

**MANISTEE CITY  
ZONING BOARD OF APPEALS**

Meeting of March 22, 2018  
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 March 22, 2018 Agenda.

**IV APPROVAL OF MINUTES**

At this time Zoning Board of Appeals can take action to approve the January 25, 2018 meeting Minutes.

**V PUBLIC HEARING**

**ZBA-2018-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).**

In the R-2 zoning district parcels were a duplex is located requires 80 feet of parcel width and 10,000 square feet of parcel area. The requested variances would allow the reduction in the parcel width requirement (80 feet) and parcel area requirement (10,000 square feet) to allow a portion of the parking lot to be split and combined with 303 Fifth Street to permit the applicant to request a Special Use Permit for a duplex.

The variance would permit the north 2,196.65 square feet of Parcel #51-664-703-07 of the parking lot owned by Good Shepherd Lutheran Church (east of 40 Magill Street) to be split and combined with Parcel #51-664-703-01 (303 Fifth Street) owned by Mr. Amor. This would create a parcel 10,005.39 square feet in area with 57.50 feet of frontage along Fifth Street. The applicant will need a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage for a duplex

The parking lot would be reduced to 9,811 sq. ft in area with approximately 74 feet of frontage along Magill Street, which results in the need for a variance that reduces the parcel area requirements for a parking facility from 10,000 square feet in are to 9,811 square feet and reduces the parcel width requirement from 80 feet of frontage to 74 feet of frontage.

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-2015-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).**

After the Public Hearing is closed the Zoning Board of Appeals can take action on the request from Thomas E. Amor for variance that would allow the reduction in the parcel width requirement (80 feet) and parcel area requirement (10,000 square feet) to allow a portion of the parking lot to be split and combined with 303 Fifth Street to permit the applicant to request a Special Use Permit for a duplex.

At this time the Zoning Board of Appeals could take action to approve/deny/approve with conditions two variance requests from Thomas E. Amor that would permit the north 2,196.65 square feet of Parcel #51-664-703-07 of the parking lot owned by Good Shepherd Lutheran Church (east of 40 Magill Street) to be split and combined with Parcel #51-664-703-01 (303 Fifth Street) as follows:

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.
- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet.

### **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

**Denise Blakeslee**  
**Planning & Zoning Director**  
70 Maple Street  
Manistee, MI 49660  
231.398.2805  
dblakeslee@manisteemi.gov  
www.manisteemi.gov

**TO:** ZBA Members  
**FROM:** Denise Blakeslee, Planning & Zoning Director  
**DATE:** February 16, 2018  
**RE:** ZBA Meeting March 22, 2018

Members, we have scheduled a meeting for Thursday, March 22, 2018 in response to a request from Thomas E. Amor. On December 10, 2015 the ZBA denied Mr. Amor’s request for a variance to allow a duplex on a parcel with 57.5 feet of parcel width and 7,656 square feet of parcel area.

Mr. Amor recently purchased 2,196.65 square feet of property from the parking lot owned by Good Shepard Lutheran Church East of 40 Magill Street to combine with his property at 303 Fifth Street to increase the parcel area to 10,005.39 square feet that would meet the 10,000 square feet of parcel area requirement for a duplex. The property would then need a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage that would allow Mr. Amor to make an application for a Special Use Permit for a duplex.

By removing the 2,196.65 square feet of property from the parking lot, a second variance would need to be granted that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet.

Included in the purchase of the property from the Church, Mr. Amor has conveyed an easement allowing the church to continue to use the property he purchased.

Two variances are needed:

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.
- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet (existing frontage).



**MANISTEE CITY ZONING BOARD OF APPEALS**

City Hall, 70 Maple Street  
Manistee, MI 49660

**ORGANIZATIONAL  
MEETING MINUTES**

January 25, 2018

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, January 25, 2018 at 5:30 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

**MEMBER ABSENT:** Glenn Zaring (alternate)

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

The meeting was called to order at 5:35 p.m. by Chairman Perschbacher

**APPROVAL OF AGENDA:**

MOTION by Bill Kracht, seconded by Marlene McBride to approve the Agenda as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY

**APPROVAL OF MINUTES:**

MOTION by Bill Kracht, seconded by Mark Hoffman to approve the December 19, 2017 Zoning Board of Appeals Meeting Minutes as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY

**PUBLIC HEARING:**

None

**BUSINESS SESSION:**

**Election of Officers 2018**

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.

Bill Kracht, seconded by Marlene McBride nominated John Perschbacher for the position of Chair

Nominations were asked for three times, 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 2018, 4 to 0.

## **Vice-Chair**

Denise Blakeslee asked for nominations for the Position of Vice-Chair.

John Perschbacher, seconded by Mark Hoffman nominated Bill Kracht for the position of Vice-Chair

Nominations were asked for three times, there being no other nominations; nominations were closed.

With a roll call vote, Bill Kracht was elected Vice - Chair of the Zoning Board of Appeals for 2018, 4 to 0.

## **Secretary**

Denise Blakeslee asked for nominations for the Position of Secretary.

John Perschbacher, seconded by Bill Kracht nominated Marlene McBride for the position of Secretary

Nominations were asked for three times, there being no other nominations; nominations were closed.

With a roll call vote, Marlene McBride was elected Secretary of the Zoning Board of Appeals for 2018, 4 to 0.

## **Appointment of a Recording Secretary 2018**

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

Marlene McBride appointed Denise Blakeslee to act as the Recording Secretary for the Zoning Board of Appeals for the year 2018.

**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:**

None

**Other Business of the Appeals Board:**

Ms. Blakeslee said that an application will be coming before the board. The applicant is leaving for vacation and asked if the meeting could be scheduled for March 22, 2018 when they return. Members said that they would put the date on their calendar.

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

None

**ADJOURNMENT:**

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

Meeting adjourned at 6:01 p.m.

Respectfully Submitted

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

# **NOTICE OF PUBLIC HEARING**

## **City of Manistee Zoning Board of Appeals**

The City of Manistee Zoning Board of Appeals will hold a Public Hearing in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan to consider a request from:

NAME: Thomas E. Amor  
12493 Hopkins Forest Drive  
Bear Lake, MI 49614

LOCATION  
OF REQUEST: 303 Fifth Street, Manistee, MI 49660  
Parking Lot East of 40 Magill Street

ACTION  
REQUESTED: Variances to allow the reduction in the parcel width requirement (80 feet) and parcel area requirement (10,000 sq. ft.) to allow a portion of the parking lot to be split and combined with 303 Fifth Street to permit the applicant to request a Special Use Permit for a duplex.

DATE/TIME  
OF HEARING: Thursday, March 22, 2018 at 5:30 p.m.

Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to: Denise Blakeslee, Planning & Zoning Director, City of Manistee, 70 Maple Street, Manistee, MI 49660, (231) 398-2805.

Denise J. Blakeslee  
City of Manistee

***A copy of the application is attached***



Detailed Request and Justification		
Identify each requested variance	Required by Zoning	Requested by Appellant
Front Yard Set Back	From	To
Side Yard Set Back	From	To
Side Yard Set Back	From	To
Rear Yard Set Back	From	To
Waterfront Set Back	From	To
Height	From	To
Lot Coverage	From	To
Off Street Parking	From	To
Other:	From	To

Please Mark all characteristics of your property which require the granting of a variance	
Too Narrow	Explain: <i>Property is 57'-6" v/s 80' Req</i>
Too Small	Explain:
Too Shallow	Explain:
Elevation (height)	Explain:
Slope	Explain:
Shape	Explain:
Soil	Explain:
Other:	<i>Church property would have 74 foot frontage / 9811 SQ FT AREA</i>

**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.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification: <i>SEE ATTACHED Narrative for all responses</i>	
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.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
5. The requested variance is for property under the control of the applicant	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
6. The requested variance was not self-created by the applicant or property owner.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	

7. There is not an alternative that would allow the improvement to the property without the requested variance.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
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 type="checkbox"/> yes <input type="checkbox"/> no
Justification: <i>See Attached Narrative for all responses</i>	
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:	
	The property, identified by parcel lines and location and size
	The scale, north point.
	Natural features such as woodlots, waterbodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
	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.
	The proposed driveway, if any.
	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.
	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.
	Surface and subsurface storm water drainage and retention systems for paved, roof, and other impermeable surfaces on the site
	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
	Any proposed alterations to the topography and other natural features shall be indicated.
	Any proposed location of connections to existing utilities and proposed extensions thereof.
	A description of the proposed development
	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.

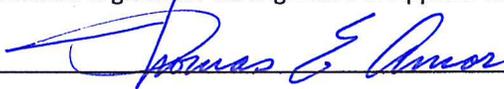
Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance 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:  Date: 1-31-18

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

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

**Office Use Only**

Fee:  \$500.00

Receipt # 148555

Date Received: 1/31/18

Hearing Date:

ZBA-

### Detailed Narrative of Request

I have completely remodeled the house as a two family, one bedroom each, apartment house. When purchasing the house it had a kitchen and bathroom upstairs and one down so I proceeded as existing. We totally gutted the building, walls to the studs, all new Pella windows, new doors, new furnaces, new electrical, total insulation, high efficiency appliances, new everything. I tried to do everything like I was going to live in them. New porches, painted all trim work and garage. When applying for address change I found out that it was not registered as a duplex.

I have purchased enough property from the Good Shepard Church to make the area 10,000 sqft which now meets the requirements of the ordinance.

### Basic Conditions

1. Requested variance is not contrary to public interest or to the intent and purpose of this ordinance.
  - a. This totally remodeled facility is a visual and functional asset to the neighborhood and the community as a whole. It offers a much needed, top quality home for two couples or two single people. It has a two car garage and two car parking in addition to the church parking area.
2. Request does not establish a use abnormal to the neighborhood. Zoning allows duplex dwellings with Special Use Permit. There is a duplex just two doors away at 295 Fifth St.
3. The improvement and requested variance does not create an adverse effect upon properties in the immediate vicinity. The improvements are a vast improvement to the property and the neighborhood. I have signatures of approval from all the immediate neighbors.
4. I don't believe this would necessitate a change in the ordinance. A duplex is allowed now as a Special Use.
5. The requested variance is for the property under my control.
6. I did not believe I was doing anything wrong as there was a kitchen, bathroom and separate entrance for the upstairs. I thought it was already considered a duplex.
7. There is not an alternative that would allow the improvement to the property without the requested variance.
8. The requested variance is the minimum necessary to still permit the reasonable use of the land as it is now.

### Special Conditions

The practical difficulty with the property that prevents full compliance with the ordinance is the size of the lot not meeting the width target. I have bought enough property in the Good Shepard Church to now meet the lot sqftage requirement of 10,000. The church property is now at 9,811 sq ft plus I gave the church an easement to use my part of the parking lot. Their frontage on McGill Street remains the same at 74 feet. The house was built prior to the city being incorporated.

The improvement to the property and neighborhood should more than offset the variance to a ridged interpretation of the ordinance.

The exceptional or extraordinary circumstance is that the lot and house was built prior to the city being incorporated when lot widths were smaller than the ordinance now allows.

There is at least one other duplex just two doors away in the same district.

On Wednesday January 17<sup>th</sup> area wide meeting was held to discuss the state of area housing. Lisa Leedy, director of the AES says that the area needs more housing to help Manistee grow. All experts say housing is one of the biggest barriers to economic development in northern Michigan and especially Manistee. Addressing housing is one of biggest priorities we need to tackle. Household size is decreasing while the demand for one and two bedroom units is increasing. They aren't just talking about new housing, they are talking about rehabbing existing housing too.

This rehab I have done is a premier investment in area rental property.



(R) -RECORDED  
(M) -MEASURED  
© -FOUND SURVEY CORNER  
o -SET 1/2" Ø REBAR W/ CAP No. 47944



Spicer Group  
302 River Street  
Manistee, MI 49660  
TEL (231) 794-5620

SCALE: 1" = 30'

DWG. NO.: JA-4690

SURVEY FOR: *Thomas Amor*  
*12493 Hopkins Forest Drive*  
*Bear Lake, MI 49614*

DATE: *March 16, 2017*

SURVEY OF:

*51-664-703-01 (PER DEED RECORDED IN DOC. #2015R000128)*

*William Magill's Addition to the City of Manistee, County of Manistee, State of Michigan, Commencing at the Northeast corner of Lot 9; thence South, 132 feet; thence West, 49 1/2 feet; thence North, 132 feet; thence East, 49 1/2 feet to the point of beginning. Also the West 8 feet of the North 162 feet of Lot 8, according to the recorded plat thereof.*

**ENHANCEMENT PARCEL**

*Part of Lots 8 and 9, William Magill's Addition to the Village (now City) of Manistee, according to the recorded plat thereof, Manistee County Records, Section 12, T.21 N.-R.17 W., City of Manistee, Manistee County, Michigan, described as follows: Beginning at a point on the West line of Lot 8, which is 131.47 feet, S.03°-18'-54"W., of the Northwest Corner of said Lot 8; thence continuing S.03°-18'-54"W., on said West line, 29.88 feet; thence S.87°-07'-31"E., parallel with the North line of said Lot 8, 8.00 feet; thence S.03°-18'-54"W., parallel with said West line, 12.50 feet; thence N.87°-07'-31"W., parallel with said North line, 57.61 feet; thence N.03°-21'-01"E., 42.18 feet; thence S.87°-21'-09"E., 49.58 feet to the point of beginning, containing 2,196.65 sq. feet of land, more or less. Subject to any easements of record, if any.*

**COMBINED PARCEL**

*Part of Lots 8 and 9, William Magill's Addition to the Village (now City) of Manistee, according to the recorded plat thereof, Manistee County Records, Section 12, T.21 N.-R.17 W., City of Manistee, Manistee County, Michigan, described as follows: Commencing at the Northwest Corner of Lot 8; thence S.87°-07'-31"E., on the North line of said Lot 8, 8.00 feet; thence S.03°-18'-54"W., parallel with the West line of said Lot 8, 173.85 feet; thence N.87°-07'-31"W., parallel with the North line of said Lot 8, 57.61 feet; thence N.03°-21'-01"E., 173.85 feet to the North line of Lot 9; thence S.87°-07'-31"E., on said North line, 49.50 feet to the point of beginning, containing 10,005.39 sq. ft. of land, more or less. Subject to any easements of record, if any.*



I hereby certify that I have surveyed the parcel of land hereon shown and described.

By: *Patrick G. Bentley*

Date: *1-17-18*

Patrick G. Bentley  
Professional Surveyor No. 47944

DRAWN BY: MLU  
CHECKED BY: PGB

PLOT DATE: 1-17-18  
SHEET 2 OF 2

JOB#: 124374SG017  
DWG#: JA-4690

Messiah Lutheran Church remainder description:

Parcel 51-664-703-07

William Magill's Addition to the City of Manistee, Lot 9 except the North 132 feet, also except the South 33 feet;

Also commencing at the Southwest corner of Lot 8 for a Point of Beginning, thence East 10 feet, thence North 102 feet, thence west 10 feet, thence South 102 feet to the POB

Also except part of Lots 8 and 9, William Magill's Addition to the Village (now City) of Manistee, according to the recorded plat thereof, Manistee County Records, Section 12, T.21 N.-R.17 W., City of Manistee, Manistee County, Michigan, described as follows: Beginning at a point on the West line of Lot 8, which is 131.47 feet, S.03°-18'-54"W., of the Northwest Corner of said Lot 8; thence continuing S.03°-18'-54"W., on said West line, 29.88 feet; thence S.87°-07'-31"E., parallel with the North line of said Lot 8, 8.00 feet; thence S.03°-18'-54"W., parallel with said West line, 12.50 feet; thence N.87°-07'-31"W., parallel with said North line, 57.61 feet; thence N.03°-21'-01"E., 42.18 feet; thence S.87°-21'-09"E., 49.58 feet to the point of beginning, containing 2,196.65 sq. feet of land, more or less.

Containing approximately 9,811 square feet with approximately 74 feet of frontage along Magill Street

Copy of December 10, 2015  
Zoning Board of Appeals Meeting  
Minutes

Copy of 2015 – Thomas A. Amor Request  
for Appeal

Denied by the Zoning Board of Appeals

**MANISTEE CITY ZONING BOARD OF APPEALS**

City Hall, 70 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**

December 10, 2015

A meeting of the Manistee City Zoning Board of Appeals was held on December 10, 2015 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

**MEMBER ABSENT:** John Perschbacher (excused)

**OTHERS:** Tom Amor Sr. (12493 Hopkins Forest Drive), Dan Korzeniewski (17 Magill Street), Denise Blakeslee (Planning & Zoning) and others

The meeting was called to order at 5:30 p.m. by Vice Chair Hoffman

**APPROVAL OF AGENDA**

MOTION by Bill Kracht, seconded by Ray Fortier to approve the agenda as prepared.

With a roll call vote this MOTION PASSED 4 to 0.

Yes Schindlbeck, Fortier, Kracht, Hoffman,  
No None

**APPROVAL OF MINUTES**

MOTION by Ray Fortier, seconded by Bill Kracht to approve the January 22, 2015 Zoning Board of Appeals meeting minutes as prepared.

With a roll call vote this MOTION PASSED 4 to 0

Yes Kracht, Schindlbeck, Fortier, Hoffman  
No None

**PUBLIC HEARING**

**ZBA-2015-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).**

In the R-2 zoning district parcels where a duplex is located requires 80 feet of parcel width and 10,000 sq. ft. of parcel area. The applicant is requesting a variance to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

**Vice Chair Hoffman** opened the Public Hearing at 5:33 pm

**Thomas E. Amor Sr. presented his case to the Zoning Board of Appeals** - Mr. Amor gave the background on the request. He was born in Manistee and has worked for over 55 years at a local sign company and has been a tax payer since he was 19. He has bought several rentals and this was his last one. He acted in good faith with his renovations and assumed it was a duplex because there was a kitchen upstairs and there was a separate entrance. He showed before and after photos of his property and spoke of the horrible condition the building was in at the time of purchase and spoke about his improvements. He gutted the whole house down to the bare walls, put in two electrical panels and two furnaces. He improved the building as if he were going to live there. He spoke of the shortage of rentals and the high shortage of good units and wanted this to be an asset to the community. Renters take care of their units if they are nice.

Improvements on the exterior of the house included all new windows, new doors, installation of a slider, complimentary paint colors and insulation. He could have painted the lower portion of the building but opted to install decorative stone. He found an old glass door knob in the building and used glass door knobs in the renovation. While researching the history on the building it is believed that the brick used on the building was from the Courthouse that burned in the great Manistee Fire. He added Victorian style railings when he reconstructed all the porches, refinished the existing garage and rebuilt the deck. His goal was to improve the property.

The downstairs apartment renovations included adding wainscoting in the porch, new flooring throughout, a new modern kitchen, new appliances, removed suspended ceiling to take them back to the original ten foot height, added a sliding door, new bathroom including a Victorian style vanity and rounded shower enclosure, new windows, removed stove/chimney that was in the bay window area, Victorian light fixtures, new carpet in the bedroom.

The upstairs apartment has a new kitchen, new bathroom, new flooring, and carpeting in the bedroom. Both units have a washer/dryer.

When he had charter come to install cable to both units he was told he needed two addresses. When he went to the County Planning Department that was when he was told that they could not issue an address for the upstairs unit because the City would not sign off on the request.

**Vice-Chair Hoffman** asked if any permits were pulled for his project.

**Mr. Amor** said that he hired out for electrical and mechanical work and assumed they pulled the permits. He added two electrical services and had two furnaces installed, previously the building only had single services.

The other changes were done by his employees who he was able to keep working during the slow season by having them do ~~on~~ the renovations. He believes one of his employees may have a builder's license. They did all of the building and plumbing work, no building permit was pulled for the project, and he assumed everything was ok.

He has signatures from nine neighbors (included in his application) that have "no problems or reservations" in reference to the request. There is another duplex two doors to the east of this building.

He spoke of how the property has an easement from the church which is 24' x 66' feet on the south side of the property. If you added this to the parcel area, it would be a total of 9,240 sq. ft.

**Member Kracht** asked if he had a photograph that showed there was a kitchen on the second floor.

**Mr. Amor** said he did not.

**Vice Chair Hoffman** asked for staff's report.

**Denise Blakeslee, Planning & Zoning Administrator** - Ms. Blakeslee reviewed Article Nine R-2 Medium Density Residential, Section 903 Dimensional Standards of the ordinance which reads:

Within the R-2 District, the following dimensional standards shall apply:

- A. Parcel Area – No single family dwelling building or structure shall be established on any parcel less than six thousand (6,000) square feet in area. No duplex, multiple unit or commercial structure shall be established on any parcel less than ten thousand (10,000) square feet in area. For multiple unit buildings in the R-2 district, a minimum of 10,000 square feet shall be provided for the first two units, plus 5,500 square feet for each additional dwelling unit.
- B. Parcel Width – For a single family detached dwelling, the minimum parcel width shall be sixty (60) feet and for all other uses the minimum parcel width shall be eighty (80) feet.

When the zoning ordinance was adopted in 2006 the change was made that requires larger parcels for duplex's and multi-unit buildings. In 2010 Duplexes were changed from a Use by Right to a Special Use when several people converted single family homes into duplexes on properties that did not meet the dimensional standards.

Under the City Codified Ordinance, Chapter 1482 Residential Rental Properties all rental units have been required to be registered since the program was initiated in 2003. The building in question was not registered as a rental. Without registration as a duplex the use of the building as a duplex is not a legal non-conforming use or "grandfathered".

Staff asked the City Assessor to review the file to see as it related to principal residence exemption (homestead). The file shows that the previous owner of the property had a 100% exemption which indicates that the property was not being used as a duplex.

**Vice Chair Hoffman** opened the hearing for public comments.

**Dan Korzeniewski, 17 Magill Street** –asked about the purpose of zoning, how the quality of life would be enhanced by this project, and spoke of a trash can that has been out all week. He purchased both properties adjacent to his home to increase the size of his property and felt that was an enhancement to the neighborhood to have larger parcels.

**Vice Chair Hoffman** asked if any correspondence had been received in response to the request.

**Ms. Blakeslee** had given members copies of correspondence received from Jean Schrader, 1205 23<sup>rd</sup> Street and Richard & Dolores Bryck, 131 S. Lake Doser Drive, Plainwell, MI 49080 and read them into the record.

**Vice Chair Hoffman** asked if there were any additional comments

**Tom Amor Sr.** – Mr. Amor feels that he has improved the neighborhood. No one else would have put in the investment he had in the building, he had good intentions. There is only one bedroom in each apartment so they would not be rented out to families. He spoke of how he has five rentals and the architect who drew up the plans for this building had drawn up plans for a building he has on Vine Street that he wanted to convert into a duplex. When he came into the City to get a building permit he found out the parcel requirements would not allow the building to be a duplex. So he renovated it as a single family unit.

There were no more additional comments; the Public Hearing was closed at 6:07 pm

## **BUSINESS SESSION**

**ZBA-2015-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards) to allow a duplex a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.**

After the public hearing was closed 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 Special Conditions** set forth herein can be satisfied.

Vice Chair Hoffman asked Ms. Blakeslee to read the findings of facts, the members discussed each and their determinations were as follows.

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.*  
0 - Yes            None  
4 - No            Fortier, Kracht, Schindlbeck, Hoffman
  
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.*  
4 - Yes            Kracht, Schindlbeck, Fortier, Hoffman  
0 - No            None
  
3. *The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.*

- 0 - Yes ~~Kracht, Schindlbeck, Fortier, Hoffman~~ None
  - 4 - No ~~None~~ Kracht, Schindlbeck, Fortier, Hoffman
4. *The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.*
- 4 - Yes Schindlbeck, Fortier, Kracht, Hoffman
  - 0 - No None
5. *The requested variance is for property under the control of the applicant*
- 4 - Yes Schindlbeck, Fortier, Kracht, Hoffman
  - 0 - No None
6. *The requested variance was not self-created by the applicant or property owner.*
- 0 - Yes None
  - 4 - No Kracht, Fortier, Schindlbeck, Hoffman
7. *There is not an alternative that would allow the improvement to the property without the requested variance.*
- 0 - Yes None
  - 4 - No Schindlbeck, Kracht, Fortier, Hoffman
8. *The requested variance is the minimum amount necessary to still permit the reasonable use of the land.*
- 0 - Yes None
  - 4 - No Fortier, Kracht, Schindlbeck, Hoffman

The Zoning Board of Appeals determined that the request did not meet five of the eight basic conditions of the request. The Special Conditions standards are only reviewed when **all** of the foregoing basic conditions can be satisfied.

MOTION by Ray Fortier, seconded by Bill Kracht to deny the variance request from Thomas E. Amor to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

With a roll call vote this MOTION PASSED 4 to 0.

Yes Kracht, Schindlbeck, Fortier, Hoffman  
 No None

REQUEST DENIED

**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 Bill Kracht, seconded by Ray Fortier the meeting be adjourned.

With a voice vote the meeting adjourned at 6:15 p.m.

Respectfully Submitted

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

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

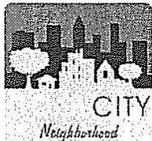
Fire Department  
281 First Street  
231.723.1549  
Fax 231.723.3519

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 Street  
231.723.1553



November 6, 2015

TO WHOM IT MAY CONCERN:

The Michigan Zoning Enabling Act requires that Property Owners and Occupants within 300 feet of a request for a Zoning Amendment be noticed by first class mail. This letter shall serve as your notice that City of Manistee Zoning Board of Appeals will hold a Public Hearing in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan to consider a request from:

NAME: Thomas E. Amor  
12493 Hopkins Forest Drive  
Bear Lake, MI 49614

LOCATION OF REQUEST: 303 Fifth Street, Manistee, MI 49660

ACTION REQUESTED: Variance to Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards). In the R-2 zoning district parcels where a duplex is located requires 80 feet of parcel width and 10,000 sq. ft. of parcel area. The applicant is requesting a variance to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

DATE/TIME OF HEARING: Thursday, December 10, 2015 at 5:30 p.m.

Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to: Denise Blakeslee, Planning & Zoning Administrator, City of Manistee, 70 Maple Street, Manistee, MI 49660, (231) 398-2805.

A copy of the application is available for review on the City of Manistee Web Page [www.manisteemi.gov](http://www.manisteemi.gov) or at City Hall in the Planning & Zoning Department.

Sincerely,

CITY OF MANISTEE

  
Denise J. Blakeslee  
Planning & Zoning Administrator

*Dear Denise -  
I do not  
have a problem  
with this request,  
Jean Schrader*



11-13-15

Denise Blakeslee, Planning & Zoning Admin,  
City of Manistee  
70 Maple St.  
Manistee, MI 49660

Dear Ms. Blakeslee,

RE: Your letter of 11-6-15 and request  
for variance on property  
at: 303 Fifth St.  
Manistee, MI 49660

Thank you very much for your  
explanation of the above issue, on the telephone  
recently.

After consideration, we do not approve the variance.

Sincerely,

Richard D. Bryce  
Deputy Mgr. Buyck  
131 S. LAKE DOSTER DR.  
PLANNING, MI 49080



Zoning Board of Appeals/Planning & Zoning  
 City Hall  
 70 Maple Street  
 Manistee, MI 49660  
 231.398.2805 (phone)  
 231.723.1546 (fax)

**Request for Appeal**  
 City of Manistee Zoning Board of Appeals  
 Please Print

<b>Submission of Application</b>		
<p>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.</p>		
<b>Applicant Information</b>		
Name of Owner: <u>THOMAS E. AMOR</u>		
Address: <u>12993 Hopkins Forest Dr Bear Lake MI 49660</u>		
Phone #: <u>231 723 8361</u>	Cell#: <u>231 342 1133</u>	e-mail: <u>tom@imageproled.com</u>
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
<b>Property Information</b>		
Address: <u>303 5th St</u>	Parcel # <u>51-51-664-703-01</u>	
Present/proposed Land Use: <u>Duplex</u>		
Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land: <u>As Above: THOMAS E. AMOR</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:		
<b>Detailed Narrative of Request</b>		
State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals.  <u>See attached</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 10,000 SQ FT	To 9240 SQ FT w/ EASEMENT
<input type="checkbox"/>	Off Street Parking	From	To
<input type="checkbox"/>	Other: Parcel WIDTH	From 80'	To 58'

**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 type="checkbox"/>	Other:	Explain:

**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.	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
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.	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
5. The requested variance is for property under the control of the applicant	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	

### Detailed Narrative of Request

I unknowingly completely remodeled the house as a two family, one bedroom each, apartment house. When purchasing the house it had a kitchen and bathroom upstairs and one down so I proceeded as existing. We totally gutted the building, walls to the studs, all new Pella windows, new doors, new furnaces, new electrical, total insulation, high efficiency appliances, new everything. I tried to do everything like I was going to live in them. New porches, painted all trim work and garage. When applying for address change I found out that it was not registered as a duplex.

### Basic Conditions

1. Requested variance is not contrary to public interest or to the intent and purpose of this ordinance.
  - a. This totally remodeled facility is a visual and functional asset to the neighborhood and the community as a whole. It offers a much needed, top quality home for two couples or two single people. It has a two car garage and two car parking in addition to the church parking area.
2. Request does not establish a use abnormal to the neighborhood. There is a duplex just two doors away at 295 Fifth St.
3. The improvement and requested variance does not create an adverse effect upon properties in the immediate vicinity. I have signatures of approval from all the immediate neighbors.
4. I don't believe this would necessitate a change in the ordinance as the money required to invest in changing an existing house is excessive and would be a deterrent.
5. The requested variance is for the property under my control.
6. I did not believe I was doing anything wrong as there was a kitchen, bathroom and separate entrance for the upstairs.
7. There is not an alternative that would allow the improvement to the property without the requested variance.
8. The requested variance is the minimum necessary to still permit the reasonable use of the land as it is now.

### Special Conditions

The practical difficulty with the property that prevents full compliance with the ordinance is the size of the lot not meeting the square footage target. The improvement to the property and neighborhood should more than offset the variance to a ridged interpretation.

Is there exceptional or extraordinary circumstance No

There is at least one other duplex just two doors away

<input checked="" type="checkbox"/>	A description of the proposed development	FLOOR PLAN ATTACHED
<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: Thomas E. Amor Date: 11/3/15

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 type="checkbox"/> \$500.00	Receipt #
Date Received:	Hearing Date: ZBA-

6. The requested variance was not self-created by the applicant or property owner.		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
7. There is not an alternative that would allow the improvement to the property without the requested variance.		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
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 type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
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 type="checkbox"/>	The property, identified by parcel lines and location and size	
<input checked="" type="checkbox"/>	The scale, north point.	
<input type="checkbox"/> N/A	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 type="checkbox"/> N/A	The proposed driveway, if any.	
<input type="checkbox"/> N/A	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"/> N/A	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"/> N/A	Surface and subsurface storm water drainage and retention systems for paved, roof, and other impermeable surfaces on the site	
<input 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"/> N/A	Any proposed alterations to the topography and other natural features shall be indicated.	
<input type="checkbox"/> N/A	Any proposed location of connections to existing utilities and proposed extensions thereof.	



TAXPAYER'S COPY (Please retain bottom portion for your records)

2015 SUMMER TAX BILL FOR CITY OF MANISTEE

<b>TREASURER:</b> CITY OF MANISTEE EDWARD BRADFORD, TREASURER 70 MAPLE STREET MANISTEE, MI 49660 (231) 398-2804	51-51-664-703-01	<b>Property #:</b> 51-51-664-703-01 <b>PRE/AG Exemption:</b> \$0.0000 <b>Assessed Value:</b> \$36,100 <b>State Equalized Value:</b> \$36,100 <b>Taxable Value:</b> \$36,100	<b>Bill #</b> 03173 Class: 401 School Dist: 51070 Mort Code:
--	------------------	---	---

\*\*\*TAXES ARE BASED ON TAXABLE VALUE\*\*\*

**OWNER/TAXPAYER:**  
 AMOR THOMAS E  
 12493 HOPKINS FOREST  
 BEAR LAKE MI 49614

TAXING UNIT	MILLS	TAX
COUNTY OPER	5.50000	198.55
CITY OPER	17.76120	641.17
CITY REFUSE	1.15000	41.51
ST EDUC TAX	6.00000	216.60
MANISTEE ISD	2.30000	83.03
COMM COLLEGE	3.09070	111.57
<b>TOTAL</b>	<b>35.80190</b>	<b>1,292.43</b>

**PROPERTY ADDRESS:** 303 FIFTH ST

----- LEGAL DESCRIPTION -----  
 (NOT RESPONSIBLE IF PAID ON WRONG DESCRIPTIONS)  
 W MAGILLS ADD COM NE COR LOT 9, S 132 FT W 49 1/2 FT, N 132 FT, E 49 1/2 FT TO POB BEG. ALSO W 8 FT OF N 162 FT OF LOT 8 P. ADDR: 303 5TH ST  
 ((SALE(66) 420 1636 0512 (01) 3747 0458

ADMINISTRATION FEE		12.92
<b>TOTAL AMOUNT DUE</b>		<b>1,305.35</b>



**NOTE --->**  
**SEE BACK FOR ADDITIONAL INFORMATION**

TAXES DUE BY THURSDAY, AUGUST 20, 2015.  
 OFFICE HOURS 8AM - 5PM MONDAY THRU FRIDAY.  
 PAYMENT MUST BE RECEIVED BY DUE DATE TO AVOID PENALTY; POSTMARKS ARE NOT ACCEPTED.  
 WRITE CHECK FOR EXACT AMOUNT DUE.  
 TO GET A RECEIPT, INCLUDE A SELF-ADDRESSED STAMPED ENVELOPE OR ACCESS YOUR INFORMATION ONLINE AT [WWW.MANISTEEMI.GOV/TAXES](http://WWW.MANISTEEMI.GOV/TAXES)



2015R000128

COVENANT DEED

MARYLYNN WRZESINSKI - REG OF DEEDS  
MANISTEE COUNTY, MICHIGAN  
RECORDED/SEALED ON  
01/12/2015 10:25:54AM

49254

Office of Manistee  
County Register of Deeds  
Received on

JAN 09 2015

at 11:00 am

REC FEE: 17.00  
PAGES: 2

COVENANT DEED

KNOW ALL MEN BY THESE PRESENTS: That Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America, whose address is PO Box 650043 Dallas, TX 75265-0043 covenants that it is seized of said land and has a right to convey it, conveys to:

Thomas E. Amor, a married man

Whose Address is: 12493 Hopkins Forest , Bear Lake MI 49614

The Following described premises situated in the City of Manistee, Manistee County and State of Michigan, to-wit:

SEE ATTACHED LEGAL DESCRIPTION AS EXHIBIT A

For the full consideration of Twenty-Six Thousand and 0/100 Dollars (\$26,000.00) subject to covenants, restrictions, and easements of record and subject to such liens and encumbrances as may have attached or accrued through the acts or omissions of persons other than the Grantor(s) and subject to the lien of taxes not yet due and payable. Grantor covenants that neither Grantor nor any person claiming by, through, or under Grantor has through its acts, errors, or omissions impaired the marketability of the title to the premises conveyed by this deed.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. The Grantor grants to the Grantee the right to make any and all division under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he or she is duly authorized to act for the Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Grantee herein shall be prohibited from conveying captioned property for a sales price greater than \$31,200.00 for a period of three months from the date of the recording of this deed. Grantee shall also be prohibited from encumbering subject property with a security interest in the principal amount greater than \$31,200.00 for a period of three months from date of the recording of this deed. These restrictions shall run with the land and are not personal to Grantee.

This restriction shall terminate immediately upon conveyance at any foreclosure sale related to a mortgage or Deed of Trust.

Grantor is exempt from all taxation imposed by any state, county, municipality or local taxing authority, except for real property taxes. Thus, Grantor is exempt from any and all transfer taxes. See 12 U.S.C.A. ss. 1723a (c), MCLA 207.505 (c) and MCLA 207.526 (c).

Dated this 18<sup>th</sup> day of December, 2014

Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America.

Angela S. Veda  
By: Angela S. Veda  
As its: Attorney in Fact by Power of Attorney dated 12/5/2013  
for Potestivo & Associates, P.C.

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 2014 by Angela S. Veda, for Potestivo & Associates, P.C., as Attorney-in-Fact for Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America.

RACHAEL E. DIVISI  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires 04-08-2020  
Acting in the County of Macomb County, MI  
My commission expires: 4/6/20  
Rachael Divisi, Notary Public

Drafted by:  
Potestivo & Associates, P.C.  
By: Angela S. Veda  
811 South Blvd. Suite 100  
Rochester Hills, MI 48307  
Our File Number: 14-08142

When recorded return to:  
Parks Title  
916 S. Main St.  
Royal Oak, MI 48067

Send subsequent tax bills to:  
Thomas E. Amor  
12493 Hopkins Forest Dr.;  
Bear Lake MI 49614

Tax Parcel: 51-51-664-703-01 Recording Fee \_\_\_\_\_ Transfer Tax: \_\_\_\_\_

182575D

**EXHIBIT A-LEGAL DESCRIPTION**

William Magill's Addition to the City of Manistee, County of Manistee, State of Michigan. Commencing at the Northeast corner of Lot 9, thence South 132 feet, thence West 49 1/2 feet, thence North 132 feet, thence East 49 1/2 feet to the point of beginning. Also the West 8 feet of the North 162 feet of Lot 8, according to the recorded plat thereof.

More commonly known as: 303 5th St, Manistee, MI 49660

Date 1-12-15

This is to certify that there are no tax liens or titles on this property and that the taxes are paid for FIVE YEARS previous to the date of this instrument. This certification does not include taxes, if any now in the process of collection by the City, Village or Township Treasurer, or any denied Homestead Property Affidavit.

MANISTEE COUNTY TREASURER

Candy L. Darce

JUL 25 11 04 AM '96

Penny A. Pepera  
Register of Deeds  
Manistee, Michigan 49660

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that on June 12, 1996 by resolution of the Congregational Council, The Good Shepherd Evangelical Lutheran Church, of 521 Cypress Street, Manistee, Michigan 49660 in consideration of sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to Alan C. Thomas and Regis A. Thomas, Husband and Wife, of 303 5th. Street, Manistee, Michigan 49660 their heirs and assigns forever an easement in, to, upon and over all that portion of property to wit:

The North Twenty-four (24) feet of the South One-half (S½) of Lot Nine (9) of William Magill's Addition to the Village (now City) of Manistee, Michigan.

Said Easement is given for the purpose of ingress and egress and it is agreed and understood that it is not to be construed as an easement given to the exclusion of the Grantor, their heirs and assigns, or to others later granted such a similar right.

IN WITNESS WHEREOF, the undersigned Congregational Council officers have signed and sealed this document and caused this document to be executed.

Signed in Presence of

Good Shepherd Evangelical Lutheran Church

Scott W. Sessler  
Scott W. Sessler

by Marjorie D. Johnson  
Marjorie D. Johnson  
Its President

Helen B. Olson  
Helen B. Olson

and Jerry R. Ware  
Jerry R. Ware  
Its V.P.

I, Dennis R. Skiera, a Notary Public in and for the County of Manistee, State of Michigan, do hereby certify that Marjorie D. Johnson and Jerry R. Ware personally appeared before me this 23rd. day of July, 1996 and acknowledged that they signed, sealed and delivered this instrument as their free and voluntary act.

Dennis R. Skiera  
Dennis R. Skiera, Notary Public  
My Commission Expires 8-20-98

PREPARED BY

ALAN THOMAS  
303 5TH ST.

MANISTEE, MI. 49660

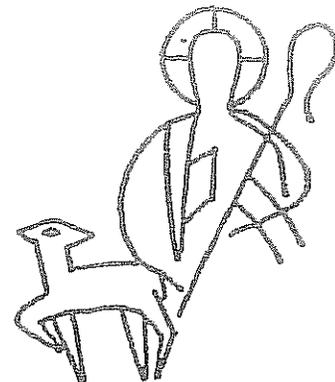
# GOOD SHEPHERD

## LUTHERAN CHURCH

521 Cypress Street, Manistee, Mich. 49660

Rev. Chris A. Laursen, Pastor

June 12, 1996



### RESOLUTION

- Whereas the entrance to the garage of the house at 303 5th Street is located at the back of the property of Good Shepherd Evangelical Lutheran Church;
- Whereas entrance to the garage must be accessed from the church property on Magill Street used as a parking lot;
- Whereas the owner of the 5th Street property has agreed to deed ten (10) feet of his property to Good Shepherd Lutheran Church in exchange for an agreement to allow access to the garage; area of 24 x 66 feet;
- Therefore be it resolved that Good Shepherd Evangelical Lutheran Church allow access to the above mentioned garage from the Magill Street parking lot;
- Further be it resolved that this agreement be in force in perpetuity.

Action taken at a duly called meeting of the Good Shepherd Evangelical Lutheran Church Congregational Council held on May 28, 1996.

Signed Marjorie D. Johnson Date 6-12-96  
 Marjorie D. Johnson, President

Signed Jerry R. Ware Date 6-12-96  
 Jerry R. Ware, Vice President

STATE OF MICHIGAN  
County of Manistee

On this 12th. day of June, 1996 before me, a Notary Public in and for said County personally appeared Marjorie D. Johnson and Jerry R. Ware to me known to be the same persons described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

My Commission Expires  
August 20, 1998

Dennis L. Shieff  
 Notary Public, Manistee County, Mi.



Church location

FIFTH ST

MCKEE ST

LOT 7656 SQFT

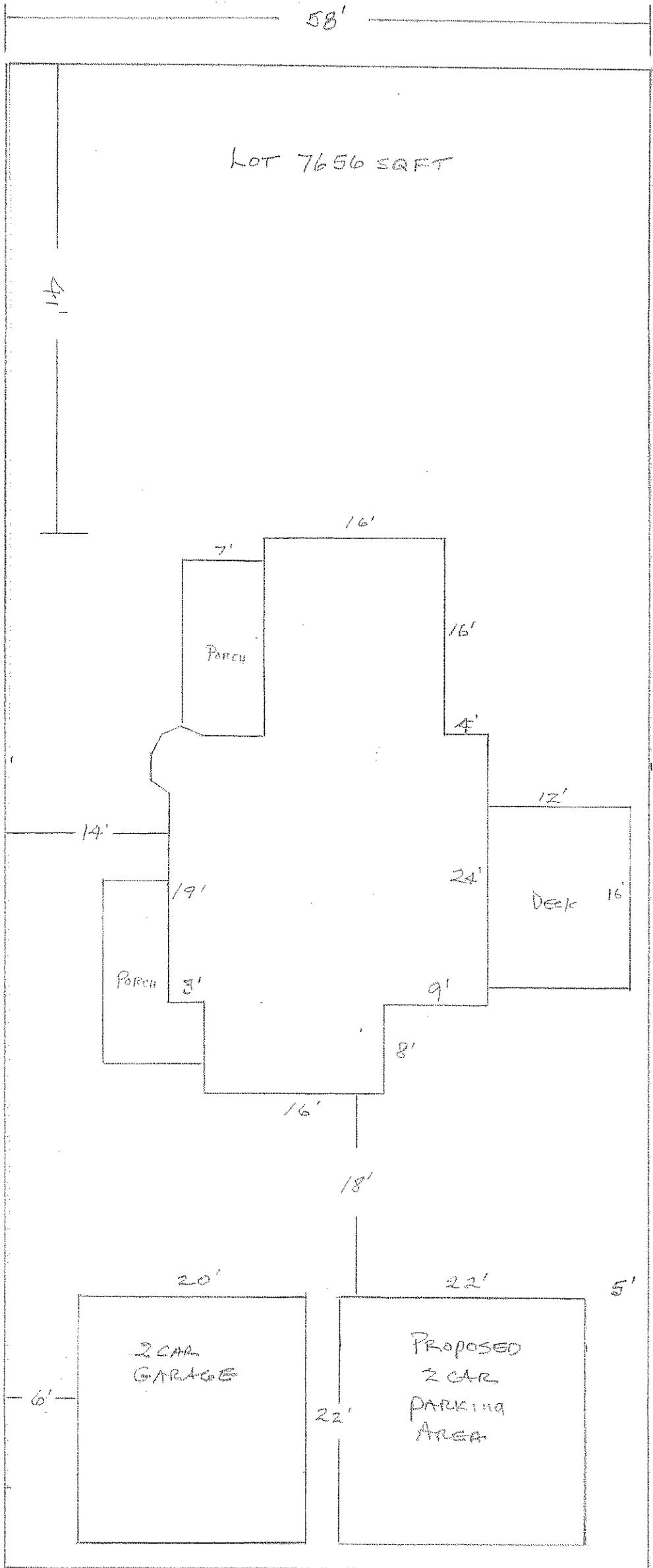


58'

41'

132'

15'

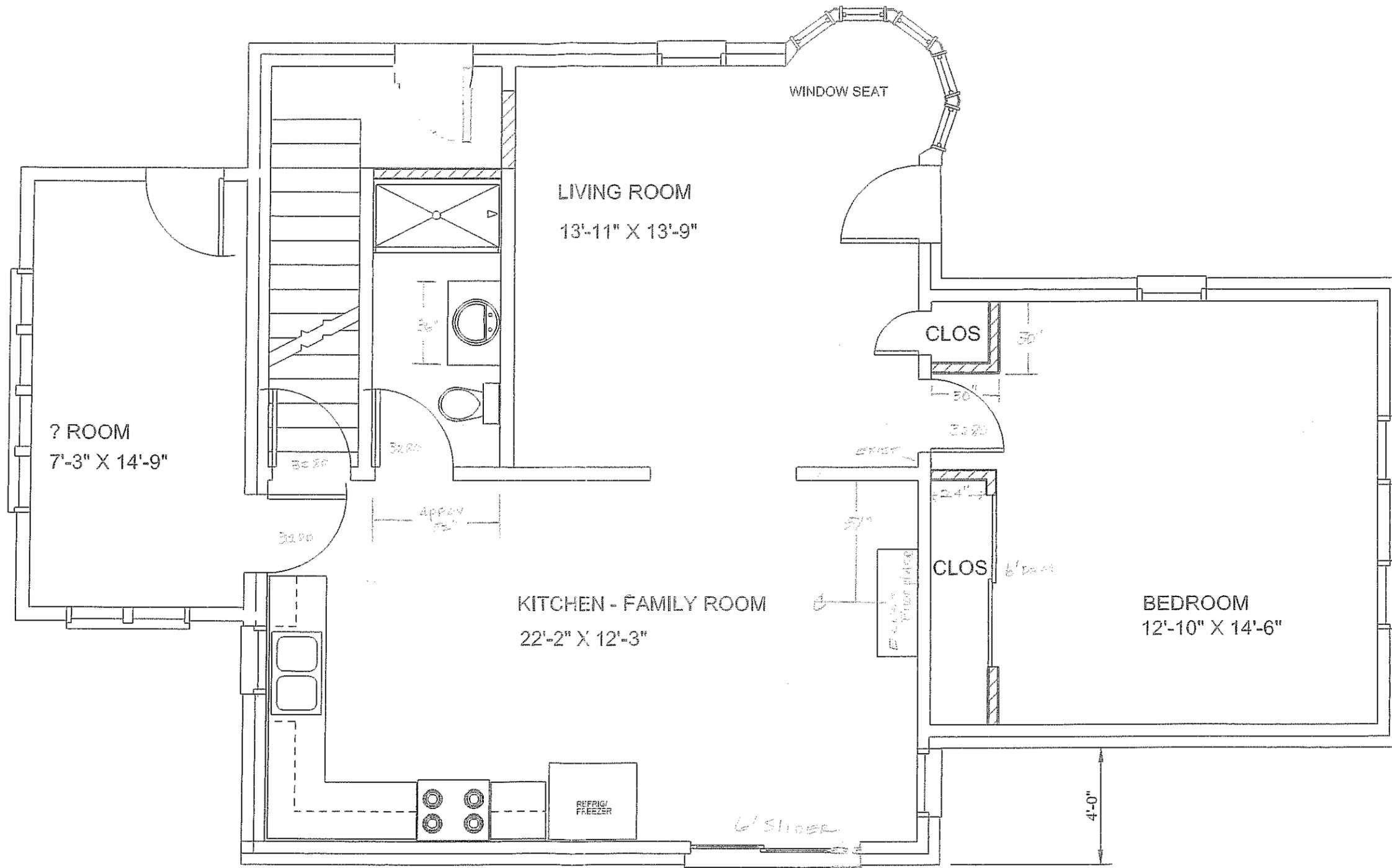


PROJECT:

303 FIFTH ST.  
MUNICIPALITY, PA

DATE: 10/29/15 SCALE: 3/32"=1'  
 SALES: \_\_\_\_\_ PART NO: \_\_\_\_\_  
 DESIGN: \_\_\_\_\_ DETAIL: THE ARCHITECT

PLUS EASEMENT FROM CHURCH 24' X 66' = 1584 SQFT  
 TOTAL CONTROLLED AREA 9240 SQFT



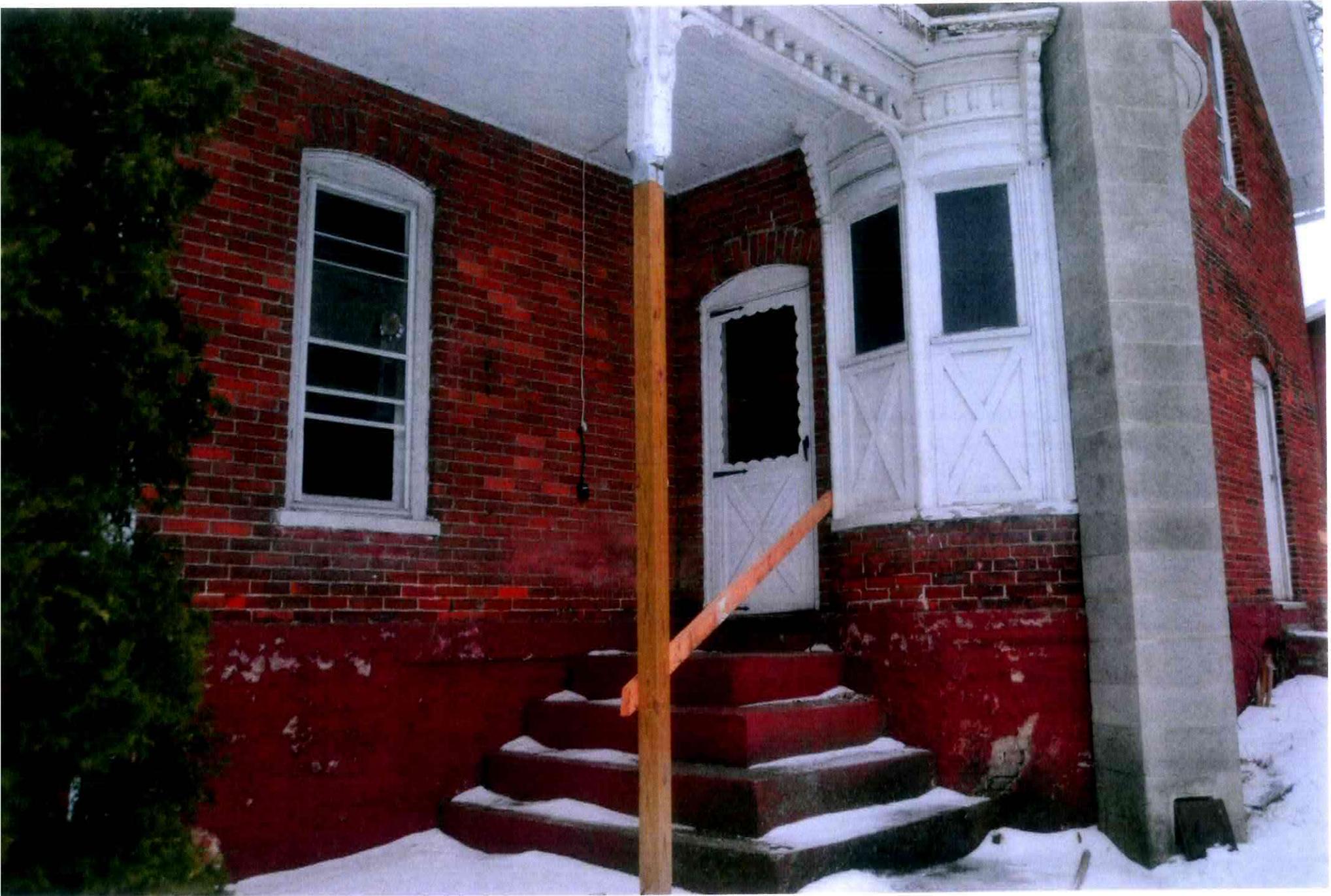
RO 72 1/2 x 80  
**FIRST FLOOR APARTMENT PLAN**

