

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street
P.O. Box 358
Manistee, MI 49660

MEETING MINUTES

July 1, 1996

A special meeting of the Manistee City Zoning Board of Appeals was held on Monday, July 1, 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 7:00 p.m. by Chairman, Denis Johnson.

MEMBERS PRESENT: D. Johnson, E. Grabowski, E. Gutowski, E. Budnik, M. Johnson

MEMBERS ABSENT:

OTHERS PRESENT: Bob Wendt, Joan Wendt, Gordon Eminger, Margaret Eminger, John Bartosz, Laura Bartosz, Mary Cunningham, Ray Fortier, Dar Cordes, Gary Schwaiger, Cheryl Schwaiger, Ted Hentchel, and Jon Rose (Code Administrator).

Chairman D. Johnson presented an application from Bob & Joan Wendt and Gordon & Margaret Eminger who would like to build a single family home on a vacant parcel located at the corner of Cherry and Bryant Avenue. Description of the parcel is Lakeview Heights, Lot 15, Block 3, dimensions of the lot is 50 feet by 145.43 feet. The lot in question is a pre-existing non-conforming parcel in accordance with section 8003.d. However, the lot is not large enough to build on due to set-back requirements. Therefore the applicants requested an amendment to the set-back requirements to allow construction of a single family home.

The Applicants stated they had an offer to purchase adjoining property rejected, thereby fulfilling the requirements of 8003.d.1.

Ted Hentchel of 615 Broad Avenue inquired as to when the lot was acquired. Applicants stated they inherited the property in 1981, but that it has been in the family since 1926.

Gary Schwaiger commented that he was required to get a 15-square-foot variance to build on his property. He inquired about clear vision at the intersection, and about snow plows. He also stated that a variance requested at the east end of the block in question required a 25 foot set-back.

John Bartosz of 613 Bryant presented a petition in opposition of granting the variance with 28 signatures (attached).

Ted Hentchel told of a request for a variance to build on a 50 foot lot at the corner of Broad and Cherry in 1972. He read a copy of a letter from the Zoning Board of Appeals Chairman rejecting the request.

John Bartosz stated that existing set-backs from the road edge were all in excess of 44 feet. The applicants stated that the conditions were different for their lot due to the fact that it had been in their possession since 1926. They referred to a 1964 letter from the assessor in which the assessor said they were confident that it would not be problem to gain a variance to build on this lot.

John Bartosz made a statement to the effect that he would be willing to purchase the property from the applicants.

There being no further public input the appeals board began their discussion.

After considerable discussion there was a motion by Grabowski with support from M. Johnson to deny the requested variance with the following findings of facts:

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 NOT deprive the applicant of rights commonly enjoyed by other properties in the sam 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 NOT be in harmony with the general purpose and intent of the Ordinance and would 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 PASSED UNANIMOUSLY.

Motion by Grabowski with support from Budnik to approve the minutes of the March 25, 1996 meeting be approved.

MOTION CARRIED.

Gary Schwaiger made a presentation to the board regarding Gas Wells and Pipelines in the neighborhood of Cherry Street. He stated they were in violation of the Zoning Ordinance and asked the Appeals Board to have them removed. Chair D. Johnson informed Mr. Schwaiger that the Appeals Board sat only to hear requested for variances, interpretations of the Zoning Ordinance, and Appeals from Administrative Decisions. Chair D. Johnson also informed Mr. Schwaiger of the history behind the inclusion of oil and gas extraction as a permitted use in Section 6702.a.

D. Johnson stated that the original language had provided for mining as a permitted use and that objections from the council led to the Planning Commission changing the language to more specifics. They looked at the uses in the lake front industrial district of which the mineral extractions and salt brine were primary. They considered what kinds of mining might go on there and substituted those chemical extractions for the term mining. They also included the requirements for these permitted uses that they be carried on wholly within an enclosed building. D. Johnson stated that at the time (January 1991) this was being considered, the Planning Commission had no idea that they had any legal rights to regulate oil and gas extraction.

There being no further discussion, Motion by M. Johnson with support from Gutowski that the meeting be adjourned. There being no objections the meeting adjourned at 7:50 p.m.

Respectfully Submitted



Ed Grabowski