

**MANISTEE CITY ZONING BOARD OF APPEALS**

City Hall, 70 Maple Street  
Manistee, MI 49660

**ORGANIZATIONAL  
MEETING MINUTES**

May 28, 2019

A meeting of the Manistee City Zoning Board of Appeals was held on May 28, 2019 at 5:30 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Denis Johnson, John Perschbacher and Glenn Zaring

**MEMBER ABSENT:** Duane Jones and Marlene McBride

**OTHERS** Robert Carson (Planning & Zoning Director), Kyle Storey (City Zoning Administrator), Nancy Baker (Recording Secretary)

The meeting was called to order at 5:40 p.m. by Chairman Perschbacher

**APPROVAL OF AGENDA:**

Chair Perschbacher wished to amend the agenda under BUSINESS SESSION, Waterfront Yard Setbacks Clarification.

MOTION by Denis Johnson, seconded by Glenn Zaring to approve the Agenda as amended.

With a voice vote this MOTION PASSED UNANIMOUSLY

**APPROVAL OF MINUTES:**

MOTION by Denis Johnson, seconded by Glenn Zaring to approve the February 21, 2019 Zoning Board of Appeals Meeting Minutes as presented.

With a voice vote this MOTION PASSED UNANIMOUSLY

**PUBLIC HEARING:**

**Variance Request-505 Pine St. Parcel #51-371-701-16**

Dale Cooper, 505 Pine St, is requesting to make his garage large enough to accommodate parking a vehicle in it. He has contacted the neighbors regarding the matter.

Jess Henry, contractor, stated the parcel is 60' wide. This width does not allow the space needed to comply with the setbacks to accommodate the requested garage construction. Construction plans will

keep the project completely on the owner's property.

Mr. Storey, for the record, read the responses from neighbors James Hansen and the Tabernacle Church. They have no issues with Mr. Cooper's proposed garage construction.

**BUSINESS SESSION:**

**505 Pine St. Parcel #51-371-701-16**

Mr. Storey read Mr. Cooper's letter of request addressed to the Zoning Board of Appeals.

**ZBA Discussion for Finding of Fact:**

1. The requested variance is not contrary to the public interest or to the intent and purpose of this ordinance.

Roll Call Vote:

Yes: Zaring, Johnson, Perschbacher

No: none

2. The requested variance does not establish the use that is not permitted by right or by special use permit in the zoned district.

Roll Call Vote:

Yes: Zaring, Johnson, Perschbacher

No: none

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

Roll Call Vote:

Yes: Zaring, Johnson, Perschbacher

No: none

4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.

Roll Call Vote:

Yes: Zaring, Johnson, Perschbacher

No: none

5. The requested variance is for property under the control of the applicant.

Roll Call Vote:

Yes: Zaring, Johnson, Perschbacher

No: none

6. The requested variance was not self-created by the applicant or property owner.  
Roll Call Vote:  
Yes: Zaring, Johnson, Perschbacher  
No: none
  
7. There is not an alternative that would allow the improvement to the property without the requested variance.  
Roll Call Vote:  
Yes: Zaring, Johnson, Perschbacher  
No: none
  
8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.  
Roll Call Vote:  
Yes: Zaring, Johnson, Perschbacher  
No: none

Special Conditions: There are exceptional or extraordinary circumstances or physical conditions (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district. The drip overhang will not affect other neighboring properties and will be 18" from the property line to the north.

Roll Call Vote:  
Yes: Zaring, Johnson, Perschbacher  
No: none

The Request for Appeal at 505 Pine Street to construct a garage on the north side of the home has been approved.

### **Waterfront Yard Setbacks**

Mr. Storey asked for ordinance language clarification of Section 505 which outlines waterfront yard requirements and references the waterfront setbacks. The ordinance district for this section of parcels in question are in R-1 which have setbacks of 100' waterfront yard. These parcels do not have direct access to the water due to a parcel being between them and the body of water. The clarification requested: if another parcel separates the property from the body of water but the property is within the footage does this qualify the parcel as being in the waterfront setbacks and therefore must conform to the waterfront setbacks.

MOTION by Mr. Johnson, seconded by Mr. Zaring to have the Zoning Administrator interpret and enforce the language as waterfront setbacks are for any parcel that is within 100' of a body of water

and it does not need to abut to the water. To have the Planning Commission review Section 505 language on whether property within the waterfront yard setback of 100' should have flexibility of discretion for uses within the 100' water setbacks. The 100' setback enforcement is to occur until the Planning Commission addresses the issue and clarification is received.

Roll Call Vote:

Yes: Zaring, Johnson, Perschbacher

No: none

**PUBLIC COMMENTS AND COMMUNICATIONS**

Shawn Middleton, 558 1<sup>st</sup> Street, his parcel line is 65' from the body of water. With the 100' waterfront setback this makes it impossible for any revisions or additions to his backyard.

Mr. Perschbacher encouraged the ZBA to contact Mary Riley for training sessions that may be offered in the future.

Mr. Perschbacher announced his term ends on May 31, 2019 and he will not be renewing his term.

The members thanked him for his many years of service.

**ADJOURNMENT:**

MOTION by Denis Johnson, seconded by Mr. Zaring that the meeting be adjourned.

Meeting adjourned at 6:50 p.m.

Respectfully Submitted



Nancy Baker, Recording Secretary