

**MANISTEE CITY
ZONING BOARD OF APPEALS**

Meeting of September 10, 2012
5:00 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 September 10, 2012 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the September 6, 2012 meeting Minutes.

V PUBLIC HEARING

None

VI BUSINESS SESSION:

None

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

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street

Manistee, MI 49660

MEETING MINUTES

September 6, 2012

DRAFT

A meeting of the Manistee City Zoning Board of Appeals was held on September 6, 2012 at 5:30 p.m. 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

OTHERS: Jacob Bialik (Facility Manager – Morton Salt Inc.)
Jon Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

The meeting was called to order at 5:30 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 Ray Fortier, seconded by Craig Schindlbeck to approve the January 19, 2012 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

ZBA-2012-01 Morton Salt Inc., 180 Sixth Street – Variance to Height Limitation

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Morton Salt Inc. received a variance from the Zoning Board of Appeals on November 27, 2007 that allowed the construction of a boiler exhaust stack 150 feet in height. The Michigan Department of Environmental Quality which is the state government version of the Environmental Protection Agency is requiring that the existing boiler stack height be 160 feet tall. Due to state air quality regulations that are based on federal requirements Morton Salt needs a variance to increase the existing boiler stack 10 feet.

Chair Perschbacher opened the Public Hearing at 5:36 pm

Jacob Bialik, Facility Manager, Morton Salt Inc. – Mr. Bialik gave a background on the height, relocation and state regulations relating to the boiler stack. In order to meet the Boiler M.A.C.T. regulations additional equipment was added to the facility in 2007 that resulted in moving the existing stack which was 160 feet in height to its current location. The stack that was installed in 2007 was at a height of 150 feet. Morton's discovered an error and the stack should have been constructed to a height of 160 feet, the same height as the previous stack that was constructed in 1947.

Member Kracht asked what would happen if a variance was not granted.

Mr. Bialik said the DEQ could shut the plant down.

Jon Rose, Community Development Director – Mr. Rose believed that the increase in the stack height was a benefit to the community as is Morton's.

Chair Perschbacher opened the hearing for public comments.

None

Chair Perschbacher asked if any correspondence had been received in response to the request.

None

There were no more additional comments; the Public Hearing was closed at 5:43 pm

BUSINESS SESSION:

ZBA-2012-01 Morton Salt Inc., 180 Sixth Street – Variance to Height Limitation

A public hearing was held earlier in response to a request from Morton Salt Inc. for a variance to increase the height of the existing boiler exhaust stack from 150 feet to 160 feet to comply with

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Michigan Department of Environmental Quality Requirements.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507.C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

The Board shall find that a variance request meets all of the following conditions.

1. The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.
5 - Yes Fortier, Kracht, Hoffman, Schindlbeck, Perschbacher
0 - No None
2. The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.
5 - Yes Hoffman, Kracht, Schindlbeck, Fortier, Perschbacher
0 - No None
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district
5 - Yes Kracht, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No None
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.
5 - Yes Hoffman, Schindlbeck, Fortier, Kracht, Perschbacher
0 - No None
5. The requested variance is for property under the control of the applicant
5 - Yes Schindlbeck, Fortier, Kracht, Hoffman, Perschbacher
0 - No None
6. The requested variance was not self-created by the applicant or property owner.

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5 - Yes Schindlbeck, Kracht, Fortier, Hoffman, Perschbacher
0 - No None

7. There is not an alternative that would allow the improvement to the property without the requested variance.

5 - Yes Kracht, Fortier, Hoffman, Schindlbeck, Perschbacher
0 - No None

8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.

5 - Yes Fortier, Kracht, Hoffman, Schindlbeck, Perschbacher
0 - No None

Special Conditions. When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** (1) of the following special conditions can be clearly demonstrated:

1. Are there practical difficulties with the property that prevents full compliance with the requirements of the ordinance? [Practical difficulties are evaluated in terms of the use of the parcel. Neither the fact the appellant could incur additional costs to achieve full compliance or receive additional income with less than full compliance is to be considered]

5 - Yes Hoffman, Kracht, Schindlbeck, Fortier, Perschbacher
0 - No None

MOTION by Mark Hoffman, seconded by Bill Kracht to approve the variance request from Morton Salt Inc. for a variance to increase the height of the existing boiler exhaust stack from 150 feet to 160 feet.

Yes Hoffman, Schindlbeck, Fortier, Kracht, Perschbacher
No None

Members of the Zoning Board of Appeals scheduled a meeting for 5:00 pm on Monday, September 10, 2012 to certify the meeting minutes.

Old Business:

None

Other Business of the Appeals Board:

Denise Blakeslee informed the members of the Zoning Board of Appeals that Alternate Stanton Haner

moved out of the City and has resigned. Both Alternate positions are vacant. She reminded the members that the Placemaking & Historic Preservation Workshop is on September 17th for the members who signed up to attend.

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

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ADJOURNMENT:

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

Meeting adjourned at 6:00 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary