

**MANISTEE CITY ZONING BOARD OF APPEALS**

City Hall, 70 Maple Street  
Manistee, MI 49660

**PUBLIC HEARING  
MEETING MINUTES  
December 19, 2019**

A meeting of the Manistee City Zoning Board of Appeals was held on December 19, 2019 at 2:00 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Duane Jones, Kathryn Levy, Marlene McBride and Glenn Zaring

**MEMBER ABSENT:** Denis Johnson

**OTHERS** Kyle Storey (City Zoning Administrator) and Nancy Baker (Recording Secretary)

The meeting was called to order at 2:00 p.m. by Chairman Zaring

**APPROVAL OF AGENDA:**

MOTION by Mr. Jones, seconded by Ms. Levy to approve the Agenda as printed.

With a voice vote this MOTION PASSED UNANIMOUSLY

**APPROVAL OF MINUTES:**

Chair Zaring questioned the ZBA on the method they wished to use to approve minutes. The last meeting minutes were approved via email.

With a voice vote the ZBA members agreed to approving all future minutes in the form of an email response.

**PUBLIC HEARING:**

Variance Request-346 Fourth St. Parcel #51-574-730-03

Public hearing opened at 2:02 pm.

Mr. Storey stated the owners of 346 Fourth Street requested a setback variance from 10 feet to 6 feet. The parcel is in the R2 Medium Density Residential District.

John Olen, SJO Constructions and Anita Priester, owner, requested the construction of an upstairs half bathroom.

Mr. Storey read the detailed narrative: to raise the north/northeast existing wall to allow installation of a second story half bath. He read the 8 Basic Conditions outlined on the Request for Appeal Application

along with the 1 Special Condition. No correspondences were received regarding the matter.

Staff recommendations: None

Public comment: None

Public hearing was closed at 2:12 pm.

Variance Request-220 Arthur St. Parcel #51-174-707-05

Public hearing opened at 2:13 pm.

Mr. Storey stated the owner of 220 Arthur Street requested a variance to install (3) 3 feet by 6 feet double face directional signs.

Robert Horvat, 220 Arthur Street owner, stated the existing sign has experienced damage from snowplowing. They have summer plans for expanding the parking lot with an added drive into the new parking lot to allow for semi-truck traffic as he wishes to tap into this additional business.

Mr. Storey read the detailed narrative: to install (3) 3 feet by 6 feet double face directional signs. He read the 8 Basic Conditions outlined on the Request for Appeal Application along with the 3 Special Conditions. No correspondences were received regarding the matter.

Staff recommendations: Mr. Storey reviewed for the ZBA the 2012 and the existing City of Manistee Sign Ordinance.

Public comment: None

Public hearing was closed at 2:28 pm.

160 Memorial Dr. Sign Permit Request

Public hearing opened at 2:28 pm.

Mr. Storey stated the applicant is requesting an interpretation of the sign ordinance. The City of Manistee Sign Ordinance Section 2102 (4) (b) was read. This parcel is in a C3 Business District.

Tom Amor, Amor Signs, representing the Save-A-Lot Store, by request of the franchise are wishing to update the store sign, per the zoning sign regulations. He reviewed the letter he submitted to the ZBA. The building has 2 store fronts; an east and south side. Due to differing interpretations of the sign ordinance between the City Zoning Administrator and himself, the request is to have the ZBA interpret the ordinance for both parties. Mr. Amor asked that street frontage and store frontage be defined.

Mr. Storey stated the ordinance does not give a definition of what "the principle building width" is or which side of a building is to be considered the principal side if a store has 2 main entry sides to the building. He is requesting from the ZBA the interpretation of what the principal building width would be. He read the definition of width per dictionary.com.

Due to the differences of interpreting the sign ordinance, his recommendation is to rewrite the sign ordinance with better clarification.

Public comment: Mike Szokola, 965 Merkey Road, stated clarification for a building width definition should be given to the zoning administrator to allow him the ability to move forward with this and other sign issues.

Public hearing was closed at 3:11 pm.

**BUSINESS SESSION:**

**Action of Pending Cases**

**346 4<sup>th</sup> Street**

Mr. Storey reviewed each basic condition and the specific condition.

**Finding of Fact:**

1. The requested variance is not contrary to the public interest or to the intent and purpose of this ordinance.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy, McBride  
No: none  
Condition has been met.
  
2. The requested variance does not establish the use that is not permitted by right or by special use permit in the zoned district.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy, McBride  
No: none  
Condition has been met.
  
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy, McBride  
No: none  
Condition has been met.
  
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy, McBride  
No: none

Condition has been met.

5. The requested variance is for property under the control of the applicant.

Roll Call Vote:

Yes: Jones, Zaring, Levy, McBride

No: none

Condition has been met.

6. The requested variance was not self-created by the applicant or property owner.

Roll Call Vote:

Yes: Jones, Zaring, Levy, McBride

No: none

Condition has been met.

7. This is not an alternative that would allow the improvement to the property without the requested variance.

Roll Call Vote:

Yes: Jones, Zaring, Levy, McBride

No: none

Condition has been met.

8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.

Roll Call Vote:

Yes: Jones, Zaring, Levy, McBride

No: none

Condition has been met.

Special Condition: Need half bath upstairs as owners are aging and master bedroom is upstairs.

Roll Call Vote:

Yes: Jones, Zaring, Levy, McBride

No: none

The Request for Appeal at 346 4<sup>th</sup> Street to construct an upstairs bathroom and closet has been approved. Land use permit for this application will be granted.

### 220 Arthur Street

Mr. Storey reviewed the variance request for 220 Arthur Street for directional signs. This business is located in the marijuana overlay district. Pole signs would have to comply with specific pole sign

regulations in this district. He stated a new driveway for the new parking lot area will be constructed at a later date, per street/curb regulations.

The ZBA tabled this until more information is brought to the next meeting which shows more clarification regarding the marihuana district pole sign regulations. The next meeting will occur January 23, 2020.

#### 160 Memorial Drive

Mr. Storey reminded the ZBA this is for interpretation of the sign ordinance not the approval of a sign. The sign ordinance was revisited. A principal width is not defined in the sign ordinance.

The ZBA agreed a rewrite of the sign ordinance is necessary. Discussion using the primary address of the building and a building that has 2 sides facing the rights-of-way with an entrance to both ensued.

ZBA members discussed if this board was the right place for this determination. Chair Zaring inquired if perhaps the City Council should handle the sign ordinance issue. No answer was offered at this time.

MOTION by Mr. Jones, seconded by Ms. McBride in the instance of 160 Memorial Drive, proposing calculating the principal building width with it having entrance on 2 different sides with 2 principal entrances to take the dimensions of both sides of the entrances and calculate an average of the added sides. Take this figure and multiply this by 1.5 then divide by 2 for the 2 signs requested.

Roll Call Vote:

Yes: Jones, Zaring, Levy, McBride

No: none

Motion passed by roll call vote.

The motion was too specific when it needed to be more generalized for the sake of the case at hand. This case and issue will be re-addressed at the January 23<sup>rd</sup> ZBA meeting.

#### OLD BUSINESS

The election of officers and by-law reviews will be tabled until the next meeting.

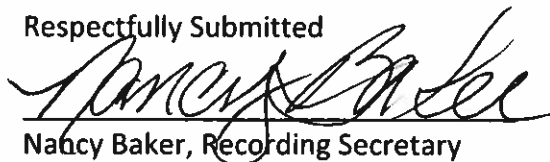
#### PUBLIC COMMENTS AND COMMUNICATIONS

None

#### ADJOURNMENT:

Meeting was adjourned by call of the Chair at 4:09 p.m.

Respectfully Submitted



Nancy Baker, Recording Secretary