

**MANISTEE CITY  
ZONING BOARD OF APPEALS**

Meeting of May 29 2014  
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 May 29, 2014 Agenda.

**IV APPROVAL OF MINUTES**

At this time Zoning Board of Appeals can take action to approve the January 16, 2014 meeting Minutes.

**V PUBLIC HEARING**

**ZBA-2014-01 Sally E. Potes, 152 Fifteenth Street - Variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.**

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-2014-01 Sally E. Potes, 152 Fifteenth Street - Variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.**

After the Public Hearing is closed the Zoning Board of Appeals can take action on the request from Sally E. Potes, 152 Fifteenth Street for a variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.

At this time the Zoning Board of Appeals could take action to approve/deny/approve with conditions the variance requests from Sally E. Potes, 152 Fifteenth Street to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.

**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**



## MEMORANDUM

Planning & Zoning  
Department  
231.398.2805  
Fax 231.723-1546  
[www.manisteemi.gov](http://www.manisteemi.gov)

TO: Zoning Board of Appeals Members

FROM: Denise Blakeslee

DATE: April 28, 2014

RE: May 29, 2014 ZBA Meeting

Good Morning!

A Zoning Board of Appeals Meeting has been scheduled for Thursday, May 29, 2014 at 5:30 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan. This meeting is in response from a request from Sally E. Potes, 152 Fifteen Street for a variance to Section 515.A of the Zoning Ordinance to allow a detached accessory structure to be constructed within the front yard.

A previous owner of the property purchased the adjacent vacant lot on the corner of Fifteenth and Main Street which was then combined into one parcel. Ms. Potes is asking to allow the construction of a detached accessory structure on the vacant portion of her property. Staff is unable to issue a permit under Section 515.A of the ordinance which reads:

**SECTION 515 ACCESSORY BUILDINGS AND STRUCTURES**

- A. All accessory buildings and structures **shall be located in the side yard or rear yard**, except when built attached to the principal building (for example radio or television antennas, or upper story accessory dwellings).

A copy of the request is enclosed for your review. If you are unable to attend the meeting please call me at 398-2805.

:djb

**MANISTEE CITY ZONING BOARD OF APPEALS**

City Hall, 70 Maple Street  
Manistee, MI 49660

**ORGANIZATIONAL MEETING MINUTES**

January 16, 2014

A meeting of the Manistee City Zoning Board of Appeals was held on January 16, 2014 at 5:30 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Ray Fortier, Mark Hoffman, Bill Kracht, John Perschbacher, Craig Schindlbeck

**MEMBER ABSENT:** None

**ALTERNATES ABSENT:** Vacancy

**OTHERS:** Denise Blakeslee (Planning & Zoning Administrator)

The meeting was called to order at 5:34 p.m. by Chairman Perschbacher

**APPROVAL OF AGENDA:**

MOTION by Mark Hoffman, seconded by Bill Kracht to approve the Agenda as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY

**APPROVAL OF MINUTES:**

MOTION by Ray Fortier, seconded by Bill Kracht to approve the May 22, 2013 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

**PUBLIC HEARING:**

None

**BUSINESS SESSION:**

**Election of Officers 2014**

According to the By-Laws of the City of Manistee Zoning Board of Appeals their annual election of Officers is

held at the January Organizational Meeting.

### **Chair**

At this time the meeting was turned over to Denise Blakeslee who asked for nominations for the Position of Chair.

Ray Fortier, seconded by Craig Schindlbeck nominated John Perschbacher for the position of Chair

There being no other nominations, nominations were closed.

With a roll call vote, John Perschbacher was elected Chair of the Zoning Board of Appeals for 2014, 5 to 0.

The meeting was turned back over to Chair Perschbacher.

### **Vice-Chair**

John Perschbacher asked for nominations for the Position of Vice-Chair.

Ray Fortier nominated Mark Hoffman for the position of Vice-Chair  
Mark Hoffman nominated Craig Schindlbeck for the position of Vice-Chair

There being no other nominations, nominations were closed.

Mark Hoffman - Perschbacher, Schindlbeck, Fortier  
Craig Schindlbeck - Kracht, Hoffman

With a roll call vote, Mark Hoffman was elected Vice - Chair of the Zoning Board of Appeals for 2014, 3 to 2.

### **Secretary**

John Perschbacher asked for nominations for the Position of Secretary.

Bill Kracht nominated Ray Fortier for the position of Secretary

There being no other nominations, nominations were closed.

With a roll call vote, Ray Fortier was elected Secretary of the Zoning Board of Appeals for 2014, 5 to 0.

### **Appointment of a Recording Secretary 2014**

Once Elected the Secretary may appoint a Recording Secretary to handle the administrative functions of the office.

Ray Fortier appointed Denise Blakeslee to act as the Recording Secretary for the Zoning Board of Appeals for the year 2014.

**By Law Review**

According to the By-Laws of the City of Zoning Board of Appeals shall annually review their By-Laws at the January Organizational Meeting.

No Changes were made

**Old Business:**

Staff spoke to the Members about training opportunities.

**Other Business of the Appeals Board:**

None

**QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:**

None

**ADJOURNMENT:**

There being no further business MOTION by Ray Fortier , seconded by Bill Kracht the meeting be adjourned.

Meeting adjourned at 5:55 p.m.

Respectfully Submitted

\_\_\_\_\_  
Denise J. Blakeslee, Recording Secretary



Zoning Board of Appeals/Planning & Zoning  
 City Hall  
 70 Maple Street, P.O. Box 358,  
 Manistee, MI 49660  
 231.398.2806 (phone)  
 231.723.1546 (fax)

## Request for Appeal

City of Manistee Zoning Board of Appeals  
 Please Print

Submission of Application		
After receipt of a complete application a public will be scheduled. You will receive written notice from the City indicating the date and time. You or your representative should be present at the hearing to explain your request to the Board and to answer any questions that they may have. After the hearing, the Board of Appeals will make a decision to approve, approve with conditions, or deny your request. You will receive written notice of their decision. Each application shall be accompanied by the payment of a fee \$500.00 in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application.		
Applicant Information		
Name of Owner: <u>Sally E. Potes</u>		
Address: <u>152 15<sup>th</sup> St. Manistee MI 49660</u>		
Phone #: <u>616-901-7595</u>	Cell#: <u>231-740-8778</u>	e-mail: <u>sallypotes@gmail.com</u>
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Property Information		
Address: <u>152 Fifteenth St.</u>		Parcel # <u>51-764-707-10</u>
Present/proposed Land Use: <u>Single Family Home</u>		
Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land: <u>Huntington Mortgage</u>		
List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary: _____ <u>None</u>		
Has a previous appeal been made with respect to this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Narrative of Request		
State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals. <u>Unattached pole building on property with 2 front yards. (corner lot)</u>		

**Detailed Request and Justification**

	<i>Identify each requested variance</i>	<i>Required by Zoning</i>	<i>Requested by Appellant</i>
<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"/>	Lot Coverage	From _____	To _____
<input type="checkbox"/>	Off Street Parking	From _____	To _____
<input checked="" type="checkbox"/>	Other: <u>section 515.A</u>	From _____	To _____

**Please Mark all characteristics of your property which require the granting of a variance**

<input type="checkbox"/>	Too Narrow	Explain: _____
<input type="checkbox"/>	Too Small	Explain: _____
<input type="checkbox"/>	Too Shallow	Explain: _____
<input type="checkbox"/>	Elevation (height)	Explain: _____
<input type="checkbox"/>	Slope	Explain: _____
<input type="checkbox"/>	Shape	Explain: _____
<input type="checkbox"/>	Soil	Explain: _____
<input checked="" type="checkbox"/>	Other: <u>corner lot</u>	Explain: <u>2 front yards</u>

**Specific Variance**

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.

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

1. *The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.*  yes  no

Justification: It is not.

2. *The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.*  yes  no

Justification: No it does not.

3. *The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.*  yes  no

Justification: It increases the usefulness and value of the property.

4. *The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.*  yes  no

Justification: It's a one-time building.

