

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

October 27, 2011

A meeting of the Manistee City Zoning Board of Appeals was held on October 27, 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

MEMBER ABSENT: Bill Kracht (excused), Crag Schindlbeck (excused)

ALTERNATES PRESENT: Stanton Haner, Mark Wittlief

OTHERS: Sandy Killian (208 Pine Street), Mike Zimmerman (Mike Zimmerman Construction), Jon Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

The meeting was called to order at 5:32 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Mark Wittlief to approve the October 27, 2011 meeting Agenda.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Mark Wittlief to approve the October 6, 2011 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

ZBA-2011-04 Sandy Killian, 208 Pine Street – Variances to side yard setback and lot coverage requirements to construct an attached garage

Sandy Killian, 208 Pine Street is requesting Variances to construct an attached garage they are as follows:

Variance to reduce the side yard setback from 10 feet to 3 feet to construct an attached garage.

Variance to increase the maximum lot coverage regulation from 40% to 49% to construct an attached garage.

Chair Perschbacher opened the Public Hearing.

Sandy Killian, 208 Pine Street – Ms. Killian spoke to the commission about the house fire in August that destroyed her home. She wants to rebuild the home and add an attached garage. She presented letters of support with 26 signatures from people in the neighborhood.

Mike Zimmerman, Mike Zimmerman Construction – Mr. Zimmerman is the contractor that Ms, Killian has hired to rebuild her home and he spoke to the Board about the need for the two variances to construct the attached garage. There was some confusion as to the exact size of the parcel and they had a survey done that established the property lines and determined the need for a variance. The parcel is smaller than most parcels in the Zoning District. They will be reconstructing the home using the previous foot print as allowed by the Ordinance. It was discovered that the existing foundation needs to be replaced. He clarified that work has not begun on the garage that a tree that had been located on the property line was removed with the consent of the adjoining property owner.

Correspondence - Chair Perschbacher read the letters of support submitted by Ms. Killian along with a letter of support received from Roger and Laura Betts, 469 Third Street.

10-9-11

To: Sandy
From: Loris Gielczyk & Jon Showalter
Re: Garage



Both of us are in agreement with your plans to add a garage to your property.
If anyone has any questions, please call us a 831-662-2736
We live at 447 Third St

Dear neighbors,

I appreciate all of your care and concern regarding the fire that destroyed our home.

We plan to rebuild a home nearly identical to our previous one, however, I'm considering adding a garage on.

We need to make a special request to the City allowing reconstruction to include a garage and ask that you, the undersigned, would be in agreement of the proposed plan and allow this modification to move forward.

We would make it look nice and feel it would be an asset to the neighborhood. I hope this plan would appeal to you.

Thank you.

Sincerely,
Sandra Killian
Sondra (Sandy) Killian

David Y. Shary. 435 T-hoid St. 10-11-11
Gilly Souseel 443 3rd St 10/11/11
James H Brown 437 Second St 10/11/11
Thung K Brown 437 Second St 10/11/11
Sue U. Q 459 Second St 10/14/11
David J Koshan 459 Third St 10/11/11
Pat Kliter 448 2nd St 10/11/11
Marilyn Kliter 448 3rd St. 10/11/11

Lee Mucka 453 2nd St.

Robert Buzzell 467 Second St, Manistee, MI

Linda Sullivan 431 Second St Manistee MI

Dale Kiechenberg 433 Second St. Manistee MI

Mark Kiechenberg 433 Second St. Manistee

Bob Kiechenberg 433 Second St Manistee

Patti S. Hiebing 441 Second St. Manistee, MI.

Mark Anderson 441 Second St Manistee MI

Ann & Bill Kadell 438 Second St Manistee MI 49660

Rob & Ruth Toha, 105 PINE ST, MANISTEE MI 49661

Eric Scott

Eric Scott

Cindy Scott

Cindy Scott

Sarah Howard

Sarah Howard

Tony Howard

Tony Howard

Maureen VanDrie

Maureen VanDrie

Mike Welsh

Mike Welsh

October 16, 2011

Dear Mr. Rose,

We're writing in response to the request for a Zoning Amendment made by Sandy Killian at 208 Pine Street.

The addition of a garage will be a wonderful improvement to the home and will only increase the value of the property. Consequently, this will increase the property values of the neighborhood.

We hope the Zoning Amendment will be granted.

Sincerely,



Roger and Laura Betts
469 3rd Street

There being no further discussion the Public Hearing Closed at 5:47 p.m.

BUSINESS SESSION:

ZBA-2011-04 Sandy Killian, 208 Pine Street – Variances to side yard setback and lot coverage requirements to construct an attached garage

A public hearing was held earlier in response to the request from Sandy Killian, 208 Pine Street for two variances to construct an attached garage. It was confirmed by Mike Zimmerman the contractor for the project that if both variances were not granted the garage could not be constructed. So the Zoning Board of Appeals reviewed the Conditions as they pertained to both variances.

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.

Variance to reduce the side yard setback from 10 feet to 3 feet to construct an attached garage; and a variance to increase the maximum lot coverage regulation from 40% to 49% to construct an attached garage.

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

The Zoning Board of Appeals deliberated on Item #2.

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

MOTION by Mark Hoffman, seconded by Ray Fortier to approve the request from Sandy Killian, 208 Pine Street for a Variance to reduce the side yard setback from 10 feet to 3 feet to construct an attached garage; and a variance to increase the maximum lot coverage regulation from 40% to 49% to construct an attached garage.

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

5 - Yes Hoffman, Fortier, Haner, 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 Thursday, November 3, 2011 at 2 p.m. in the Second Floor Conference Room to approve the October 27, 2011 Meeting Minutes.

ADJOURNMENT:

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

Meeting adjourned at 6:04 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary