

**MANISTEE CITY**  
**ZONING BOARD OF APPEALS**

Meeting of April 5, 2018  
6:30 p.m. - Second Floor Conference Room  
City Hall, 70 Maple Street,  
Manistee, Michigan

**AGENDA**

**I CALL TO ORDER**

**II ROLL CALL**

**III APPROVAL OF AGENDA**

At this time the Zoning Board of Appeals can take action to approve the April 5, 2018 Agenda.

**IV APPROVAL OF MINUTES**

At this time Zoning Board of Appeals can take action to approve the March 22, 2018 meeting Minutes.

**V PUBLIC HEARING**

None

**VI BUSINESS SESSION:**

None

**Other Business of the Appeals Board**

**VII PUBLIC COMMENTS AND COMMUNICATIONS**

At this time the Chair will ask if there are any public comments.

**VIII ADJOURNMENT**

***ZBA Members are invited to view a webinar during the Planning Commission meeting scheduled at 7 pm following their meeting.***



## Memorandum

TO: ZBA Members

FROM: Denise Blakeslee, Planning & Zoning Director

DATE: March 23, 2018

RE: ZBA Meeting April 5, 2018

**Denise Blakeslee**  
**Planning & Zoning Director**  
70 Maple Street  
Manistee, MI 49660  
231.398.2805  
dblakeslee@manisteemi.gov  
www.manisteemi.gov

Good Morning! I have completed the draft ZBA Minutes from last night's meeting. A meeting has been scheduled for **6:30 pm on Thursday, April 5, 2018** in the Council Chambers to certify the meeting.

At 7 pm the Planning Commission will view a webinar "Land Use Legislative and Case Law Recap for 2017" during their meeting and you are invited to stay to watch. The webinar is 1 hour.

If you are unable to attend the meeting please call me at 398-2805.

**MANISTEE CITY ZONING BOARD OF APPEALS**

City Hall, 70 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**

March 22, 2018

A meeting of the Manistee City Zoning Board of Appeals was held on March 22, 2018 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Duane Jones, Mark Hoffman, Denis Johnson (Alternate), Marlene McBride, John Perschbacher, Glenn Zaring

**MEMBER ABSENT:** None

**OTHERS:** Thomas E. Amor (303 Fifth Street), Gini Pelton (329 Frist Avenue), and Denise Blakeslee (Planning and Zoning Director)

The meeting was called to order at 5:30 p.m. by Chairman Perschbacher. The Board welcomed new members Duane Jones and Denis Johnson (alternate).

**APPROVAL OF AGENDA:**

MOTION by Duane Jones, seconded by Glenn Zaring to approve the Agenda with the addition of Elect a Vice Chair for the remainder of the 2018 term added under new business.

With a voice vote this MOTION PASSED UNANIMOUSLY

**APPROVAL OF MINUTES:**

MOTION by Mark Hoffman, seconded by Marlene McBride to approve the January 25, 2018 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

**PUBLIC HEARING:**

Chair Perschbacher opened the Public Hearing at 5:30 pm

**ZBA-2018-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).**

Denise Blakeslee Planning & Zoning Director explained the request to the members. In the R-2 zoning district parcels were a duplex is located requires 80 feet of parcel width and 10,000 square feet of parcel

area. The requested variances would allow the reduction in the parcel width requirement (80 feet) and parcel area requirement (10,000 square feet) to allow a portion of the parking lot to be split and combined with 303 Fifth Street to permit the applicant to request a Special Use Permit for a duplex.

The variance would permit the north 2,196.65 square feet of Parcel #51-664-703-07 of the parking lot owned by Good Shepherd Lutheran Church (east of 40 Magill Street) to be split and combined with Parcel #51-664-703-01 (303 Fifth Street) owned by Mr. Amor. This would create a parcel 10,005.39 square feet in area with 57.50 feet of frontage along Fifth Street. The applicant will need a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage for a duplex

The parking lot would be reduced to 9,811 sq. ft in area with approximately 74 feet of frontage along Magill Street, which results in the need for a variance that reduces the parcel area requirements for a parking facility from 10,000 square feet in are to 9,811 square feet and reduces the parcel width requirement from 80 feet of frontage to 74 feet of frontage.

She spoke of the noticing requirements for Public Hearings; the property is located in the R-2 Medium Density Residential Zoning District; Both a Duplex and Parking Facility requires 80 feet of frontage and 10,000 sq. ft. of area. Two variances are required:

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.
- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet (existing frontage).

On December 10, 2015 the ZBA denied Mr. Amor's request for a variance to allow a duplex on a parcel with 57.5 feet of parcel width and 7,656 square feet of parcel area. Photos from the 2015 request that showed the updates to the property were shown.

The zoning ordinance was changed in 2006 that increased the parcel size requirements for duplex's and commercial uses in the R-2 Medium Density Residential Zoning District. In 2010 the ordinance was amended that requires a Special Use Permit for a duplex. Since 2003 rentals are required to be registered and inspected.

The average size lot in the R-2 Zoning District is 60 feet in width and 6,000 square feet in parcel area. Duplex's require four off street parking spaces.

Thomas E. Amor (303 Fifth Street) – Mr. Amor bought the home that had two entrances and two kitchens, he gutted the building and improved the property and created two one bedroom units. He improved the space as if he were to live there. He spoke of the need for housing and a meeting held by the League of Woman's Voters that discussed the housing needs in the county. There is not enough housing for new workers and not enough good housing stock. He purchased the property from the church to achieve the

area requirement needed for a duplex, only the lot width requirement remains. He has two parking spaces in the garage and plans to add a parking pad to the east of the garage for two vehicles. He did not purchase a portion of the parking lot for parking, just to achieve the parcel area requirement. He presented a document with six signatures from the neighborhood in support of the request.

Chair Perschbacher opened the hearing for public comments.

Gini Pelton (329 Frist Avenue) – Ms. Pelton is a local relator and has worked in the rental business since 1993. This is one of the nicest rentals in the community and there is a need for good rentals. Very few have garages available to the tenant and there is a rental crisis in the community and no place for people to rent. She supports the request.

Chair Perschbacher asked if any correspondence had been received in response to the request. No correspondence was received in response to the request.

There were no more additional comments; the Public Hearing was closed at 5:53 pm

**BUSINESS SESSION:**

**ZBA-2018-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).**

A public hearing was held earlier in response to the request from the request from Thomas E. Amor for variance that would allow the reduction in the parcel width requirement (80 feet) and parcel area requirement (10,000 square feet) to allow a portion of the parking lot to be split and combined with 303 Fifth Street to permit the applicant to request a Special Use Permit for a duplex.

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.

***Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet.***

1. The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.

Yes	McBride, Jones, Hoffman, Zaring, Perschbacher
No	None

2. The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.
  - Yes Hoffman, Jones, Zaring, McBride, Perschbacher
  - No None
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.
  - Yes Jones, Hoffman, Zaring, McBride, Perschbacher
  - No None
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.
  - Yes Hoffman, Zaring, McBride, Jones, Perschbacher
  - No None
5. The requested variance is for property under the control of the applicant
  - Yes Zaring, McBride, Jones, Hoffman, Perschbacher
  - No None
6. The requested variance was not self-created by the applicant or property owner.
  - Yes Zaring, Jones, McBride, Hoffman, Perschbacher
  - No None
7. There is not an alternative that would allow the improvement to the property without the requested variance.
  - Yes Jones, McBride, Hoffman, Zaring, Perschbacher
  - No None
8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.
  - Yes McBride, Jones, Hoffman, Zaring, Perschbacher
  - 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:

2. Is there an exceptional or extraordinary circumstance or physical condition (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district?
  - Yes Jones, Hoffman, Zaring, McBride, Perschbacher
  - No None

***Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.***

1. The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.
  - Yes McBride, Jones, Hoffman, Zaring, Perschbacher
  - No None

2. The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.
  - Yes Hoffman, Jones, Zaring, McBride, Perschbacher
  - No None
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.
  - Yes Jones, Hoffman, Zaring, McBride, Perschbacher
  - No None
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.
  - Yes Hoffman, Zaring, McBride, Jones, Perschbacher
  - No None
5. The requested variance is for property under the control of the applicant
  - Yes Zaring, McBride, Jones, Hoffman, Perschbacher
  - No None
6. The requested variance was not self-created by the applicant or property owner.
  - Yes Zaring, Jones, McBride, Hoffman, Perschbacher
  - No None
7. There is not an alternative that would allow the improvement to the property without the requested variance.
  - Yes Jones, McBride, Hoffman, Zaring, Perschbacher
  - No None
8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.
  - Yes McBride, Jones, Hoffman, Zaring, Perschbacher
  - 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:

2. Is there an exceptional or extraordinary circumstance or physical condition (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district?
  - Yes Jones, Hoffman, Zaring, McBride, Perschbacher
  - No None

MOTION by Mark Hoffman, seconded by Glenn Zaring to approve two variance requests from Thomas E. Amor that would permit the north 2,196.65 square feet of Parcel #51-664-703-07 of the parking lot owned by Good Shepherd Lutheran Church (east of 40 Magill Street) to be split and combined with Parcel #51-664-703-01 (303 Fifth Street) as follows:

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.

- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet.

With a voice vote this MOTION PASSED UNANIMOUSLY

**Elect Vice Chair**

Vice Chair Bill Kracht resigned from the Zoning Board of Appeals. Under Section 2.1 Selection of the By-Laws vacancies in an office of the Appeals Board shall be filled at the next meeting of the Appeals Board. The membership shall elect one of its members to fill the vacancy until the next annual election. Chair John Perschbacher asked for nominations for the Position of Vice-Chair.

Mark Hoffman nominated Duane Jones for the position of Vice-Chair

Nominations were asked for three times, there being no other nominations, nominations were closed.

With a roll call vote, Duane Jones was elected Vice - Chair of the Zoning Board of Appeals for the remainder of the 2018 term.

**OLD BUSINESS:**

None

**OTHER BUSINESS OF THE APPEALS BOARD:**

Members were given information on Citizen Planner Certification and training.

**QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:**

None

**ADJOURNMENT:**

MOTION by Mark Hoffman, seconded by Duane Jones that the meeting be adjourned.

Meeting adjourned at 6:27 p.m.

Respectfully Submitted

\_\_\_\_\_  
Denise J. Blakeslee, Recording Secretary

## Variance Request

### 303 Fifth Street / Manistee

We the undersigned verify that we have no problems or reservations in reference to having two family, one bedroom each apartments at this home. We have seen photos of the upgrades completed at the building and believe they are a substantial improvement and an asset to the neighborhood.

DATE	NAME	ADDRESS	SIGNATURE
3-20-18	Vince Hauer	298 5th st	Vince Hauer
3-20-18	Philip Pilarski	310 Fifth st	Philip Pilarski
3-20	Peggy Welch	314 Fifth	Peggy Welch
3-20	Benjamin Raines	296 5th st.	Benjamin Raine
3-20	Donna CRAIG	288 5th st	Donna Craig
3-20	Arata Cooper	287 5th st	Arata Cooper