5. *The requested variance is for property under the control of the applicant*  yes  no

Justification: Sally E. Potes

6. The requested variance was not self-created by the applicant or property owner.		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Justification: East of house is only direction where there is enough room to build and bedrooms are on that side of house.		
7. There is not an alternative that would allow the improvement to the property without the requested variance.		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Justification: Attaching it to the house would require it to access through a bedroom.		
8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
<b>Special Conditions</b> - 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:		
Are there practical difficulties with the property that prevents full compliance with the requirements of the ordinance? [Practical difficulties are evaluated in terms of the use of the parcel. Neither the fact the appellant could incur additional costs to achieve full compliance or receive additional income with less than full compliance are to be considered]		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Justification: Bedrooms on east side of house and attaching building would require building to access through a bedroom.		
Is there an exceptional or extraordinary circumstance or physical condition (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district?		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
Is the requested variance for a right possessed by other properties in the same zoning district?		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
<b>Site Plan Requirements</b>		
The applicant is responsible to provide a survey and legal description (unless waived by the Zoning Administrator) as follows:		
<input checked="" type="checkbox"/>	The property, identified by parcel lines and location and size	
<input checked="" type="checkbox"/>	The scale, north point.	
<input checked="" type="checkbox"/> None	Natural features such as woodlots, waterbodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.	
<input checked="" type="checkbox"/>	The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings, square footage of floor space and set-backs.	
<input checked="" type="checkbox"/>	The proposed driveway, if any.	
<input type="checkbox"/> No	If the parcel is a result of a parcel split resulting after the adoption of this ordinance, then the required site plan shall show all structures and buildings, drawn to scale, that are located on the adjacent property.	
<input type="checkbox"/>	Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines.	
<input type="checkbox"/>	Surface and subsurface storm water drainage and retention systems for paved, roof, and other impermeable surfaces on the site	
<input checked="" type="checkbox"/>	Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and identification of service lanes and service parking	

<input type="checkbox"/> <i>No</i>	Any proposed alterations to the topography and other natural features shall be indicated.
<input checked="" type="checkbox"/> <i>From house</i>	Any proposed location of connections to existing utilities and proposed extensions thereof.
<input type="checkbox"/>	A description of the proposed development
<input checked="" type="checkbox"/>	A vicinity map showing the location of the site in relation to the surrounding street system.

**Rules – The following rules shall be applied in the granting of variances**

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.

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.

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.

**Authorization**

**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.

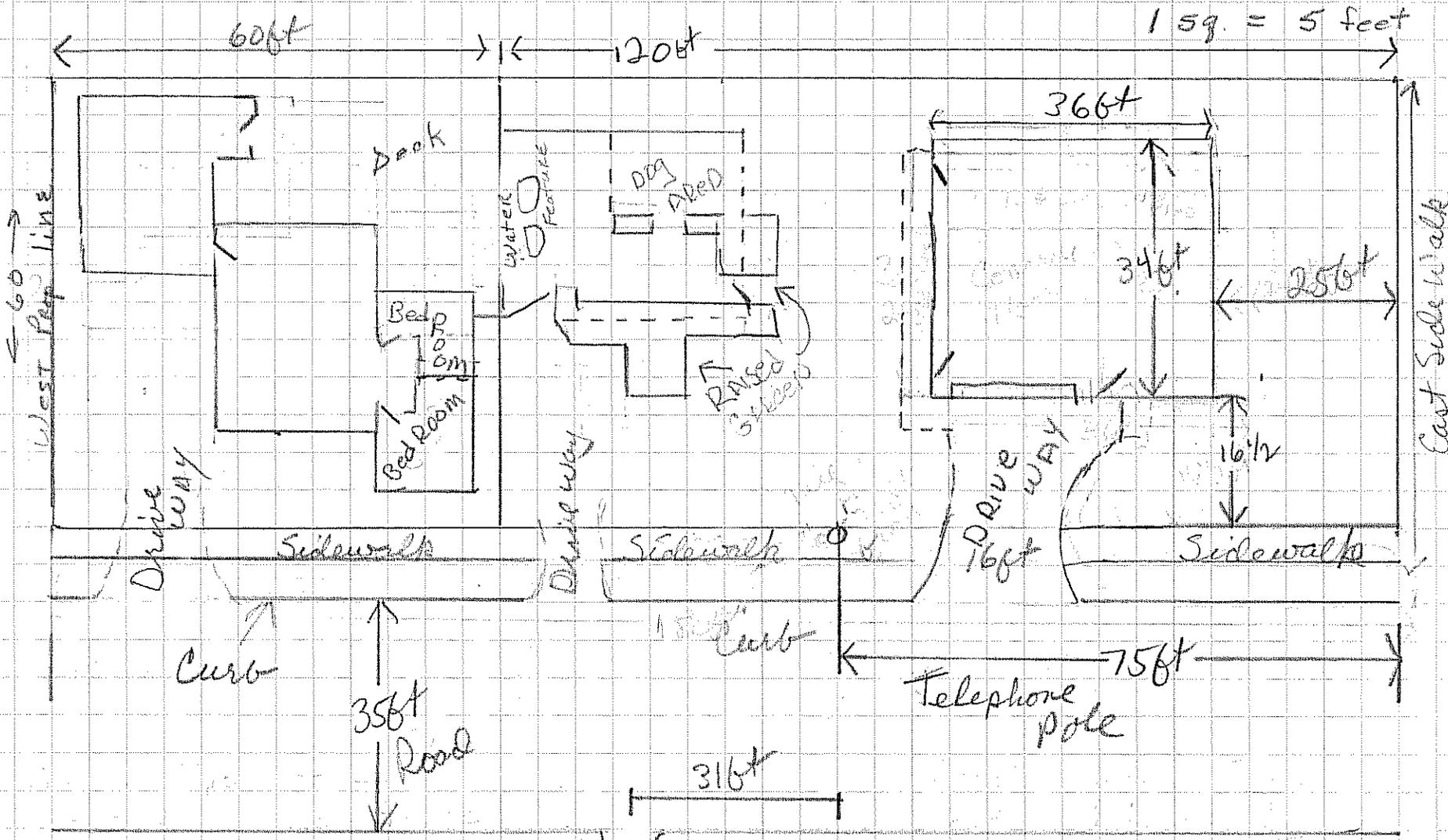
Signature: *Sally E. Pates* Date: *4-28-14*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Fee of \$500.00 enclosed and Site Plan for project attached (request cannot be issued without site plan)

**Office Use Only**

Fee: <input checked="" type="checkbox"/> \$500.00	Receipt # <i>30254</i>
Date Received:	Hearing Date: ZBA-



↑  
NORTH

1 Square = 5 ft

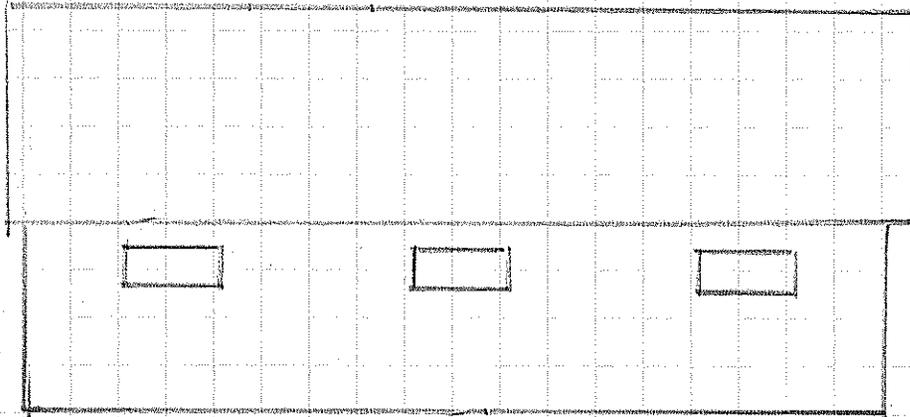
Driveway

Parcel #

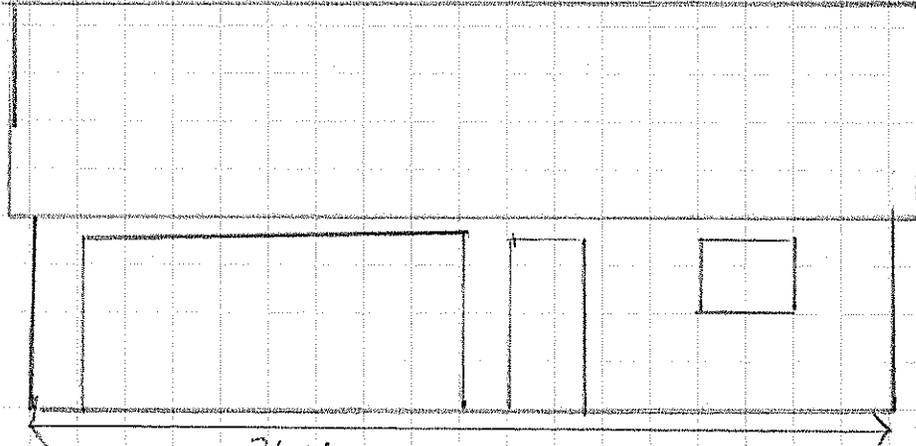
51-764-707-10

Vinyl Siding  
Shingled Roof

152 15<sup>th</sup> ST  
Manistee MI 49660

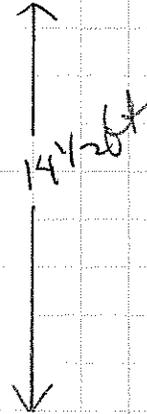


North View



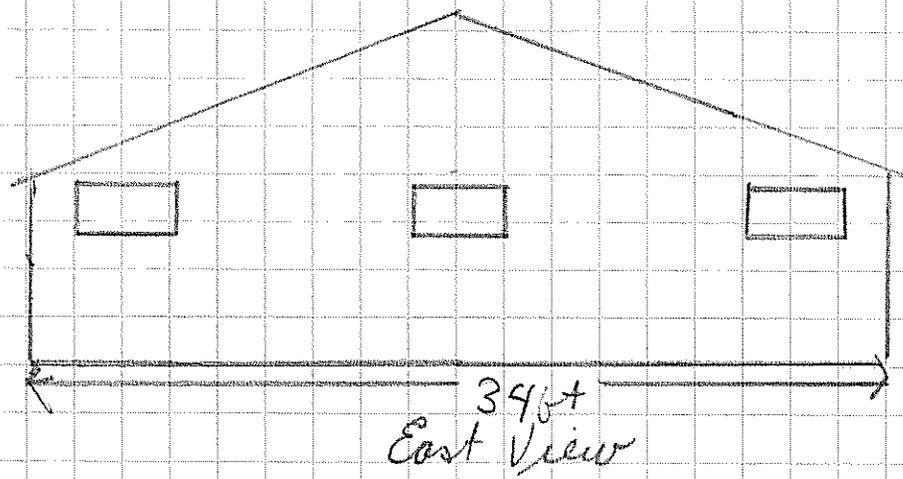
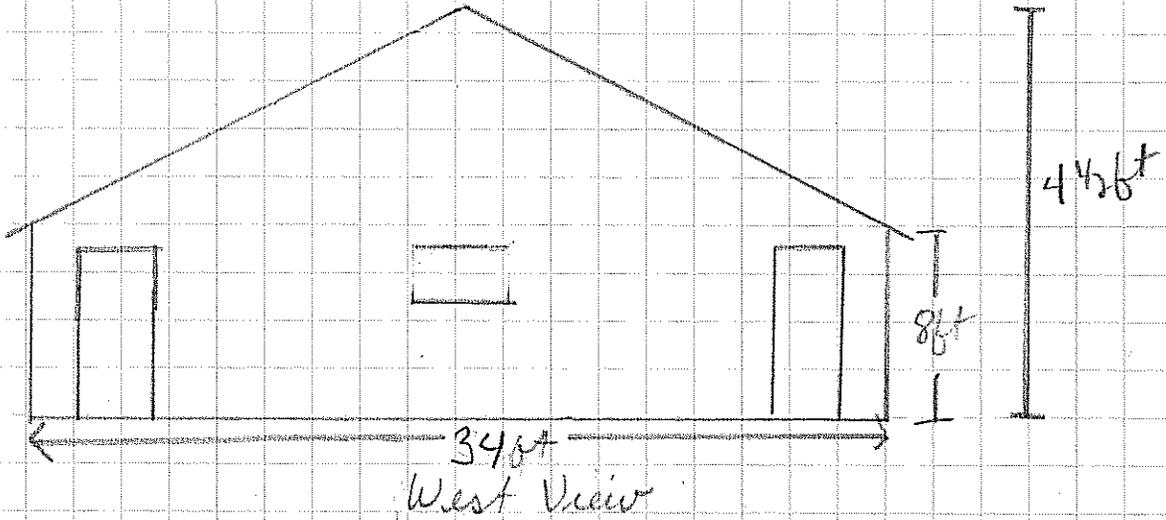
366ft 15th Street View

South



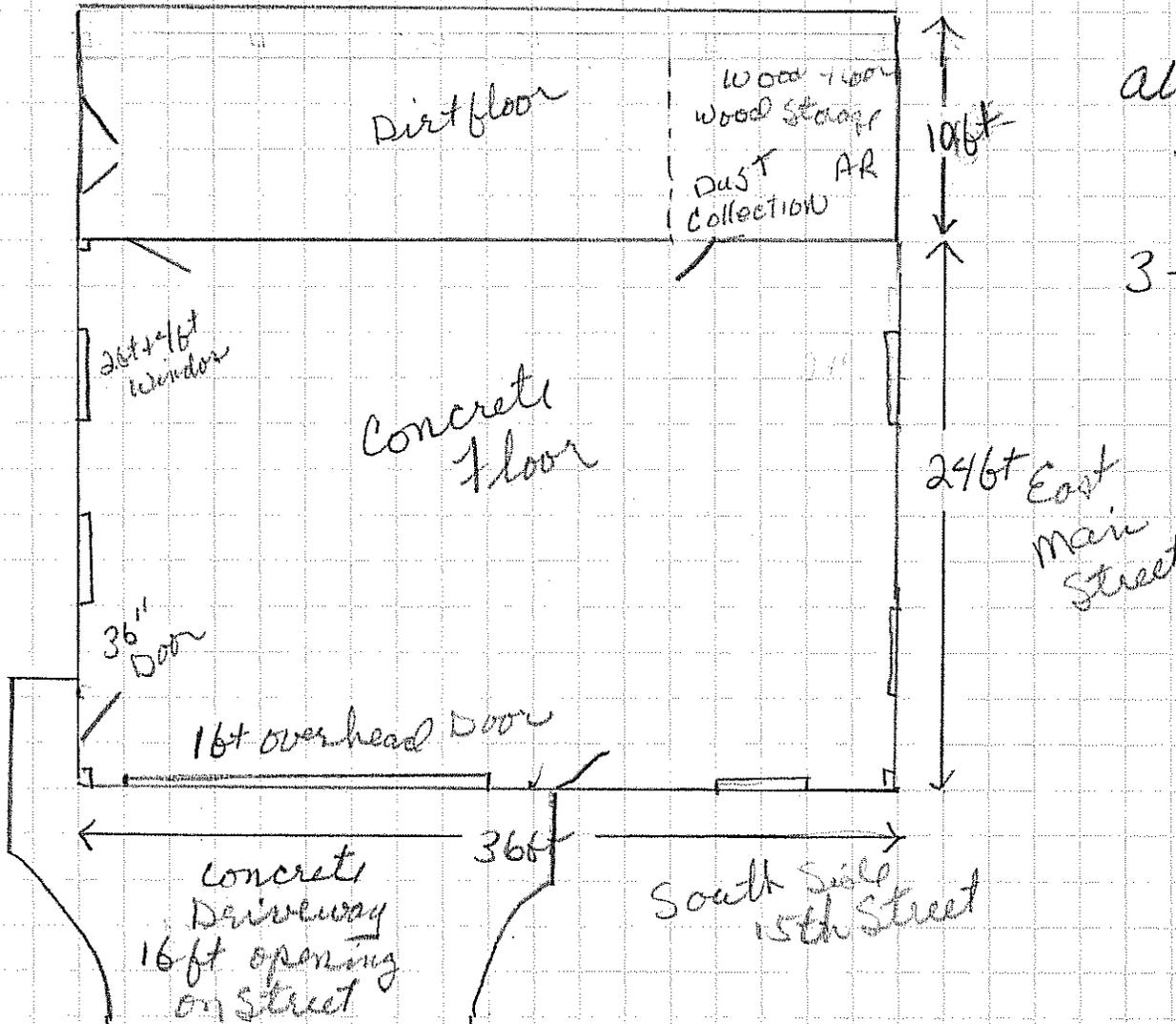
14 1/2ft

Parcel #  
51-764-707-10  
152 15<sup>th</sup> Street  
Menistee 49660



Parcel #  
51-764-707-10  
152 15<sup>th</sup> Street  
Manistee 49660

↑  
North



all windows  
2ft x 4ft  
Service Door  
3 - 36"

Parcel #  
51-764-707-10  
152 15<sup>th</sup> Street  
Manistee 49660



Location Map for  
Sally Potes  
152 Fifteenth Street, Manistee, MI 49660



Sally Potes, 152 Fifteenth Street, Manistee, Michigan

