

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

July 19, 2018

A meeting of the Manistee City Zoning Board of Appeals was held on July 19, 2018 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Duane Jones, Marlene McBride, John Perschbacher, Glenn Zaring

MEMBER ABSENT: Denis Johnson (excused)

OTHERS: Denis Skiera, (P.O. Box 403, Manistee), Rich Morris (357 First Street), Ruth Pratt (463 Fourth Street), Mik Szymanski (332 Fifth Street), Suzanne Riley (Century 21 Boardwalk), Denise Blakeslee (Planning and Zoning Director) and others

The meeting was called to order at 5:34 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Glenn Zaring, seconded by Marlene McBride to approve the Agenda as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Marlene McBride, seconded by Glenn Zaring to approve the April 5, 2018 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

Chair Perschbacher opened the Public Hearing at 5:37 pm

ZBA-2018-02 Skiera Family Revocable Trust, Variance to Parcel Width, Parcel Area and Living Area Requirements

A request has been received from Skiera Family Revocable Trust for the following variances:

- Reduce the parcel width requirement from 80 feet to 62.34 feet
- Reduce the parcel area requirement for four residential units from 21,000 square feet to 7,650 square feet,
- Reduce the living area requirement of 960 square feet for Apartment #1 to 912 square feet
- Reduce the living area requirement of 960 square feet for Apartment #3 to 660 square

All four variance are needed to allow the applicant to apply for a Special Use Permit for Dwelling, Multiple Unit (four units).

Chair Perschbacher asked Ms. Blakeslee to present her report.

Denise Blakeslee, Planning & Zoning Director – Ms. Blakeslee gave the members background information on the property. In 1996 the property was zoned R-4 under the old zoning Ordinance when Abonmarche made the request for a Special Use Permit to convert the home at 361 First Street into a professional office. The home was located on the east half of the lot. The Planning Commission approved the request and Special Use Permit was issued.

In 1999 Abonmarche came back to the Planning Commission with a request to amend their Special Use Permit to add the home at 363 First Street to the permit and join the two buildings together. The Planning Commission approved the request and the site plan for the Special Use Permit to be issued and the properties were combined into one parcel

In 2006 the new Zoning Ordinance was adopted and the requirements for street frontage, parcel area, were increased for commercial uses. The living area was reduced from 1,000 square feet to 960 square feet.

No correspondence was received in response to the request.

Denis Skiera is the applicant and spoke to the board about his request. Mr. Skiera is the potential buyer of the property. He has owned the five buildings to the east for over 40 years. In his opinion the neighborhood is more mixed use than residential (Ramsdell Theater, Kerry's Blinds, Dairy Queen, Church Bank, etc). He is not trying to change the neighborhood the building is an office currently. He can combine the parking from this property with his other properties. There is a need for smaller apartments (efficiency units) and he could furnish them and rent them to the transient employees from the hospital and PCA. He will not be making any changes to the exterior of the buildings except removing the handicap ramp and garage, then expanding the parking area. He would remove the sign; add two kitchens and two showers in the building. The plumbing is already in place. Buildings would remain connected and the area that was connected would provide walk in closets for the tenants. He cannot buy additional property and the property would provide extra parking for his other tenants and room to stockpile snow in the winter. The

alley is not maintained by the city. He showed photos to the board members and spoke of the mixed uses on First Street between Cypress and Maple Street.

Chair Perschbacher opened the hearing for public comments.

Rich Morris, 357 First Street – Mr. Morris was in attendance with his wife Barb. He owns the adjacent property to the east and spoke of the drainage problem in the area and how their property sits lower than the property Mr. Skiera is looking to purchase. They currently have a view of a garage, with the removal of the garage they will have a view of a parking lot. Mr. Skiera does a good job taking care of his property. The alley is an issue, it is not maintained by the city and in the winter has been blocked by snow. He is unable to access his garage in the winter. He has two parking spaces off First Street and has had issues with people parking in his driveway in the past and does not want that to continue. There are all single family homes behind the property. He spoke of the existing grading issues and drainage issues and his concern if the whole rear of the property becomes parking. He said the area reduction from 21,000 square feet to 7,650 square feet is significant. He feels fewer units would be better.

The members of the board spoke of the drainage concerns with the applicant and staff. It was noted that Abonmarche is an engineering firm and that as the sellers they could do the necessary plans. Mr. Skiera had a preliminary plan he was working on and showed copies to the board. The plan showed a retaining wall and drain. Ms. Blakeslee said that if the request was approved as part of the Special Use Permit the applicant would have to submit a storm water management plan that would be reviewed by the City Engineer.

