

**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 Tuesday, October 24, 2000 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call

- II. Public Hearing:
 - 1. Tim Simonis
 - 2.

- III. Business Session:
 - A. Approval of Minutes (9/7/00)
 - B. Unfinished Business:
 - 1. Tim Simonis
 - 2.
 - C. Other Business:

- IV. Questions, Concerns of Citizens in Attendance

- V. Adjournment

cc: Zoning Board of Appeals Members
Bruce Gockerman, City Attorney
Jon R. Rose, Community Development
Mark W. Niesen, Building/Zoning
R. Ben Bifoss, City Manager
Julie Beardslee, City Assessor

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen *M.W.N.*
Building/Zoning

DATE: October 11, 2000

RE: Zoning Board of Appeals Meeting, October 24, 2000

Our next Zoning Board of Appeals Meeting has been scheduled for 5:30 p.m., Tuesday, October 24, 2000 in the Council Chambers at City Hall.

We will be hearing a request from Tim Simonis who purchased the vacant property on Cypress and Tenth Street. Mr. Simonis is requesting a variance to allow driveway closer than 50 feet to an intersection as required by Section 1051.A.1 **and** a variance to allow dumpster to be located on corner of property rather than adjacent to building as required by Section 5004.D.3.b of the City of Manistee Zoning Ordinance. A copy of the request is enclosed for your review.

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

REQUEST FOR APPEAL

CITY OF MANISTEE ZONING BOARD OF APPEALS

Tim Simonis
 Name
7808 Bacchanalia Ct.
 Address
Cadillac, MI 49601
 City, State and Zip Code
 Phone Numbers (Work) 231-779-0541
 (Home) 231-779-0541

FOR OFFICE USE ONLY
 Appeal Number 20008
 Date Received 9-27-08
 Tax Parcel Number 51-51-1672-708-03
 Fee Received (Amt & Date) 250.00 10-11-08
 Receipt Number 4661
 Hearing Date 10-31-08
 Board of Appeals Action _____

FEE FOR APPEAL \$250.00

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: See Attached
- Tax Roll Parcel Code #: 51-51-672-708-03
- B. List of all deed restrictions (attach additional sheets if necessary): N/A
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: Tim Simonis - Simonis Enterprises, Inc.
- D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: _____
- E. Present use of property is: Vacant
- F. Present zoning district classification of the property is: C-1

LEGAL FOR CYPRESS STREET

E.N. Sallings Add. Lots 8 & 9 Lying SWLY of U.S. 31 HWY.
R/W Block 3 W. Side U.S. 31.

E.N. Sallings Add. Lots 1 Through 7 Lying SWLY of U.S. 31
R/W + Nof FMRR R/W. Block 6 Bet. U.S. 31 and Cypress St.

Request for Appeal
Page 2

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. 5004.D.3.a

(C) Other, (specify) Section 5004.D.3.b, Manistee City Zoning Ordinance

2. Please describe in detail the nature of the problem to be interpreted and the reason for the request: Dumpster: we believe that the dumpster and fence are more aesthetically pleasing at the location shown on plan. We also request 3 curb cuts on Cypress to allow safe vehicle access and egress.

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 Curb Cuts/Dumpster Location

2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. 3 curb cuts are intended on Cypress to provide vehicle access. We prefer to locate the dumpster and fence away from proposed building to improve the building aesthetic from the road.

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)

Location of existing intersection of 10th and Cypress Street.

Request for Appeal
Page 3

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? Curb cuts cannot be made to the parcel making it impossible to build the proposed building.

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? Curb cuts cannot be made to the parcel, making it impossible to build the proposed building.

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 parcel is located close to an intersection of two streets.

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. _____

Request for Appeal
Page 4

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? Positive impact includes increasing property value with intended improvement.

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? The extended driveway leading to the car wash facility provides a high quantity of car stacking. This eliminates the possibility of cars stacking into the streets.

V. AFFIDAVIT

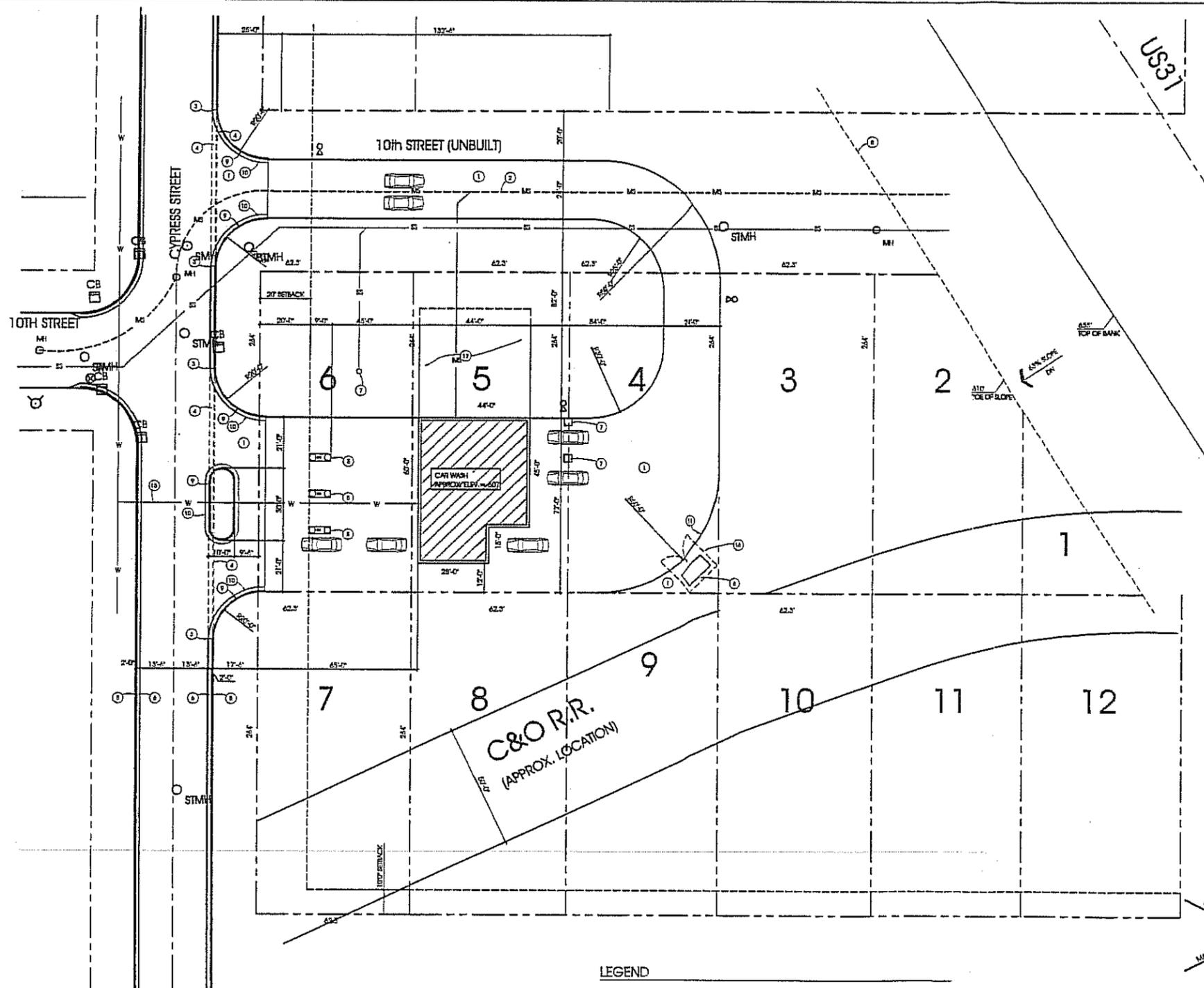
The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms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

Date 9-27-00

Signature _____

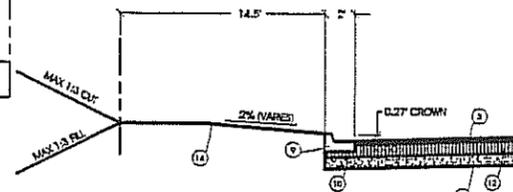
Date _____



SITE PLAN
SCALE: 1"=20'-0"

LEGEND

- | | | | |
|--------|----------------------------|-------|-------------------------------------|
| ⊙ | POLE-MOUNTED LIGHT FIXTURE | ⊙ | POLE-MOUNTED EXTERIOR LIGHT FIXTURE |
| MH | MANHOLE | — W — | WATER LINE |
| — MS — | MUNICIPAL SEWER | | |
| — S — | STORM SEWER | | |
| — PL — | PRIORITY LINE | | |
| --- | SETBACK | | |



TYPICAL ROADWAY SECTION AT ENTRANCE
SCALE: NONE

NOTE:
POCKETS OF CLAY OUTSIDE OF THE TRENCH LIMITS SHALL
BE UNDERCUTTED AND REPLACED WITH SAND DRAINAGE

KEYNOTES

- 3" ASPHALT SURFACE OVER COMPACTED SAND ON VIRGIN SOIL
- EXISTING 12" SANITARY SEWER
- LOCATION OF NEW CURB CUT
- REMOVAL OF EXISTING CURBS AND GUTTER AS REQUIRED FOR INSTALLATION OF NEW DRIVEWAY AT INTERSECTION
- 3" OF CONCRETE ISLAND WITH (2) CAR VACUUMS AND (1) POLE-MOUNTED LIGHT FIXTURE
- DUMPSTER LOCATION, PROVIDE CONCRETE PAD WITH ASPHALT ADJACENT
- DRIVE-IN PULP PAPER MILL STATION
- TOE OF SLOPE
- 6" CONCRETE CURB PER CITY OF MANISTEE SPECIFICATIONS
- 2" OF CONCRETE GUTTER PER CITY OF MANISTEE SPECIFICATIONS
- YELLOW PAINTED CURB
- 2" AGGREGATE BASE PER MDDOT SECTION 3.01 COMPACTED TO 90% DRY DENSITY
- 12" MINIMUM SAND SUBBASE PER MDDOT SECTION 2.11 REQUIREMENT
- 3" OF TOPSOIL ON DISTURBED AREAS
- NEW WATER LINE TO EXISTING MUNICIPAL WATER SERVICE. PROVIDE 6" TAPPING VALVE AND SLEEVE AT SUCH INTERSECTION
- 6" OF HIGH CHAIN-LINK FENCE WITH VISUAL-BLOCKING PLASTIC IN BENTS BETWEEN LOTS. PROVIDE 6'-0" WIDE BRICKED GATE OF SAME HEIGHT AND CONSTRUCTION.
- AREA OF FUTURE BUILDING EXPANSION

PROPERTY DESCRIPTION

EAST NORTH SALLINGS ADDITION LOTS 1, 2, 3, 4, 5, 6 AND 7 LYING SOUTHERLY OF US31 RIGHT OF WAY AND NORTH OF PARK RIGHT OF WAY, BLOCK 6 BETWEEN WEST AND CYPRESS STREET. ALSO PART OF LOT 6 AND LOT 7, BLOCK 3 E.N. SALLINGS ADDITION.

ABONMARCHÉ CONSULTANTS, INC.
3611 First Street
Manistee, Michigan 49660
231-723-1198
FAX 231-723-1194

**ARCHITECTURE / ENGINEERING / LAND SURVEYING
ENVIRONMENTAL / CONSTRUCTION MANAGEMENT**

SITE PLAN
SIMONIS CAR WASH
CYPRESS STREET
MANISTEE, MI 49660

ISSUE	
JOB #	1000000
DATE	07/20/01
DRAWN BY	MS
REVISIONS	
NO.	DESCRIPTION
1	VARIANCE PERMIT

SHEET
C1