MANISTEE CITY
ZONING BOARD OF APPEALS

Meeting of December 17, 2015
3:30 p.m. - Second Floor Conference Room
City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I CALL TO ORDER

II ROLL CALL

III APPROVAL OF AGENDA

At this time the Zoning Board of Appeals can take action to approve the December 17, 2015 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the December 10, 2015 meeting Minutes.

V PUBLIC HEARING

None

VI BUSINESS SESSION:

None

Other Business of the Appeals Board

VII PUBLIC COMMENTS AND COMMUNICATIONS

At this time the Chair will ask if there are any public comments.

VIII ADJOURNMENT

MANISTEE CITY ZONING BOARD OF APPEALS
City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES
December 10, 2015

A meeting of the Manistee City Zoning Board of Appeals was held on December 10, 2015 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

MEMBER ABSENT: John Perschbacher (excused)

OTHERS: Tom Amor Sr. (12493 Hopkins Forest Drive), Dan Korzeniewski (17 Magill Street), Denise Blakeslee (Planning & Zoning) and others

The meeting was called to order at 5:30 p.m. by Vice Chair Hoffman

APPROVAL OF AGENDA

MOTION by Bill Kracht, seconded by Ray Fortier to approve the agenda as prepared.

With a roll call vote this MOTION PASSED 4 to 0.

Yes Schindlbeck, Fortier, Kracht, Hoffman,
No None

APPROVAL OF MINUTES

MOTION by Ray Fortier, seconded by Bill Kracht to approve the January 22, 2015 Zoning Board of Appeals meeting minutes as prepared.

With a roll call vote this MOTION PASSED 4 to 0

Yes Kracht, Schindlbeck, Fortier, Hoffman
No None

PUBLIC HEARING

ZBA-2015-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).

In the R-2 zoning district parcels were a duplex is located requires 80 feet of parcel width and 10,000 sq. ft. of parcel area. The applicant is requesting a variance to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

Vice Chair Hoffman opened the Public Hearing at 5:33 pm

Thomas E. Amor Sr. presented his case to the Zoning Board of Appeals - Mr. Amor gave the background on the request. He was born in Manistee and has worked for over 55 years at a local sign company and has been a tax payer since he was 19. He has bought several rentals and this was his last one. He acted in good faith with his renovations and assumed it was a duplex because there was a kitchen upstairs and there was a separate entrance. He showed before and after photos of his property and spoke of the horrible condition the building was in at the time of purchase and spoke about his improvements. He gutted the whole house down to the bare walls, put in two electrical panels and two furnaces. He improved the building as if he were going to live there. He spoke of the shortage of rentals and the high shortage of good units and wanted this to be an asset to the community. Renters take care of their units if they are nice.

Improvements on the exterior of the house included all new windows, new doors, installation of a slider, complimentary paint colors and insulation. He could have painted the lower portion of the building but opted to install decorative stone. He found an old glass door knob in the building and used glass door knobs in the renovation. While researching the history on the building it is believed that the brick used on the building was from the Courthouse that burned in the great Manistee Fire. He added Victorian style railings when he reconstructed all the porches, refinished the existing garage and rebuilt the deck. His goal was to improve the property.

The downstairs apartment renovations included adding wainscoting in the porch, new flooring throughout, a new modern kitchen, new appliances, removed suspended ceiling to take them back to the original ten foot height, added a sliding door, new bathroom including a Victorian style vanity and rounded shower enclosure, new windows, removed stove/chimney that was in the bay window area, Victorian light fixtures, new carpet in the bedroom.

The upstairs apartment has a new kitchen, new bathroom, new flooring, and carpeting in the bedroom. Both units have a washer/dryer.

When he had charter come to install cable to both units he was told he needed two addresses. When he went to the County Planning Department that was when he was told that they could not issue an address for the upstairs unit because the City would not sign off on the request.

Vice-Chair Hoffman asked if any permits were pulled for his project.

Mr. Amor said that he hired out for electrical and mechanical work and assumed they pulled the permits. He added two electrical services and had two furnaces installed, previously the building only had single services.

The other changes were done by his employees who he was able to keep working during the slow season by having them do on the renovations. He believes one of his employees may have a builder's license. They did all of the building and plumbing work, no building permit was pulled for the project, and he assumed everything was ok.

He has signatures from nine neighbors (included in his application) that have "no problems or reservations" in reference to the request. There is another duplex two doors to the east of this building.

He spoke of how the property has an easement from the church which is 24' x 66' feet on the south side of the property. If you added this to the parcel area, it would be a total of 9,240 sq. ft.

Member Kracht asked if he had a photograph that showed there was a kitchen on the second floor.

Mr. Amor said he did not.

Vice Chair Hoffman asked for staff's report.

Denise Blakeslee, Planning & Zoning Administrator - Ms. Blakeslee reviewed Article Nine R-2 Medium Density Residential, Section 903 Dimensional Standards of the ordinance which reads:

Within the R-2 District, the following dimensional standards shall apply:

A. Parcel Area – No single family dwelling building or structure shall be established on any parcel less than six thousand (6,000) square feet in area. No duplex, multiple unit or commercial structure shall be established on any parcel less than ten thousand (10,000) square feet in area. For multiple unit buildings in the R-2 district, a minimum of 10,000 square feet shall be provided for the first two units, plus 5,500 square feet for each additional dwelling unit.
B. Parcel Width – For a single family detached dwelling, the minimum parcel width shall be sixty (60) feet and for all other uses the minimum parcel width shall be eighty (80) feet.

When the zoning ordinance was adopted in 2006 the change was made that requires larger parcels for duplex's and multi-unit buildings. In 2010 Duplexes were changed from a Use by Right to a Special Use when several people converted single family homes into duplexes on properties that did not meet the dimensional standards.

Under the City Codified Ordinance, Chapter 1482 Residential Rental Properties all rental units have been required to be registered since the program was initiated in 2003. The building in question was not registered as a rental. Without registration as a duplex the use of the building as a duplex is not a legal non-conforming use or "grandfathered".

Staff asked the City Assessor to review the file to see as it related to principal residence exemption (homestead). The file shows that the previous owner of the property had a 100% exemption which indicates that the property was not being used as a duplex.

Vice Chair Hoffman opened the hearing for public comments.

Dan Korzeniewski, 17 Magill Street –asked about the purpose of zoning, how the quality of life would be enhanced by this project, and spoke of a trash can that has been out all week. He purchased both properties adjacent to his home to increase the size of his property and felt that was an enhancement to the neighborhood to have larger parcels.

Vice Chair Hoffman asked if any correspondence had been received in response to the request.

Ms. Blakeslee had given members copies of correspondence received from Jean Schrader, 1205 23rd Street and Richard & Dolores Bryck, 131 S. Lake Doser Drive, Plainwell, MI 49080 and read them into the record.

Vice Chair Hoffman asked if there were any additional comments

Tom Amor Sr. – Mr. Amor feels that he has improved the neighborhood. No one else would have put in the investment he had in the building, he had good intentions. There is only one bedroom in each apartment so they would not be rented out to families. He spoke of how he has five rentals and the architect who drew up the plans for this building had drawn up plans for a building he has on Vine Street that he wanted to convert into a duplex. When he came into the City to get a building permit he found out the parcel requirements would not allow the building to be a duplex. So he renovated it as a single family unit.

There were no more additional comments; the Public Hearing was closed at 6:07 pm

BUSINESS SESSION

ZBA-2015-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards) to allow a duplex a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

After the public hearing was closed 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 Special Conditions** set forth herein can be satisfied.

Vice Chair Hoffman asked Ms. Blakeslee to read the findings of facts, the members discussed each and their determinations were as follows.

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.*
   0 - Yes None
   4 - No Fortier, Kracht, Schindlbeck, Hoffman

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 Kracht, Schindlbeck, Fortier, Hoffman
   0 - No None

3. *The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.*

0 - Yes Kracht, Schindlbeck, Fortier, Hoffman
4 - No None

4. *The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.*
4 - Yes Schindlbeck, Fortier, Kracht, Hoffman
0 - No None

5. *The requested variance is for property under the control of the applicant*
4 - Yes Schindlbeck, Fortier, Kracht, Hoffman
0 - No None

6. *The requested variance was not self-created by the applicant or property owner.*
0 - Yes None
4 - No Kracht, Fortier, Schindlbeck, Hoffman

7. *There is not an alternative that would allow the improvement to the property without the requested variance.*
0 - Yes None
4 - No Schindlbeck, Kracht, Fortier, Hoffman

8. *The requested variance is the minimum amount necessary to still permit the reasonable use of the land.*
0 - Yes None
4 - No Fortier, Kracht, Schindlbeck, Hoffman

The Zoning Board of Appeals determined that the request did not meet five of the eight basic conditions of the request. The Special Conditions standards are only reviewed when **all** of the foregoing basic conditions can be satisfied.

MOTION by Ray Fortier, seconded by Bill Kracht to deny the variance request from Thomas E. Amor to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

With a roll call vote this MOTION PASSED 4 to 0.

Yes Kracht, Schindlbeck, Fortier, Hoffman
No None

REQUEST DENIED

OLD BUSINESS

None

OTHER BUSINESS OF THE APPEALS BOARD

None

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE

None

ADJOURNMENT

There being no further business meeting MOTION by Bill Kracht, seconded by Ray Fortier the meeting be adjourned.

With a voice vote the meeting adjourned at 6:15 p.m.

Respectfully Submitted

_____
Denise J. Blakeslee, Recording Secretary

City of Manistee
70 Maple Street, Manistee, MI 49660 www.manisteemi.gov

CITY HALL
70 Maple Street

City Manager
231.398.2801

City Assessor
231.398.2802

Building Inspector
231.398.2806

Planning, Zoning & Community Dev.
231.398.2805

City Clerk
231.398.2803

City Treasurer
231.398.2804

Water Billing
231.723.2559

Administration
FAX 231.723-1546

Clerk/Treasurer
FAX 231.723-5410

Police Department
70 Maple Street
231.723.2533
FAX 231.398.2012

Fire Department
281 First Street
231.723.1549
Fax 231.723.3519

Public Works
280 Washington St.
231.723.7132
FAX 231.723.1803

Parks Department
231.723.4051

Water Maintenance
231.723.3641

Wastewater Plant
50 Ninth Street
231.723.1553

November 6, 2015

TO WHOM IT MAY CONCERN:

The Michigan Zoning Enabling Act requires that Property Owners and Occupants within 300 feet of a request for a Zoning Amendment be noticed by first class mail. This letter shall serve as your notice that City of Manistee Zoning Board of Appeals will hold a Public Hearing in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan to consider a request from:

NAME: Thomas E. Amor
12493 Hopkins Forest Drive
Bear Lake, MI 49614

LOCATION OF REQUEST: 303 Fifth Street, Manistee, MI 49660

ACTION REQUESTED: Variance to Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards). In the R-2 zoning district parcels were a duplex is located requires 80 feet of parcel width and 10,000 sq. ft. of parcel area. The applicant is requesting a variance to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

DATE/TIME OF HEARING: Thursday, December 10, 2015 at 5:30 p.m.

Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to: Denise Blakeslee, Planning & Zoning Administrator, City of Manistee, 70 Maple Street, Manistee, MI 49660, (231) 398-2805.

A copy of the application is available for review on the City of Manistee Web Page www.manisteemi.gov or at City Hall in the Planning & Zoning Department.

Sincerely,

CITY OF MANISTEE

Denise J. Blakeslee
Planning & Zoning Administrator

Dear Denise — I do not have a problem with this request, Jean Schrader

CITY OF MANISTEE
NOV 17 2015
CD/PZ DEPT

11-13-15

Denise Blakeslee, Planning & Zoning Adm.
City of Manistee
70 Maple St.
Manistee, MI 49660

Dear Ms. Blakeslee,

RE: Your letter of 11-6-15 and request for variance on property at: 303 Fifth St. Manistee, MI 49660

Thank you very much for your application of the above issue, on the Telephone recently.

After consideration, we do not approve the variance.

Sincerely,

Richard D. Bryck
Lenaurs M. Bryck
131 S. LAKE DOSTER DR.
PLAINWELL, MI 49080