

**MANISTEE CITY
ZONING BOARD OF APPEALS**

Meeting of March 24, 2011
5:30 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AMENDED - 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 March 24, 2011 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the January 20, 2011 meeting Minutes.

V PUBLIC HEARING

ZBA-2011-01 Ilona Haydon, 517 Ramsdell Street - Variance to side yard set-back

Ilona Haydon owns the home at 517 Ramsdell Street. Ms. Haydon is requesting a variance to reduce the side-yard set back from 10 feet to 2 feet (1 foot for eaves) to construct a car port on the south side of the home.

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-2011-01 Ilona Haydon, 517 Ramsdell 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 Ilona Haydon to reduce the side-yard set back from 10 feet to 2 feet (1 foot for eaves) to construct a car port on the south side of the home.

At this time the Zoning Board of Appeals could take action to approve/deny/approve with conditions the variance request from Ilona Haydon to reduce the side-yard set back from 10 feet to 2 feet (1 foot for eaves) to construct a car port on the south side of the home.

Julian T. & Maralee Cook - 383 Second Street

Mr. & Mrs. Cook requested and received a variance from the Zoning Board of Appeals on March 26, 2009. That allowed a variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage. This would result in 48.7% Lot Coverage.

In March 2010 the Zoning Board of Appeals granted an extension (March 26, 2011). Mr. Cook is requesting another extension.

At this time the Zoning Board of Appeals could grant or deny the request from Julian T. & Maralee Cook for an extension of variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage. This would result in 48.7% Lot Coverage.

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 

DATE: March 3, 2011

RE: March 24, 2011 Meeting

Good Morning!

Attached is a copy of the Agenda for March 24, 2011 Meeting. We have received a request from Ilona Haydon, 517 Ramsdell Street for a variance to the side-yard set-back from 10 feet to 2 feet (1 foot for eaves) to construct a carport on the south side of the home.

Bring your calendars so that we can schedule a meeting the week of March 28th to approve minutes.

If you are unable to attend please call me at 398-2805.

:djb



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:  Jon R. Rose
Community Development Director

DATE: March 3, 2011

RE: Haydon Request

Members, a request has been received from Ilona Haydon for a variance to the side-yard set-back from 10 feet to 2 feet (1 foot for eaves) for a car port. The home that Ms Haydon owns was constructed in the late 1800's on a half lot. The lot is 31.5 feet wide and does not allow access to the property behind her home (no alley or easement).

This is a unique circumstance that does not set a precedence in the event a variance were granted.

JRR:djb

CITY OF MANISTEE ZONING BOARD OF APPEALS

VARIANCE REQUEST FOR 517 RAMSDELL STREET

PACKAGE INCLUDES

REQUEST FOR APPEAL

IMAGE /SKETCH FOR PARCEL: 51-648-703-09

SIMPLE SITE PLAN

LEGAL INFORMATION FOR 51-648-703-09

GENERAL PROPERTY INFORMATION

MEMORANDUM

FEE \$500.00



REQUEST FOR APPEAL
 CITY OF MANISTEE
 ZONING BOARD OF APPEALS

Name: ILONA HAYDON
 Address: 517 RAMSDALL ST
 City, State, Zip Code: MANISTEE, MI 49660
 Phone Numbers: (work) N/A (home) 231-709-1759
 Agent Name & Phone Number if applicable: N/A

FEE FOR APPEAL \$500.00

OFFICE USE ONLY	
Appeal Number: <u>ZBA-2011-01</u>	Date Received: <u>February 25, 2011</u>
Receipt Number/Fee Amt: <u>\$500.-</u>	Hearing Date: <u>March 24, 2011</u>
Zoning District for Property: <u>R-2</u>	Parcel Code Number: <u>51-648-763-09</u>
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:

① Please see attached description

(1) DESCRIPTION AND INTENTION WHICH NECESSITATES A VARIANCE

PARCEL 51-648-703-09

THE HOUSE ON THIS PARCEL WAS BUILT IN 1890 ON A ½ LOT
THE CONFIGURATION DOES NOT ALLOW ACCESS TO REAR OF
PROPERTY WITH A VEHICLE. THERE ARE NO ACCESS TO A
GARAGE FROM A BACK ALLEY OR EASEMENT.

PROPERTY /PARCEL MEASURES 138.58'

WIDTH 31.15'

3.15' PROPERTY LINE TO HOUSE

16.00' HOUSE

12.00' HOUSE TO PROPERTY LINE

PROPERTY HAS A SLAB 348sf ALREADY EXISTING, WHICH PROVIDES OFF
STREET PARKING. PROPOSAL WOULD ALLOW AN OPEN-NO ENCLOSURE
METAL ROOF PROTECTION BARRIER FOR CAR AND SIDE ENTRANCE OF
HOUSE. THE CAR PORT WOULD INCLUDE SUPPORT POSTS AND GUTTERS
WHICH WOULD BE PLACED INSIDE THE PROPERTY LINE. PROPOSED CAR
PORT WOULD MEASURE 10'X 20', WITH NO OVERHANG PAST PROPERTY
LINE. SEE ATTACHED SITE PLAN WITH HIGHLIGHTED AREA.

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 648-703-09

Property Address: 517 Ramsdell ST

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land. N/A

Present use of parcel: RESIDENTIAL

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: 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 Ft</u>	to <u>2 Ft w/ 5 hrs @ 1 ft</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 SEE ATTACHED DESCRIPTION OF PARCEL
- Too Small _____
- Too Shallow _____
- Elevation (height) _____
- Slope _____
- Shape _____
- Soil _____
- Subsurface _____
- Other (Specify) _____

Variations. The Board shall have the power to authorize, upon an appeal, specific variations from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street 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: SEE "B" slab FOR off STREET PARKING is available
now AND has been - see page 1 of 1 City of Manistee
Sketch Promon - Parcel 51-648-703-09

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: Lot is 31.15 width 138.52 length - unable to
Access rear of property - 6 Ft From house to property line
with gas meter AND AC unit blocking entrance to back lot - unable
to drive car to back of property with NO alley entrance

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: Residential typically have room for car port
OR garage

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  Date 02/24/11

Signature _____ Date _____

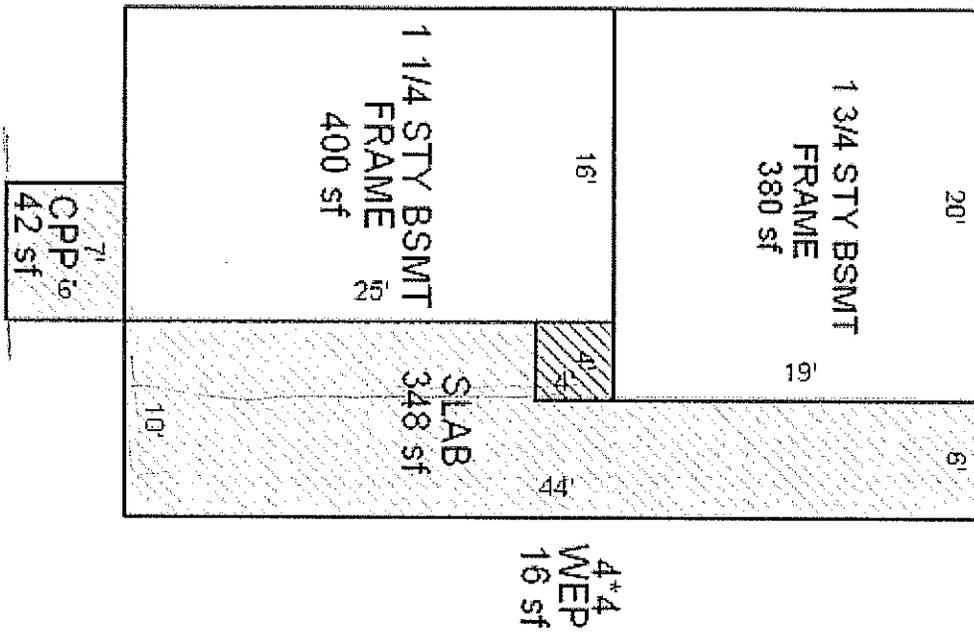
Representation at the Public Hearing by either the applicant or agent is encouraged.

Image/Sketch for Parcel: 51-648-703-09

[Back to Non-Printer Friendly Version] [Send To Printer]

Caption: R001

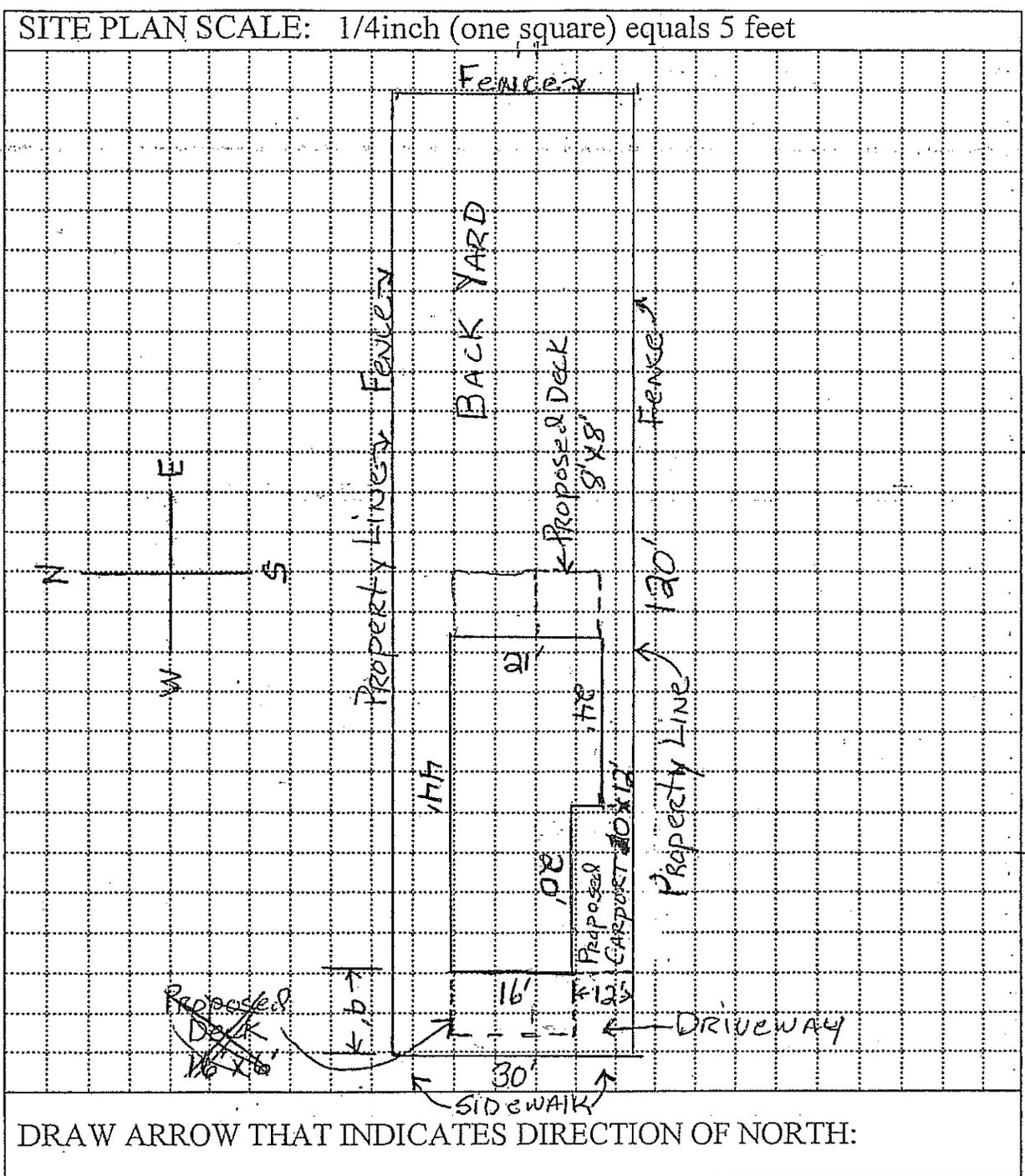
Sketch by Jpex Medina



****Disclaimer:** BS&A Software provides this Web Site as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data. [Privacy Policy](#)

1/1000

For simple site plans this sheet is provided for convenience.
Other site plans containing all required information may be submitted.



Proposed Development: CARPORT Roof only

Name and Address of Preparer: Juan Rodriguez & Jose Hernandez
(Contractor) (owner)

Date: 2/8/2011 Parcel Area: 51-648-703-09

ECF Neighborhood Code: MXFRL

Legal Information for 51-648-703-09 [collapse]

FREELAND N 1/2 LOT 11 BLOCK 2 _____ P.ADDR: 517 RAMSDELL ST [[SALE(79) 1383 0653 (81) 220 1408 0510 (92) 285 1555 0348 (92) 265 1560 0055 (98) 425 1688 0054 (08) WD \$420 2008R005361

Sales Information

3 sale record(s) found.

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page
09/02/2008	\$42,000.00	WD	ALLMON MICHAEL & JOYCE	HAYDON ILONA	BAD SALE ECF & SS	2008R005361
10/26/1998	\$42,500.00	WD		ALLMOND MICHAEL & JOYCE	WARRANTY DEED	
06/08/1992	\$26,500.00	WD		HORNKOHL	WARRANTY DEED	560/55

Building Information

1 building(s) found.

Description	Floor Area	Yr Built	Est. TCV
<input checked="" type="checkbox"/> Residential Building 1	1165 Sq. Ft.	1890	\$36,261

General Information

Floor Area:	1165 Sq. Ft.	Estimated TCV:	\$36,261
Garage Area:	0 Sq. Ft.	Basement Area	780 Sq. Ft.
Foundation Size:	780 Sq. Ft.		
Year Built:	1890	Year Remodeled:	0
Occupancy:	Single Family	Class:	DN/A
		Tri-Level?:	NO
Percent Complete:	100%	Heat:	Forced Air w/ Ducts
AC w/Separate Ducts:	NO	Wood Stove Add-on:	NO
1st Floor Rooms:	4	Water:	N/A
2nd Floor Rooms:	1	Sewer:	N/A
Bedrooms:	3		
Style:	MLTI-STRY-1900		

Area Detail - Basic Building Areas

Height	Foundation	Exterior	Area	Heated
1.25 Story	Full Bsmnt.	Siding	400 Sq. Ft.	1.25 Story
1.75 Story	Full Bsmnt.	Siding	380 Sq. Ft.	1.75 Story

Area Detail - Overhangs

Height	Exterior	Area	Included in Size for Rates

Basement Finish

Recreation:	0 Sq. Ft.	Recreation % Good:	0
Living Area:	0 Sq. Ft.	Living Area % Good:	0
Walk Out Doors:	0	No Concrete Floor Area:	0 Sq. Ft.

General Property Information

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 51-648-703-09 Data Current As Of: 11:30 AM 2/11/2011

Property Address	[collapse]
517 RAMSDELL ST MANISTEE, MI 49660	

Owner Information	[collapse]
HAYDON ILONA 517 RAMSDELL ST MANISTEE, MI 49660	Unit: 51

Taxpayer Information	[collapse]
SEE OWNER INFORMATION	

General Information for Tax Year 2010				[collapse]
Property Class:	401	Assessed Value:	\$22,900	
School District:	51070 - MANISTEE	Taxable Value:	\$22,233	
State Equalized Value:	PUBLIC	Map #		
USER NUM IDX	\$22,900	Date of Last Name Chg:	09/01/2010	
	0	Date Filed:	09/02/2008	
		Notes:	N/A	
Principal Residence Exemption	May 1st	Final		
2011	100.0000 %	-		
2010	100.0000 %	100.0000 %		
Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable	
2009	\$22,300	\$22,300	\$22,300	
2008	\$27,100	\$27,100	\$24,251	

Land Information				[collapse]
	Frontage		Depth	
Lot 1:	31.15 Ft.		138.58 Ft.	
Lot 2:	0.00 Ft.		0.00 Ft.	
Lot 3:	0.00 Ft.		0.00 Ft.	
Total Frontage:	31.15 Ft.	Average Depth:	138.58 Ft.	
Acreage:	0.10			
Zoning Code:	N/A			
Land Value:	\$3,800	Mortgage Code:		
Land Improvements:	\$2,408	Lot Dimensions/Comments:		
Renaissance Zone:	NO			
Renaissance Zone Expiration Date:				

Plumbing Information			
3-Fixture Baths:	1		
Porch Information			
CPP:	42 Sq. Ft.	Foundation:	Standard

****Disclaimer:** BS&A Software provides this Web Site as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.
[Privacy Policy](#)



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

MEMORANDUM

MEMO FOR FILE

FROM:  Jon R. Rose
Community Development Director

DATE: February 10, 2011

RE: 517 Ramsdell Street

On February 9, 2011 met with the owner of 517 Ramsdell Street to determine if there is a common front yard set-back of all existing buildings on the same side of the street within the same block.

Determination from inspection the property at 517 Ramsdell Street the owner will be allowed to construct a new front porch with a depth of five feet out from the house. The owner will also be entitled to steps that are 23 inches from the sidewalk.

The request for a carport on the side of the home will require a variance from the Zoning Board of Appeals.

JRR:djb



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 

DATE: March 14, 2010

RE: Julian T. & Maralee Cook - 383 Second Street

Good Morning!

We have received an extension request from Julian T. & Mralee Cook - 383 Second Street. Enclosed is a copy of the original request and extension letter for your consideration.

We have amended the March 24, 2011 Meeting Agenda. If you are unable to attend please call me at 398-2805.

:djb

3/14/11

City of Manistee
Dept. of Planning and Zoning
70 Maple st.
Manistee, MI. 49660
By Fax @ 231-723-1546

Atten: Denise Blakeslee

RE: Land Use Permit No.: PZ090005
Construction of detached garage.
373 2nd St., Manistee, MI

Pursuant to our conversation of this date, we are writing to request that the Zoning Board of Appeals grant an extension to the variance which was granted to us at their meeting of 3/26/09.

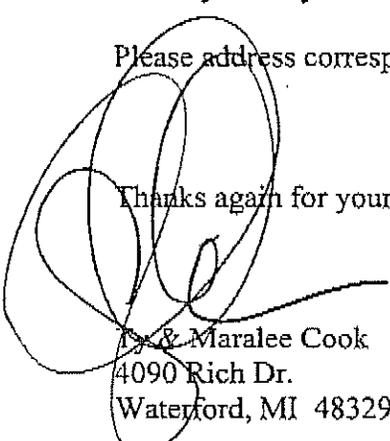
We have sold our home downstate and are now in the moving mode. The economy continues to force us to consider delaying the start of this planned construction.

We will attend the Board of Appeals meeting scheduled for 3/24/11.

Thank you for your consideration.

Please address correspondence to our Manistee address: 373 Second St.
Manistee, Mi

Thanks again for your help!!


& Maralee Cook
4090 Rich Dr.
Waterford, MI 48329

Cell Ph. 248-891-9445
Fax @ 248-623-1481



P. O. Box 358 • Manistee, Michigan 49660-0358 • www.ci.manistee.mi.us

24-11

CITY HALL
70 Maple Street

CITY MANAGER
231.398.2801

CITY ASSESSOR
231.398.2802

BUILDING INSPECTOR
231.398.2806

PLANNING, ZONING &
COMMUNITY DEV.
231.398.2805

CITY CLERK
231.398.2803

CITY TREASURER
231.398.2804

WATER BILLING
231.723.2559

ADMINISTRATION
FAX 231.723.1546

CLERK/TREASURER
FAX 231.723.5410

POLICE DEPARTMENT
70 Maple Street
231.723.2533
FAX 231.398.2012

FIRE DEPARTMENT
281 First Street
231.723.1549
FAX 231.723.3519

PUBLIC WORKS
280 Washington St.
231.723.7132
FAX 231.723.1803

PARKS DEPARTMENT
231.723.4051

WATER MAINTENANCE
231.723.3641

WASTEWATER PLANT
50 Ninth St.
231.723.1553

H. 231-723-1546

March 19, 2009

Julian T. And Maralee Cook
4090 Rich Drive
Waterford, MI 48329

RE: Variance extension

Dear Mr. & Mrs. Cook:

The City of Manistee Zoning Board of Appeals approved a one year extension for your variance. Enclosed is a draft copy of the meeting minutes and new permit for your files. In the event that you are unable to begin your project before March 26, 2011 you may request another extension.

