

**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, April 8, 1999 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. Kenneth & Eileen Hawkins
 - 2. Ace Hardware
 - 3.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (2/11/99 & 3/23/99)
 - B. Unfinished Business:
 - 1. Kenneth & Eileen Hawkins
 - 2. Ace Hardware
 - 3.
 - C. Other Business:
 - 1.
 - 2.

- V. Work/Study Session:

- VI. Adjournment

cc: Zoning Board of Appeals Members
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: Zoning Board of Appeals Members

FROM: Jon R. Rose 
Community Development Officer

DATE: March 29, 1999

RE: Zoning Board of Appeals Meeting Thursday, April 8, 1999

We have scheduled a Zoning Board of Appeals Meeting for Thursday, April 8, 1999 at 5:30 p.m. in the Council Chambers.

We have received two requests for Appeals. The first request is from Kenneth & Eileen Hawkins, 903 Maple Street. Mr. & Mrs. Hawkins are requesting a variance to accessory structure height limitation of 14 feet to allow construction of a garage with a height of 19 feet 6 inches to match the roof line of their home. A copy of the request is enclosed for your review.

Next we have a request from Ace Hardware. Ace Hardware has a Special Use Permit to allow construction of a lumber yard. They are requesting variances to allow construction of lumber storage buildings as follows:

1. A variance to allow height increase from 14 feet to 28 feet.
2. A variance to reduce set-back from alley from 3 feet to 0 feet.
3. A variance to reduce front-yard set-back from 58 feet from centerline to 56 feet from centerline.

A copy of their request is enclosed for your review.

If you are unable to make the meeting or have any questions, please call me at 723-2558. See you there!

JRR:djm

Enclosures

REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

YVONNE Q & EILEEN L HAWKINS

Name

FOR OFFICE USE ONLY

Appeal Number 9903

Date Received 3.23.99

Tax Parcel Number 51-51-670-707-09

Fee Received (Amt & Date) 3.23.99 \$150.00

Receipt Number 2659

Hearing Date 4.8.99

Board of Appeals Action _____

903 MAPLE ST.

Address

MANISTEE, MI 49660

City, State and Zip Code

Phone Numbers (Work) _____

(Home) 616-723-3094

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: RAMSDALE/BENEDICT

ADD W 127th LOT 2 BLOCK D

Tax Roll Parcel Code #: 51-51-670-707-09

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

NONE KNOWN

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: _____

NONE KNOWN

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

If Platted, Name of Plat: _____

E. Present use of property is: RESIDENTIAL

F. Present zoning district classification of the property is: R100

G. A previous appeal (has/has not) been made with respect to these premises in the last 10 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

1. 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) _____

2. Please describe in detail the nature of the problem to be interpreted and the reason for the request: HEIGHT RESTRICTION FOR GARAGE CONSTRUCTION.

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.

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> Setback | <input 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 _____ |

2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. BUILD A GARAGE, DETACHED 2 STALL, APPROX. 24X24'. ROOF DITCH 10/12 TO FIT IN WITH HOME ROOF LINE

3. 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) |

ZONING LIMITS HEIGHT TO 14 FT. 10/12 ROOF PITCH, 8 FT. SIDEWALLS ON TOP OF ONE BLOCK SET ON FOOTING/SLAB. RAISES HEIGHT TO APPROX. 19 FT. 6 IN.

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? WE PROBABLY WOULD

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? _____

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: SEE a-

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. _____

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? DON'T SEE ANY NEGATIVES. WOULD ENHANCE OUR PROPERTY AND ADD TAXABLE/SALABLE VALUE

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? MAKE IT AS ATTRACTIVE AS WE HAVE MADE OUR HOME

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 Kenneth Hawkins

Date 3-23-99

Signature Eileen Hawkins

Date 3-23-99

BACK SIDE OF TRIM

QUOTE 24' X 24'
2' X 2'

ZONING DISTRICT
50,000

BLOC. PERMIT

ROOF BRICH.
5/2 10/12 10/12

10/12

CEDAR BROWN
SHINGLES

GABLE TRIM - 2" X 4" OSB
UNDER GABLE TRIM

DENTIL DRAINING

TRIPLE 3 GREEN SIDING

2 WINDOWS
BRICK TRIM
SHUTTERS

1/2' OVER
SILL

WHITE

WHITE
GLAZED
CORNER

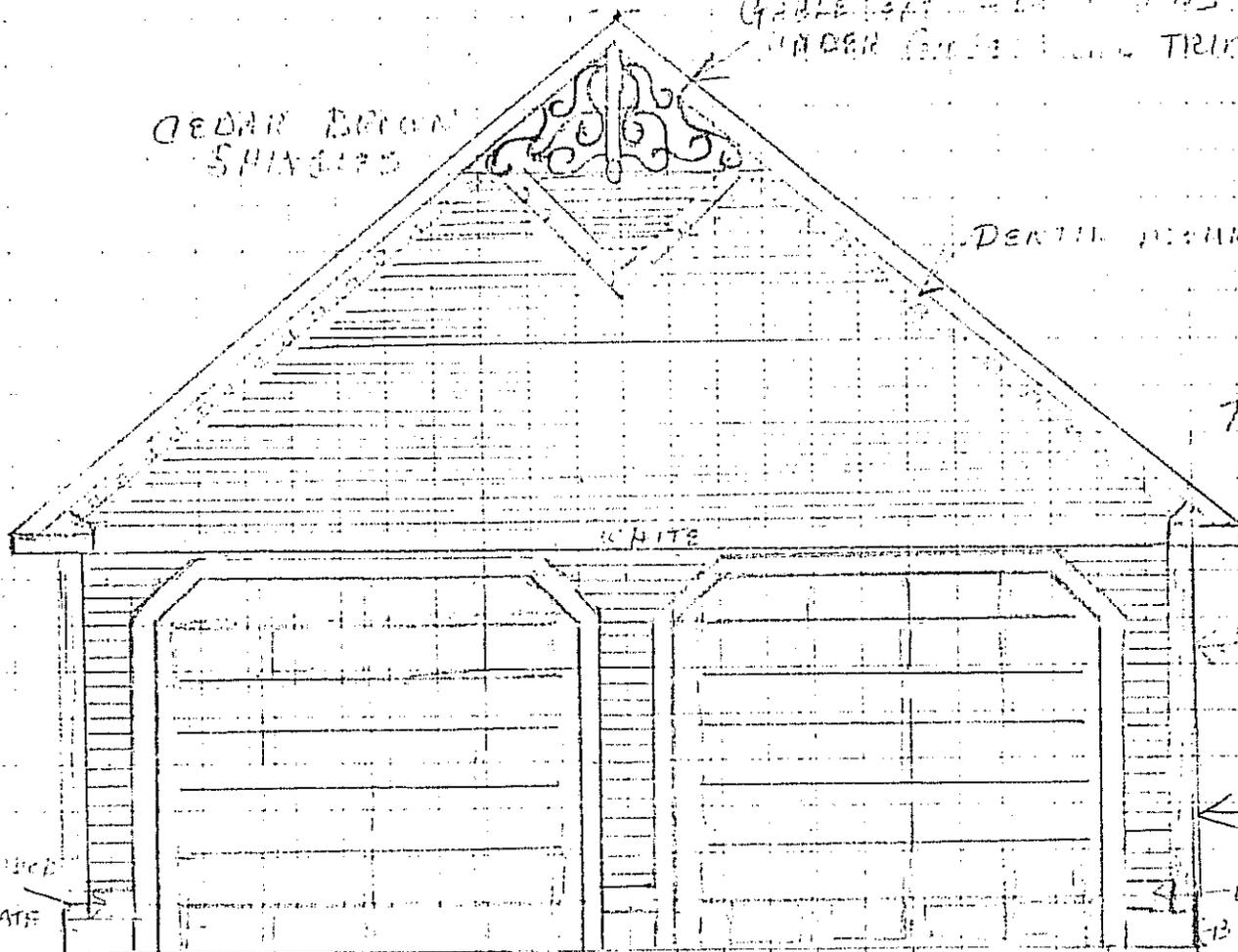
9 PANE
STEP DOOR
3' NW
CORNER

WHITE WOOD
TRIM
SILL PLATE
1 BLOCK
OFF FLOOR

SERVICE
DOOR

WHITE
BLOCK

SCALE 1/4" = 1'



REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

ACE HARDWARE
Name
1425 U.S. South
Address
Manistee, Mi. 49660
City, State and Zip Code
Phone Numbers (Work) _____
(Home) _____

FOR OFFICE USE ONLY

Appeal Number 9904
Date Received 3-25-99
Tax Parcel Number 51-51-770-704-01
Fee Received (Amt & Date) _____
Receipt Number _____
Hearing Date 4-8-99
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
 Appeal from Administrative Decision

- Variance
 Other Authorized Review

II. PROPERTY INFORMATION:

- A. Legal description of property affected by this appeal: First Rietz Park additional lots 52 thru 65 between Maywood, Vine, Park Ave. & Forest.
Tax Roll Parcel Code #: 51-51-770-704-01
- 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: Lois Eberhard, Eberhard Trust and Northwestern Savings
- D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: 770 First Rietz addition
- E. Present use of property is: Vacant
- F. Present zoning district classification of the property is: R-5

- G. A previous appeal (has/has not) been made with respect to these premises in the last 2 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: 9-97 Action Requested: Adding lumber yards as a special use in a R-5 district, also a Special Use Permit for a lumber yard
Decision (approved/ denied) other: We also requested that Maywood be vacated due to the fact it is not developed and can serve no practical purpose if it is developed. This request was denied.

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 boundaries on the _____ Zoning District map as applied to the property described in the application.
 - (B) The provisions of article _____ Section _____ of the Maristee 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: _____

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.
- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Setback | <input type="checkbox"/> Side Yard | <input type="checkbox"/> Off-street Parking |
| <input type="checkbox"/> Lot Coverage | <input type="checkbox"/> Placement | <input checked="" type="checkbox"/> Height |
| <input type="checkbox"/> Signs | <input type="checkbox"/> Area Requirements | <input type="checkbox"/> Other _____ |
2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. A building will be erected with a height of 28 feet and a length of 100 feet to serve as indoor storage for retail lumber sales.
3. 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 checked="" 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? The lumber racks require a minimum height and length, both reflected in the request.
- 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 The undeveloped street of Maywood is the front of our property that requires a 58' setback.
- 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? Although an amendment was made to allow a lumber business, that type of business cannot exist without proper buildings.
- 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. _____

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 _____ section _____ of _____ / 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 _____

D. Other authorized reviews
The appellant respectfully petitions the Board of Appeals to grant the following: _____
Specify decision sought: _____

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

A. If your request is granted:
What are likely to be the positive and negative impacts of this decision on the surrounding land and neighbors? The owners of Ace Hardware have had a number of conversations with our neighboring landowners and all of them support this action.

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? Attractive buildings and landscaping are all a part of our long term goals.

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 _____ Date _____
Signature _____ Date _____

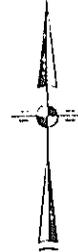
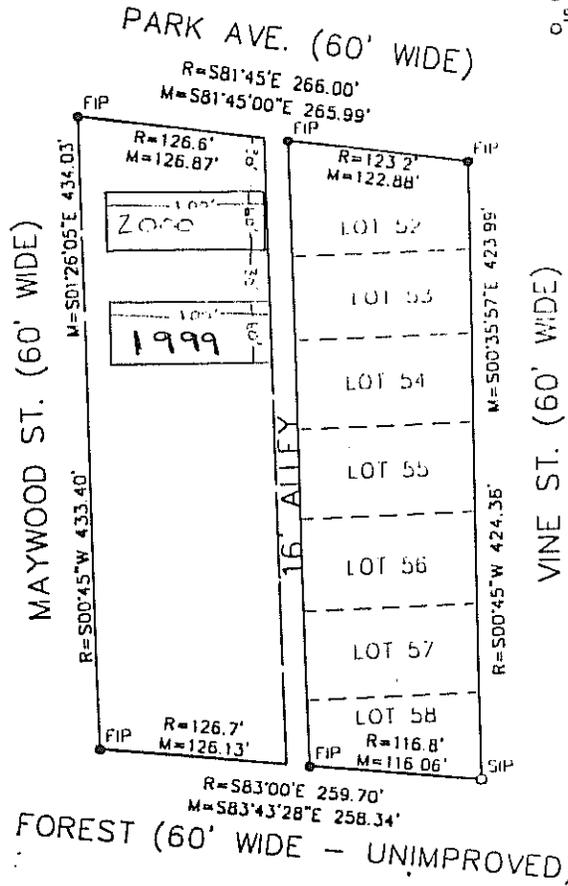
CERTIFICATE OF SURVEY

I, ANTHONY M. SLAWINSKI, LICENSED PROFESSIONAL SURVEYOR NO. 13597 IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND

SHOWING THE PERIMETER OF LOTS 52 THROUGH 55, FIRST RIETZ PARK ADDITION TO THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1910 IN VOLUME 3 OF PLATS ON PAGE 7, MANISTEE COUNTY RECORDS.

LEGEND

- FIP FOUND IRON PIPE
- SIP SET IRON PIPE



Anthony M. Slawinski
 ANTHONY M. SLAWINSKI
 LICENSED PROFESSIONAL SURVEYOR No. 13597
 ABONMARCHE CONSULTANTS, INC.

11-5-97
 DATE OF CERTIFICATE

PLAT OF SURVEY FOR:

TIM
 FOGARTY



ABONMARCHE CONSULTANTS, INC.

