

## MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street  
Manistee, MI 49660

### MEETING MINUTES

June 18, 2007

A meeting of the Manistee City Zoning Board of Appeals was held on June 18, 2007 at 5:30 p.m. in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee, Michigan.

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

#### ROLL CALL:

**Members Present:** Ray Fortier, Bill Kracht, Marlene McBride, John Perschbacher

**Members Absent:** Mark Hoffman, Craig Schindlbeck (Alternate), Vacancy

**Others Present:** Jeremy Logan (158 Washington Street), Eleanore Chmielewski (179 Washington Street), Jo Arnold, Jon Rose (Community Development Director) and Denise Blakeslee (Planning & Zoning)

#### APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Bill Kracht that the Agenda be approved as amended by Chair Perschbacher, the Zoning Board of Appeals will first make a determination on the Appeal from Administrative Decision. After that determination they will then hold a public hearing on the request for a variance if necessary.

#### APPROVAL OF MINUTES:

MOTION by Marlene McBride, seconded by Ray Fortier that the Minutes of the May 17, 2007 Zoning Board or Appeals Meeting be approved with the correction that Marlene Mc Bride and Bill Kracht were absent and change the word "notice" to "notified" in last paragraph on the first page.

MOTION PASSED UNANIMOUSLY

#### APPEAL FROM ADMINISTRATIVE DECISION

##### Jeremy Logan, 183 Washington Street.

Jeremy Logan, 183 Washington Street. Mr. Logan is requesting an Appeal from Administrative Decision to determine if existing garage attached to the home by a covered roof is part of the primary structure. Mr. Logan said that the rafters of the roof were tied into the rafters of the home and garage.

Zoning Board of Appeals members reviewed the request and looked at photographs of the structure. Members also had individually inspected the site prior to the meeting. After discussion about previous case where a variance had been granted to attach a detached garage to a home with a roof covered deck . And where roofed structures have been constructed under the eaves of the house and detached garage members were ready to make a determination.

MOTION by Bill Kracht, seconded by Ray Fortier to uphold the Zoning Administrators decision that the garage is not part of the primary structure.

With a roll call vote this motion passed 4 to 0 .

Yes: Fortier, McBride, Kracht, Perschbacher  
No: None

#### PUBLIC HEARING:

Jeremy Logan, 183 Washington Street. In the event that the Zoning Board of Appeals were to determine that the existing garage is not a part of the primary structure Mr. Logan is then requesting a variance for a reduction in the side-yard set-back from 10 feet to 7 feet to construct an garage addition with living space.

**Chair Perschbacher opened the Public Hearing.**

Jeremy Logan, 183 Washington Street explained the request to the members of the Zoning Board of Appeals. Mr. Logan spoke about the layout of the lot and the differences in elevations, the driveway height and need to change the elevation. The existing footings on the home need to be replaced and the garage footings needed to be changed to accommodate the second story. To stabilize a portion of the home shelf needs to be constructed and access to the mechanical room in the basement needs to be brought up to code. The current access is a trap door in the floor and it does not meet building code requirements.

Members reviewed the request with the applicant and many questions were asked as to if another location for the mechanical room can be found. Mr. Logan explained the desire to keep it in the basement and included in his application a letter of support from the adjoining property owner Mrs. Eleanore Chmielewski, 179 Washington Street. Mrs. Chmielewski was in attendance and said she had no problems with the requested variance.

Staff reviewed the request and the lot coverage requirement of the ordinance have been met. Mr. Logan would have less than 600 sq ft of area remaining.

There being no further public comments and the hearing was closed at 6:30 p.m.

**BUSINESS SESSION:**

**ACTION ON PENDING CASE:**

**Jeremy Logan, 183 Washington Street .**

A Public Hearing was held earlier in response to the request from Jeremy Logan 183 Washington Street for a variance for a reduction in the side-yard set-back from 10 feet to 7 feet to construct an garage addition with living space.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507.C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

The Board shall find that a variance request meets all of the following conditions.

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.  
Yes: Fortier, McBride, Kracht, Perschbacher  
No: None
2. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.  
Yes: McBride, Kracht, Fortier, Perschbacher  
No: None
3. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.  
Yes: Fortier, McBride, Kracht, Perschbacher  
No: None
4. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.  
Yes: Kracht, McBride, Fortier, Perschbacher  
No: None

5. The requested variance shall relate only to property that is under control of the applicant.  
Yes: McBride, Kracht, Fortier, Perschbacher  
No: None
6. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.  
Yes: Kracht, McBride, Fortier, Perschbacher  
No: None
7. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.  
Yes: Fortier, Kracht, McBride, Perschbacher  
No: None
8. The requested variance is the minimum variance that will make possible the reasonable use of the land.  
Yes: Fortier, Kracht, McBride, Perschbacher  
No:

Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

Members of the Zoning Board of Appeals made a determination on Special Condition 2 as follows:

2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.  
Yes: Kracht, McBride, Fortier, Perschbacher  
No: None

MOTION by Ray Fortier, seconded by Marlene McBride that the request from Jeremy Logan, 183 Washington Street for a reduction in the side-yard set-back from 10 feet to 7 feet to construct an garage addition with living space be approved

With a roll call vote this motion passed 4 to 0.

Yes: Kracht, McBride, Fortier, Perschbacher  
No: None

OLD BUSINESS

None

OTHER BUSINESS OF THE APPEALS BOARD

None

PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA:

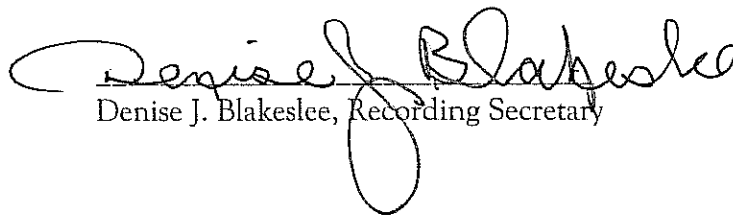
None

ADJOURNMENT:

There being no further business meeting motion by Bill Kracht, seconded by Ray Fortier that the meeting be adjourned.

Meeting adjourned at 7:03 p.m.

Respectfully Submitted

  
Denise J. Blakeslee, Recording Secretary