

MANISTEE CITY ZONING BOARD OF APPEALS
City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES
March 26, 2009

A meeting of the Manistee City Zoning Board of Appeals was held on March 26, 2009 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Mark Hoffman, Marlene McBride, John Perschbacher

MEMBER ABSENT: Bill Kracht (excused)

ALTERNATES PRESENT: Craig Schindlbeck

OTHERS PRESENT: Julian "Ty" & Maralee Cook (373 Second Street), Jon Rose (Community Development Director), and Denise Blakeslee (Planning & Zoning)

The meeting was called to order at 5:36 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the March 26, 2009 meeting Agenda.

With a voice vote MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the February 9, 2009 Zoning Board of Appeals Meeting Minutes as corrected. (Jon Rose was not at the meeting).

With a Roll Call vote motion passed 5 to 0

Yes: McBride, Hoffman, Schindlbeck, Fortier, Perschbacher

No: None

POTENTIAL CONFLICT OF INTEREST

Prior to the Public Hearing Mark Hoffman informed the Zoning Board of Appeals that his home is two doors down from the Appellant. The Board Discussed Mr. Hoffman's request for the Zoning Board of Appeals to determine if he has a Conflict of Interest and should abstain from voting on the request. The Board unanimously determined that there was not a Conflict of Interest and Member Hoffman could vote on the request.

PUBLIC HEARING:

Applicant Info :

ZBA-2009-02 - Julian T. & Maralee Cook , 373 Second Street

A Public Hearing is being held in response to a request from Julian T. & Maralee Cook, 373 Second Street. The home was built on a split lot circa 1885. Mr. & Mrs. Cook purchased the home in 1989 and are planning to live there full time when they retire. They would like to construct a detached garage to provide off street parking as well as needed storage space.

Mr. & Mrs. Cook are requesting a variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage. This would result in 48.7% Lot Coverage.

Chair Perschbacher opened the Public Hearing.

Julian "Ty" Cook, 373 Second Street - Mr. Cook said most of the supporting documentation was included in the members packets. The plans are to sell their home downstate and move to Manistee and retire. They would like to have a garage and that is the reason for the request. They have owned the home since the late 1980's and would like a garage.

John Perschbacher - Is the proposed garage large enough for their needs?

Mr. Cook - They wanted to keep the size to a minium because they have such a small lot and wanted to keep some yard.

Craig Schindlbeck - Can the side and rear-yard set backs be met?

Jon Rose - They meet the setback requirements. The only issue is lot coverage.

Mark Hoffman - Concerned that they may want a larger garage at a later date.

Jon Rose - Because of the noticing requirements the Zoning Board cannot approve more than requested. If they wanted a larger garage they would have to make another application to the Zoning Board of Appeals.

Marlene McBride - Does the deck stay?

Mr. Cook - Yes it is shown on the plan along with the amount of yard that would remain.

The hearing was be opened for public comments - No correspondence was received in response to the request and no public was in attendance.

There being no further discussion the Public Hearing Closed at 5:47 p.m.

BUSINESS SESSION:

Action on Pending Case:

ZBA-2009-02 - Julian T. & Maralee Cook , 373 Second Street

A Public Hearing was held earlier in response to a request from Julian T. & Maralee Cook, 373 Second Street. Mr. & Mrs. Cook are requesting a variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage. This would result in 48.7% Lot Coverage.

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.
5 - Yes Fortier, McBride, Hoffman, Schindlbeck, Perschbacher
0 - No None

2. The requested variance does 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.
5 - Yes McBride, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No None

3. The requested variance does 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.
5 - Yes McBride, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No None

4. The conditions or situations which necessitate the requested variance are not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
5 - Yes Hoffman, Schindlbeck, Fortier, McBride, Perschbacher
0 - No None
5. The requested variance relates only to property that is under control of the applicant.
5 - Yes Schindlbeck, Fortier, McBride, Hoffman, Perschbacher
0 - No None
6. The requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.
5 - Yes Schindlbeck, Fortier, McBride, Hoffman, Perschbacher
0 - 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.
5 - Yes Fortier, McBride, Hoffman, Schindlbeck, Perschbacher
0 - No None
8. The requested variance is the minimum variance that will make possible the reasonable use of the land.
5 - Yes Fortier, McBride, Hoffman, Schindlbeck, Perschbacher
0 - No None

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:

The Zoning Board of Appeals chose to discuss Condition #2

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.
5 - Yes McBride, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No None

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the variance request from Julian T. & Maralee Cook 373 Second to allow the construction of a 16' x 22' detached garage which would result in 48.7% Lot Coverage

With a roll call vote this motion passed 5 to 0.

Yes: Fortier, Hoffman, McBride, Perschbacher, Schindlbeck
No: None

The Zoning Board of Appeals will be meeting on April 2, 2009 at 5:30 p.m. in the Second Floor Conference Room to approve the March 26, 2009 Meeting Minutes.

Old Business:

None

Other Business of the Appeals Board:

John Perschbacher spoke of a training being held in Onekama on April 2, 2009 from 6 - 9 p.m.

Denise Blakeslee asked members about Citizen Planner Training and what times and length of meetings are best for the members. They are trying to schedule training for the remainder of 2009 and need to establish the best way for members to attend to receive their certification.

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

There being no further business meeting MOTION by Marlene McBride, seconded by Craig Schindlbeck that the meeting be adjourned.

Meeting adjourned at 6:23 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary