

**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, June 7, 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. Steven Shively
 - 2. Lani Kraus
 - 3. Kendra Thompson Architects, P.C. - Manistee County
 - 4. Kendra Thompson Architects, P.C. - Dr. & Mrs. Dillon
 - 5.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (4/8/99)
 - B. Unfinished Business:
 - 1. Steven Shively
 - 2. Lani Kraus
 - 3. Kendra Thompson Architects, P.C. - Manistee County
 - 4. Kendra Thompson Architects, P.C. - Dr. & Mrs. Dillon
 - 5.
 - C. Other Business:
 - 1.
 - 2.

- V. Work/Study Session:

- VI. Adjournment

cc: Zoning Board of Appeals Members
Mark W. Niesen, Building Inspector
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: May 21, 1999

RE: Zoning Board of Appeals Meeting Monday, June 7, 1999

We have scheduled a Zoning Board of Appeals Meeting for Monday, June 7, 1999 at 5:30 p.m. in the Council Chambers.

First item on the agenda is a request from Steven Shively, 221 Ninth Street. Mr. Shively is requesting a variance to the side-yard set-back to allow enlarging and attaching to the home a currently detached shed. This request would reduce the required side-yard set-back from 10 feet to 4 feet 6 inches. A copy of the request is enclosed.

Second item on the agenda is a request from Lani Kraus, 534 Second Street. Ms. Kraus is requesting a variance to the side-yard set-back requirements from 3 feet to 0 feet to construct a detached garage. A copy of her request is enclosed.

Last item on the agenda is a request from Kendra Thompson Architects, P.C. Ms. Thompson is representing Manistee County in their request to expand the Courthouse. The request is for a reduction to the rear-yard set-back from 10 feet to 4 feet to allow construction of addition to East Annex of Courthouse. Granting the variance has Planning commission endorsement.

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

Steven Shively
Name

221 9th St
Address

MANISTEE MI, 49660
City, State and Zip Code

Phone Numbers (Work) 616-723-
(Home) 616-723-6323

FOR OFFICE USE ONLY

Appeal Number 9905

Date Received 5-14-99

Tax Parcel Number 51-51-748-736-01

Fee Received (Amt & Date) 150.00 5-14-99

Receipt Number 2833

Hearing Date June 7, 1999

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: Freeland w 1/2 Lot 7

Block 20

Tax Roll Parcel Code #: 51-51-748-736-01

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: none

D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: FREELAND - Block 20 west half of lot 7

E. Present use of property is: home

F. Present zoning district classification of the property is: 400 Residential R-5

- G. 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

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: set back from lot line

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 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 _____ |
2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. to attach the shed to the house
reduce required sideyard setback from 10' to 4'6"
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 checked="" 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) |
- N ↑ 62'-4" x 69'-3 1/2"

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? _____
- 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 112 lots
- 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? _____

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? Shouldn't be any

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 Steve Shively

Date 5-14-99

Signature _____

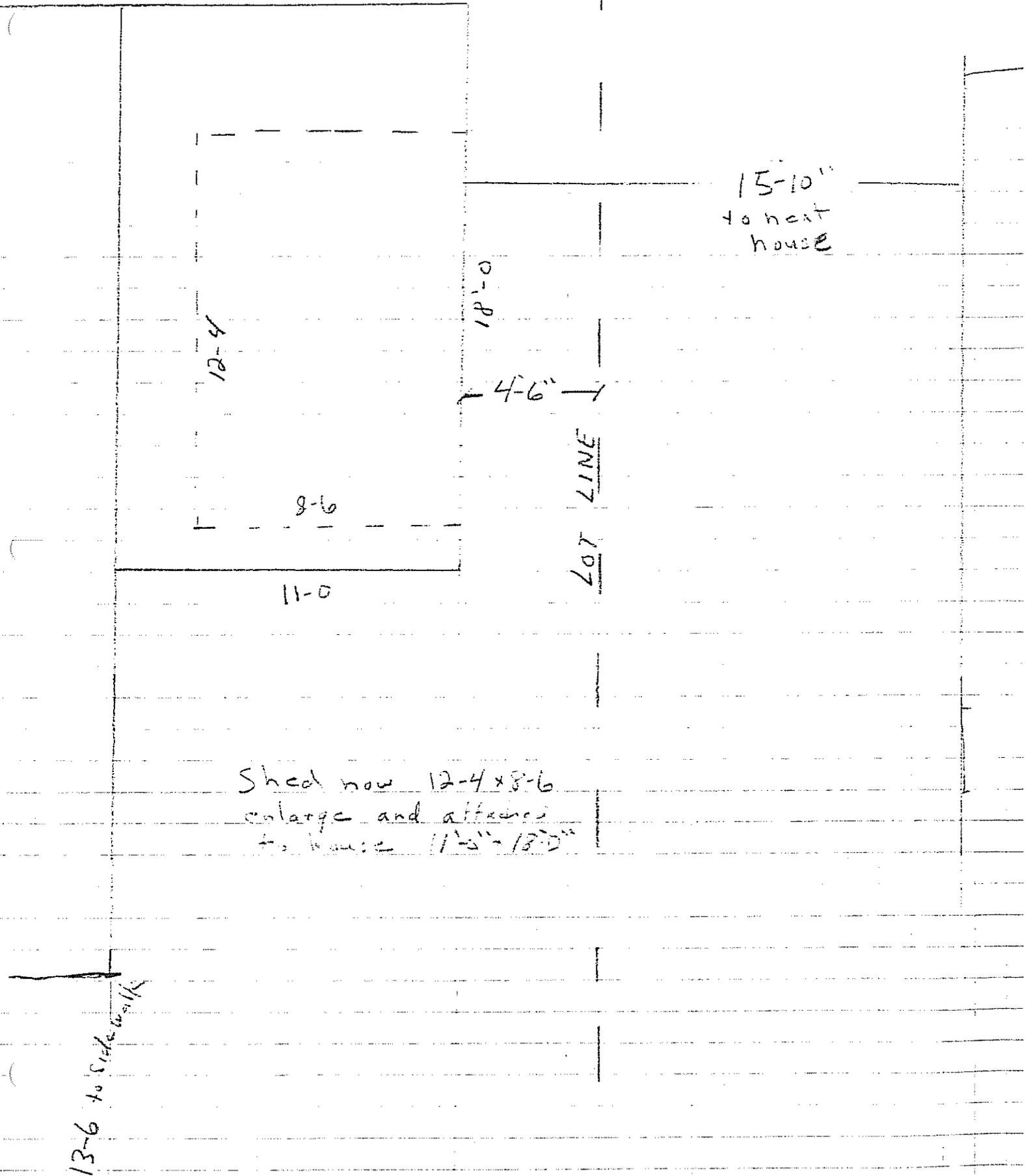
Date _____

To whom it concern
I David Raykowski don't
object to what Steve has
planned to attach his other
structure to his house.

5-16-89

Steve Shively
221 9th St

← N

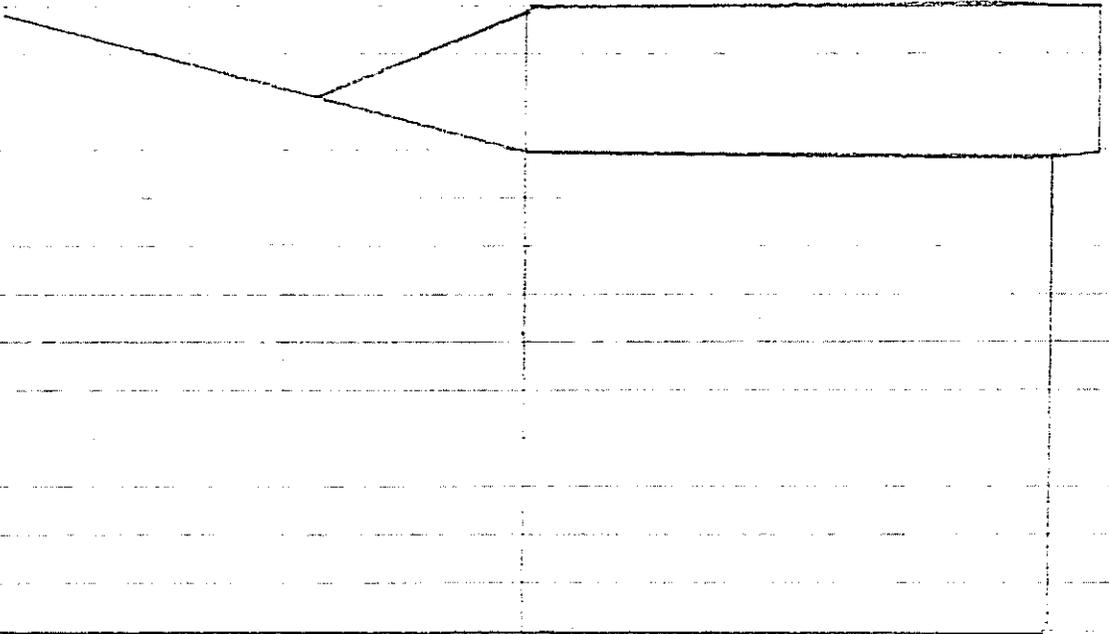


Shed now 12-4 x 8-6
enlarge and attached
to house 11-0 x 18-0

13-6 to side walk

991 11 21

Looking to the East



REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

LANI S. Kraus
Name
534 2ND St
Address
Manistee, MI 49660
City, State and Zip Code
Phone Numbers (Work) _____
(Home) 616-723-5658

FOR OFFICE USE ONLY
Appeal Number 9900
Date Received 5-19-99
Tax Parcel Number 51-51-364-705-05
Fee Received (Amt & Date) 150.00 5-19-99
Receipt Number 2857
Hearing Date June 7, 1999
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: CF MARSHS ADD LOT 9 Block 4
Tax Roll Parcel Code #: 51-51-364-705-05
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: _____
E. Present use of property is: Single Family Residential
F. Present zoning district classification of the property is: _____

- G. 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

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: _____

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 checked="" 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. Build a 1 1/2 story detached garage. 1 car w/storage space above. 24'x24'. Height not to exceed 20'.
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 type="checkbox"/> Other (Specify) |
- Position of existing home in relation to proposed structure necessitates moving the proposed structure as far to the West as possible to establish a straight-in access to a 9' wide overhead door and have 2' clearance from West edge of door opening to the West Wall.

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? Will not have a safe entry to an enclosed parking space
- 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 But, vehicles today are larger than when the home was placed on the lot.
- 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? I will not allow me a safe, straight in access to the garage
- 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. Narrow lots in an old flat
- 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? _____

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? The West neighbor presently has a 6' high privacy fence within his property line. This structure will enhance the feeling of privacy sought by this neighbor.

V. AFFIDAVIT

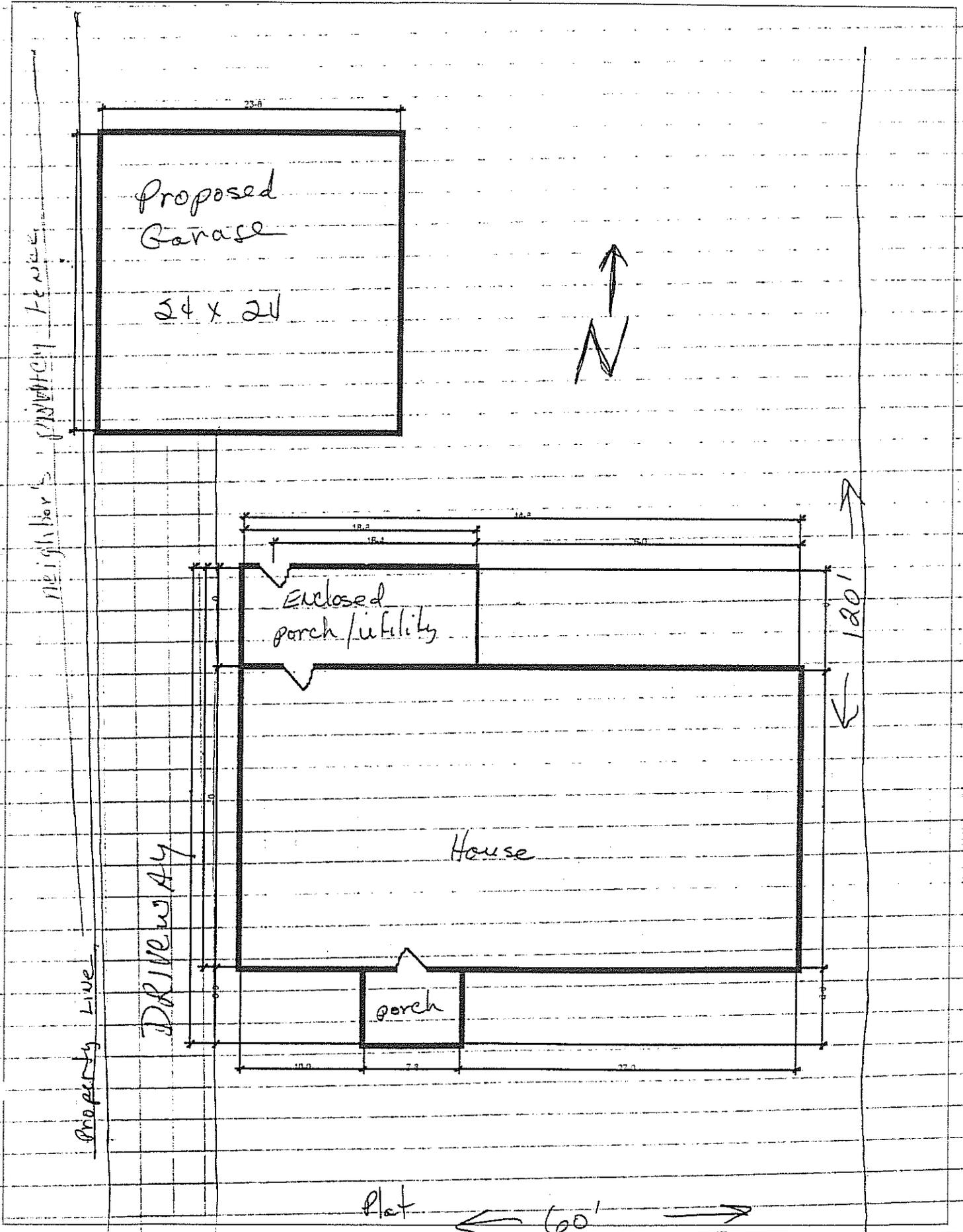
The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms 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]

