

MANISTEE CITY ZONING BOARD OF APPEALS

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

MEETING MINUTES

May 23, 2002

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, May 23, 2002 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Marlene McBride, Ed Grabowski, John Perschbacher, John Serocki, and Mark Wittlief

MEMBERS ABSENT: None

ALTERNATE ABSENT: William Kracht

OTHERS PRESENT: Earl Maue, (1460 Greenwich), Denis & Emmy Johnson (464 Fifth Street), Jon Rose (Community Development) and Mark Niesen (Building and Zoning)

The meeting was called to order at 5:32 p.m. by Chair John Perschbacher. Mr. Perschbacher said that before anyone can address the Zoning Board of Appeals they are to be recognized by the Chair and must state their name and address.

PUBLIC HEARING:

Denis & Emmy Johnson, 464 Fifth Street.

Mr. & Mrs. Johnson would like to construct an addition onto the west side of their house. Currently the west side of their home is 2 feet 6 inches into the side-yard set-back. Mr. & Mrs. Johnson will need two variances to construct the addition. The first is *a variance to reduce the side-yard set-back from 10 feet to 7 feet 6 inches*. Second is *a variance to reduce the roof slope from the required 4 feet, or greater, vertical rise for each 12 feet of horizontal distance to 3 feet for each 12 feet of horizontal distance*.

Denis Johnson explained to the members of the Zoning Board of Appeals the reason for the request. Mr. Johnson would like to add a master bedroom and bath onto the home. The addition would be constructed using the existing set-back on the home which encroaches 2 feet 6 inches into the side-yard set-back. John Serocki wanted confirmation that the house currently encroaches 7 feet 6 inches into the side-yard set-back. Mr. Johnson confirmed the encroachment.

Marlene McBride asked about water run off from the house. Mr. Johnson said that they would install a rain gutter that would dump into the bushes on his property. Emmy Johnson said that the bushes would be removed during excavating then be replaced once the construction was finished.

John Serocki asked about the variance for the roof pitch. Mr. Johnson said that they asked for a 3 inch for every 12 inches but hope that once constructed the roof would not be that shallow.

There being no further discussion the public hearing closed at 5:45 p.m.

Earl Maue, 1460 Greenwich

Mr. Maue would like to construct an attached garage onto his residence at 1460 Greenwich. To construct the attached garage Mr. Maue would need a *variance to reduce to side-yard set-back from 10 feet to 3 feet.*

Earl Maue explained his request for a variance to reduce the side yard set-back to 3 feet to allow the construction of a 16' x 30' garage. Ed Grabowski asked why the garage needed to be 16 feet. Mr. Maue said that he needed the storage. Mr. Maue said that a lot of the neighbors are closer than 10 feet from the property line. John Serocki asked if the garage could be moved further back. Mr. Maue said not if the garage would match the existing roof line of the home.

A letter was received from Rita Oleniczak, 1360 Princeton Road in opposition to the request.

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

Ted & Mari Morehouse, 441 Second Street.

Mr. & Mrs. Morehouse constructed a garage that faces the alley on their property. The garage was constructed 6 inches too close to the property line the Zoning Ordinance requires a 3 foot set-back. Mr. & Mrs. Morehouse are requesting *a variance to allow an accessory structure to be constructed 2 feet 6 inches from the property line.*

Mark Niesen presented this request to the Zoning Board of Appeals. Mr. Niesen said that an error was made in the Building Department. The 6 inch encroachment was discovered after construction.

A letter was received from James Brown, 437 Second Street who was not opposed to the request for a variance since the structure was already completed. Mr. Brown expressed concerns about a fence outside the lot lien at the rear of the property and a fence over 4 feet in height on the West side of the home. Mr. Niesen said that he will send a letter regarding the fences that are in violation of the ordinance.

There being no further discussion the public hearing closed at 6:04 p.m.

BUSINESS SESSION:

Minutes

MOTION by Ed Grabowski, supported by John Serocki that the minutes from the February 28, 2002 meeting be approved.

MOTION APPROVED UNANIMOUSLY

Denis & Emmy Johnson, 464 Fifth Street - Side Yard Set-Back

A public hearing was held earlier in response to a request from Denis & Emmy Johnson, 464 Fifth Street for a *variance to reduce the side-yard set-back from 10 feet to 7 feet 6 inches.*

MOTION by John Serocki, seconded by Ed Grabowski that the request from Denis & Emmy Johnson, 464 Fifth Street for a variance to reduce the side-yard set-back from 10 feet to 7 feet 6 inches be approved with the condition that any water run off be contained on Mr. Johnson's 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

Denis & Emmy Johnson, 464 Fifth Street - Roof Slope

The public hearing for Mr. & Mrs. Johnson included a second request for a *variance to reduce the roof slope from the required 4 feet, or greater, vertical rise for each 12 feet of horizontal distance to 3 feet for each 12 feet of horizontal distance.*

MOTION by Ed Grabowski, seconded by Mark Wittlief that the request from Denis & Emmy Johnson, 464 Fifth Street for a variance to reduce the roof slope from the required 4 feet, or greater, vertical rise for each 12 feet of horizontal distance to 3 feet for each 12 feet of horizontal distance 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

Earl Maue, 1460 Greenwich

A public hearing was held in response to a request from Earl Maue, 1460 Greenwich for a *variance to reduce the side-yard set-back from 10 feet to 3 feet* to allow the construction of an attached garage.

MOTION by Ed Grabowski, seconded by Marlene McBride that the request from Earl Maue, 1460 Greenwich for a variance to reduce the side-yard set-back from 10 feet to 3 feet to allow the construction of an attached garage be approved with the following conditions:

1. No door or window shall be installed on the North side of the Garage.
2. A one hour separation wall shall be constructed on the North side of the Garage.

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

Ted & Mari Morehouse, 441 Second Street.

A public hearing was held earlier in response to a request from Ted & Mari Morehouse, 441 Second Street requesting a *variance to allow an accessory structure to be constructed 2 feet 6 inches from the property line.*

MOTION by John Serocki, seconded by Ed Grabowski that the request from Ted & Mari Morehouse, 441 Second Street for a variance to allow an accessory structure to be constructed 2 feet 6 inches from the property line 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.

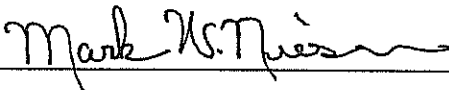
OTHER BUSINESS:

Members of the Zoning Board of Appeals will review their By-Laws at the next scheduled meeting if time permits. Copies of the By-Laws will be forwarded to the members for their review.

ADJOURNMENT:

There being no further business meeting adjourned at 6:49 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