

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

May 29, 2014

A meeting of the Manistee City Zoning Board of Appeals was held on May 29, 2014 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

MEMBER ABSENT: None

ALTERNATES PRESENT: Thomas R. Smith

ALTERNATES ABSENT: None

OTHERS: Sally E. Potes & Ralph Wheeler (152 Fifteenth Street) and Denise Blakeslee (Planning & Zoning)

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

The board welcomed new alternate member Thomas R. Smith.

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the Agenda as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Bill Kracht to approve the January 16, 2014 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING:

Chair Perschbacher opened the Public Hearing at 5:35 pm

ZBA-2014-01 Sally E. Potes, 152 Fifteenth Street - Variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard. Sally E. Potes, 152 Fifteenth Street has applied for a variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.

Sally E. Potes and Ralph Wheeler, 152 Fifteenth Street presented their case to the Zoning Board of Appeals. Their property is one and one half lot in size. They have an existing garage on the west side of their home that is too small to fit their vehicle in. Mr. Wheeler is retired and they want to construct a workshop for him to do his woodworking in. The west side of their home is where the two bedrooms are located. If they were to construct an attached garage they would have to access it through a bedroom and they would end up losing a room. The structure will be a pole barn with a shingled roof and vinyl siding that will be aesthetic with the neighborhood. The woodworking that Mr. Wheeler does is for personal use not a commercial operation.

Denise Blakeslee, Planning & Zoning Administrator explained the layout of the parcel and spoke of the requirements of Section 515.A of the ordinance. Originally the house was constructed on the half lot. A previous owner acquired the vacant parcel on the corner from the owners of the Salty Dog where it was used it for parking. Ms. Potes has owned the property for about 13 years. Ms. Blakeslee spoke of how the acquisition of the vacant lot that was combined with the half lot created a parcel that exceeds the minimum lot requirement of the ordinance.

Chair Perschbacher opened the hearing for public comments. There was no public in attendance

Chair Perschbacher asked if any correspondence had been received in response to the request. No correspondence was received.

There were no more additional comments; the Public Hearing was closed at 5:50 pm

BUSINESS SESSION:

ZBA-2014-01 Sally E. Potes, 152 Fifteenth Street - Variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.

A public hearing was held earlier in response to the request from Sally E. Potes, 152 Fifteenth Street for a variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.

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, Kracht, Hoffman, 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, Kracht, Schindlbeck, 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 Kracht, Hoffman, 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, Kracht, Perschbacher
0 - No None
5. The requested variance shall relate only to property that is under control of the applicant.
5 - Yes Schindlbeck, Fortier, Kracht, 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, Kracht, 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 Kracht, 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, Kracht, Hoffman, 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:

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.

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

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 Kracht, Hoffman, Schindlbeck, Fortier, Perschbacher
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.

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

MOTION by Mark Hoffman, seconded by Ray Fortier to approve the variance request from Sally E. Potes, 152 Fifteenth Street for a variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.

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

Yes Kracht, Hoffman, Schindlbeck, Fortier, Perschbacher
No None

OLD BUSINESS:

None

OTHER BUSINESS OF THE APPEALS BOARD:

Ms. Blakeslee spoke to the members about the Redevelopment Ready Community program that the City has applied for. A presentation will be at the July 1, 2014 Council Meeting and members of the board were invited to attend.

A meeting to certify the minutes was scheduled for Wednesday, June 4, 2014 at 3:00 pm in the Second Floor Conference Room.

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

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

MOTION PASSED UNANIMOUSLY

Meeting adjourned at 6:17 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary