

**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 Thursday, June 11, 1998 at 5:30 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. Cristinel & Daniel Dima
    - 2. Luke Guzikowski
    - 3.
  - B. Questions, Concerns of Citizens in Attendance:
    - 1.
    - 2.
  
- III. Business Session:
  - A. Approval of Minutes (5/20/98)
  - B. Unfinished Business:
    - 1. Cristinel & Daniel Dima
    - 2. Luke Guzikowski
    - 3.
  - C. Other Business:
    - 1.
    - 2.
  
- IV. Work/Study Session:
  
- V. Adjournment

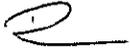
cc: Zoning Board of Appeals Members  
Lori Donnan, Administrative Assistant  
Jon R. Rose, Community Development Officer  
Julie A. Beardslee, City Assessor  
R. Ben Bifoss, City Manager  
Bruce Gockerman, City Attorney

# CITY OF MANISTEE

## MEMORANDUM

---

TO: Board of Appeals Members

FROM: Jon R. Rose   
Community Development Officer

DATE: May 29, 1998

RE: Zoning Board of Appeals Meeting Thursday, June 11, 1998

We will be having a Zoning Board of Appeals Meeting on Thursday, June 11, 1998 at 5:30 p.m. in the Council Chambers.

We have received a request from Cristinel & Daniel Dima who own a home at 129 Ford Street. Mr. & Mrs. Dima want to put an addition on the existing garage and need a variance to the height limitation from 14 feet to 14 feet 6 inches. Enclosed is a copy of the application.

Luke Guzikowski, 316 Fourth Street would like to increase the size of the existing porch on the front of his home and the deck on the West side of the house. Mr. Guzikowski will need a variance to the front and side-yards set-backs for the proposed porch and deck. Enclosed is a copy of the application.

If you are unable to attend the meeting please call Denise at 723-2558. See you at the meeting!

JRR:djm

Enclosures

REQUEST FOR APPEAL

CITY OF MANISTEE  
ZONING BOARD OF APPEALS

CRISTINEL & DANIEL DIMA

Name

129 FORD ST.

Address

MANISTEE, MI-49660

City, State and Zip Code

Phone Numbers (Work) \_\_\_\_\_

(Home) 734-996-2503 after 6 pm **FEE FOR APPEAL \$150.00**  
616-398-9007 (CHRISTOPHER DIMA - SCN)

FOR OFFICE USE ONLY

Appeal Number 9807

Date Received 5.22.98

Tax Parcel Number 51-51-270-713-01

Fee Received (Amt & Date) 150.00

Receipt Number 1681

Hearing Date 6.11.98

Board of Appeals Action \_\_\_\_\_

PLEASE NOTE: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. 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
- Appeal from Administrative Decision
- Variance
- Other Authorized Review

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: THE WEST 44 FT. OF LOT 1, BLOCK 4 RAMSDALL & BENEDICTS NORTH ADDITION TO THE CITY OF MANISTEE  
Tax Roll Parcel Code #: 51-51-270-713-01

B. List of all deed restrictions (attach additional sheets if necessary): NONE

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: NONE

D. This area is:  Not platted,  Platted,  Will be Platted  
If Platted, Name of Plat: RAMSDALL & BENEDICTS NORTH ADDITION

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 be depicted on the site plan, along with all abutting roads, streets, alleys or easements.

- F. Present use of property is: GARAGE
- G. Present zoning district classification of the property is: RESIDENTIAL
- H. A previous appeal (has/has not) been made with respect to these premises in the last \_\_\_\_\_ years. If a previous appeal, re-zoning or special use permit application was made, state the date, nature of action requested and the decision:  
Date: \_\_\_\_\_ Action Requested: \_\_\_\_\_  
NO APPEALS HAVE BEEN MADE TO MY KNOWLEDGE  
Decision ( approved/  denied) other: \_\_\_\_\_

**III. DETAILED REQUEST AND JUSTIFICATION**

- A. Interpretation of Zoning Ordinance or Map
- The appellant respectfully requests the Board of Appeals make an interpretation of:  
 (A) The location of district boundaries 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) \_\_\_\_\_
  - Please describe in detail the nature of the problem to be interpreted and the reason for the request: \_\_\_\_\_
- 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.
- Indicated below are the Ordinance requirement(s) which are the subject of the variance request.  
 Setback       Side Yard       Off-street Parking  
 Lot Coverage       Placement       Height  
 Signs       Area Requirements       Other \_\_\_\_\_
  - State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.  
THE PEAK OF GARAGE WILL BE 14'6"  
(6 INCHES HIGHER THAN THE CITY ORDINANCE)
  - Describe the characteristics of your property which require the granting of a variance (include dimensional information).  
 Too Narrow       Elevation       Soil  
 Too Small       Slope       Subsurface  
 Too Shallow       Shape       Other (Specify)  
HEIGHT - 6" ABOVE CITY ZONING ORDINANCE

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? CAN NOT GET THE VEHICLES IN THE GARAGE - THE DOOR IS NOT HIGH ENOUGH
- 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). \_\_\_\_\_
- 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 its reasonably adapted?  yes  no  
If yes, how? NOT ENOUGH ROOM ON THE APPROACH VEHICLES
- e. Is the variance applied for due to unique circumstances presented 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 \_\_\_\_\_
- f. Would granting the variance change the essential character of the area?  
 yes  no. If yes, how? \_\_\_\_\_
- 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. WE WILL LIKE TO PARK THE VEHICLES IN THE GARAGE

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 number \_\_\_\_\_ 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? EASIER ACCESS ON THE PUBLIC RIGHT OF WAY

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? NO NEGATIVE IMPACTS, NEIGHBOURS WILL BE PLEASED WITH THE NEW APPEARANCE OF THE GARAGE AND YARD.

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.

Signature *[Handwritten Signature]* (Christine Silva)

Date 5-19-98

Signature \_\_\_\_\_

Date \_\_\_\_\_

We the undersigned hereby agree to and give permission to alterate the building adjacent to our property line and to raise the height of the garage to ~~13'4"~~ side walls and ~~15'~~ at the peak.

This will be done by raising the garage and laying up 3 more courses of blocks on top of the original foundation line.

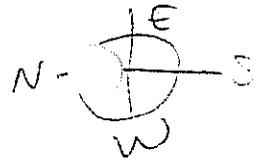
A. S. 14'6" A.P.

*Felic Plucinski*

5/16/98 Dated

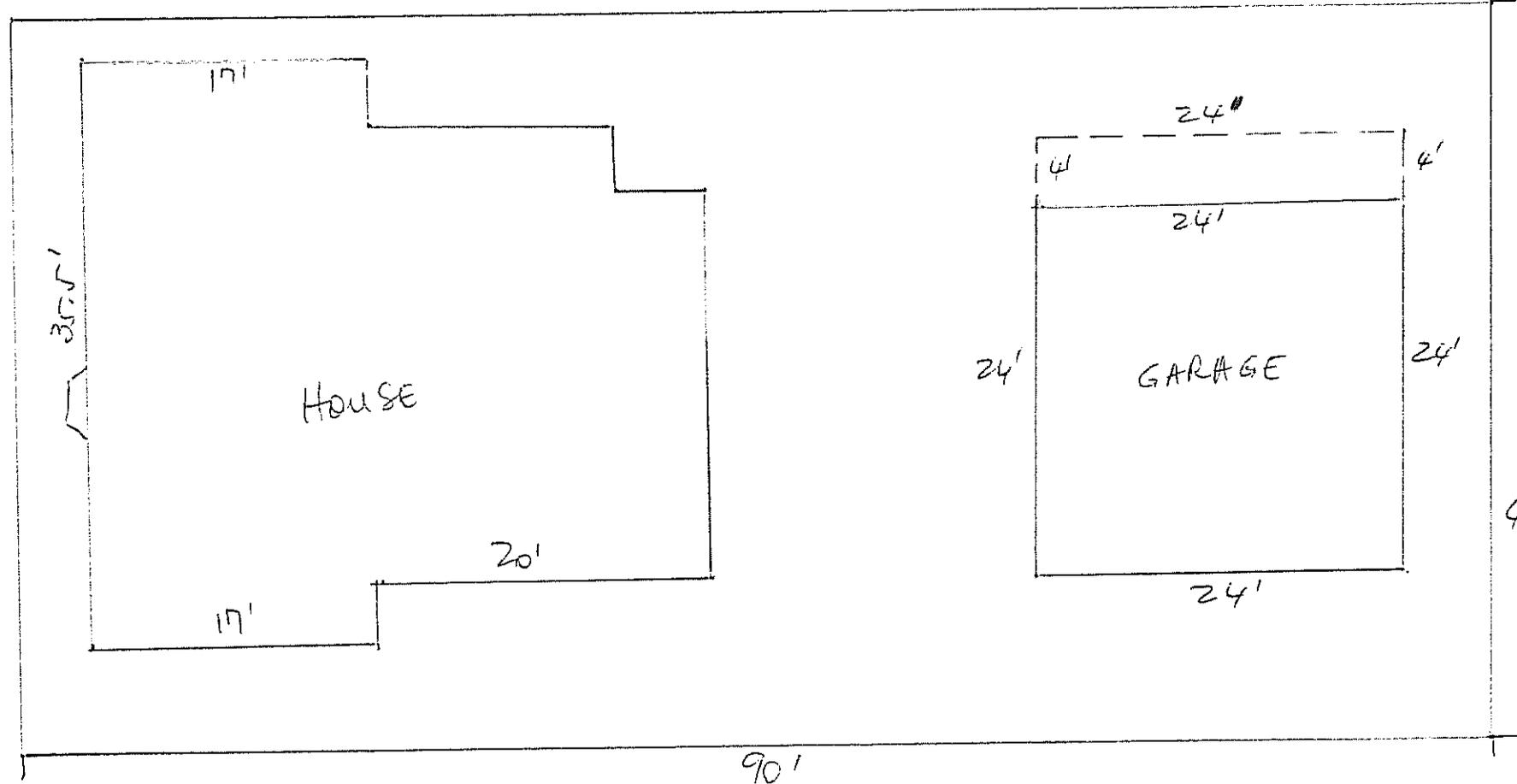
\_\_\_\_\_  
Dated

*It will improve the appearance of the property*



UTILITY SHED

HOUSE  
NEIGHBOR (ALICE PLUCENSKI)



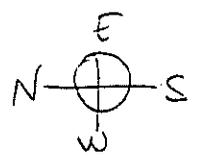
THIRD AVE

STORA ST

DRIVEWAY 44'  
WARRINGTON SCHOOL

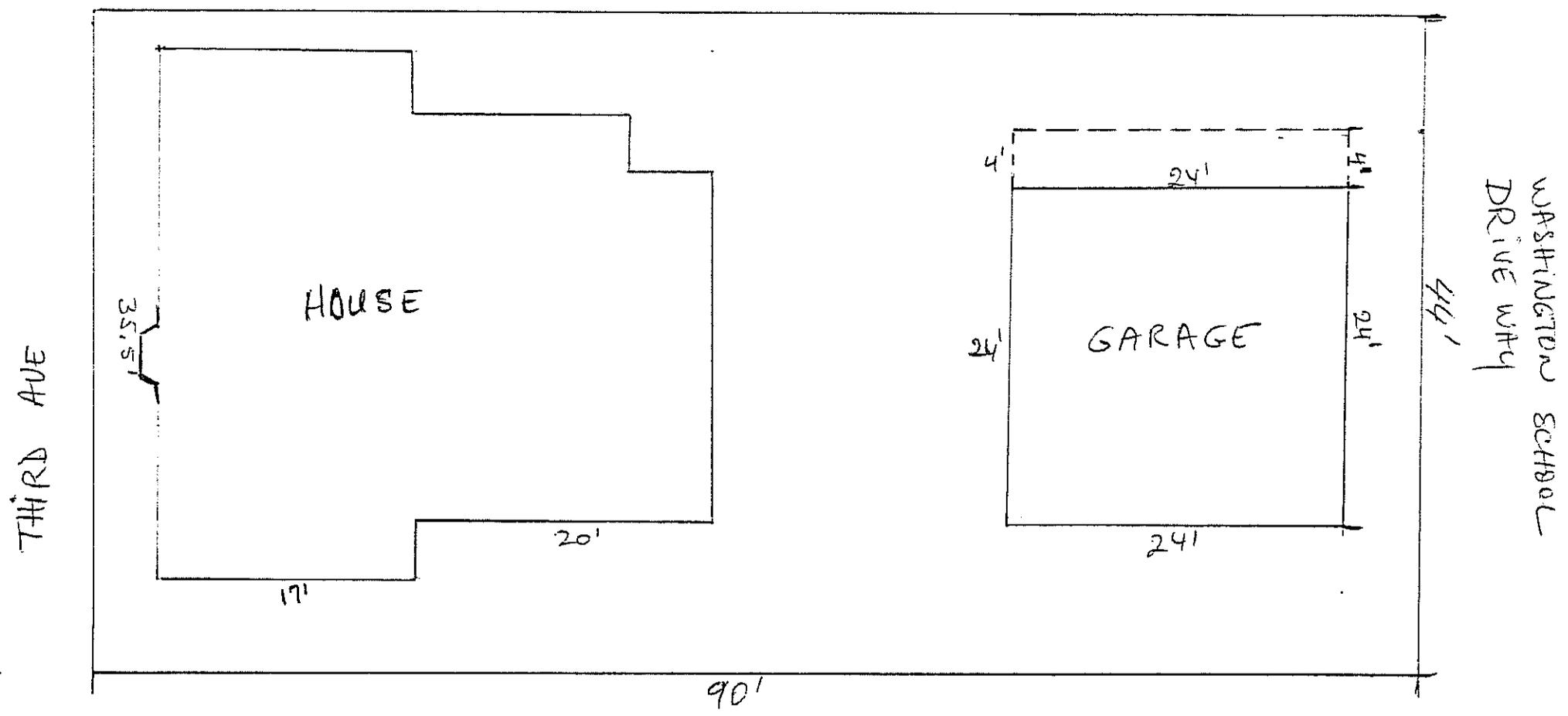
ⓈNOTE - THE GARAGE IS THE LOWEST STRUCTURE AROUND

WE PLAN TO RAISE THE GARAGE 24" → PEAK WILL BE 14'6" → NECESSITATE A VARIANCE  
SIDE WALLS WILL BE 10' → IN COMPLIANCE WITH ZONING ORDINANCE  
2) EXTEND THE GARAGE 4' - WHICH WILL BE AT 7' FROM THE PROPERTY LINE - IN COMPLIANCE WITH ZONING ORDINANCE.



ⓈNOTE - THE PEAK HEIGHT IS NEEDED TO ALLOW INSTALLATION OF NEW GARAGE DOOR

NEIGHBOR (ALICE PLUCENSKI) - PERMISSION LETTER ENCLOSED  
~~NEIGHBOR~~



REQUEST FOR APPEAL

CITY OF MANISTEE  
ZONING BOARD OF APPEALS

Luke Gulikowski  
Name  
316 4th St.  
Address  
Manistee MI 49660  
City, State and Zip Code  
Phone Numbers (Work) 723-8930  
(Home) 11 11

FOR OFFICE USE ONLY  
Appeal Number 9808  
Date Received 5-22-98  
Tax Parcel Number 5151-538-702-03  
Fee Received (Amt & Date) 150.00  
Receipt Number 11080  
Hearing Date 10-11-98  
Board of Appeals Action \_\_\_\_\_

FEE FOR APPEAL \$150.00

PLEASE NOTE: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. 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: \_\_\_\_\_

Tax Roll Parcel Code #: 51 51 590 024 00

B. List of all deed restrictions (attach additional sheets if necessary): \_\_\_\_\_

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: Nations Bank Mort. Corp. P.O. Box 9000  
Buffalo NY 14231

D. This area is:  Not platted,  Platted,  Will be Platted

If Platted, Name of Plat: Alens Addition

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 be depicted on the site plan, along with all abutting roads, streets, alleys or easements.

- F. Present use of property is: Residential
- G. Present zoning district classification of the property is: Commercial Residential
- H. A previous appeal (has/~~has not~~) been made with respect to these premises in the last \_\_\_\_\_ years. If a previous appeal, re-zoning 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
- The appellant respectfully requests the Board of Appeals make an interpretation of:
    - (A) The location of district boundaries 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) \_\_\_\_\_
  - Please describe in detail the nature of the problem to be interpreted and the reason for the request: both front, back porches were too small and in need of repair, so I want to replace with treated lumber and make them safer and usable.
- 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.
- Indicated below are the Ordinance requirement(s) which are the subject of the variance request.
 

<input checked="" type="checkbox"/> Setback	<input checked="" type="checkbox"/> Side Yard	<input type="checkbox"/> Off-street Parking
<input type="checkbox"/> Lot Coverage	<input type="checkbox"/> Placement	<input type="checkbox"/> Height
<input type="checkbox"/> Signs	<input type="checkbox"/> Area Requirements	<input type="checkbox"/> Other _____
  - State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. Front porch from sidewalk to road. Back Deck construction from side yard.
  - Describe the characteristics of your property which require the granting of a variance (include dimensional information).
 

<input 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 checked="" type="checkbox"/> Other (Specify)

33 x 128 Half Lot  
Attaching front porch and rear deck to house,  
I don't have enough width to side yard.  
Front porch is too close to sidewalk and street.

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? Already had someone get hurt on front porch so decided to take it out.
- 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). Both parties were in need of space or replacement.
- 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 its reasonably adapted?  yes  no  
If yes, how? \_\_\_\_\_
- e. Is the variance applied for due to unique circumstances presented 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 Properties especially in this area are very small and have limited space
- f. Would granting the variance change the essential character of the area?  
 yes  no. If yes, how? \_\_\_\_\_
- 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. It will make my home more attractive and safer.

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 number \_\_\_\_\_ 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? NO NEGATIVES POSITIVES, SURE TO BE MORE USER FRIENDLY

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? A POSSIBLE POW LOW IF NEEDED

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.

Signature Duke Kuritowski

Date 5/22/98

Signature \_\_\_\_\_

Date \_\_\_\_\_