

CITY OF MANISTEE  
ZONING BOARD OF APPEALS

City Hall  
70 Maple Street  
Manistee, MI 49660

There will be a meeting of the City of Manistee Zoning Board of Appeals to be held on Monday, July 1, 1996 at 7:00 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call
  
- II. Matters Pertaining to the General Citizenry:
  - A. Public Hearing:
    - 1. Robert & Joan Wendt and Gordon & Margaret Eminger
    - 2.
  - B. Questions, Concerns of Citizens in Attendance:
    - 1.
  
- IV. Business Session:
  - A. Approval of Minutes (March 25, 1996)
  - B. Unfinished Business:
    - 1.
  - C. Other Communications:
    - 1.
  - D. Reports:
    - 1.
  - E. New Business:
    - 1.
  
- V. Work/Study Session:
  
- VI. Adjournment

cc: Zoning Board of Appeals Members  
Jon R. Rose, Code Administrator  
Julie A. Beardslee, City Assessor  
R. Ben Bifoss, City Manager

Jon

# CODE ADMINISTRATOR CITY OF MANISTEE

## MEMORANDUM

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TO: Zoning Board of Appeals Members  
FROM: Jon R. Rose  
DATE: June 18, 1996  
RE: July 1, 1996 Meeting

We have a public hearing for Robert & Joan Wendt and Gordon & Margaret Eminger, on the July 1, 1996 Agenda. This is for the vacant lot on the corner of Cherry Street and Bryant Avenue. Enclosed is the application, a map showing the location and the size of proposed home.

If you have any questions please feel free to call.

JRR:djm

Enclosures

**FROM THE DESK OF...**

Jon R. Rose  
Code Administrator  
City of Manistee  
P.O. Box 358  
Manistee, MI 49660

(616) 723-2558  
FAX: (616) 723-1546



616-723-2558  
FAX 616-723-1546

70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

June 18, 1996

Dear Zoning Board of Appeals Member:

The City of Manistee Zoning Board of Appeals will hold a meeting on Monday, March 25, 1996 at 7:00 p.m. in the Council Room of City Hall, 70 Maple Street, Manistee, Michigan. The purpose of this hearing is to consider a request from:

NAME: Robert & Joan Wendt  
Gordon & Margaret Eminger  
ADDRESS: 1019 Falkurk  
Alma, MI 48801  
LOCATION OF REQUEST: Vacant Lot corner of Cherry Street & Bryant Avenue  
ACTION REQUESTED: Variance to reduce the Setbacks to build a one family home on a 50 foot lot.

Please advise this office at least five days prior to the date of the meeting if you will be unable to attend, so an alternate member can be notified to attend in your place. Any relevant materials are enclosed for your review if available.

Sincerely,

CITY OF MANISTEE

Jon R. Rose  
Code Administrator

JRR:djm

Enclosure

391 Ricoma Beach  
Bay City MI 48706  
June 14, 1996

Mr. Jon Lise, City Code Administrator

Dear Mr. Lise,

Enclosed is our Demand for Appeal regarding the lot on the corner of Cherry & Bryant. and our check for \$150.00.

We are both able to come to Marquette on a Monday evening as you suggested, either July 1 or July 8. We hope one of these dates can be arranged.

We are at our summer cottage now and would like any notification to be sent to the above address, the phone number is 517-684-9522.

If there are any questions or more information needed,

please call.

We did write Jack Gengo  
again, as you suggested and  
have had no reply to date.

Yours truly,

Jean Heald  
Margaret Emerger

# CITY OF MANISTEE

Michigan

## DEMAND FOR APPEAL

TO: MANISTEE CITY ZONING BOARD OF APPEALS  
BY: Robert E. & Joan E. Wandt  
Gordon A. & Margaret L. Eminger  
NAME OF APPLICANT

1019 Falkirk  
ADDRESS OF APPLICANT

Alma, MI 48801  
CITY, STATE AND ZIP CODE

(517) 463-1949 (517) 684-9522  
TELEPHONE NUMBER - HOME AND BUSINESS

FOR OFFICE USE ONLY	
APPEAL NUMBER	_____
DATE RECEIVED	_____
TAX PARCEL NUMBER	_____
FEE RECEIVED (AMOUNT & DATE)	_____
RECEIPT NUMBER	_____
HEARING DATE	_____
BOARD OF APPEALS ACTION	_____
DATE	_____
FILE NO'S OF PREVIOUS ACTIONS	_____

PLEASE NOTE: ALL QUESTIONS MUST BE ANSWERED COMPLETELY. IF ADDITIONAL SPACE IS NEEDED, NUMBER AND ATTACH ADDITIONAL SHEETS.

