

MANISTEE CITY ZONING BOARD OF APPEALS

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

MEETING MINUTES

February 28, 2002

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, February 28, 2002 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

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

MEMBERS ABSENT: Ed Grabowski

ALTERNATE PRESENT: Bill Kracht

ALTERNATE ABSENT: Marlene McBride

OTHERS PRESENT: Jon and Jackie Trucks, Howard and Stacey Vaas, Richard Morehouse, Pat Dougherty, Leslie Kirks, Timothy Kirks, Jon Rose (Community Development) and Mark Niesen (Building and Zoning)

The meeting was called to order at 5:30 p.m. by Vice-Chair John Perschbacher

PUBLIC HEARING:

Timothy Kirks, 720 Locust Street

Timothy Kirks, 720 Locust Street. Mr. Kirks owns the house on the corner of Locust and Eighth Street. Mr. Kirks has placed a utility shed within the front-yard set-back on Eighth Street. Mr. Kirks is requesting a variance to allow the shed to remain at the current location. This request would reduce the front-yard set-back from 30 feet to 22 feet.

Timothy Kirks explains that the storage shed in question is sitting where it is at because they thought that it was out of the way, didn't hinder traffic and they thought the neighbors would appreciate it more if they did not have to look at it if it were placed in the other backyard corner. He did not realize that his corner lot was considered two front yards. So he paid the \$250.00 to see if he could get a variance to leave it where it is. Leslie Kirks added that 'it looks very nice'. Jon Rose (Community Development Director) stated that it did look very nice where it is but doesn't see where it creates a hardship if it were put in a legal location on the lot...Mr. Kirks Disagrees.

There being no further discussion the public hearing closed at 5:47 p.m.

Jacqueline Trucks, 301 & 303 First Street

Jacqueline Trucks owns the property at 301 and 303 First Street commonly known as Stacy's Flower Shop and the First Street Tavern. Ms. Trucks needs a variance to the rear-yard set-back, side-yard set-back, front-yard set-back, area requirements, off street parking requirements and street frontage requirements of the Zoning Ordinance to allow a split of the parcel into two separate businesses.

Mr. Dougherty (lawyer) spoke for the Trucks' interests. He explained the history of the building and doesn't see any adverse results from this action. He states that the building would not change from what it is today, other than having two owners. John Serocki asked about fire walls. Mark Niesen (Building Inspector) stated that the Trucks have already addressed this and have hired an Architect who has researched this and has come up with an acceptable solution. Jon Rose expressed concerns regarding the rear access of the bar. Mr. Dougherty said that the seven foot easement indicated on the survey would be granted to the bar for rear ingress. John Perschbacher asked if there were any other issues that should be addressed at this time. Mr. Niesen indicated that there may be water pipes and other utilities that may weave in and out of the two buildings and that these matters may well better be addressed at this time.

There being no further discussion the public hearing closed at 5: 58 p.m.

BUSINESS SESSION:

Minutes

MOTION by John Serocki, supported by Mary Ann Johnson that the minutes from the December 13, 2001 meeting be approved.

MOTION APPROVED UNANIMOUSLY

Timothy Kirks, 720 Locust Street

A public hearing was held earlier in response to a request from Timothy Kirks, 720 Locust Street requesting a variance to the front-yard set-back of 30 feet to 22 feet to for an accessory structure.

MOTION by John Serocki, seconded by John Perschbacher that the request from Timothy Kirks for a variance to reduce the front yard set-back of 30 feet to 22 feet for an accessory structure be denied.

Motion denies with voting as follows:

3 - 0 with Mary Ann Johnson abstaining due to being neighbors.

MOTION TO DENY REQUEST PASSED

Jacqueline Trucks, 301 and 303 First Street

A public hearing was held earlier in response to a request from Jacqueline Trucks owner of property at 301 and 303 First Street commonly known as Stacy's Flower Shop and the First Street Tavern. Ms. Trucks needs a variance to the rear-yard set-back, side-yard set-back, front-yard set-back, area requirements, off street parking requirements and street frontage requirements of the Zoning Ordinance to allow a split of the parcel into two separate businesses.

MOTION by Serocki , seconded by Mary Ann that the request from Jacqueline Trucks for a variance to the rear-yard set-back, side-yard set-back, front-yard set-back, area requirements, off street parking requirements and street frontage requirements of the Zoning Ordinance be granted. With the following conditions:

Approved with the condition that the First Street Bar, 303 First Street be granted a 7 foot legal easement at the rear of Stacy's Flower Shop, 301 First Street as shown on the survey prepared by Craig Stapley dated December 10, 2001. A utility easement will need to be prepared in the event that it is needed

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:

Election of Officers

Meeting was turned over to Mark Niesen who asked for nominations to the position of Chair.

Mark Niesen asked for nominations to the position of Chair.

Serocki nominated Perschbacher to the position of Chair, Mary Ann seconded the nomination.

There being no further nominations John Perschbacher was nominated as Chair of the Zoning Board of Appeals for the year 2002.

Mark Niesen asked for nominations to the position of Vice-Chair/Secretary.

Mary Ann nominated Ed Grabowski to the position of Vice-Chair/Secretary, Serocki seconded the nomination.

There being no further nominations

Ed Grabowski was nominated as Vice-Chair/Secretary of the Zoning Board of Appeals for the year 2002.

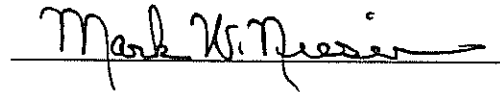
ADJOURNMENT:

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

MOTION PASSED UNANIMOUSLY.

There being no further business meeting adjourned at 6:14p.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