Date May 19, 99

Signature _____

Date _____



MAY 24 1999

REQUEST FOR APPEAL

CITY OF MANISTEE ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

County of Manistee
 Name Owner Rep: Kendra C. Thompson
Architects, P.C.
415 Third Street
 Address Owner Rep: 304 Oak Street
Manistee, MI 49660
 City, State and Zip Code

Appeal Number 9001
 Date Received 5-24-99
 Tax Parcel Number _____
 Fee Received (Amt & Date) n/a
 Receipt Number _____
 Hearing Date 6-7-99
 Board of Appeals Action _____

Phone Numbers (Work) 616.723.4575 (Tom Kaminski)
 (Home) 616.723.4195 (Kendra Thompson)

FEE FOR APPEAL \$150.00

PLEASE FORWARD CORRESPONDENCE TO OWNER REP.
 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:

- | | |
|--|--|
| <input type="checkbox"/> Ordinance or Map Interpretation | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Appeal from Administrative Decision | <input type="checkbox"/> Other Authorized Review |

II. PROPERTY INFORMATION:

- A. Legal description of property affected by this appeal: 415 Third Street
- B. Tax Roll Parcel Code #: 51-51-374-723-01, 51-51-374-724-08, 51-51-374-724-09, & 51-51-374-724-10
 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: _____
- D. This area is: Not platted, Platted, Will be Platted
 If Platted, Name of Plat: _____
- E. Present use of property is: Public Administration (STC 91)
- F. Present zoning district classification of the property is: R-4

G. 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

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: _____

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 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 _____ |

2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. The construction of an addition to the existing east annex building (24' x 95' and 20' wide lobby roof) will be 4' from the alley easement. Also, a 5' sidewalk adjacent to the addition will encroach in the alley approximately one foot.

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 checked="" 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? Current and projected space needs for County offices requires the construction of an addition.
- 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 The County owns parcels which are contiguous yet, have a 20' wide alley easement that restricts additions to the original building.
- 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? The granting of this variance will allow the County to proceed with development plans which will significantly correct a number of undesirable situations currently existing (i.e. parking, main entry, signage, landscaping).
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? The proposed development will provide landscaping, proper site lighting, minimize ingress/egress from streets, better defined building entrance with proper signage and, in general, provide a more aesthetically pleasing and functional complex.

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 Kendra C. Thompson
Kendra C. Thompson, Kendra C. Thompson
Architects, P.C.

Date 20 MAY 99

Signature _____

Date _____

CITY OF MANISTEE

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Jon R. Rose 
Community Development Officer

DATE: May 26, 1999

RE: Zoning Board of Appeals Meeting Monday, June 7, 1999

Lani Kraus' application included a request for a variance to height limitation from 14 feet for accessory structures to 20 feet to construct a detached garage with storage space above. We have mailed all of the necessary notifications and will include this with her other request at the meeting.

See you there!

JRR:djm

Enclosures



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

616-723-2558
FAX 616-723-1546

May 25, 1999

TO WHOM IT MAY CONCERN:

The City of Manistee Zoning Board of Appeals will hold a meeting in the Council Room of City Hall, 70 Maple Street, Manistee, Michigan. The purpose of this hearing is to consider a request from:

NAME: Lani S. Kraus
ADDRESS: 534 Second Street
Manistee, MI 49660
LOCATION OF REQUEST: 534 Second Street
ACTION REQUESTED: Variance to height limitation of 14 feet - request for height variance to 20 feet to construct detached garage with storage space above.
DATE/TIME OF HEARING: Monday, June 7, 1999 at 5:30 p.m.

Anyone interested in this matter is welcome to attend this meeting.

Sincerely,

CITY OF MANISTEE



Jon R. Rose
Community Development Officer

JRR:djm

CITY OF MANISTEE

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Jon R. Rose 
Community Development Officer

DATE: May 28, 1999

RE: Zoning Board of Appeals Meeting Monday, June 7, 1999

We have received one more request that has been added to the June 7, 1999 agenda. Dr. & Mrs. Chuck Dillon are purchasing the home at 467 fourth Street. Dr. & Mrs. Dillon would like to construct a carriage house that matches the home at 467 Fourth Street. A variance would be needed to the accessory height structure limitation of 14 feet to 29 feet. A copy of the request is enclosed.

See you there!

JRR:djm

Enclosures

REQUEST FOR APPEAL

CITY OF MANISTEE ZONING BOARD OF APPEALS

OWNER: Dr. & Mrs. Chuck Dillon OWNER REP: Kendra C. Thompson FOR OFFICE USE ONLY

Name Architects, PC Appeal Number 9908
Date Received 5-28-99
Address 215 S. Lakeshore, #20 304 Oak St. Tax Parcel Number 51-51-374-741-09
Fee Received (Amt & Date) \$150.00 5-28-99
City, State and Zip Code Ludington, MI 49431 Manistee, MI Receipt Number 2357
Hearing Date 6-7-99
Board of Appeals Action _____

Phone Numbers (Work) 616-723-4195
(Home) _____

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:

- | | |
|--|--|
| <input type="checkbox"/> Ordinance or Map Interpretation | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Appeal from Administrative Decision | <input type="checkbox"/> Other Authorized Review |

II. PROPERTY INFORMATION:

- A. Legal description of property affected by this appeal: _____
467 Fourth Street, Manistee
- B. Tax Roll Parcel Code #: 51-51-374-741-09
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: Steven Dutton and Susan Dutton (current owners)
- D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: _____
- E. Present use of property is: residential, single family
- F. Present zoning district classification of the property is: R-4

G. 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

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: _____

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 Side Yard Off-street 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. _____

A variance to allow for the construction of an accessory structure (a carriage house) with a height of 29 ft. (+/-).

3. 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)

Proposed design of carriage house is historically sympathetic to the existing residential structure.

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? _____
- 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? Strict application of the ordinance will result in the construction of a garage, in lieu of a carriage house, that would not be historically accurate
- 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 The existing residential structure has strong design elements of historical significance which are being duplicated.
- 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. _____

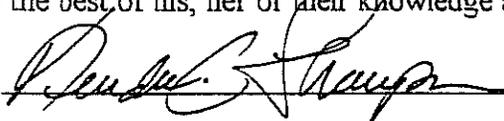
IV. IMPACT ON SURROUNDING LANDS

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? The granting of the requested variance will allow for the construction of a carriage house which will complement the neighborhood. We hope that it will provide a catalyst for other owners of historic properties to do similar projects.
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? No potential negative impacts are anticipated.

