

MANISTEE CITY ZONING BOARD OF APPEALS
70 Maple Street
P.O. Box 358
Manistee, MI 49660

MEETING MINUTES

April 8, 1999

A meeting of the Manistee city Zoning board of Appeals was held on Thursday, April 8, 1999 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

The meeting was called to order at 5:30 p.m. by Chairman Ed Grabowski.

MEMBERS PRESENT: Ed Grabowski, Mary Ann Johnson, Ray Rutkowski and John Serocki

MEMBER ABSENT: John Perschbacher

ALTERNATE PRESENT: Mark Wittlief

ALTERNATE ABSENT: Bob Johnson

OTHERS PRESENT: Kenneth & Eileen Hawkins (903 Maple Street), Tim Fogarty (Ace Hardware), Ray Fortier and Jon Rose (Community Development Officer)

PUBLIC HEARING:

Kenneth & Eileen Hawkins

Kenneth & Eileen Hawkins own the house at 903 Maple Street they are requesting a variance to accessory structure height limitation of 14 feet to allow construction of a garage with a height of 19 feet 6 inches to match the roof line of their home.

There was no public comment. John Serocki requested clarification of location of garage in relation to house. Eileen Hawkins responded.
Public Hearing closed at 5:35 p.m.

Ace Hardware (F&M Realty Corp.)

Ace Hardware has a Special Use Permit to allow construction of a lumber yard at First Reitz Park Addition lots 52 thru 65 between Maywood, Vine, Park and Forest Avenue. Tim Fogarty of Ace Hardware presented the requests. They are asking for variances to allow construction of lumber

storage buildings. Variances requested are as follows:

1. A variance to allow height increase from 14 feet to 28 feet.
2. A variance to reduce set-back from alley from 3 feet to 0 feet.
3. A variance to reduce front-yard set-back from 58 feet from centerline to 56 feet from centerline.

Chairman Ed Grabowski read a letter from Filer Township expressing their concerns with the setback issues. There being no further discussion the Public Hearing closed at 5:48 p.m.

BUSINESS SESSION:

Minutes

MOTION by Mark Wittlief, seconded by Ray Rutkowski that the minutes of the February 11, 1999 Zoning Board of Appeals Meeting and the March 23, 1999 Board of Appeals Meeting be approved. Minutes were approved unanimously.

Kenneth & Eileen Hawkins

A Public Hearing was held earlier regarding the request from Kenneth & Eileen Hawkins for a variance to accessory structure height limitation of 14 feet to allow construction of a garage with a height of 19 feet 6 inches to match the roof line of their home.

MOTION by Ray Rutkowski, seconded by John Serocki that a variance accessory structure height limitation of 14 feet to allow construction of a garage with a height of 19 feet 6 inches to match the roof line of their home 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.

Ace Hardware (F&M Realty Corp.)

A public hearing was held earlier regarding the request from Ace Hardware (F&M Realty Corp.) for three variances, each variance is handled separately.

Height Limitation

Ace Hardware is requesting a variance to allow height increase from 14 feet to 28 feet for lumber storage buildings.

MOTION by John Serocki, seconded by Ray Rutkowski that a variance be granted to Ace Hardware (F&M Realty Corp.) to allow height increase from 14 feet to 28 feet for the construction of lumber storage buildings. This 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.

Alley set-back

Ace Hardware (F&M Realty Corp.) is requesting a variance to reduce set-back from alley from 3 feet to 0 feet for the construction of lumber storage buildings.

MOTION by John Serocki, seconded by Ray Rutkowski that the variance be Denied.

MOTION PASSED UNANIMOUSLY.

Front-Yard Set-Back

Ace Hardware (F&M Realty Corp.) is requesting a variance to reduce front-yard set-back from 58 feet from centerline to 53 feet from centerline.

MOTION by John Serocki, seconded by Mary Ann Johnson that a variance be granted to Ace Hardware to reduce front-yard set-back from 58 feet from centerline to 53 feet from centerline. This 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.

This variance was modified by the Zoning Board of Appeals to reduce the required front-yard set-back to 53 feet rather than granting the requested variance to the rear-yard set-back.

MOTION PASSED UNANIMOUSLY.

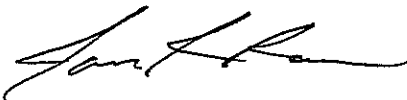
ADJOURNMENT:

There being no further business a motion to adjourn was made by Mary Ann Johnson. seconded by Ray Rutkowski.

MOTION APPROVED UNANIMOUSLY.

Meeting adjourned at 6:05 p.m.

Respectfully Submitted



Jon R. Rose, Acting as Secretary