

MANISTEE CITY ZONING BOARD OF APPEALS

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

MEETING MINUTES

October 7, 1999

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, October 7, 1999 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

The meeting was called to order at 5:31 p.m. by Vice-Chair John Serocki

MEMBERS PRESENT: Mary Ann Johnson, John Serocki and Mark Wittlief

MEMBERS ABSENT: Ed Grabowski and John Perschbacher

OTHERS PRESENT: Brenda & Roger Birks (295 First Avenue), Tim Swiatlowski (297 First Street), Jon Rose (Community Development) and Mark Niesen (Building and Zoning)

PUBLIC HEARING:

Roger C. Birks and Brenda Alfred - Birks

Roger C. Birks and Brenda Alfred - Birks, 295 First Avenue would like to construct a detached garage that matches the roof line of their home. Mr. & Mrs. Birks will need three variances for their project the variances are:

1. Variance to allow a height increase from 14 feet to 21 feet.
2. Variance to the side-yard set-back from 3 feet to 1 foot.
3. Variance to the rear-yards set-back from 3 feet to 1 foot.

Tim Swiatlowski, 297 First Avenue expressed concern about this project would effect his setback.

A letter was read from Ray Gramza, 298 Second Avenue who is opposed to the rear-yard variance.

There being no further discussion the public hearing closed at 5:39 p.m.

BUSINESS SESSION:

Minutes

MOTION by Mary Ann Johnson, seconded by Mark Wittlief that the minutes of the September 13, 1999 Zoning Board of Appeals be approved. Minutes were approved unanimously.

Roger C. Birks & Brenda Alfred - Birks

Height Variance

A Public Hearing was held earlier regarding the request from Roger C. Birks and Brenda Alfred - Birks, 295 First Avenue for variance to allow height increase from 14 feet to 21 feet to construct a detached garage to match the roof line of their home.

MOTION by Mary Ann Johnson, seconded by Mark Wittlief that a variance to allow height increase from 14 feet to 21 feet to construct a detached garage be approved. 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 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.

MOTION APPROVED UNANIMOUSLY.

Side-Yard Set-Back

The second variance request from Mr. & Mrs. Birks was for a variance to the side-yard set-back from 3 feet to 1 foot.

After review of the Zoning Ordinance Mr. & Mrs. Birks withdrew this request.

Rear-Yard Set-Back

The third variance request from Mr. & Mrs. Birks was for a variance to the rear-yard set-back from 3 feet to 1 foot.

MOTION by Mark Wittlief, seconded by Mary Ann Johnson that a variance to reduce the rear-yard set-back from 3 feet to 1 foot to construct a detached garage be approved with the condition that there be no overhang. 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 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.

MOTION APPROVED UNANIMOUSLY.

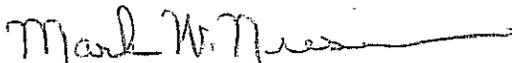
ADJOURNMENT:

There being no further business a motion to adjourn was made by Mary Ann Johnson, seconded by Mark Wittlief.

MOTION APPROVED UNANIMOUSLY.

Meeting adjourned at 5:58 p.m.

Respectfully Submitted



Mark W. Niesen, Acting as Secretary