

**MANISTEE CITY ZONING BOARD OF APPEALS**

70 Maple Street, P.O. Box 358

Manistee, MI 49660

**MEETING MINUTES**

September 26, 2002

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, September 26, 2002 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Ed Grabowski, John Perschbacher, John Serocki, and Mark Wittlief

**MEMBERS ABSENT:** Marlene McBride

**ALTERNATE PRESENT:** Tom Bramble

**ALTERNATE ABSENT:** William Kratch

**OTHERS PRESENT:** Danny Barch (217 Tenth Street), Greg Ferguson (Bison Construction L.L.C.), Ray Fortier (367 Eleventh Street), Gary Makenen (157 Lincoln Street), Fred MacDonald (Manistee County Convention & Visitors Bureau), Mark Krauskopf (Studio One Architects), Jeff Mikula (Abonmarche), Ed Kryiskywicz (Construction Design), Jon Rose (Community Development) and Mark Niesen (Building and Zoning)

The meeting was called to order at 5:30 p.m. by Chair John Perschbacher.

**PUBLIC HEARING:**

Bison Construction L.L.C., Lot 18 Industrial Park

Greg Ferguson is the owner of Bison Construction and he has recently entered into a purchase agreement with the City Council to purchase Lot 18 in the Industrial Park. Mr. Ferguson was granted a Special Use Permit from the City of Manistee Planning Commission on September 5, 2002 to establish a fixed place of business engaged in the construction of new work; additions, alterations, repairs and other maintenance services. A Site Plan Review of the proposed building shows that the building area requirements of 4,000 sq. ft. has not been met. All of the other requirements of the ordinance have been met. Mr. Ferguson is requesting a *variance to reduce the building area requirements in the I-1 Zoning District from 4,000 sq. ft. to 2,880 sq. ft.*

Greg Ferguson showed the members of the Zoning Board of Appeals a drawing of the proposed building.

John Perschbacher asked what type of business would be operated out of the structure. Mr. Ferguson said it would be a construction business including masonry, building etc.

John Serocki told the members of the ZBA that no outside storage will be permitted under the conditions of the Special Use Permit.

Ed Grabowski asked why the building is less than 4,000 sq. ft. Mr. Ferguson said that cost is important and he wants to construct an brick building and not have to use other materials. This building would be a buffer between the industrial uses and the residential properties. Ray Fortier supports the construction of this building.

Jeff Mikula, Abonmarche explained the difficulties in constructing a building on this property due to a 50 foot utility easement on the property.

John Perschbacher asked if the building will meet the height restrictions. Jon Rose said that the height requirements of the Zoning Ordinance have been met. Mr. Rose also spoke about the change in attitude toward the industrial park with the construction of Renaissance Park on M - 55.

Ed Grabowski asked about the parking requirements. Jon Rose said that less than 20 spaces are required but Mr. Ferguson proposed 20 spaces and that is how many spaces will be required.

No correspondence has been received regarding this request. There being no further discussion the public hearing closed at 5:50 p.m.

#### Danny Barch, 217 Tenth Street

Mr. Barch lives at 217 Tenth Street and recently demolished an old detached garage 12' x 20' that was located on his property. Mr. Barch would like to construct a new detached garage 24' x 24'. Mr. Barch is asking for a *variance to reduce the side-yard set-back from 3 feet to 16 inches AND a variance to the rear-yard set-back from 3 feet to 1 foot.*

Danny Barch told the members of the Zoning Board of Appeals that if he moves the garage forward he would loose his view out his window.

Ed Grabowski asked who owns the property adjacent to Mr. Barch. Mr. Niesen said that the property is owned by Morton's.

Jon Rose questioned if there was a hardship? Mr. Rose asked why Mr. Barch did not make the garage a little smaller? Mr. Barch said that the size of his vehicle requires a larger garage.

A letter expressing no objection was received from John Misch. There being no further discussion the public hearing closed at 5:55 p.m.

Brian Seiferlein, Vacant Property/U.S.31 between Taylor Street and Lincoln Street

Mr. Seiferlein recently purchased three lots on U.S. 31 between Taylor and Lincoln Street. Mr. Seiferlein intends to build a carwash at this location. There are currently five driveways onto the parcel. Two of the driveways are on Taylor Street and three driveways are on U.S. 31. The proposed plan would improve two of the driveways and eliminate the other three. Mr. Seiferlein is requesting *a variance to allow an increase in the driveway width regulation of an entrance/exit from 35 feet to 40 feet* for a three lane driveway to U.S. 31.

Jeff Mikula, Abonmarche explained the request to the members of the Zoning Board of Appeals. Jeff Mikula explained the location of the building and this location was chosen to provide safe access. Ed Grabowski asked about the Taylor Street entrance. The Taylor Street entrance will be two lanes.

Jon Rose said that he would like to see this type of design for all curb cuts on U.S. 31.

Gary Makinen, 157 Lincoln Street asked what exactly was being proposed. Mr. Mikula showed Mr. Makinen the proposed design of the car wash and the curb cut in questions.

No correspondence was received on this request. There being no further discussion the public hearing closed at 6:05 p.m.

Manistee County Convention and Visitors Bureau, 310 First Street

The Manistee County Convention and Visitors Bureau (MCCVB) has purchased the vacant gas station located on the corner of First Street and U.S. 31. Their plans are to renovate the existing building into a Visitors Bureau. The existing building is located on the rear of the parcel and site plan review of the project shows proposed parking within the front-yard-set-back. The C-1 Zoning District prohibits parking in the front-yard-set-back. This has resulted in the request from MCCVB for *a variance to the requirements in the C-1 Zoning District to allow parking within the front -yard set-back.*

Mark Krauskopf explained the re-using the existing structure for the proposed Visitors Bureau. Fred MacDonald explained the need for bus parking. John Perschbacher asked how they would control the traffic pattern. Mr. Krauskopf explained the directional signage that would be installed.

Mark Wittlief asked about staffing. Mr. MacDonald said they anticipate one person on staff. Mr. Perschbacher asked about the hours of operation. Mr. MacDonald said that the hours will vary depending on the time of the year and tourist seasons.

Ed Grabowski asked why a variance is necessary? Mr. Niesen explained that in the C-1 Zoning District parking is prohibited in the front yard-set back. Mr. Rose explained that the lot is unique that due to the

small size of the lot and the location of the existing building this is the best location for the parking. Mark Krauskopf explained the spirt of green space and the plan includes using greenspace where currently there is only pavement.

No correspondence has been received on this request. There being no further discussion the public hearing closed at 6:17 p.m.

**BUSINESS SESSION:**

Minutes

MOTION by Ed Grabowski, supported by John Serocki that the minutes from the May 23, 2002 meeting be approved.

MOTION APPROVED UNANIMOUSLY.

Members welcomed new Alternate Member Tom Bramble to the Zoning Board of Appeals.

Bison Construction L.L.C., Lot 18 Industrial Park

A public hearing was held earlier in response to a request from Bison Construction, Lot 18 Industrial Park for a *variance to reduce the building area requirements from 4,000 sq. ft. to 2,880 sq. ft.*

MOTION by John Serocki, seconded by Mark Wittlief that the request from Bison Construction, Lot 18 Industrial Park for a variance to reduce the building area requirements from 4,000 sq. ft. to 2,880 sq. ft. be granted as requested.

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 PASSED UNANIMOUSLY

Danny Barch, 217 Tenth Street - Side-Yard Set-Back

A Public Hearing was held in response to a request from Danny Barch, 217 Tenth Street for a *variance to reduce the side-yard set-back from 3 feet to 16 inches to construct a detached garage.*

MOTION by Ed Grabowski, seconded by Tom Bramble that the request from Danny Barch, 217 Tenth Street for a variance to the reduce the side yard-set-back from 3 feet to 16 inches to construct a detached garage be approved with the condition that a rain gutter must be installed on the west side of the building.

Ed Grabowski asked for a show of hands for voting.

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

Danny Barch, 217 Tenth Street - Rear-yard Set-back

The public hearing for Danny Barch included a second request for a *variance to reduce the rear-yard set-back from 3 feet to 1 foot to construct a detached garage.*

MOTION by Ed Grabowski, seconded by Tom Bramble that the request from Danny Barch, 217 Tenth Street for a variance to reduce the rear-yard set-back from 3 feet to 1 foot 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 PASSED UNANIMOUSLY.

Brian Seiferlein, Vacant Property/U.S. 31 between Taylor Street and Lincoln Street

A public hearing was held in response to a request from Brian Seiferlein who intends to build a car wash on the vacant property located on U.S. 31 between Taylor Street and Lincoln Street for a *variance to allow an increase in the driveway width regulation for an entrance/exit from 35 feet to 40 feet for a three lane driveway to U.S. 31.*

Members of the Zoning Board of Appeals discussed the proposed use of the property and the curb cuts.

MOTION by Ed Grabowski, seconded by Mark Wittlief that the request from Brian Seiferlein, Vacant Property/U.S. 31 between Taylor Street and Lincoln Street for a *variance to allow an increase in the driveway width regulation for an entrance/exit from 35 feet to 40 feet for a three lane driveway to U.S. 31.*

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.

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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.

Manistee County Convention and Visitors Bureau, 310 First Street

A public hearing was held earlier in response to a request from Manistee County Convention and Visitors Bureau, 310 First Street requesting a *variance to the requirements in the C-1 Zoning District to allow parking within the front-yard set-back.*

MOTION by Tom Bramble, seconded by John SErocki that the request from Manistee County Convention and Visitors Bureau 310 First Street for a variance to the requirements in the C-1 Zoning District to allow parking within the front-yard set-back be approved with the recommendation that landscaping be included in the green areas of the proposed plan.

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.

**OTHER BUSINESS:**

Review of By-Laws

Members of the Zoning Board of Appeals were mailed copies of the By-Laws along with a copy of possible updates. Members were asked to review the copies for discussion at the meeting.

Jon Rose explained the Open Meetings Act to the members of the Zoning Board of Appeals.

Mr. Perschbacher expressed his concern about the Secretary of the ZBA not taking the minutes during the meetings. Mr. Rose said that it is not uncommon for the Secretary to appoint staff as the recording secretary for the purpose of taking the minutes. Ed Grabowski, Vice-Chair/Secretary appointed Mark Niesen as the recording secretary for the Zoning Board of Appeals.

Due to the time a meeting will be scheduled for 5:30 p.m. October 24, 2002 to review the By-Laws.

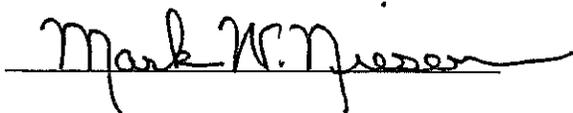
**ADJOURNMENT:**

MOTION by John Serocki, seconded by Ed Grabowski that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY

There being no further business meeting adjourned at 7:26 p.m.

Respectfully Submitted

A handwritten signature in black ink, reading "Mark W. Niesen", is written over a horizontal line. The signature is cursive and extends to the right of the line.

Mark W. Niesen, Acting as Secretary