381 First Street, Manistee, Michigan 49660
 616-723-1198
 FAX: 616-723-1194

95 West Main Street, Benton Harbor, Michigan 49022
 616-927-2295
 FAX: 616-927-4639

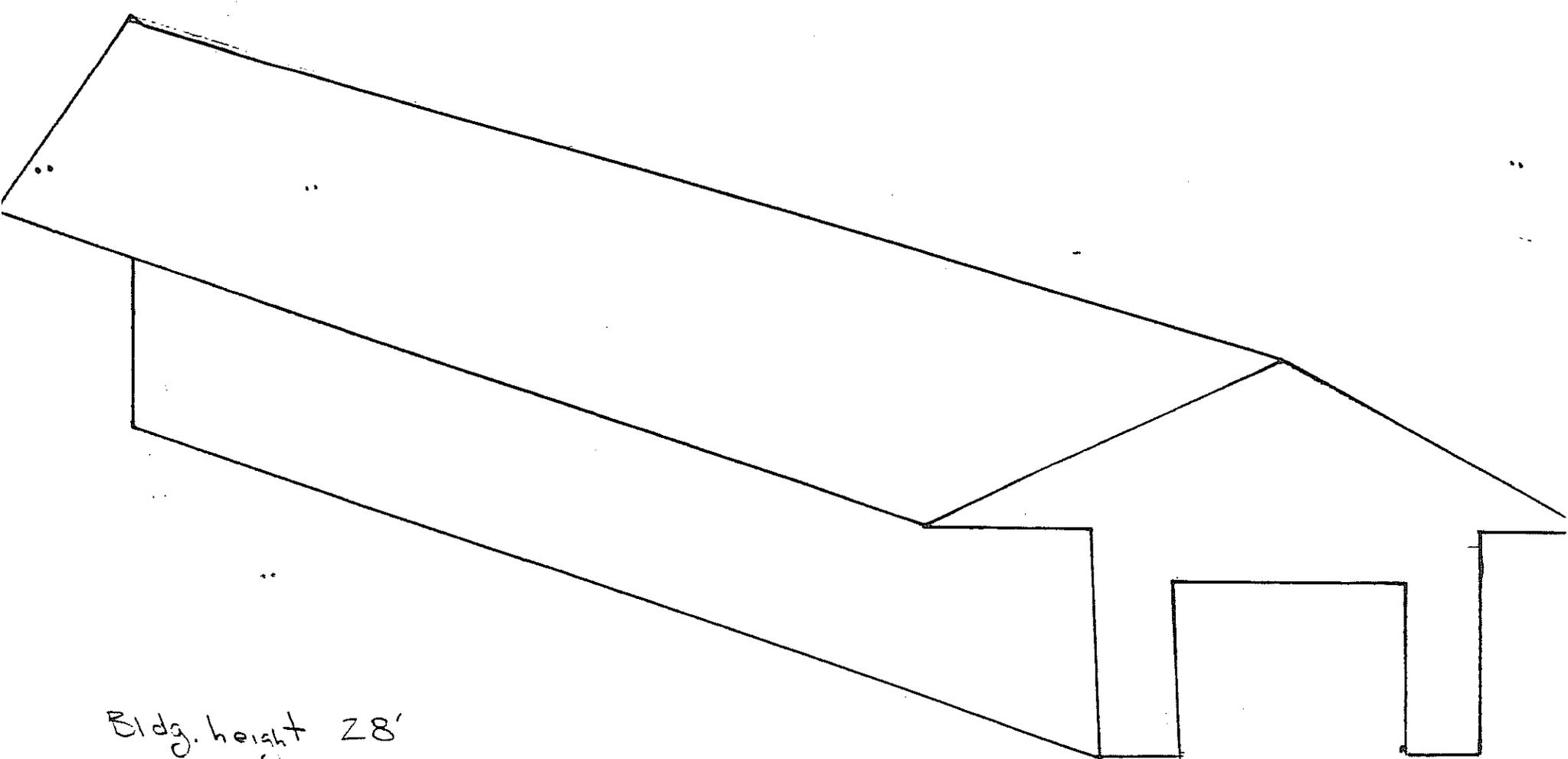
ARCHITECTS / ENVIRONMENTAL ENGINEERS / CONSTRUCTION MANAGEMENT LAND SURVEYORS

DATE: NOVEMBER 4, 1997

DRAWN BY: KSH

SCALE: 1" = 100'

S' - T - R -



Bldg. height 28'
Bldg. Length 100'
Bldg. Width 60'

100' Length
60' width

28' top

