

City of Manistee
Zoning Board of Appeals
City Hall
70 Maple Street
Manistee, Michigan

There will be a meeting of the City of Manistee Zoning Board of Appeals to be held on Thursday, July 19, 2004 at 5:30 p.m. in the Conference Room, City Hall, 425 Sixth Street, Manistee, Michigan (Old Middle School).

AGENDA

- I Roll Call
- II Site Inspection:
 - 1.
- III Public Hearing:
 - 1. Bill and Mary Beth Kennedy - Accessory structure wall height variance request.
 - 2.
- IV Approval of Minutes:
 - 1. Approval of Minutes (6/10/04)
- V Business Session:
 - A. Action on Pending Case:
 - 1. Bill and Mary Beth Kennedy - Accessory structure wall height variance request.
 - 2.
 - B. Old Business:
 - 1.
 - C. Other Business of the Appeals Board:
 - 1.
- VI Questions, Concerns of Citizens in Attendance
- VII Adjournment

cc: Zoning Board of Appeals Members
Bruce Gockerman, City Attorney
Mitch Deisch, City Manager
Julie Beardslee, City Assessor

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Jon Rose 

DATE: July 9, 2004

RE: Meeting

Good Morning,

We have received a request for a height variance to allow construction of a carriage house at 415 Cedar Street.

Since Denise had already polled the members for a workable meeting date, I am scheduling this meeting for Monday, July 19, 2004. I will send more information with the agenda.

REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

Name: Bill and Mary Beth Kennedy
Address: 415 Cedar St. - Po Box 86
City, State, Zip Code: Manistee, MI 49660
Phone Numbers: (work) _____ (home) 231-723-4112
Agent Name & Phone Number if applicable: _____

FEE FOR APPEAL \$250.00

OFFICE USE ONLY	
Appeal Number: _____	Date Received: <u>7/6/04</u>
Receipt Number/Fee Amt : <u>6383/250.00</u>	Hearing Date: _____
Zoning District for Property : _____	Parcel Code Number: _____
Type of Request:	
<input checked="" type="checkbox"/>	Variance Request
<input type="checkbox"/>	Ordinance or Map Interpretation
<input type="checkbox"/>	Appeal from Administrative Decision
<input type="checkbox"/>	Other Authorized Review

PLEASE NOTE: All questions must be answered. Incomplete applications will be returned to be completed before processing. If additional space is needed, number and attach additional sheets.

State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Board of Appeals:

We plan to reconstruct the garage/ carriage house to its original 1885 specifications. This will require 14' sidewalks, instead of 10'. Please see the attached architectural drawings.

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 341-702-01

Property Address: 415 Cedar St.

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land.
Chase Manhattan Mortgage Corp.
PO Box 24696, Columbus, OH 43224-0696

Present use of parcel: Primary Residence

List of all deed restrictions (attache additional sheets if necessary): None

Has a previous appeal been made with respect to this property? Yes No

If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: NA

DETAILED REQUEST AND JUSTIFICATION:

Please identify each requested variance:

	Required by Zoning	Requested by Appellant
<input type="checkbox"/> Front- Yard Set-Back	from _____	to _____
<input type="checkbox"/> Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Rear-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Waterfront Set-Back	from _____	to _____
<input checked="" type="checkbox"/> Height - <i>Side wall</i>	from <u>10'</u>	to <u>14'</u>
<input type="checkbox"/> Area Requirements	from _____	to _____
<input type="checkbox"/> Off-street Parking	from _____	to _____
<input type="checkbox"/> Other	_____	_____

Please mark all characteristics of your property which require the granting of a variance.

NA

Dimensional information

- Too Narrow _____
- Too Small _____
- Too Shallow _____
- Elevation (height) _____
- Slope _____
- Shape _____
- Soil _____
- Subsurface _____
- Other (Specify) _____

Justification

The Zoning Board of Appeals must answer yes to the following four questions to grant an appeal. Please list your justification to each question for the Zoning Board of Appeals.

1. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Land Use District?

When our house was originally built in 1885, it included a carriage house. We are trying to restore the property and its original structures. See attached 1900 photos.

2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?

Yes. Unless we receive a variance, we will be unable to rebuild the original structure, which is architecturally complimentary to the house.

3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?

That is correct. The original carriage house was constructed in 1885, according to records in the Marquette Historical Museum plat book. Because of deterioration, it had to be removed about 40 years ago.

4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?

This would definitely be harmonious, and a positive addition to our neighborhood. We will be reconstructing an historic building, in an historic neighborhood, on its original site at the back of our lot. See attached photos. (Circa 1900)

List any other comments in support of the application.

This property has been continuously owned by our family since its original development, through four generations. Its restoration will add to the historic aspect of our community.

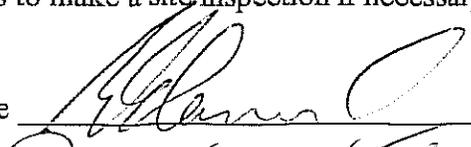
IMPACT ON SURROUNDING LANDS

If your request is granted what would the positive and/or negative impacts of this decision be on the surrounding land and neighbors?

It would have no negative effect, as the original site is on the back of our lot, and would not negatively impact our neighbors. The positive result would be in the historic viability of the neighborhood.

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. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature  Date 6/14/04

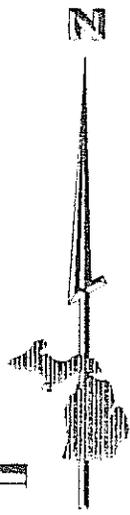
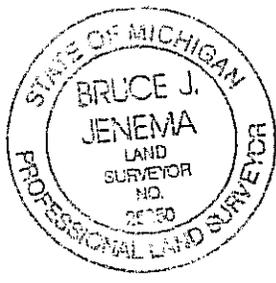
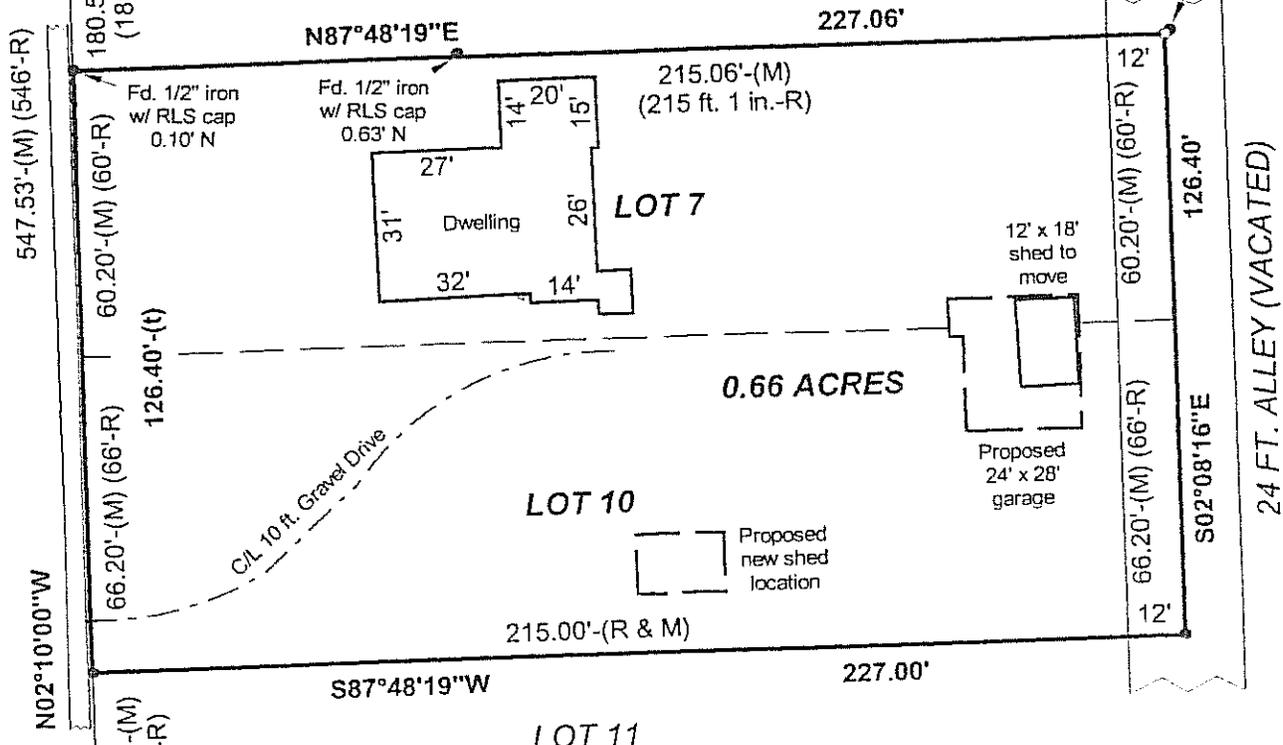
Signature Mary Beth Keeney Date 6/14/04

Representation at the Public Hearing by either the applicant or agent is encouraged.

C/L CEDAR STREET (66 FT. PUBLIC)

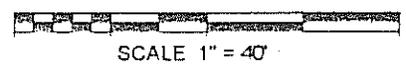
LOT 6

Fd. 3/4" iron pipe
0.84' N & 1.00' E



LEGEND

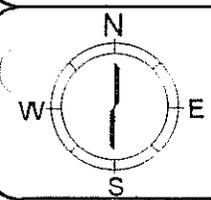
- IRON FND ⊕ MONUMENT FND
- IRON SET ⊕ MONUMENT SET
- ▲ P.K. FND (R) RECORD
- △ P.K. SET (M) MEASURED



I, THE UNDERSIGNED, BEING A REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE PARCEL OF LAND, THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS NOTED, AND WITHIN LIMITS AND THAT I HAVE FULLY COMPLIED WITH THE REGULATIONS OF ACT 132, P.A. 1970 AS AMENDED.
 THE BASIS OF BEARING IS: Previous Survey by Jenema Land Surveys, File No. 03189.

ERROR OF CLOSURE IS NOT GREATER THAN 1 FT. IN 5000 FT.

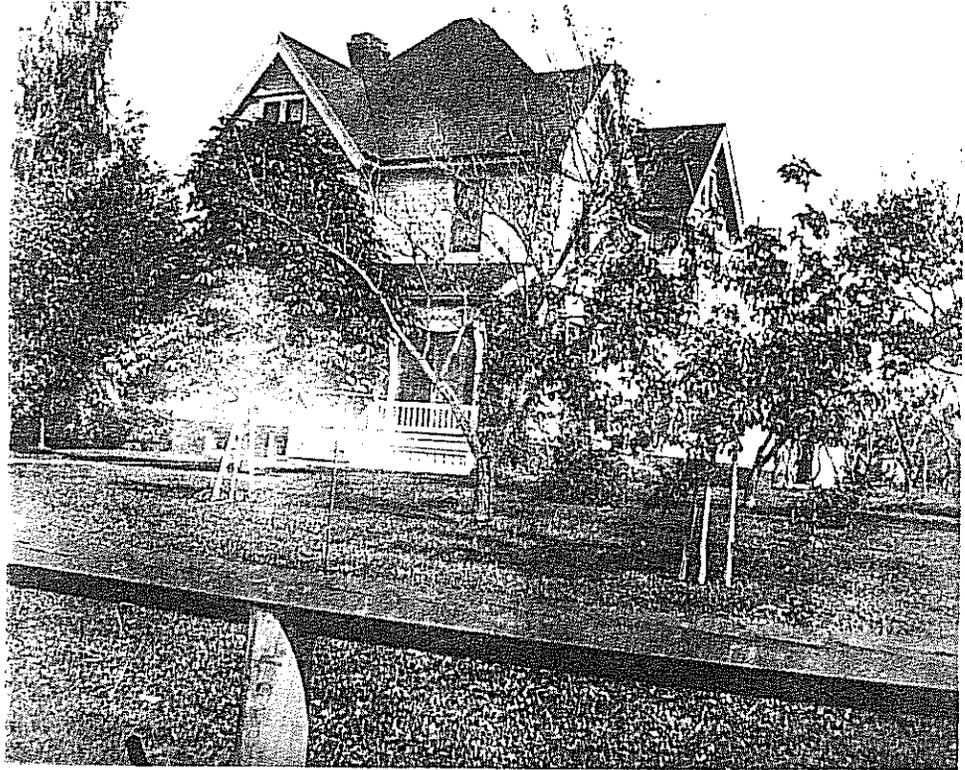
R.L.S. No. 25850 *Bruce J. Jenema*



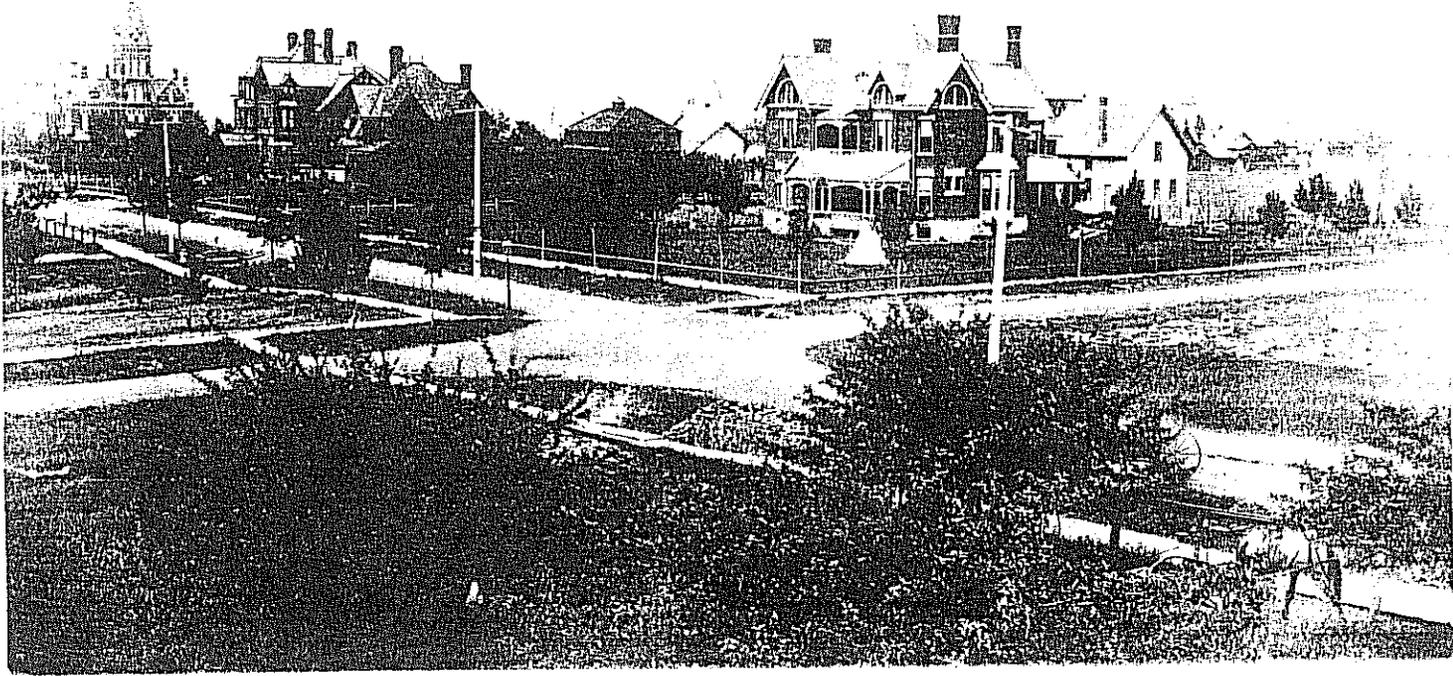
Jenema Land Surveys

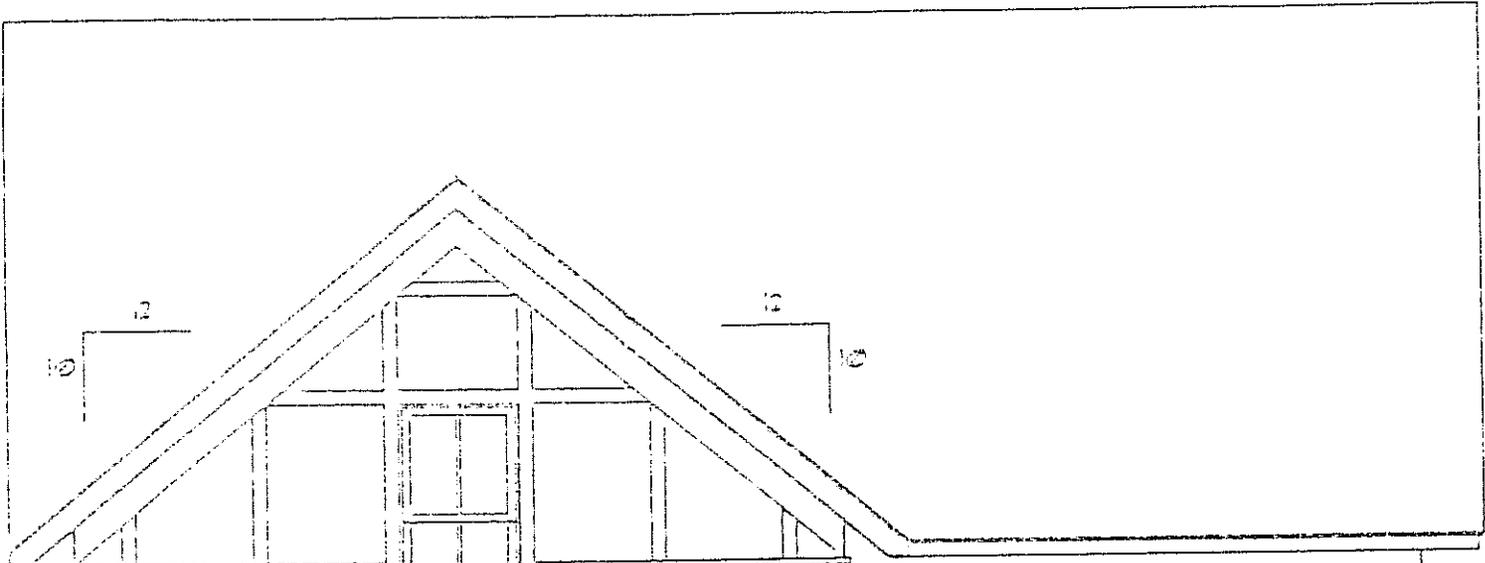
82 Division St.
 Manistee, MI 49660
 (231) 723-7930
 Fax: (231) 723-5761

FOR: William & Mary Kennedy	
DATE: June 22, 2004	SHEET: 1 of 1
DWN.: RSO	CHK.: BJJ
FILE #: 04190	



N.E. view of present corner of Cedar and Bryant in 1891 -
Courtesy of Steve Gerald, Manistee County Historical Museum
(Shows 415 Cedar Street - House and Carriage House)





12
10

12
10

SHINGLE SIDING
- AS SHOWN

4"X8" SIDING
SPRAY

HORIZ. LAP
SIDING - TYP.

20"X20" DOUBLE HUNG
WINDOW UNIT - TYP.

8'X7' O.H. GARAGE
DOOR UNIT - TYP.

8'X7' O.H. GARAGE
DOOR UNIT - TYP.

