

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street, P.O. Box 358
Manistee, MI 49660

MEETING MINUTES

October 24, 2000

A meeting of the Manistee City Zoning Board of Appeals was held on Tuesday, October 24, 2000 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 5:32 p.m. by Chairman John Serocki.

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

MEMBERS ABSENT: John Perschbacher and Mark Wittlief

ALTERNATE PRESENT: Marlene Mc Bride

ALTERNATE ABSENT: Brenda Alfred Birks

OTHERS PRESENT: Tim Simonis (7808 Bacchanalia Ct., Cadillac), Mark Krauskopf (Abonmarche) and Mark Niesen (Building and Zoning)

PUBLIC HEARING:

Tim Simonis

Tim Simonis purchased the vacant property on Cypress Street south of the undeveloped portion of Tenth Street. Mr. Simonis would like to construct an automated car wash at this location. Mr. Simonis is requesting a variance to allow a driveway closer than 50 feet to an intersection as required by Section 1051.A.1. AND a variance to allow the dumpster to be located on the corner of the property rather than adjacent to the building as required by Section 5004.D.3.b of the City of Manistee Zoning Ordinance.

The Planning Commission had reviewed the site plan for the proposed car wash and approved the plan pending a variance from the Zoning Board of Appeals for the curb cut, the dumpster be located next to the building and be enclosed; and contingent on the purchase of the adjoining property to the north of the undeveloped portion of Tenth Street.

Mark Krauskopf, Architect the Abonmarche Group explained the dumpster location and curb cut. The dumpster would be unsightly if placed on the north side of the building. Do not want to put the

dumpster in areas for future expansion and require to move it then. Trash cans will be placed on every service island.

Ed Grabowski asked if the dumpster would be fenced in. Mr. Krauskopf said it would.

John Serocki asked who owns which lots. Tim Simonis said that he purchased lots 2 thru 7 and the north triangles.

Mark Krauskopf explained the location of the curb cut. Tim Simonis spoke of vacating the portion of Tenth Street between Cypress and U.S. 31. Mr. Krauskopf explained the traffic pattern for exiting the car wash. Mr. Grabowski asked if they are trying to separate traffic flow. Mr. Krauskopf said that they were and the north lane traffic would turn right and the south traffic lane would turn left.

Marlene McBride asked what the property was zoned. Mark Niesen said that the property was zoned C-1 Commercial.

Ms. McBride asked why Mr. Simonis purchased the north lots? Was it for future expansion? Mr. Simonis said that the lots were purchased for visibility and signage.

Mark Krauskopf explained the reason for keeping the plans as drawn.

Members of the ZBA asked if the signage would be sufficient? Mr. Serocki reminded Mr. Simonis that snow cannot be plowed into the street.

John Serocki asked if any correspondence has been received regarding the request? Mr. Niesen said that no one has called or responded to the request.

There being no further discussion the public hearing closed at 5:36 p.m.

BUSINESS SESSION:

Minutes

MOTION by Ed Grabowski, supported by Mary Ann Johnson that the minutes from the September 7, 2000 meeting be approved.

MOTION PASSED UNANIMOUSLY.

Tim Simonis

Variance to Section 1051.A.1 Driveways and Curb Cuts

Tim Simonis owns the vacant property on Cypress and Tenth Street and would like to construct an automated Car Wash. A variance to Section 1051.A.1 Driveways and Curb Cuts is needed to allow the driveway closer than 50 feet to an intersection as required by the Zoning Ordinance.

MOTION by Ed Grabowski, seconded by Mary Ann Johnson that a variance to Section 1051.A.1 Driveways and Curb Cuts to allow the construction of a driveway closer than 50 feet to an intersection be approved as indicated on the attached drawing with the condition that signage be placed on the south driveway that reads "EXIT ONLY", "ENTER ONLY" signage be placed at the north entrance, and that stop signs be placed one on each side of the island . 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.

Variance to Section 5004.D.3.b Dumpster

MOTION by Ed Grabowski, seconded by Mary Ann Johnson that a variance to allow the dumpster to be located on the corner of the property rather than adjacent to the building as required by Section 5004.D.3.b of the Zoning Ordinance be approved as indicated on the attached drawing with the condition that the dumpster be fenced in and in the event that construct were to take place on the property to the south the dumpster would need to be relocated. 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.

OTHER BUSINESS:

None

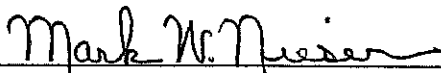
ADJOURNMENT:

MOTION by Mary Ann Johnson, seconded by Ed Grabowski that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY.

There being no further business meeting adjourned at 6:13 p.m.

Respectfully Submitted



Mark W. Niesen, Acting as Secretary