

MANISTEE CITY
ZONING BOARD OF APPEALS

Meeting of October 27, 2011
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 October 27, 2011 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the October 6, 2011 meeting Minutes.

V PUBLIC HEARING

ZBA-2011-04 Sandy Killian, 208 Pine Street – Variances to side yard setback and lot coverage requirements to construct an attached garage

Sandy Killian, 208 Pine Street is requesting Variances to construct an attached garage they are as follows:

Variance to reduce the side yard setback from 10 feet to 3 feet to construct an attached garage.

Variance to increase the maximum lot coverage regulation from 40% to 49% to construct an attached garage.

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-2011-04 Sandy Killian, 208 Pine Street – Variances to side yard setback and lot coverage requirements to construct an attached garage

After the Public Hearing is closed the Zoning Board of Appeals can take action on the request Sandy Killian, 208 Pine Street for two variances to construct an attached garage

At this time the Zoning Board of Appeals could take action to approve/deny/approve with conditions the variance requests from Sandy Killian, 208 Pine Street for two variances to construct an attached garage as follows:

Variance to reduce the side yard setback from 10 feet to 3 feet to construct an attached garage.

Variance to increase the maximum lot coverage regulation from 40% to 49% to construct an attached garage.

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

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

October 6, 2011

A meeting of the Manistee City Zoning Board of Appeals was held on October 6, 2011 at 2:30 p.m. in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Mark Hoffman, John Perschbacher

MEMBER ABSENT: Ray Fortier, (excused), Bill Kracht (excused), Craig Schindlbeck (excused)

ALTERNATES PRESENT: Stanton Haner, Mark Wittlief

OTHERS: Denise Blakeslee (Planning & Zoning)

The meeting was called to order at 2:30 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Mark Wittlief, seconded by Stanton Haner to approve the October 6, 2011 meeting Agenda.

With a voice vote this MOTION PASSED

Member Hoffman entered the meeting

APPROVAL OF MINUTES:

MOTION by Mark Hoffman, seconded by Stanton Haner to approve the October 3, 2011 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED

PUBLIC HEARING:

None

BUSINESS SESSION:

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 Mark Wittlief the meeting be adjourned.

Meeting adjourned at 2:43 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary



REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

Name: SANDY KILLIAN
 Address: 208 PINE ST.
 City, State, Zip Code: MANISTEE, MI 49660
 Phone Numbers: (work) _____ (home) 231-690-6075
 Agent Name & Phone Number if applicable: MIKE ZIMMERMAN CONST., INC
231-398-2573

FEE FOR APPEAL \$500.00

OFFICE USE ONLY	
Appeal Number: <u>ZBA-2011-04</u>	Date Received: <u>10-7-11</u>
Receipt Number/Fee Amt: <u>500/24738</u>	Hearing Date: _____
Zoning District for Property: <u>R2</u>	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:

REPLACE BURNED OUT HOME AND ADD AN
ATTACHED GARAGE.

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 374-718-12

Property Address: 208 PINE ST.

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

Present use of parcel: RESIDENTIAL

List of all deed restrictions (attache additional sheets if necessary): _____

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 checked="" type="checkbox"/> Side-Yard Set-Back	from <u>10'</u>	to <u>3'</u>
<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	<u>40% Lot Coverage</u>	<u>49% Lot Coverage</u>

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

Dimensional information

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

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-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: IF THIS LOT WAS A FULL
1/2 LOT WE WOULD NOT HAVE A NEED
FOR THIS VARIANCE APPEAL.

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: THIS IS LESS THAN 1/2 LOT BEING
53' X 62'4". 40% LOT COVERAGE CREATES
AN UNUSUAL CIRCUMSTANCE.

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: THE PROPERTY OWNER IS IN NEED OF
STORAGE SPACE AND OFF STREET COVERED
PARKING

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 *Mike Zimmerman* Date *Oct 7, 2011*

Signature *Dondra K. Killeain* Date *10-7-11*

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

July 2008

Sandy Killian Residence

208 Pine Street

Manistee, Mi. 49660

Dimensional information:

N ½ Lot 12 is too small to allow normal usage. The minimum lot size requires 6,000 sq. ft. and we are working with 3,286 sq. ft. As the home is being rebuilt, after being burned out, we request that a variance be granted to allow the addition of a garage. We are requesting a 3' side setback for the south property line and 49% lot coverage.