

MANISTEE CITY
ZONING BOARD OF APPEALS
Organizational Meeting of November 18, 2010
5:30 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I CALL TO ORDER

II ROLL CALL

III APPROVAL OF AGENDA

At this time the Zoning Board of Appeals can take action to approve the November 18, 2010 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the September 22, 2010 meeting Minutes.

V PUBLIC HEARING

ZBA-2010-02 David & Susan Hendricks, 700 Pine Street - Variance to side yard set-back

David & Susan Hendricks, own the home at 700 Pine Street. Mr. & Mrs. Hendricks are requesting a variance to reduce the side-yard set back from 10 feet to 7 feet 9 inches to construct an addition to accommodate new main level bedroom, laundry area and ancillary spaces.

At this time the Chair will open the public hearing

The Applicant shall be asked to present their case to the Zoning Board of Appeals.

City Staff and any Consultants serving the City will present their reports

The Hearing will be opened for Public Comments

The Public Hearing will be closed.

VI BUSINESS SESSION:

Action on Pending Cases

ZBA-2010-02 David & Susan Hendricks, 700 Pine Street - Variance to side yard set-back

After the Public Hearing is Closed the Zoning Board of Appeals can take action on the request from David & Susan Hendricks request for a variance to reduce the side-yard set back from 10 feet to 7 feet 9 inches to construct an addition to accommodate new main level bedroom, laundry area and ancillary spaces.

At this time the Zoning Board of Appeals could take action to approve/deny/approve with conditions the variance request from David & Susan Hendricks request for a variance to reduce the side-yard set back from 10 feet to 7 feet 9 inches.

Old Business

Other Business of the Appeals Board

Misc.

VII PUBLIC COMMENTS AND COMMUNICATIONS

At this time the Chair will ask if there are any public comments.

VIII ADJOURNMENT



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Zoning Board of Appeals Members
FROM: Denise Blakeslee (DB)
DATE: November 2, 2010
RE: November 18, 2010 Meeting

Good Morning! We have scheduled a meeting for 5:30 p.m. on Thursday, November 18, 2010 in the Council Chambers at City Hall.

We have one item on the Agenda as follows:

ZBA-2010-02 David & Susan Hendricks, 700 Pine Street - Variance to side yard set-back

David & Susan Hendricks, own the home at 700 Pine Street. Mr. & Mrs. Hendricks are requesting a variance to reduce the side-yard set back from 10 feet to 7 feet 9 inches to construct an addition to accommodate new main level bedroom, laundry area and ancillary spaces.

Bring your calendars with you so we can schedule the follow up meeting to approve minutes. If you have any questions, or are unable to attend the meeting please call me at 398-2805.

:djb



REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

Name: David & Sue Hendricks

Address: 700 Pine Street

City, State, Zip Code: Manistee, MI 49660

Phone Numbers: (work) 231.723.4517 (home)

Agent Name & Phone Number if applicable: Kendra Thompson Architects, P.C.

ATTN: Kendra Thompson 231.723.4195
803 Cherry Street Manistee, MI 49660

FEE FOR APPEAL \$500.00

OFFICE USE ONLY

Appeal Number: ZBA 4010-02

Date Received: 10-29-16

Receipt Number/Fee Amt:

Hearing Date:

Zoning District for Property: R-2

Parcel Code Number: 371-767-01

Type of Request:

- Variance Request
Appeal from Administrative Decision
Ordinance or Map Interpretation
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:

Construct addition to existing single family residence to accommodate new main level bedroom, laundry area and ancillary spaces.

REFER TO ATTACHMENT A: JUSTIFICATION FOR FURTHER INFORMATION

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 371-707-01

Property Address: 700 Pine Street Manistee, MI 49660

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land, None known

Present use of parcel: Single family residential

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

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

If a previous appeal, rezoning or special use permit application was made state the date, nature of action requested and the decision: N/A

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 checked="" type="checkbox"/> Side-Yard Set-Back	from <u>10 feet</u>	to <u>7' -9" +/-</u>
<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 type="checkbox"/> Height	from _____	to _____
<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.

Dimensional information

- Too Narrow Parcel is 62' x 132' m/l
- Too Small _____
- Too Shallow _____
- Elevation (height) _____
- Slope _____
- Shape _____
- Soil _____
- Subsurface _____
- Other (Specify) Addition to existing structure determines dimensional constraints

Variations. The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and offstreet parking and loading space requirements provided it finds that all of the Basic Conditions and any one (1) of the Specific Conditions set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. **Basic Conditions.** The Board shall find that a variance request meets all of the following conditions.

a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.

Yes No

b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.

Yes No

c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.

Yes No

d. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.

Yes No

e. The requested variance shall relate only to property that is under control of the applicant.

Yes No

f. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.

Yes No

g. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

Yes No

h. The requested variance is the minimum variance that will make possible the reasonable use of the land.

Yes No

2. Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

a. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.

Yes No

Justification:

Existing structure determines reasonable placement of
requested addition placement.
Refer to ATTACHMENT A: JUSTIFICATION for further information.

b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.

Yes No

Justification:

Limited parcel width of 62 feet imposes dimensional
constraints.
Refer to ATTACHMENT A: JUSTIFICATION for further information.

c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Yes No

Justification:

Owner's health requires living accommodations be provided
on the main floor level. Majority of residences in this
district are historic homes with bedrooms located on the
upper level and laundry in the lower level.

3. Rules. The following rules shall be applied in the granting of variances:

a. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

b. Each variance granted under the provisions of this Ordinance shall become null and void unless:

The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized

by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

- c. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

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 Swam Sundrick Date 10-29-10

Signature David R. Hendrick Date 10-29-10

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

July 2008

ATTACHMENT A:

25 October 2010

City of Manistee
Zoning Board of Appeals
Mr. and Mrs. David Hendricks
700 Pine Street
Manistee, MI 49660

JUSTIFICATION

The proposed project consists of renovations and an addition to the existing single-family residence located at 700 Pine Street. Dave Hendricks has recently undergone a lung transplant after several years of failing health. His recovery limits his ability to traverse stairs, necessitating that modifications to the existing residence be completed to afford adequate living on the main floor level. Upon completion of the project, the Owner will be provided with a main level bedroom area, laundry space, and ancillary deck space. The project also consists of replacing the existing side entrance deck and constructing a new covered porch in order to minimize snow and ice accumulation.

Alternative designs were explored while developing the proposed design, but were determined to have a negative impact on the character of the existing historic home and surrounding neighborhood. The alternate to construct an addition directly to the west would create a structure that would appear out of character with the historic residence. Additionally, any construction directly to the west would impact the landscaped area and would prove to be undesirable to adjacent property owners.

The proposed addition to the south is to be constructed in a similar location as an existing deck area. Heavy vegetation at the south property line will be maintained, or replaced if needed, so as to not significantly impact the adjacent south property owner and continue the current privacy between the two parcels.

Once completed, the proposed addition will provide for main floor living areas necessitated by the Owner's health conditions, while having minimal impact and enhancing the character of the historic residence.

the HENDRICKS' RESIDENCE

700 PINE STREET MANISTEE, MICHIGAN

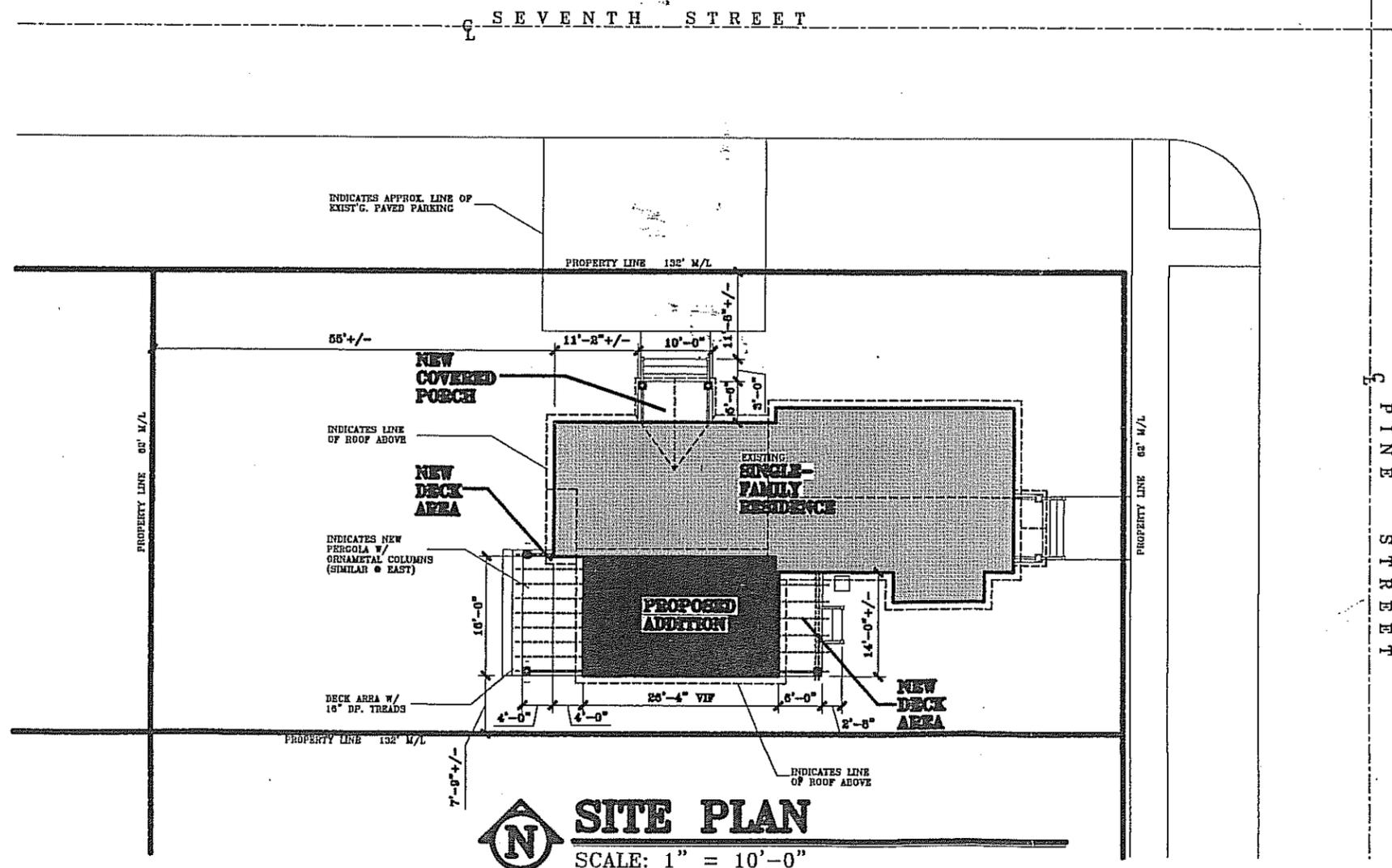


Kendra C. Thompson
Architect, P.C.
89 Cherry Street, Manistee, MI 49660
thompson.kendra@ktrk.com

ZONING REVIEW

SCHEDULE OF DRAWINGS:

- A-1 COVER SHEET AND SITE PLAN
- A-2 PROPOSED FLOOR PLAN AND ELEVATIONS
- A-3 EXISTING PLAN (FOR REFERENCE ONLY)



RESIDENTIAL RENOVATIONS AND ADDITIONS FOR:
DAVE AND SUE HENDRICKS
MANISTEE, MICHIGAN
700 PINE STREET

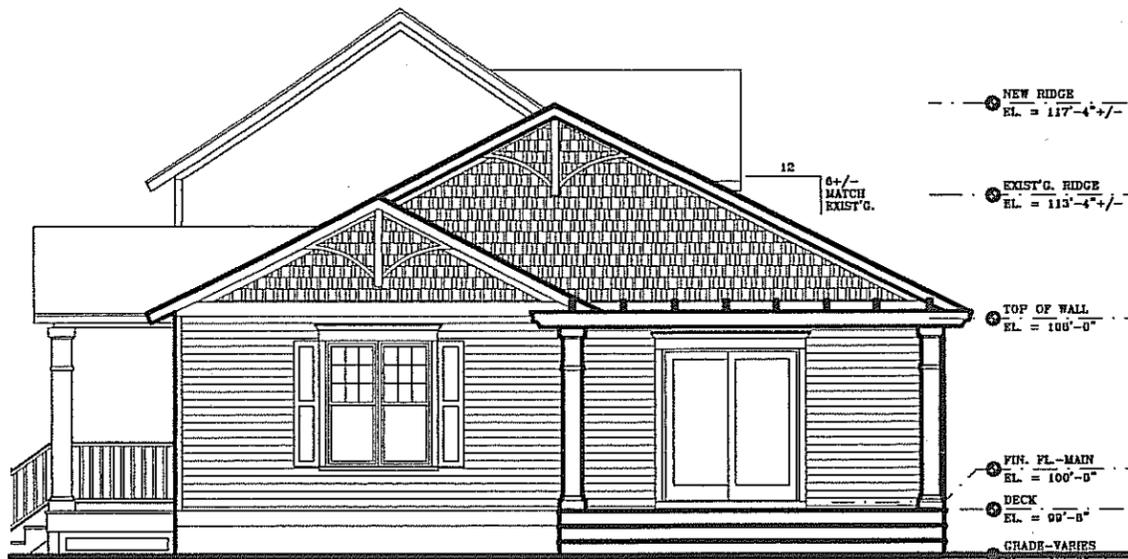
KCT
KCT
JULY 2010
AS NOTED
KT-21014



ELEVATION-north view

SCALE: 1/4" = 1'-0"

- NEW RIDGE
EL. = 117'-4"+/-
- EXIST'G. RIDGE
EL. = 113'-4"+/-
- TOP OF WALL
EL. = 106'-0"
- FIN. FL.-MAIN
EL. = 100'-0"
- DECK
EL. = 99'-0"
- GRADE-VARIES
EL. = 97'-0"+/-



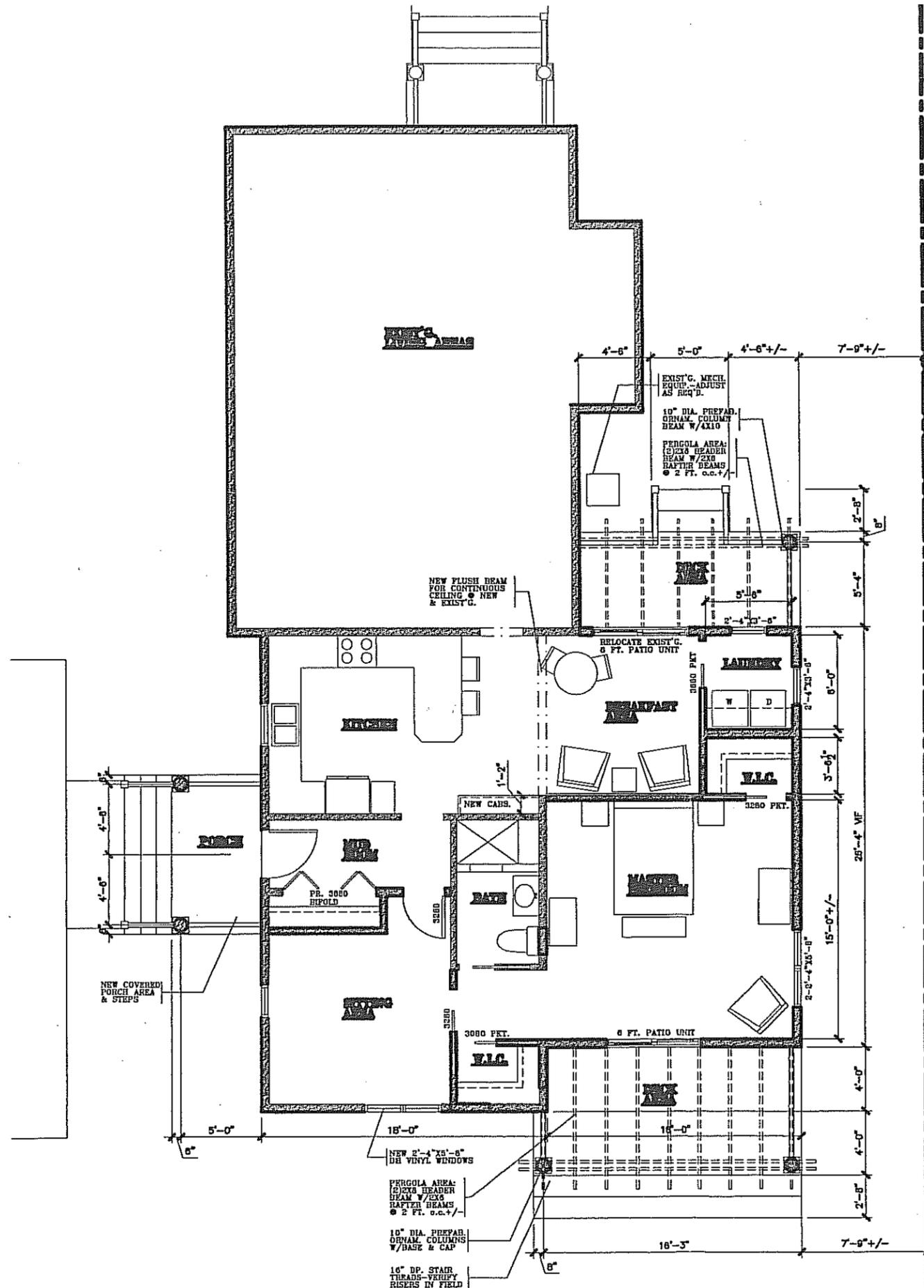
ELEVATION-west view

SCALE: 1/4" = 1'-0"

- NEW RIDGE
EL. = 117'-4"+/-
- EXIST'G. RIDGE
EL. = 113'-4"+/-
- TOP OF WALL
EL. = 106'-0"
- FIN. FL.-MAIN
EL. = 100'-0"
- DECK
EL. = 99'-0"
- GRADE-VARIES
EL. = 97'-0"+/-



