

MANISTEE CITY ZONING BOARD OF APPEALS

425 Sixth Street, P.O. Box 358
Manistee, MI 49660

MEETING MINUTES

February 12, 2004

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, February 12, 2004 at 5:30 p.m. in the Conference Room, City Hall, 425 Sixth Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Ed Grabowski, Marlene McBride and John Perschbacher

MEMBERS ABSENT: Vacancy

ALTERNATES ABSENT: Tom Bramble and Bill Kracht

OTHERS PRESENT: Kendra Thompson (Kendra Thompson Architects), Jon Rose (Community Development Director) and Mark Niesen (Building Inspector) and others

The meeting was called to order at 5:29 p.m. by Chair John Perschbacher.

PUBLIC HEARING:

Mr & Mrs. John Kaser, 605 Browning Avenue

Kendra Thompson, Kendra Thompson Architects made a presentation to the Zoning Board of Appeals members for a request on behalf of Mr. & Mrs. John Kaser, 605 Browning Avenue. Mr. & Mrs. Kaser would like to put an addition onto their home that would require a variance to the front yard set back from 63 feet to 55 feet. The addition to the home requires a two foot variance while an arched planter would require an eight foot variance. Ms. Thompson gave a history of the neighborhood.

John Perschbacher asked if there had been any correspondence received on the request. No correspondence had been received.

Ed Grabowski asked why the set-back was established at 63 feet. Mr. Rose said that was the common front yard set-back when the neighborhood was established. Mr. Rose stated that new designs should meet the requirements of the neighborhood.

Ms. Thompson said that she tried to meet the standards but needed the leeway to help upgrade the neighborhood. Marlene McBride asked if the planter box could be eliminated? Ms. Thompson said that it was part of the design and the neighborhood needs to be updated. Ms. McBride asked if the design could be moved back. Ms. Thompson said that is not what the Kasers wanted.

There was discussion about reducing the front-yard set-back for the entire neighborhood. Jon Rose said that if the set-backs are inappropriate the appropriate way to change them was for a Zoning Amendment.

Ms. McBride asked if it would be a hardship for them not to have a planter. Ms. Thompson said that it would not be a hardship to remove the planter but it would be a hardship to have to remove the gables.

There being no further discussion the public hearing closed at 5:55 p.m.

BUSINESS SESSION:

Minutes

John Perschbacher commented that Denise Blakeslee took the minutes at the last meeting and should sign the minutes. Jon Rose reminded Mr. Perschbacher that the decision had been made to have the Secretary sign the minutes rather than the Recording Secretary.

MOTION by Ed Grabowski, supported by Ray Fortier that the minutes from the August 18, 2003 Zoning Board of Appeals Meeting be approved with the change that the minutes also be signed by Denise Blakeslee and Marlene McBride .

MOTION APPROVED UNANIMOUSLY

Mr & Mrs. John Kaser, 605 Browning Avenue

A public hearing was held earlier in response to a request from Kendra Thompson, Kendra Thompson Architects on behalf of Mr. & Mrs. John Kaser, 605 Browning Avenue for a variance to the front yard set back from 63 feet to 55 feet.

Chairman Perschbacher went through each of the Findings of Fact and polled the members for their votes for the reduction from 63 feet to 55 feet for the planter. The poll was as follows:

Findings of Fact:

1. Do 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?

2	-	Yes	Fortier, Grabowski
2	-	No	McBride, Perschbacher

2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?

0	-	Yes	
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4 - No Fortier, Grabowski, McBride, Perschbacher

MOTION by Ed Grabowski, seconded by Ray Fortier that the Mr. & Mrs. John Kaser, 605 Browning Avenue variance to reduce the front yard set back from 63 feet to 61 feet be approved.

