

MANISTEE CITY ZONING BOARD OF APPEALS

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

MEETING MINUTES

October 29, 2001

A meeting of the Manistee City Zoning Board of Appeals was held on Monday, October 29, 2001 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

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

ALTERNATE ABSENT: Marlene McBride

OTHERS PRESENT: Alan Verheek (417 Second Street), Ivan Tenney (291 Tenth Street), Kevin Shoester, Roy Niesen (294 Tenth Street) and Mark Niesen (Building and Zoning)

The meeting was called to order at 5:32 p.m. by Chairman Ed Grabowski

PUBLIC HEARING:

Alan & Sue Verheek, 417 Second Street

Alan & Sue Verheek would like to construct an addition onto the rear of their home at 417 Second Street. The east side of their home is currently 2 feet 6 inches from the property line. They would like to construct an addition onto the rear of their home following the current lines of their house. This would require a variance to the side yard set back from 10 feet to 2 feet 6 inches.

Mr. Verheek passed out drawings of the proposed addition. Mr. Verheek explained the roof line of the current structure and proposed addition.

There being no further discussion the public hearing closed at 5:38 p.m.

Ivan Tenney, 291 Tenth Street

Ivan Tenney, 291 Tenth Street is asking for three variances. The variances are as follows:

1. Variance to the height limitation of an accessory structure from 14 feet to 21 feet.

2. Variance to the wall height of an accessory structure from 10 feet to 12 feet.
3. Variance to allow an accessory structure to be 65 square feet larger than the primary structure.

Mr. Tenney explained the proposed project to the members of the Zoning Board of Appeals. The proposed accessory structure will not encroach into any set-backs. Ed Grabowski reviewed the language of the Zoning Ordinance with the members of the board.

Kevin Shoester explained the size and cost of the building. A 30' x 40' building is a standard size and would be more cost effective than to scale the building down which would result in a custom size which would increase the cost of the structure.

Roy Niesen, 294 Tenth Street lives across the street from Mr. Tenney's property. Mr. Niesen supports Mr. Tenney's request for all three variances.

There being no further discussion the public hearing closed at 5:50 p.m.

BUSINESS SESSION:

Minutes

MOTION by John Perschbacher, supported by Mary Ann Johnson that the minutes from the September 6, 2001 meeting be approved.

MOTION APPROVED UNANIMOUSLY.

Alan & Sue Verheek, 417 Second Street

A public hearing was held earlier in response to a request from Alan & Sue Verheek 417 Second Street. Mr. & Mrs. Verheek would like to construct an addition onto the rear of their home. This would require a variance to the side yard set back from 10 feet to 2 feet 6 inches.

MOTION by John Serocki, seconded by Mark Wittlief that the request from Mr. & Mrs. Verheek for a variance to construct an addition onto the rear of their home 2 feet 6 inches from the east property line be approved with the following condition:

1. Any water run off must be contained on owners property.

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 APPROVED UNANIMOUSLY

Ivan Tenney, 291 Tenth Street - height limitation

Ivan Tenney, 291 Tenth Street is asking for a variance to the height limitation of an accessory structure from 14 feet to 21 feet.

MOTION by Mary Ann Johnson, seconded by John Serocki that a variance to the height limitation of an accessory structure from 14 feet to 21 feet for Ivan Tenney, 291 Tenth Street be approved with the following condition:

1. Approval required by the Historic Overlay Review Committee.

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

Ivan Tenney, 291 Tenth Street - wall height accessory structure

Ivan Tenney, 291 Tenth Street is asking for a variance to the wall height of an accessory structure from 10 feet to 12 feet.

MOTION by John Perschbacher, seconded by Mark Wittlief that a variance to the wall height of an accessory structure from 10 feet to 12 feet be granted to Ivan Tenney, 291 Tenth Street.

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 APPROVED UNANIMOUSLY

Ivan Tenney, 291 Tenth Street - accessory structure larger than primary structure

Ivan Tenney, 291 Tenth Street is asking for a variance to allow an accessory structure to be 65 square feet larger than the primary structure.

MOTION by Mark Wittlief, seconded by John Serocki that a variance to allow an accessory structure to be 65 square feet larger than the primary structure for Ivan Tenney, 291 Tenth Street 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 APPROVED UNANIMOUSLY

OTHER BUSINESS:

None

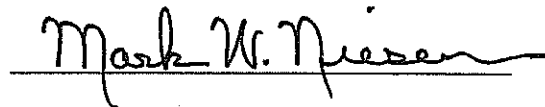
ADJOURNMENT:

There being no further business MOTION by John Perschbacher, seconded by John Serocki that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY.

There being no further business meeting adjourned at 6:22 p.m.

Respectfully Submitted

A handwritten signature in cursive script that reads "Mark W. Niesen". The signature is written in black ink and is positioned above a horizontal line.

Mark W. Niesen, Acting as Secretary