Ruth Pratt, 463 Fourth Street – They received notification instead of her son James who lives at 354 Walnut. Questioned the noticing and wanted to know why her son Seth who lives at 355 did not get a notice. She felt the meeting was not properly noticed because of how few people were in attendance. She asked what type of rentals these would be.

Mr. Skiera said they would be market rate, no subsidy.

Ms. Pratt is opposed to the request, this request affects everyone. People purchase homes because of the neighborhood, adding more units' impacts the neighborhood and their investment. Two units would be better. The Board should consider the neighborhood. Parking is an issue and spoke of the issues in the winter when people cannot use the alley and alternate parking is in effect. Think of the residents who are already there and the impact this has on them.

Ms. Blakeslee spoke of how the addresses for the public hearing are obtained from the County Equalization Department in addition to the other notices posted.

Suzanne Riley, Century 21 – Ms. Riley is the listing agent for the building. The property has been for sale for over two years and the price has dropped significantly. The use of the property as residential has been more appealing and spoke of the difficulties in finding a buyer. Abonmarche is only using a small part of the building.

Mik Szymanski, 332 Fifth Street – Mr. Szymanski spoke of the level of variances required. This request would set a precedence that any property could have four units. Asking for two units would be easier to justify. This is dangerous territory to approve a reduction from 21,000 square feet to 7,650 square feet.

The board asked Mr. Skiera if a dumpster is going to be proposed for the property. Mr. Skiera said that he provides garbage cans for his tenants to use.

There were no more additional comments; the Public Hearing was closed at 6:20 pm

BUSINESS SESSION:

ZBA-2018-02 Skiera Family Revocable Trust, Variance to Parcel Width, Parcel Area and Living Area Requirements

A public hearing was held earlier in response to the request from Skiera Family Revocable Trust for the following variances:

- Reduce the parcel width requirement from 80 feet to 62.34 feet
- Reduce the parcel area requirement for four residential units from 21,000 square feet to 7,650 square feet
- Reduce the living area requirement of 960 square feet for Apartment #1 to 912 square feet
- Reduce the living area requirement of 960 square feet for Apartment #3 to 660 square

All four variance are needed to allow the applicant to apply for a Special Use Permit for Dwelling, Multiple Unit (four units).

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** 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 is not contrary to the public interest or to the intent and purpose of this Ordinance.
 - 2 - Yes Jones, Zaring,
 - 2 - No McBride, Perschbacher

2. The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.
 4 - Yes Zaring, Jones, McBride, Perschbacher
 0 - No None

3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.
 1 - Yes Zaring
 3 - No McBride, Jones, Perschbacher

4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.
 4 - Yes Jones, Zaring, McBride, Perschbacher
 0 - No None

5. The requested variance is for property under the control of the applicant
 4 - Yes Zaring, McBride, Jones, Perschbacher
 0 - No None

6. The requested variance was not self-created by the applicant or property owner.
 4 - Yes Jones, Zaring, McBride, Perschbacher
 0 - No None

7. There is not an alternative that would allow the improvement to the property without the requested variance.
 1 - Yes Jones
 3 - No McBride, Zaring, Perschbacher.

8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.
 3 - Yes Zaring, Jones, Perschbacher
 1 - No McBride

Special Conditions. When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** special conditions can be clearly demonstrated. Three of the basic conditions were not satisfied. Special Conditions were not discussed.

Discussion from the board regarding the request was that four units were too many for the property. They encouraged the applicant to consider a reduction in the number of units.

MOTION by Marlene, seconded by Glenn Zaring to deny the request from Skiera Family Revocable Trust for the following variances:

- Reduce the parcel width requirement from 80 feet to 62.34 feet
- Reduce the parcel area requirement for four residential units from 21,000 square feet to 7,650 square feet
- Reduce the living area requirement of 960 square feet for Apartment #1 to 912 square feet
- Reduce the living area requirement of 960 square feet for Apartment #3 to 660 square feet

The board would consider a reduction in the number of units if the applicant wants to submit a new request.

With a Roll Call vote this motion passed 4 to 0.

Yes: Jones, Zaring, McBride, Perschbacher
No: None

REQUEST DENIED

OLD BUSINESS:

None

OTHER BUSINESS OF THE APPEALS BOARD:

The ZBA members were requested to schedule a date to approve the minutes. On Thursday, July 26, 2018 the ZBA members will hold a meeting at 2:00 pm to approve the meeting minutes.

Ms. Blakeslee informed the board that she will be retiring on August 31, 2018

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

There being no further business MOTION by Glenn Zaring, seconded by Duane Jones that the meeting be adjourned.

Meeting adjourned at 6:42 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary