.

MOTION by Ray Fortier, seconded by Craig Schindlbeck to grant the request from Julian T. & Maralee Cook for an extension of variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage. This would result in 48.7% Lot Coverage.

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

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

Old Business:

None

Other Business of the Appeals Board:

There are two workshops scheduled for this spring. Each qualify for Master Citizen Planner Certification Credits. Members requested to be signed up.

Jon Rose, Community Development Director asked the Zoning Board of Appeals for their interpretation of Section 2112 Temporary Portable Signs. A request has been received from Manistee Tire to allow the use of a 32 sq. ft. sign that can be placed out during business hours and put away after hours to discourage any vandalism of the sign. They are permitted and have enough allocated signage remaining for the installation of a ground mount sign of 32 sq. ft. in size.

Members of the Zoning Board of Appeals discussed the language in the ordinance and reviewed definitions and Section 2112 Temporary Portable Signs.

MOTION by Ray Fortier, seconded by Mark Hoffman that the Zoning Board of Appeals has determined that a temporary portable sign is not the same as a permitted sign that can be removed at night or at the owners will; and that Section 2112 applies to signs that are both temporary and portable.

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

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

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

The Zoning Board of Appeals will be meeting on Monday, March 28, 2011 at 2:00 p.m. in the Second Floor Conference Room to approve the March 24, 2011 Meeting Minutes.

ADJOURNMENT:

There being no further business meeting MOTION by Ray Fortier, seconded by Craig Schindlbeck that the meeting be adjourned.

Meeting adjourned at 6:40 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary