

**MANISTEE CITY
ZONING BOARD OF APPEALS**

Meeting of March 10, 2016
5:30 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 March 10, 2016 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the January 21, 2016 meeting Minutes.

V PUBLIC HEARING

None

VI BUSINESS SESSION:

ZBA-2016-01 – David Kelley, 185 Taylor Street - Request for extension for Reconstruction and Replacement under Section 403.B.3 of the Zoning Ordinance.

Mr. Kelley's building at 185 Taylor Street was destroyed by Fire on March 1, 2015. Mr. Kelly is still in a dispute with his insurance company and has requested an extension to the one year timeframe as permitted under Section 403.B.3 of the Zoning Ordinance.

At this time the Zoning Board of Appeals can take action to approve/deny the request from David Kelley, 185 Taylor Street for an extension for Reconstruction and Replacement under Section 403.B.3 of the Zoning Ordinance.

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



Planning & Zoning
231.398.2805
Fax 231.723-1546
www.manisteemi.gov

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Denise Blakeslee

DATE: March 3, 2016

RE: Zoning Board of Appeals Meeting March 10, 2016

Good Morning!

We have scheduled a Zoning Board of Appeals Meeting for 5:30 pm Thursday, March 10, 2016. This meeting is being held in a response from David Kelley to allow an extension for Reconstruction and Replacement under Section 403.B.3 of the Zoning Ordinance for his garage at 185 Taylor Street that burned down on March 1, 2015.

If you are unable to attend please call me at 398-2805.

:djb

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

**ORGANIZATIONAL
MEETING MINUTES**

January 21, 2016

A meeting of the Manistee City Zoning Board of Appeals was held on January 21, 2016 at 5:30 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

MEMBER ABSENT: None

ALTERNATES PRESENT: Vacancy

OTHERS: Denise Blakeslee (Planning & Zoning) and others

The meeting was called to order at 5:00 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

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

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Bill Kracht, seconded by Ray Fortier to approve the December 17, 2015 Zoning Board of Appeals Meeting Minutes that included corrections for the December 10, 2015 minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

None

BUSINESS SESSION:

Election of Officers 2016

According to the By-Laws of the City of Manistee Zoning Board of Appeals their annual election of Officers is held at the January Organizational Meeting.

Chair

At this time the meeting was turned over to Denise Blakeslee who asked for nominations for the Position of Chair.

Ray Fortier nominated John Perschbacher for the position of Chair

Nominations were asked for three times, there being no other nominations; nominations were closed.

With a roll call vote, John Perschbacher was elected Chair of the Zoning Board of Appeals for 2016, 5 to 0.

John Perschbacher for Chair - Kracht, Hoffman, Schindlbeck, Fortier, Perschbacher

The meeting was turned back to Chair Perschbacher.

Vice-Chair

Chair Perschbacher asked for nominations for the Position of Vice-Chair.

Ray Fortier, nominated Mark Hoffman for the position of Vice-Chair

Mark Hoffman nominated Bill Kracht for the position of Vice-Chair

Nominations were asked for three times, there being no other nominations; nominations were closed.

With a roll call vote, Bill Kracht was elected Vice - Chair of the Zoning Board of Appeals for 2016, 4 to 1.

Mark Hoffman - Kracht

Bill Kracht - Perschbacher, Hoffman, Schindlbeck, Fortier,

Secretary

Chair Perschbacher asked for nominations for the Position of Secretary.

Mark Hoffman nominated Ray Fortier for the position of Secretary

Nominations were asked for three times, there being no other nominations; nominations were closed.

Ray Fortier for Secretary - Fortier, Perschbacher, Kracht, Hoffman, Schindlbeck

With a roll call vote, Ray Fortier was elected Secretary of the Zoning Board of Appeals for 2016, 5 to 0.

Appointment of a Recording Secretary 2016

Once Elected the Secretary may appoint a Recording Secretary to handle the administrative functions of the office.

Ray Fortier appointed Denise Blakeslee to act as the Recording Secretary for the Zoning Board of Appeals for the year 2016.

By Law Review

According to their By-Laws, the City of Zoning Board of Appeals shall annually review their By-Laws at the January Organizational Meeting.

No Changes were made

OLD BUSINESS

None

OTHER BUSINESS OF THE APPEALS BOARD

A workshop on Form Based Code is being offered in March. This qualifies for CEU's for maintaining Master Citizen Planner Certification. Members were asked to get back with staff by March 13th if they wish to attend. The City Website has been redesigned staff reviewed the site with the members.

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE

None

ADJOURNMENT

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

Meeting adjourned at 5:55 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary

DRAFT

David P. Kelley
337 6th St.
Manistee, MI 49660
231-690-2390

City of Manistee
Zoning Board of Appeals

February 25, 2016

To whom it may concern,

I would like to request a one year extension in the rebuilding of my garage at 185 Taylor St. The garage burned March 1, 2015 and was a total loss. I am still experiencing problems and delays with the insurance company.

Thank you in advance for your consideration.

Sincerely,

David P. Kelley

maintenance of buildings or structures; provided, however, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance shall not exceed sixty (60) percent of the reproduction value of such building at the time such work is done; and provided, further, there shall be no change of use which would expand the nonconformity of such building at the time such work is done; and provided, further, there shall be no change of use of said building or part thereof.

SECTION 403 RECONSTRUCTION AND REPLACEMENT

- A. No nonconforming building or structure damaged by fire, act of God or other causes to the extent that the damage is total (i.e. the insurance coverage, if it existed, would pay the full replacement cost of the structure) shall be repaired or rebuilt, except in conformity with the provisions of this Ordinance.
- B. Reconstruction, repair or restoration of the structure shall be completed within one (1) year following the damage and resumption of use shall take place within ninety (90) days of completion. The one (1) year timeframe may be extended by the Zoning Board of Appeals if it finds one of the following conditions to exist:
1. The delay was not avoidable due to weather;
 2. The delay was a result of an on-going criminal investigation;
 3. The delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance; and
 4. The delay was a result of property being held in probate.
- C. When repairing or rebuilding any building which is located in a high risk erosion area, affirmative steps to minimize future erosion damage may be required.

SECTION 404 COMPLETION

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted prior to the passage of this Ordinance or any amendment thereto, and the construction of which shall have been completed within twelve (12) months after said date of adoption or amendment.

SECTION 405 ABANDONMENT

Any building, structure or land that has been used for nonconforming purposes but which has not been occupied by such nonconforming use for one (1) year or more shall not thereafter be used unless it conforms to the provisions of this Ordinance. An extension may be granted by the Zoning Board of Appeals for the following reasons: