

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street
P.O. Box 348
Manistee, MI 49660

MEETING MINUTES

March 25, 1996

A special meeting of the Manistee City Zoning Board of Appeals was held on Monday, March 25, 1996 at 7:00 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

The meeting was called to order at 7:03 p.m. by Chairman, Denis Johnson.

MEMBERS PRESENT: E. Budnik, R. Johnson, D. Johnson, E. Gutowski

MEMBERS ABSENT: M. Johnson, E. Grabowski

OTHERS PRESENT: Ken Borenitsch, Kendra Thompson, Ron Gardin and Jon Rose (Code Administrator).

Housekeeping Business was postponed till after the public hearing.

Kendra Thompson presented the request for a reduction in the Waterfront Set-Back on the rear of the Engelmann building to allow for the construction of a deck. D. Johnson read a letter from Killwins Chocolates in support of the proposal. Ron Gardin (neighboring business) spoke in favor of the project.

D. Johnson lead the committee through the findings of fact motion by Budnik support by R. Johnson that a variance be granted for a reduction to 20 feet in the Waterfront setback for a deck to be build according to the plans dated February 19, 1996. Motion carried unanimously. This motion was made with the following findings of fact:

Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Land Use District.

The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance.

The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance.

Granting of the variance would be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The reasons set forth in the application justify the variance and the requested variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

MOTION CARRIED UNANIMOUSLY.

Motion by R. Johnson support by Gutowski that the Minutes of the December 12, 1995 Meeting be approved.

MOTION CARRIED.

Motion by Budnik with support by Gutowski that the current slate of officers be continue for another term.

MOTION CARRIED UNANIMOUSLY.

Rose explained an enclosure of a section of the state law regarding Construction Board of Appeals Members. He particularly addressed the authority given to grant variances to substantive requirements of the code.

Motion by Budnik with support by Gutowski that the meeting be adjourned. There being no objections the meeting adjourned at 7:25 p.m.

Respectfully Submitted



Jon R. Rose, Code Administrator