V. AFFIDAVIT

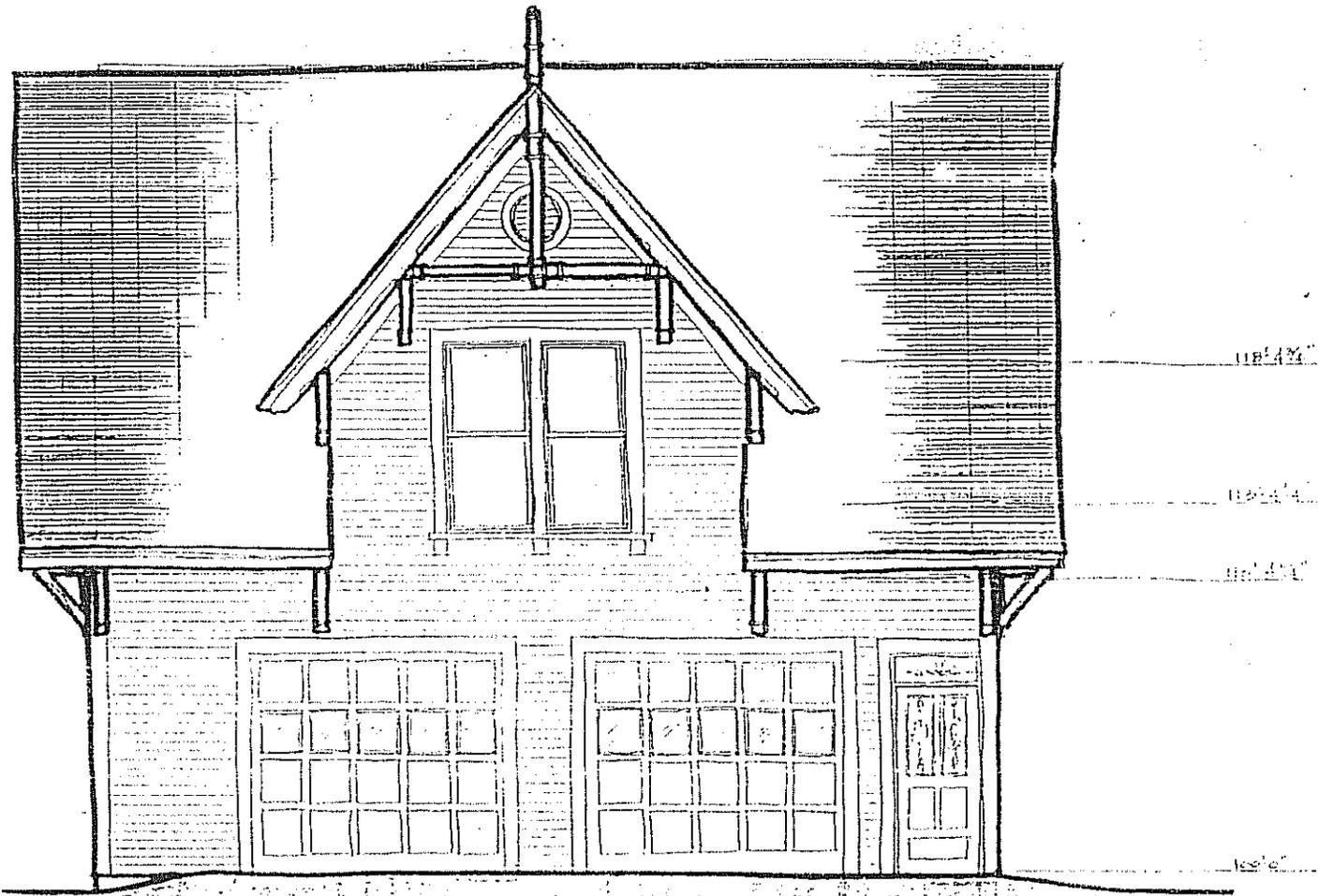
The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms 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 26 MAY 99

Signature _____

Date _____



FRONT ELEVATION

1/4" = 1'-0"

proposed carriage house for

MR.
SAMUEL
MRS.

CHARLES DILLON

467 FOURTH STREET

MANISTEE • MICHIGAN

F O U R T H S T.

69'-6"

LOT 5

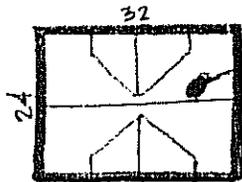


Shared
driveway

132'-0"

132'-0"

PROPOSED
CARRIAGE
HOUSE



3' SETBACK

3' SETBACK

69'-6"

Site plan

1" = 30'

467 FOURTH ST
HANKSTEE, MICH.