If you have any questions, please feel free to call me at 231.398.2805.

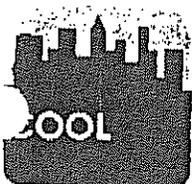
Sincerely,

CITY OF MANISTEE

Denise J. Blakeslee
Planning & Zoning

:djb

cc: Property Record Card





REQUEST FOR APPEAL
 CITY OF MANISTEE
 ZONING BOARD OF APPEALS

Name: Julian T. and Maralee Cook
 Address: 4090 Rich Drive
 City, State, Zip Code: Waterford, MI 48329
 Phone Numbers: (work) 248-891-9445 (home) _____
 Agent Name & Phone Number if applicable: _____

FEE FOR APPEAL \$500.00

OFFICE USE ONLY	
Appeal Number: <u>LBA-2009-0</u>	Date Received: <u>2-27-09</u>
Receipt Number/Fee Amt: <u>\$500.⁰⁰</u>	Hearing Date: <u>3-26-09</u>
Zoning District for Property: <u>R-2</u>	Parcel Code Number: <u>51-51-574-709-11</u>
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:

The house was purchased in 1989 and underwent extensive interior and exterior renovation in the following years. We were awarded the 1996 J.B. Newcombe Award in the Building Historic Rehabilitation Category of the Building Recognition Program by the Manistee Chamber of Commerce. After 20 years of enjoying Manistee as 'part-timers', we look forward to living here full time in our retirement. A garage now becomes a necessary requirement to provide us with off-street parking as well as needed storage space.

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 574-709-11

Property Address: 373 Second Street, Manistee, 49660

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

Present use of parcel: Single family residential

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: _____

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 type="checkbox"/>	Height	from _____	to	_____
<input type="checkbox"/>	Area Requirements	from _____	to	_____
<input type="checkbox"/>	Off-street Parking	from _____	to	_____
<input checked="" type="checkbox"/>	Other Lot Coverage	<u>40% Max.</u>		<u>48.7%</u>

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

Dimensional information

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

Other (Specify) The property is 3,816 Sq. Ft. The existing coverage with the addition of a 16'x22' garage will be 1,858 sq. ft. = 48.7% which exceeds the 40% allowable coverage (by new ord. 3/27/06) by 8.7%.

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 off-streer 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: Additional property would have to be purchased to allow the construction of this garage and to conform with the 40% coverage limit. There is no available property adjacent to this parcel.

- 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: The house was built on a split lot circa 1885. 38% of the parcel is covered by the existing structure. The size of this lot as split now requires a variance (since 3/27/06) to allow the construction of a garage.

- 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: Of the homes on this block which exist on 1/2 lots, 50%, 2 of 4, have a garage. We are 1 of only two homes on this block with no garage. Many of the other houses in our immediate neighborhood occupy more than 40% of the square footage of their lot.

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

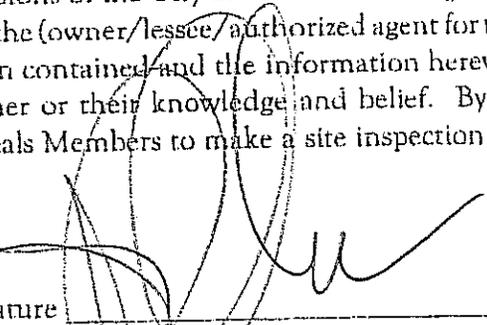
- a. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- b. Each variance granted 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  Date 2/27/09

Signature Manalaks. Cook Date 2/27/09

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

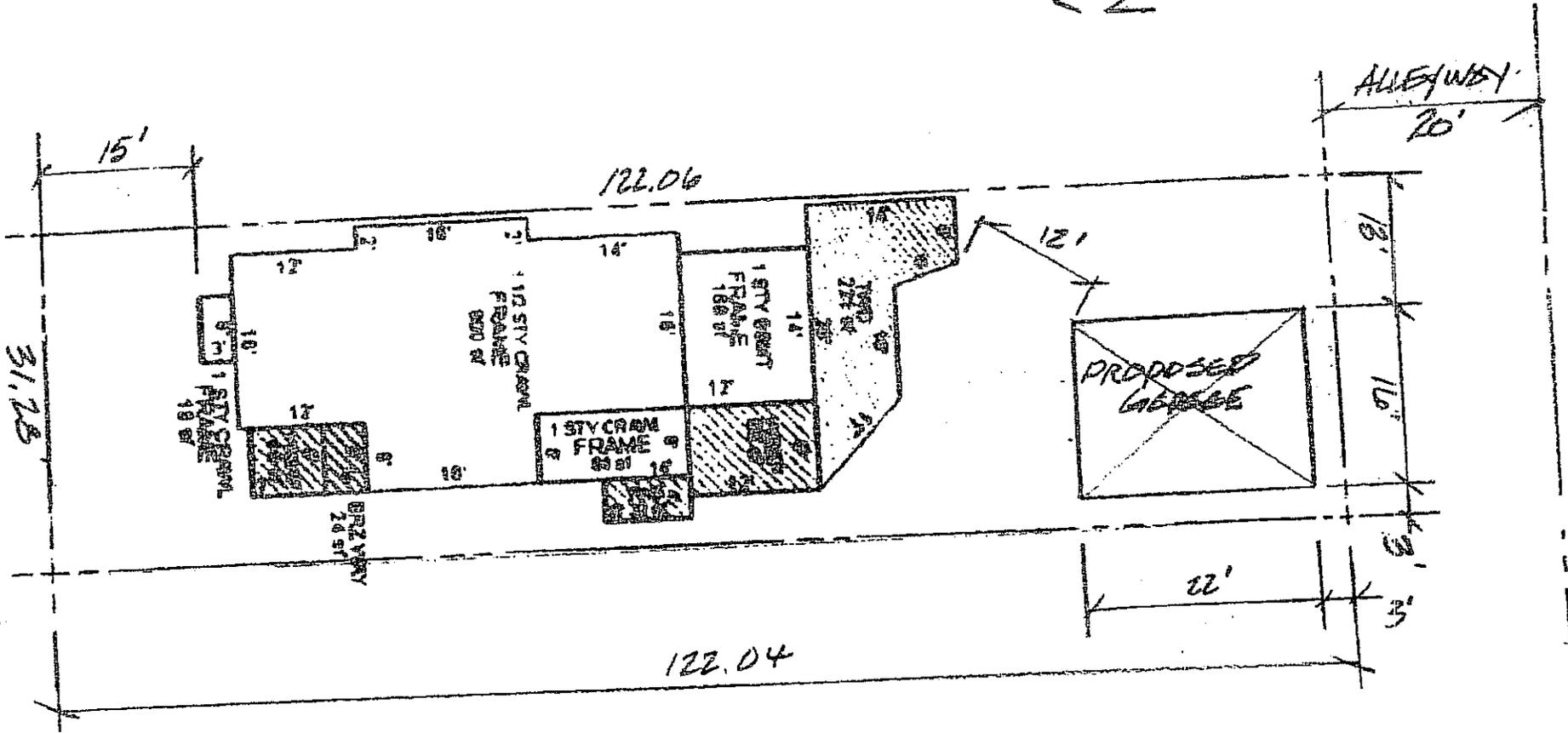
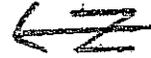
Image/Sketch for Parcel: 51-51-574-709-11

[Back to Non-Printer Friendly Version] [Send To Printer]

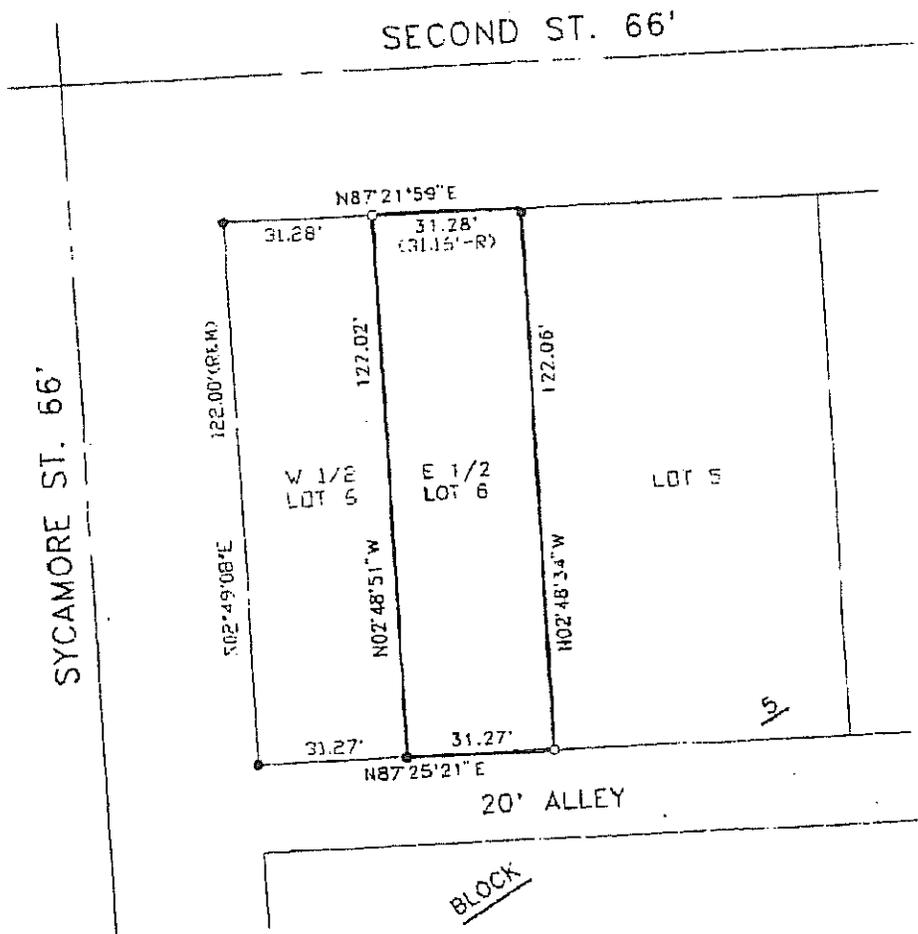
Caption: R001

Created by Apex Systems

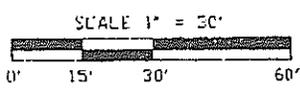
E 1/2 LOT 6 BLOCK 5
373 2ND STREET



CERTIFICATE OF SURVEY
 THE EAST 1/2 LOT 6, BLOCK 5,
 TYSON & CO. S ADDITION TO THE CITY
 OF MANISTEE, MANISTEE COUNTY, MICHIGAN.



- 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.

ERROR OF CLOSURE IS 1/

R.L.S. No. 25850

	Jenema Land Surveys 82 Division St. Manistee, MI 49660 (231) 723-7930 FAX (231) 723-5761		FOR: TY COOK
	DATE: JUNE 17, 2003	SHEET: 1 OF 1	
	DWN.: WAP	CHK.: E.J.L.	FILE #: 03192
	(Empty space for additional notes or signatures)		

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

March 26, 2009

A meeting of the Manistee City Zoning Board of Appeals was held on March 26, 2009 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Mark Hoffman, Marlene McBride, John Perschbacher

MEMBER ABSENT: Bill Kracht (excused)

ALTERNATES PRESENT: Craig Schindlbeck

OTHERS PRESENT: Julian "Ty" & Maralee Cook (373 Second Street), Jon Rose (Community Development Director), and Denise Blakeslee (Planning & Zoning)

The meeting was called to order at 5:36 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the March 26, 2009 meeting Agenda.

With a voice vote MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the February 9, 2009 Zoning Board of Appeals Meeting Minutes as corrected. (Jon Rose was not at the meeting).

With a Roll Call vote motion passed 5 to 0

Yes: McBride, Hoffman, Schindlbeck, Fortier, Perschbacher

No: None

POTENTIAL CONFLICT OF INTEREST

Prior to the Public Hearing Mark Hoffman informed the Zoning Board of Appeals that his home is two doors down from the Appellant. The Board Discussed Mr. Hoffman's request for the Zoning Board of Appeals to determine if he has a Conflict of Interest and should abstain from voting on the request. The Board unanimously determined that there was not a Conflict of Interest and Member Hoffman could vote on the request.

PUBLIC HEARING:

Applicant Info :

ZBA-2009-02 - Julian T. & Maralee Cook , 373 Second Street

A Public Hearing is being held in response to a request from Julian T. & Maralee Cook, 373 Second Street. The home was built on a split lot circa 1885. Mr. & Mrs. Cook purchased the home in 1989 and are planning to live there full time when they retire. They would like to construct a detached garage to provide off street parking as well as needed storage space.

Mr. & Mrs. Cook are requesting a variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage. This would result in 48.7% Lot Coverage.

Chair Perschbacher opened the Public Hearing.

Julian "Ty" Cook, 373 Second Street - Mr. Cook said most of the supporting documentation was included in the members packets. The plans are to sell their home downstate and move to Manistee and retire. They would like to have a garage and that is the reason for the request. They have owned the home since the late 1980's and would like a garage.

John Perschbacher - Is the proposed garage large enough for their needs?

Mr. Cook - They wanted to keep the size to a minimum because they have such a small lot and wanted to keep some yard.

Craig Schindlbeck - Can the side and rear-yard setbacks be met?

Jon Rose - They meet the setback requirements. The only issue is lot coverage.

Mark Hoffman - Concerned that they may want a larger garage at a later date.

Jon Rose - Because of the noticing requirements the Zoning Board cannot approve more than requested. If they wanted a larger garage they would have to make another application to the Zoning Board of Appeals.

Marlene McBride - Does the deck stay?

Mr. Cook - Yes it is shown on the plan along with the amount of yard that would remain.

The hearing was be opened for public comments - No correspondence was received in response to the request and no public was in attendance.

There being no further discussion the Public Hearing Closed at 5:47 p.m.

BUSINESS SESSION:

Action on Pending Case:

ZBA-2009-02 - Julian T. & Maralee Cook , 373 Second Street

A Public Hearing was held earlier in response to a request from Julian T. & Maralee Cook, 373 Second Street. Mr. & Mrs. Cook are requesting a variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage. This would result in 48.7% Lot Coverage.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507.C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

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 off-street 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.

The Board shall find that a variance request meets all of the following conditions.

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
5 - Yes Fortier, McBride, Hoffman, Schindlbeck, Perschbacher
0 - No None

2. The requested variance does 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.
5 - Yes McBride, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No None

3. The requested variance does 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.
5 - Yes McBride, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No None

4. The conditions or situations which necessitate the requested variance are not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
5 - Yes Hoffman, Schindlbeck, Fortier, McBride, Perschbacher
0 - No None
5. The requested variance relates only to property that is under control of the applicant.
5 - Yes Schindlbeck, Fortier, McBride, Hoffman, Perschbacher
0 - No None
6. The requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.
5 - Yes Schindlbeck, Fortier, McBride, Hoffman, Perschbacher
0 - No None
7. 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.
5 - Yes Fortier, McBride, Hoffman, Schindlbeck, Perschbacher
0 - No None
8. The requested variance is the minimum variance that will make possible the reasonable use of the land.
5 - Yes Fortier, McBride, Hoffman, Schindlbeck, Perschbacher
0 - No None

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:

The Zoning Board of Appeals chose to discuss Condition #2

2. 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.
5 - Yes McBride, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No None

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the variance request from Julian T. & Maralee Cook 373 Second to allow the construction of a 16' x 22' detached garage which would result in 48.7% Lot Coverage

With a roll call vote this motion passed 5 to 0.

Yes: Fortier, Hoffman, McBride, Perschbacher, Schindlbeck
No: None

The Zoning Board of Appeals will be meeting on April 2, 2009 at 5:30 p.m. in the Second Floor Conference Room to approve the March 26, 2009 Meeting Minutes.

Old Business:

None

Other Business of the Appeals Board:

John Perschbacher spoke of a training being held in Onekama on April 2, 2009 from 6-9 p.m.

Denise Blakeslee asked members about Citizen Planner Training and what times and length of meetings are best for the members. They are trying to schedule training for the remainder of 2009 and need to establish the best way for members to attend to receive their certification.

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

There being no further business meeting MOTION by Marlene McBride, seconded by Craig Schindlbeck that the meeting be adjourned.

Meeting adjourned at 6:23 p.m.

Respectfully Submitted


Denise J. Blakeslee, Recording Secretary

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street

Manistee, MI 49660

MEETING MINUTES

March 18, 2010

A meeting of the Manistee City Zoning Board of Appeals was held on March 18, 2010 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Mark Hoffman, Bill Kracht, Marlene McBride, John Perschbacher

ALTERNATE PRESENT: Mark Wittlief

ALTERNATES ABSENT: Craig Schindlbeck (excused)

OTHERS PRESENT: Julian T. & Maralee Cook (373 Second Street), Jon Rose (Community Development Director), and Denise Blakeslee (Planning & Zoning)

The meeting was called to order at 5:30 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Bill Kracht to approve the March 18, 2010 meeting Agenda.

With a voice vote MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the January 28, 2010 Zoning Board of Appeals Meeting Minutes.

With a voice vote MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

None

BUSINESS SESSION:

Action on Pending Case:

Julian T. & Maralee Cook , 373 Second Street - Request for Extension

Julian T. & Maralee Cook, 373 Second Street requested and received a variance from the Zoning Board of Appeals on March 26, 2009. A letter was received from Mr. & Mrs. Cook on March 4, 2009 requesting an extension

Julian Cook - Mr. Cook asked the Zoning Board of Appeals for an extension. Due to the current economic conditions they have not proceeded with their project. They hope not to have the variance expire and would like an extension.

Discussion from the Board included:

- Q. Where in the ordinance is an extension allowed?
A. Section 2507 Duties and Powers; C. Variances; 2. Special Conditions; item b reads:

“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.”

The last portion allows the Zoning Board of Appeals to request an extension.

- Q. How long can an extension be granted for?
A. No precedence - first time an extension has been granted.
- Q. ~~Have other extension been granted?~~ Have any other extensions been granted?
A. The Planning Commission has granted extensions on Special Use Permits in the past.
- Q. What is a reasonable length of time? Mr. & Mrs. Cook asked for up to three years.
A. The permit was allowed for one year. A one year extension would be fair and if necessary they could come back and ask for another.
- Q. Does anything prevent them for asking for additional extensions?
A. No.

The Commission felt that it was reasonable to grant a one year extension. Nothing would prevent the applicant from asking for additional extensions in the future.

MOTION by Ray Fortier, seconded by Bill Kracht that the Zoning Board of Appeals grant Julian T. & Maralee Cook, 373 Second Street a one year extension for appeal #ZBA-2009-02 for a variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x x 22' detached garage resulting 48.7% Lot Coverage. The extension shall be valid until March 26, 2011.

Member Hoffman wanted clarification if he had a conflict of interest.

Chair Perschbacher tabled the request from Julian T. & Maralee Cook for an extension until after the board determined if Member Hoffman had a conflict of interest.

Member Hoffman lives two doors down from the applicant and at the meeting of March 26, 2009 the ZBA Members determined that there was no conflict of interest. The members unanimously determined, by a roll call vote, that there was not a conflict of interest and Member Hoffman could vote on the request.

The Motion was restated:

MOTION by Ray Fortier, seconded by Bill Kracht that the Zoning Board of Appeals grant Julian T. & Maralee Cook, 373 Second Street a one year extension for appeal #ZBA-2009-02 for a variance to the 40% Lot Coverage requirement in the R-2 Residential Zoning District to allow the construction of a 16' x 22' detached garage resulting 48.7% Lot Coverage. The extension shall be valid until March 26, 2011.

With a Roll Call vote motion passed 5 to 0.

Yes: Fortier, McBride, Kracht, Hoffman, Perschbacher

No: None

Old Business:

None

Other Business of the Appeals Board:

None

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

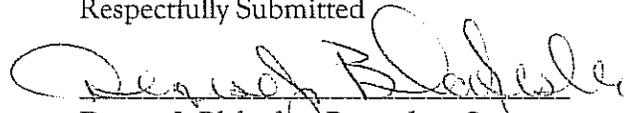
None

ADJOURNMENT:

There being no further business meeting MOTION by Mark Hoffman, seconded by Marlene McBride, that the meeting be adjourned.

Meeting adjourned at 6:04 p.m.

Respectfully Submitted



Denise J. Blakeslee, Recording Secretary