### ACTION REQUESTED

I, (WE), THE UNDERSIGN REQUEST A HEARING BEFORE THE MANISTEE CITY ZONING BOARD OF APPEALS FOR THE PURPOSE INDICATED BELOW:

- ORDINANCE OR MAP INTERPRETATION
- VARIANCE
- APPEAL FROM ADMINISTRATIVE DECISION
- OTHER AUTHORIZED REVIEW

### II. PROPERTY INFORMATION

A. LEGAL DESCRIPTION OF PROPERTY AFFECTED BY THIS APPEAL: Lakewood Heights  
lot 15 - Block 3

TAX ROLL PARCEL DATA PROCESS NUMBER: 51 - 51 - 362 - Tel - 13

ADDRESS OF PROPERTY: corner of Cherry St & Bryant Ave.

B. LIST OF ALL DEED RESTRICTIONS (ATTACH ADDITIONAL SHEETS IF NECESSARY)  
According to recorded plat (as of 1926)  
subject to easements & restrictions

C. NAMES AND ADDRESSES OF ALL OTHER PERSONS, FIRMS OR CORPORATIONS HAVING A LEGAL OR EQUITABLE INTEREST IN THE LAND:

Robert E. & Joan E. Wandt 1019 Falkirk, Alma, MI 48801  
Gordon A. & Margaret L. Eminger 5105 W. 7th St Northville, MI 48167

(CONTINUED)

D. THIS AREA IS:  UNPLATTED,  PLATTED,  WILL BE PLATTED.

IF PLATTED, NAME OF PLAT Lakeview Heights

E. ATTACH A SITE PLAN DRAWN TO THE SCALE OF ONE (1) INCH EQUALS TEN (10) FEET, SHOWING ALL EXISTING STRUCTURES ON THE PROPERTY, ALL PROPOSED STRUCTURES AND MARKING THOSE STRUCTURES THAT WILL BE REMOVED OR RAZED. ALSO THE GENERAL SHAPE, SIZE AND LOCATION OF ALL EXISTING STRUCTURES WITHIN 100 FEET OF THE PROPERTY ALONG WITH THEIR USES SHALL ALSO BE DEPICTED ON THE SITE PLAN, ALONG WITH ALL ABUTTING ROADS, STREETS, ALLEYS OR EASEMENTS.

F. PRESENT USE OF THE PROPERTY IS Vacant Land

G. PRESENT ZONING DISTRICT CLASSIFICATION OF THE PROPERTY IS: R-3

H. A PREVIOUS APPEAL (HAS /  HAS NOT) BEEN MADE WITH RESPECT TO THESE PREMISES IN THE LAST 70 YEARS. IF A PREVIOUS APPEAL, REZONING OR SPECIAL USE PERMIT APPLICATION WAS MADE, STATE THE DATE, NATURE OF ACTION REQUESTED AND THE DECISION:

DATE \_\_\_\_\_ ACTION REQUESTED \_\_\_\_\_

DECISION ( APPROVED/ DENIED) OTHER \_\_\_\_\_

III. DETAILED REQUEST AND JUSTIFICATION

A. INTERPRETATION OF ZONING ORDINANCE OR MAP

1. THE APPELLANT RESPECTFULLY REQUESTS THE BOARD OF APPEALS MAKE AN INTERPRETATION OF:

(A) THE LOCATION OF DISTRICT BOUNDRIES ON THE \_\_\_\_\_ ZONING DISTRICT MAP AS APPLIED TO THE PROPERTY DESCRIBED IN THE APPLICATION.

(B) THE PROVISIONS OF ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_ OF THE MANISTEE CITY ZONING ORDINANCE.

(C) OTHER. (SPECIFY) \_\_\_\_\_

2. PLEASE DESCRIBE IN DETAIL THE NATURE OF THE PROBLEM TO BE INTERPRETED AND THE REASON FOR THE REQUEST This property was purchased in 1926

and has been in the family for 70 yrs for the purpose of building a home. Rezoning makes it impossible to build.

B. VARIANCE FROM THE REQUIREMENTS OF THE ZONING ORDINANCE

THE APPELLANT RESPECTFULLY REQUESTS THE BOARD OF APPEALS GRANT A VARIANCE ON THE ABOVE DESCRIBED PROPERTY.

1. INDICATED BELOW ARE THE ORDINANCE REQUIREMENT(S) WHICH ARE THE SUBJECT OF THE VARIANCE REQUEST.

- SETBACK
- SIDEYARD
- OFFSTREET PARKING
- LOT COVERAGE
- PLACEMENT
- HEIGHT
- SIGNS
- AREA REQUIREMENTS
- OTHER \_\_\_\_\_

2. STATE EXACTLY WHAT IS INTENDED TO BE DONE ON, OR WITH THE PROPERTY WHICH NECESSITATES A VARIANCE FROM THE ZONING ORDINANCE. Build a one

family home, no larger than 28 x 60, plus garage

3. DESCRIBE THE CHARACTERISTICS OF YOUR PROPERTY WHICH REQUIRE THE GRANTING OF A VARIANCE (INCLUDE DIMENSIONAL INFORMATION)

- |  |                                    |  |
|--|------------------------------------|--|
| <input checked="" type="checkbox"/> TOO NARROW | <input type="checkbox"/> ELEVATION | <input type="checkbox"/> SOIL            |
| <input type="checkbox"/> TOO SMALL             | <input type="checkbox"/> SLOPE     | <input type="checkbox"/> SUBSURFACE      |
| <input type="checkbox"/> TOO SHALLOW           | <input type="checkbox"/> SHAPE     | <input type="checkbox"/> OTHER (SPECIFY) |
- 
- 
- 

4. JUSTIFICATION FOR GRANTING THE REQUESTED VARIANCE. THE APPELLANT MUST SHOW THAT STRICT APPLICATION OF THE PROVISIONS OF THE ZONING ORDINANCE TO HIS PROPERTY WOULD RESULT IN PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS INCONSISTENT WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE. IN ORDER FOR THE BOARD OF APPEALS TO DETERMINE WHETHER UNNECESSARY HARDSHIP EXISTS, THE APPELLANT SHOULD PROVIDE ANSWERS TO EACH OF THE FOLLOWING QUESTIONS:

A. CAN THE PROPERTY IN QUESTION BE USED IN A MANNER PERMITTED BY THE ZONING ORDINANCE IF A VARIANCE IS NOT GRANTED?

YES  NO

IF NO, WHAT UNNECESSARY HARDSHIP OR PRACTICAL DIFFICULTY WILL RESULT IF THE VARIANCE IS NOT MADE? cannot build on lot

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B. TO THE BEST OF YOUR KNOWLEDGE, CAN YOU AFFIRM THAT THE HARDSHIP OR PRACTICAL DIFFICULTY DESCRIBED ABOVE WAS NOT CREATED BY AN ACTION OF ANYONE HAVING PROPERTY INTERESTS IN THE LAND AFTER THE ZONING ORDINANCE OR APPLICABLE PART THEREOF BECAME LAW?

YES  NO

IF NO, EXPLAIN WHY THE HARDSHIP OR PRACTICAL DIFFICULTY SHOULD NOT BE REGARDED AS SELF-IMPOSED (SELF-IMPOSED HARDSHIPS ARE NOT ENTITLED TO VARIANCES).

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C. ARE THE CONDITIONS ON YOUR PROPERTY THE RESULT OF OTHER MAN-MADE CHANGES (SUCH AS RELOCATION OF A ROAD OR HIGHWAY?)  YES  NO IF YES, DESCRIBE

---

D. WILL STRICT APPLICATION OF THE TERMS OF THE ORDINANCE DENY USE OF THE PROPERTY FOR ANY PURPOSE TO WHICH IT IS REASONABLY ADAPTED?

YES  NO. IF YES, HOW? cannot build on lot

---

E. IS THE VARIANCE APPLIED FOR DUE TO UNIQUE CIRCUMSTANCES PRESENT ON YOUR PROPERTY OR TO THE GENERAL CONDITIONS IN THE AREA?  YES  NO

IF YES, EXPLAIN ANY PECULIAR OR UNIQUE CONDITIONS, AND HOW MANY OTHER PROPERTIES IN YOUR AREA ARE SIMILARLY AFFECTED 2 front yards due to location as corner lot

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F. WOULD GRANTING THE VARIANCE CHANGE THE ESSENTIAL CHARACTER OF THE AREA?

YES  NO. IF YES, HOW?

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G. WOULD GRANTING THE VARIANCE BE CONTRARY TO ANY COUNTY DEVELOPMENT PLANS?  
 YES  NO. OR TO ANY LOCAL GOVERNMENT DEVELOPMENT PLANS?  
 YES  NO. EXPLAIN \_\_\_\_\_

H. WOULD GRANTING THE VARIANCE BE CONTRARY TO THE INTENT AND PURPOSE OF THE ZONING ORDINANCE?  YES  NO. IF YES, EXPLAIN \_\_\_\_\_

I. OTHER COMMENTS IN SUPPORT OF THE APPLICATION An attractive home on this corner would enhance the area and increase the tax base

C. APPEAL FROM ADMINISTRATIVE DECISION

THE APPELLANT RESPECTFULLY REQUESTS THE BOARD OF APPEALS TO (REVERSE / MODIFY) THE ZONING ADMINISTRATOR'S DECISION (COPY ATTACHED) ON APPLICATION NO. \_\_\_\_\_ DATED \_\_\_\_\_. IT IS ALLEGED THE ZONING ADMINISTRATOR ERRED IN (THE INTERPRETATION OF ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_ / HIS ORDER / HIS REQUIREMENT / HIS DECISION / HIS DETERMINATION) REGARDING THE ISSUANCE OF A \_\_\_\_\_ PERMIT AND THAT (REVERSAL / MODIFICATION) OF SAID DECISION SHOULD BE GRANTED BECAUSE \_\_\_\_\_

SPECIFY DECISION SOUGHT: \_\_\_\_\_

D. OTHER AUTHORIZED REVIEWS

THE APPELLANT RESPECTFULLY PETITIONS THE BOARD OF APPEALS TO GRANT THE FOLLOWING \_\_\_\_\_ ACCORDING TO THE CONDITIONS AND PROVISIONS OF ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_ GRANTING THIS AUTHORITY TO THE BOARD OF APPEALS. SPECIFICALLY STATE THE PROBLEM, DECISION SOUGHT AND THE JUSTIFICATION FOR THE REQUEST. \_\_\_\_\_

IV. IMPACT ON SURROUNDING LANDS

IF YOUR REQUEST IS GRANTED:

A. WHAT ARE LIKELY TO BE THE POSITIVE AND NEGATIVE IMPACTS OF THIS DECISION ON THE SURROUNDING LAND AND NEIGHBORS? There would be no negative impact

B. HOW DO YOU PROPOSE TO MINIMIZE ANY POTENTIAL NEGATIVE IMPACTS WHICH YOUR PROPOSED ACTIVITY MAY CAUSE? \_\_\_\_\_

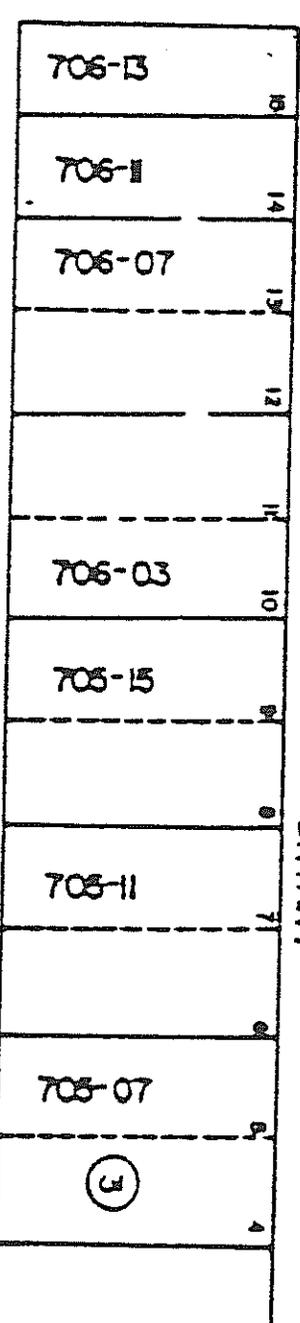
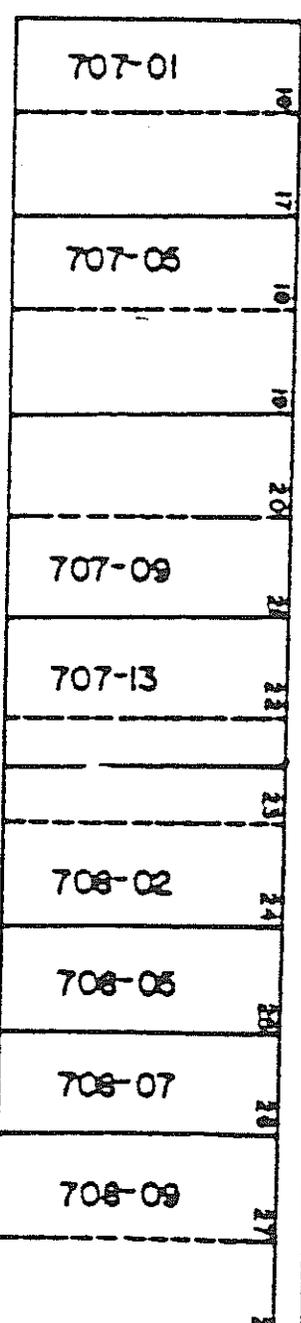
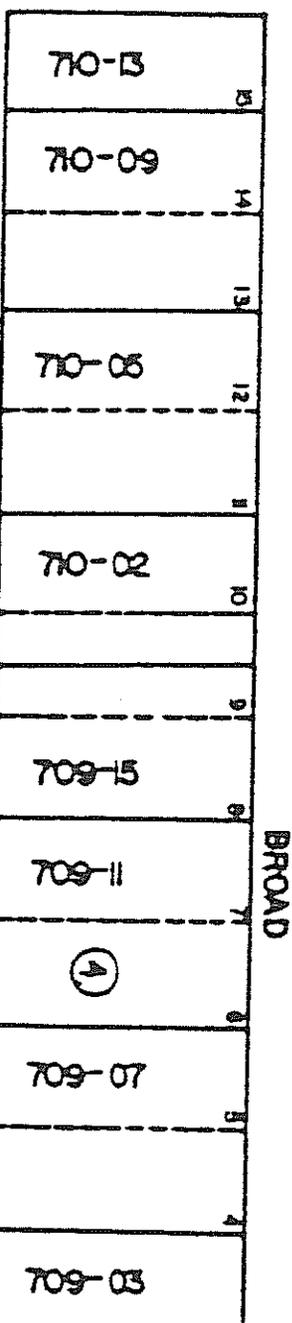
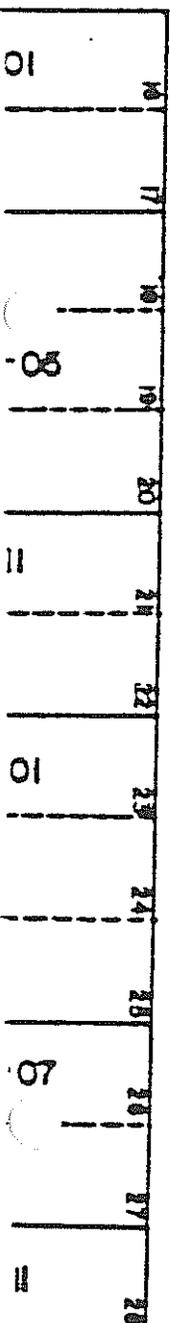
V. AFFIDAVIT

THE UNDERSIGNED ACKNOWLEDGES THAT IF A VARIANCE IS GRANTED OR OTHER DECISIONS FAVORABLE TO THE UNDERSIGNED IS RENDERED UPON THIS APPEAL, THE SAID DECISION DOES NOT RELIEVE THE APPLICANT FROM COMPLIANCE WITH ALL OTHER PROVISIONS OF THE CITY OF MANISTEE ZONING ORDINANCE; THE UNDERSIGNED FURTHER AFFIRMS THAT HE/SHE OR THEY IS (ARE) THE (OWNER / LESSEE / AUTHORIZED AGENT FOR THE OWNER) INVOLVED IN THE APPEAL AND THE ANSWERS AND STATEMENTS HEREIN CONTAINED AND THE INFORMATION HERewith SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF HIS, HER OR THEIR KNOWLEDGE AND BELIEF.

DATE 6-14-96

SIGNATURE(S)  Gordon King / Margaret Emerig

GILBERT RD



N  
 ↓  
 Scale: 1" = 100'

PARCEL NUMBER : 51 51 362 706 13  
 COUNTY : Manistee 401  
 SCHOOL DISTRICT: MANISTEE AREA PUBLIC SCHO 30  
 PROPERTY LOCATION: ZONED: R03  
 EMINGER GORDON ETUX WENDT ROBE  
 1019 FALKIRK  
 ALMA MI 48801  
 MAILING ADDRESS(S):  
 EMINGER GORDON ETUX WENDT ROBERT & JOAN  
 1019 FALKIRK  
 ALMA MI 48801

SALES INFORMATION						
GRANTEE	DATE	INSTR	LIBR	PAGE	SALE PRICE	
	09/01/82	3	416	1358	0	

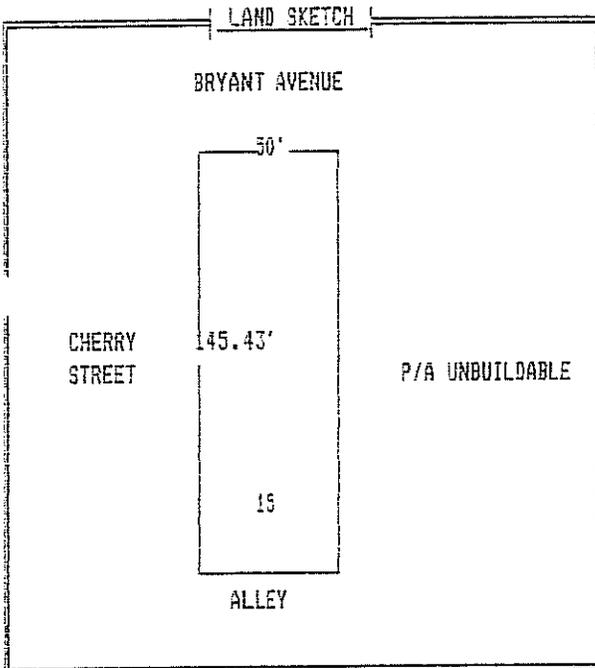
DESCRIPTION	DATE	AMOUNT

YEAR	TRUE CASH VALUE			ASSESSMENT	EQUALIZED	TAXABLE
	LAND	BUILDINGS	CODE			
1995	2,120	0		1,100		1,100
1994	2,120	0		1,100		
1993	2,120	0		1,100		
1992				900		

EXAMINED BY: IMPORT  
 EXAMINE DATE: 11-10-92  
 INTERVIEWED:  
 PROPERTY CLASS: Residential

Landscaped, Level  
 Electric, Gas, Paved Road, Sanitary Sewer, Storm Sewer, Water



LAND COMPUTATIONS				
SIZE	FACTOR	DESCRIPTION	RATE	VALUE
50	1.06	50x145.53	40.00	2,120

LAND IMPROVEMENTS Sf/Lf/Ea Rate DearCost

LEGAL DESCRIPTION:  
 LAKE VIEW HEIGHTS LOT 15 BLOCK 3 SE COR CHERRY ST +  
 BRYANT AVE [[SALE(77) 3353 0426 (82) 3416 1358

1996 FINAL VALUES:			
PROPERTY BASE VALUE :	2,120	TOTAL TRUE CASH VALUE:	2,120
NEIGHBORHOOD FACTOR:	1.00	CALCULATED ASSESSMENT:	1,100
TRUE CASH VALUE :	2,120	ASSESSMENT OVERRIDE:	
LAND IMPROVEMENT BASE:	0	CLASS FACTOR APPLIED:	1.00000
COST NEW MULTIPLIER:	NA	BDR ASSESSMENT:	
DEPRECIATION :	NA	STC/MTT ASSESSMENT:	
NEIGHBORHOOD ECF :	NA	FINAL ASSESSMENT:	1,100
NBHD LAND FACTOR :	NA	EQUALIZATION FACTOR:	1.00000
TRUE CASH VALUE :	0	STATE EQUALIZED VALUE:	1,100
BLDGS TOTAL TRUE CASH:	0	CAPPED VALUE:	1,100
HOMESTEAD PERCENT:	0%	TOTAL TAXABLE VALUE:	1,100

BRYANT



Scale:  
1" = 15'

CHERRY

Approximate  
size  
28' x 80'  
including  
garage

BRYANT

APR  
1961  
CHERRY