- TOP OF WALL
EL. = 100'-0"
- FIN. FL.-MAIN
EL. = 100'-0"
- DECK
EL. = 99'-0"
- GRADE-VARIES



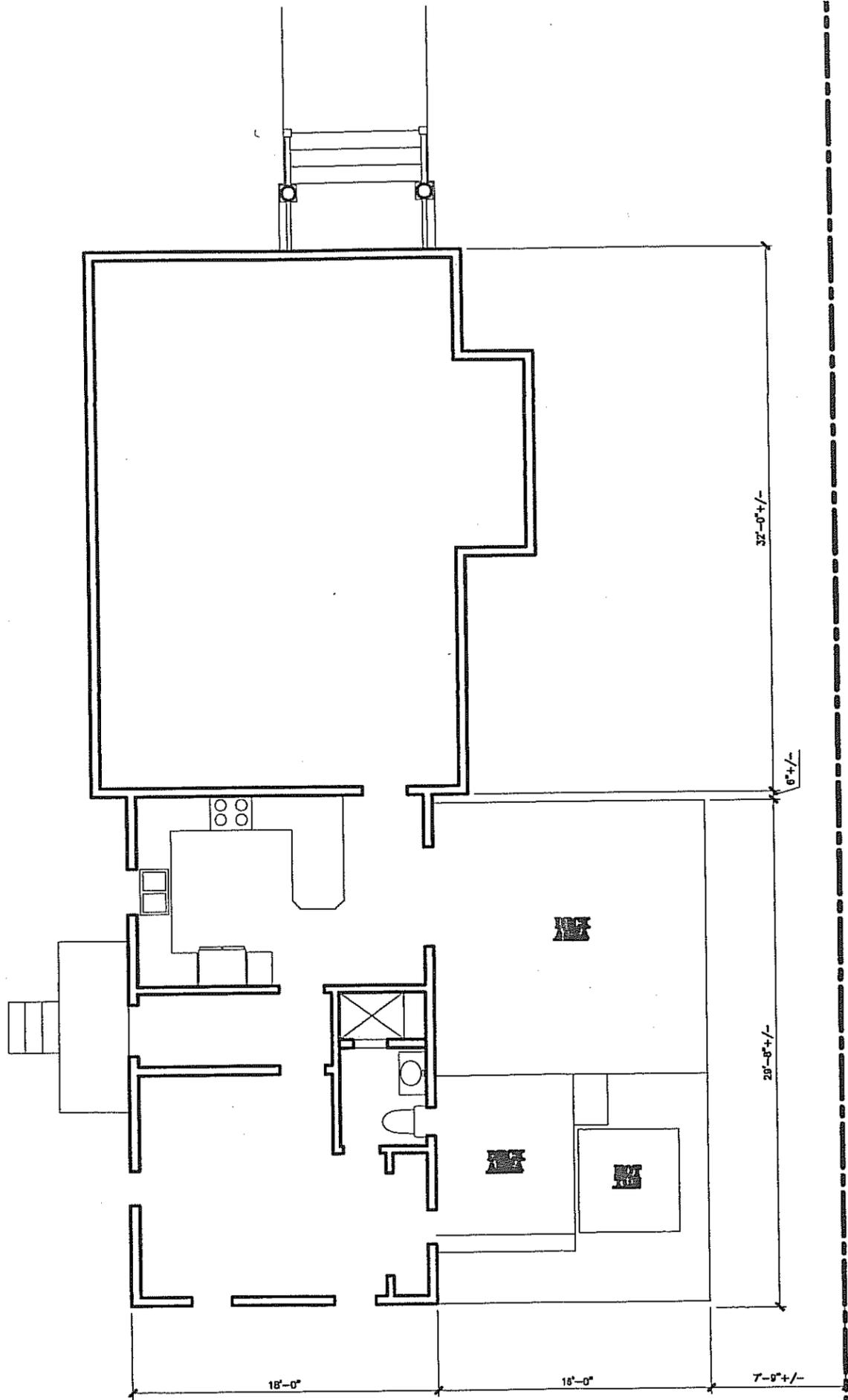
PROPOSED

ZONING REVIEW	KCT
28OCT2010	

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 kthompson.kendrak@kcpa.net

RESIDENTIAL RENOVATIONS AND ADDITIONS FOR:
HENDRICKS RESIDENCE
 700 PINE STREET
 MANISTEE, MICHIGAN

KCT
KCT
SEPTEMBER 2010
AS NOTED
KT-21010



EXISTING

SCHEM. DESIGNS	KCT
01OCT2010	
ZONING REVIEW	KCT
28OCT2010	

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RESIDENTIAL RENOVATIONS AND ADDITIONS FOR:
HENDRICKS RESIDENCE
 700 PINE STREET
 MANISTEE, MICHIGAN

KCT
KCT
SEPTEMBER 2010
AS NOTED
KT-21019