Chairman Perschbacher went through each of the Findings of Fact and polled the members for their votes for the reduction from 63 feet to 61 feet for the addition. The poll was as follows:

Findings of Fact:

1. Do 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?
4 - Yes Grabowski, Fortier, McBride, Perschbacher
0 - No
2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?
4 - Yes Grabowski, Fortier, McBride, Perschbacher
0 - No
3. 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?
4 - Yes Grabowski, Fortier, McBride, Perschbacher
0 - No
4. Would granting of the variance 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?
4 - Yes Grabowski, Fortier, McBride, Perschbacher
0 - No
5. Do the reasons set forth in the application justify the variance and is the requested variance the minimum variance that will make possible the reasonable use of the land, building or structure?
4 - Yes Grabowski, Fortier, McBride, Perschbacher
0 - No
6. Does the requested variance include the allowance for a use which is not permitted in the Land Use District in question? [If Yes, the variance CANNOT be granted]
0 - Yes
4 - No Grabowski, Fortier, McBride, Perschbacher

MOTION APPROVED UNANIMOUSLY

OTHER BUSINESS:

Chairman Perschbacher read a request to the Manistee City Manager (attached). Mr. Perschbacher read a report from William Kracht to Mr. Perschbacher in response to Mr. Kracht's attendance at the Manistee City Council /Goals Planning Session for 2004. Mr. Perschbacher asked that a copy of the report/findings from the Goals Session be forwarded to him. Mr. Perschbacher spoke of the worksession that was held on ethics and open meetings. ~~Mr. Perschbacher expressed other concerns he had relating to posting of notices, mailing, speaking during appointments, noticing of Historic Overlay Meetings. Mr. Perschbacher spoke of the response received from the letter of support for MSU Extension.~~ Mr. Perschbacher would like to see a lighted posting board located outside of City Hall once renovation is completed on the site. Mr. Perschbacher would like to propose that the Zoning Board of Appeals meet on a regular basis. Mr. Perschbacher said that as Chairman of the Zoning Board of Appeals he wants to receive notification of Historic Overlay Review Committee Meetings. Mr. Perschbacher spoke of the letter he sent in support of MSU Extension and the three response letters he received (Governor Granholm, Senator McManus and MSU Extension Director Elaine Bush).

Election of Officers

At this time the meeting was turned over to Mark Niesen to accept nominations for the election of officers.

Chair

Mark Niesen asked for nominations to the position of Chair.

Ray Fortier nominated John Perschbacher for the position of Chair.

Nominations were asked for three times. There being no further nominations the nominations were closed.

John Perschbacher was elected Chair for the Zoning Board of Appeals for 2004 with voting as follows:

Yeas: Grabowski, Fortier, McBride, Perschbacher
Nays: none

Vice-Chair

Ed Grabowski nominated Ray Fortier for the position of Vice - Chair.

Nominations were asked for three times. There being no further nominations the nominations were closed.

Ray Fortier was elected Vice - Chair for the Zoning Board of Appeals for 2004 with voting as follows:

Yeas: Grabowski, Fortier, McBride, Perschbacher
Nays: none

Secretary

Ray Fortier nominated Marlene McBride for the position of Secretary.

Nominations were asked for three times. There being no further nominations the nominations were closed.

Marlene McBride was elected Secretary for the Zoning Board of Appeals for 2004 with voting as follows:

Yeas: Grabowski, Fortier, McBride, Perschbacher
Nays: none

Recording Secretary

Marlene McBride Secretary of the Zoning Board of Appeals appointed Mark Niesen as the Recording Secretary.

By-Law Review

Members of the Zoning Board of Appeals annually review their By-Laws. Copies of the By-Laws were mailed to each member prior to the meeting to give them time to review them for any necessary changes.

No changes were suggested.

ADJOURNMENT:

There being no further business meeting motion Ray Fortier, seconded by Ed Grabowski that the meeting be adjourned. Meeting adjourned at 6:55 p.m.

Respectfully Submitted

Mark W. Niesen, Recording Secretary

Marlene McBride, Secretary

COPY

A REQUEST TO THE MANISTEE CITY MANAGER

Please respond to the following request and questions carefully and in detail. The response must be in writing; it is to become a part of the ZBA Minutes, as these questions also are. This is the third time of asking as no return response to the first two have been received. Depending on how this paper and the questions are handled may result in further replies to your responses.

I Question: I, as the Chairman of this ZBA, request employment or hiring of an independent secretary to take the minutes and to produce drafts of minutes, etc. This person could be a regular secretary of the City of Manistee. This person can not be a part of the administration. The object is to obtain a unaffiliated, independent and uninterested person; one who would have no interest or stake in the work of the ZBA.
Will you grant this request? yes or no

II If no, answer the following completely and in detail.
A-At educational sessions the use of independent secretaries has been stressed. Other commissions, committees and ZBAs have complied. Why should this one be different?
B-Do you not agree that using someone in the administration, as is now done, is a compromise to proper procedure?
If no, why?
C-At the Aug. 18, 2003 ZBA meeting a secretary from the Community Development was used and the reason stated at that time was that court action was expected against the City as a result of an appeal at that time and to protect the City from possible legal action a decision to 'do it right' for that meeting was made.
I view this as a hypocritical action and bias to most, if not all, other appeals. Do you agree? If not explain fully.
D-If cost is a factor: Onkama Township pays their independent secretary \$50 a session; one to several appeals may be heard and recorded for the same fee. This seems a very minor expense for ensuring a proper procedure and a good appearance to the public. \$250 is the fee to appeal to the Manistee ZBA. Where does this money go? Inquiry at the Advocate for 2003 finds that \$48 would be the highest fee, and unusually high for the required ads which includes the return affidavit. Most charges were less. The necessary required mailing for an appeal cannot amount to much at 37¢. This leaves the greater part of \$200; how is this used?
E-Why could you not consider expenses taken from this fee for a secretary as a good value for all concerned-public, ZBA, City, etc.?

III If your answer is yes, state who, qualifications, pay, experience, etc.

I am sorry if this paper might be received as unpleasant. It is unpleasant for me to be a citizen, member of the ZBA, its Chairman and so forth under the present situation and not to work very hard to change a situation I consider very bad and to change it to one that is correct and proper and one I and everyone can be proud of for it is the right one.

John H. Perschbacher, Chairman Manistee ZBA

Feb 12, 2004

February 11, 2004
Mr. John Perschbacher
Chairman, Manistee ZBA

Subject: Manistee City Council Goals / Planning Session for 2004

Dear Mr. Chairman:

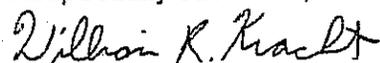
On Tuesday, December 9, 2003 I attended the Manistee City Council goals and planning session for 2004 at your request, representing the ZBA. We were told at that session that everyone attending would get a copy of the minutes from that meeting and therefore didn't need to keep detailed notes. However, since I have not received any minutes or summary to date, I will do my best to summarize the results of that meeting.

The meeting involved two parts. The first was a "brainstorming" session in which all those present had a chance to put up two suggestions for goals for the Manistee city council in 2004. (The meeting facilitator went around the room twice for suggestions, then gave a chance for anyone who had more ideas to add them as well.) In the second part of the meeting, city council members ONLY were allowed to vote on priorities from the brainstormed list, each picking a first, second, and third choice. Points were then assigned to each vote (3 for a first choice, 2 for a second choice, 1 for a third choice) and the goals were ranked in order of the most points received. According to my notes, about fifty ideas were presented. The ideas that received any votes from the city council members are listed below in order of score (scores indicated in parentheses). Please be aware that my notes may not be verbatim with the "official" city minutes of this meeting, again because I was expecting a copy of the official minutes.

1. Recruit businesses / industry to industrial zoned areas. (6 points)
2. Improve city streets. (6)
3. Millage reduction. (3)
4. Updates to boat launch, fish cleaning station, and concessions at First Street beach. (3)
5. Fund a "smart" traffic light at 12th and Maple Streets. (3)
6. Maple Street bridge electrical updates. (3)
7. Update / correct structural defects at marina restroom. (2)
8. Solve renaissance zone vacancy issue. (2)
9. Develop mission statement for city. (2)
10. Develop bike path. (2)
11. Review status of N/A building at Fifth Avenue beach. (1)
12. Properly stripe streets. (1)
13. Control deer herd. (1)
14. Community recycling program. (1)

As you can see from the list above, there was a mixture of some very large projects (in dollars and/or time) with some relatively small items, both in the brainstormed list and in the list that received votes from the city council members.

Respectfully submitted,


William R. Kracht