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

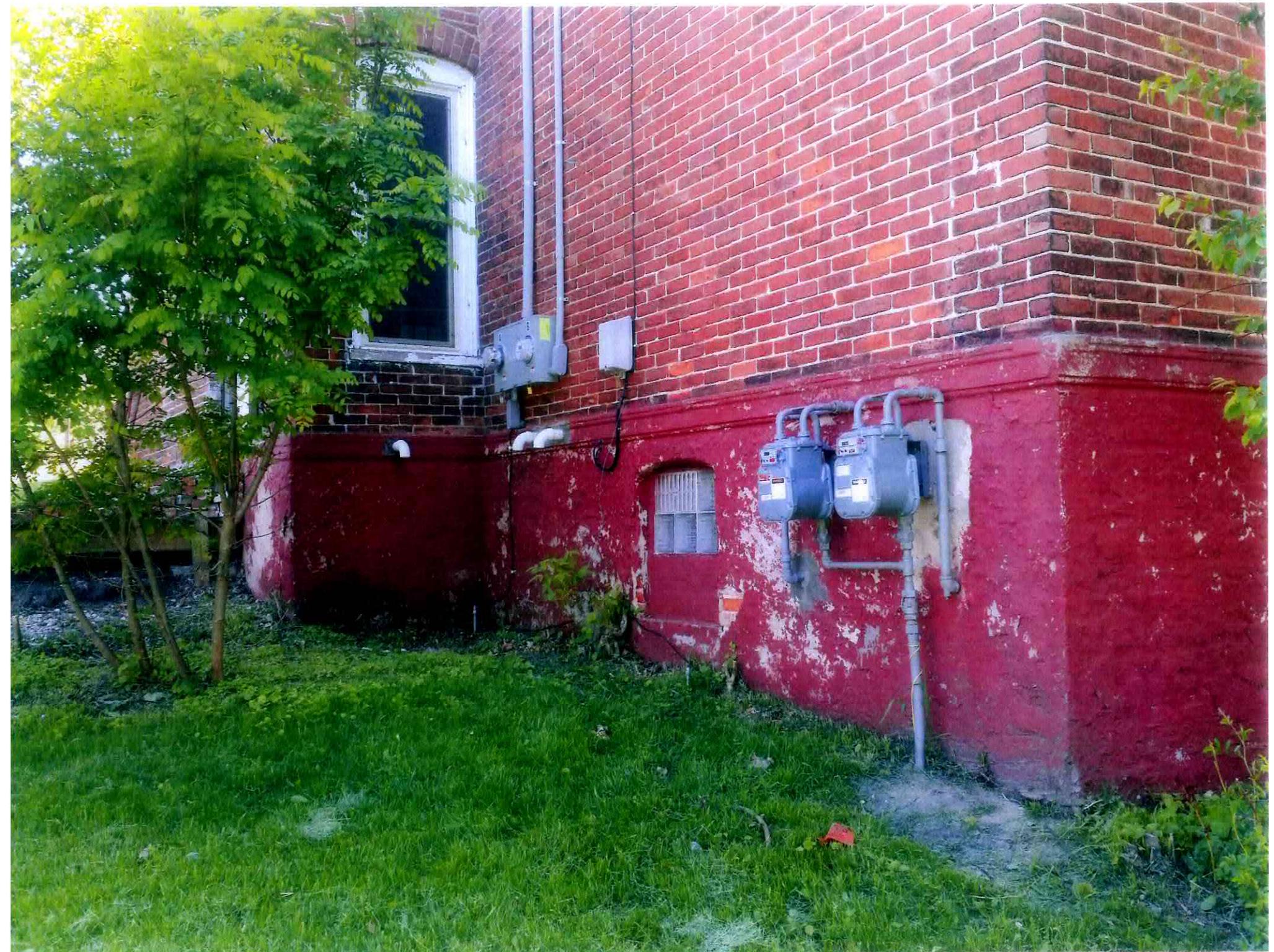
*Dimensions to Finishes Unless Noted*

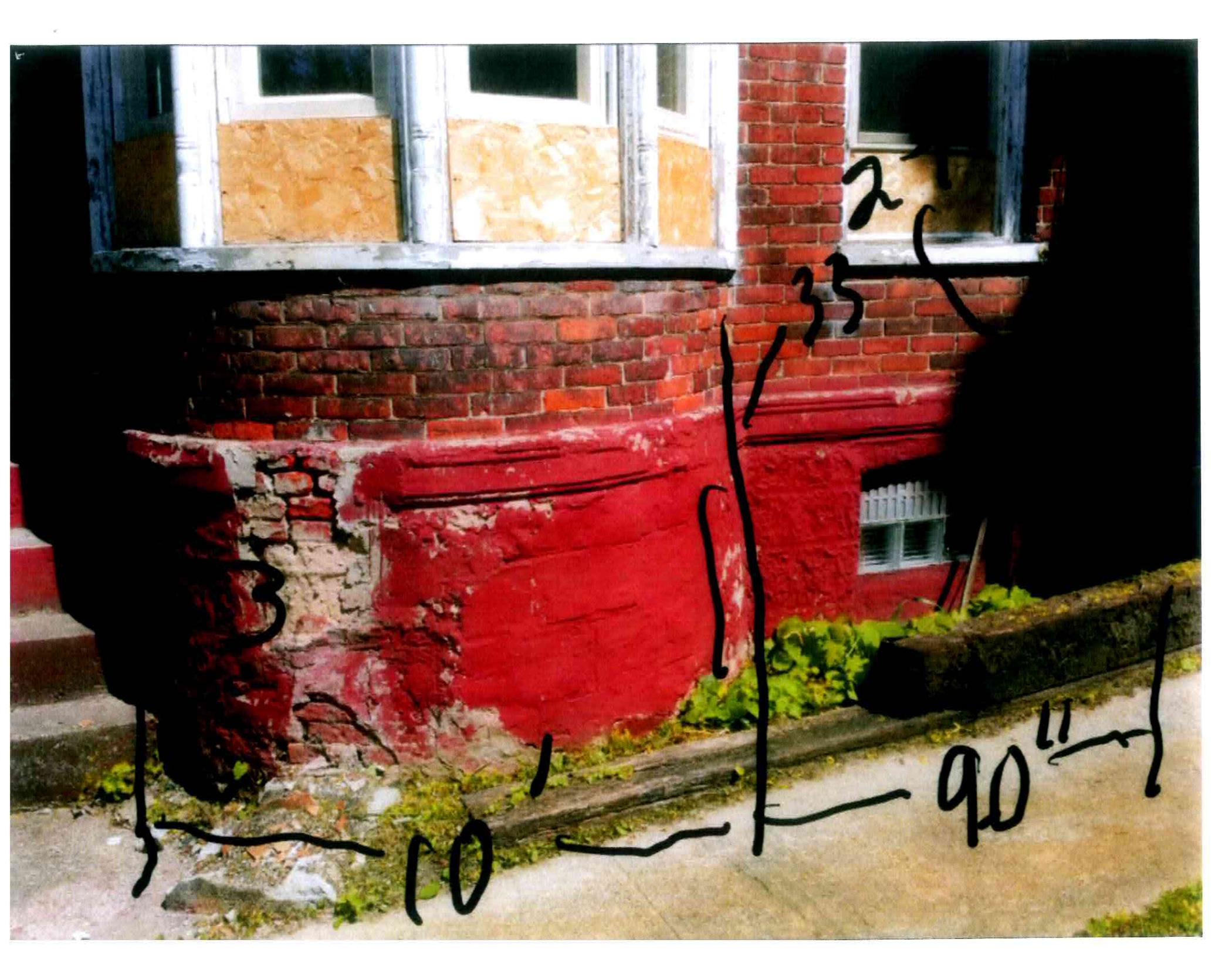


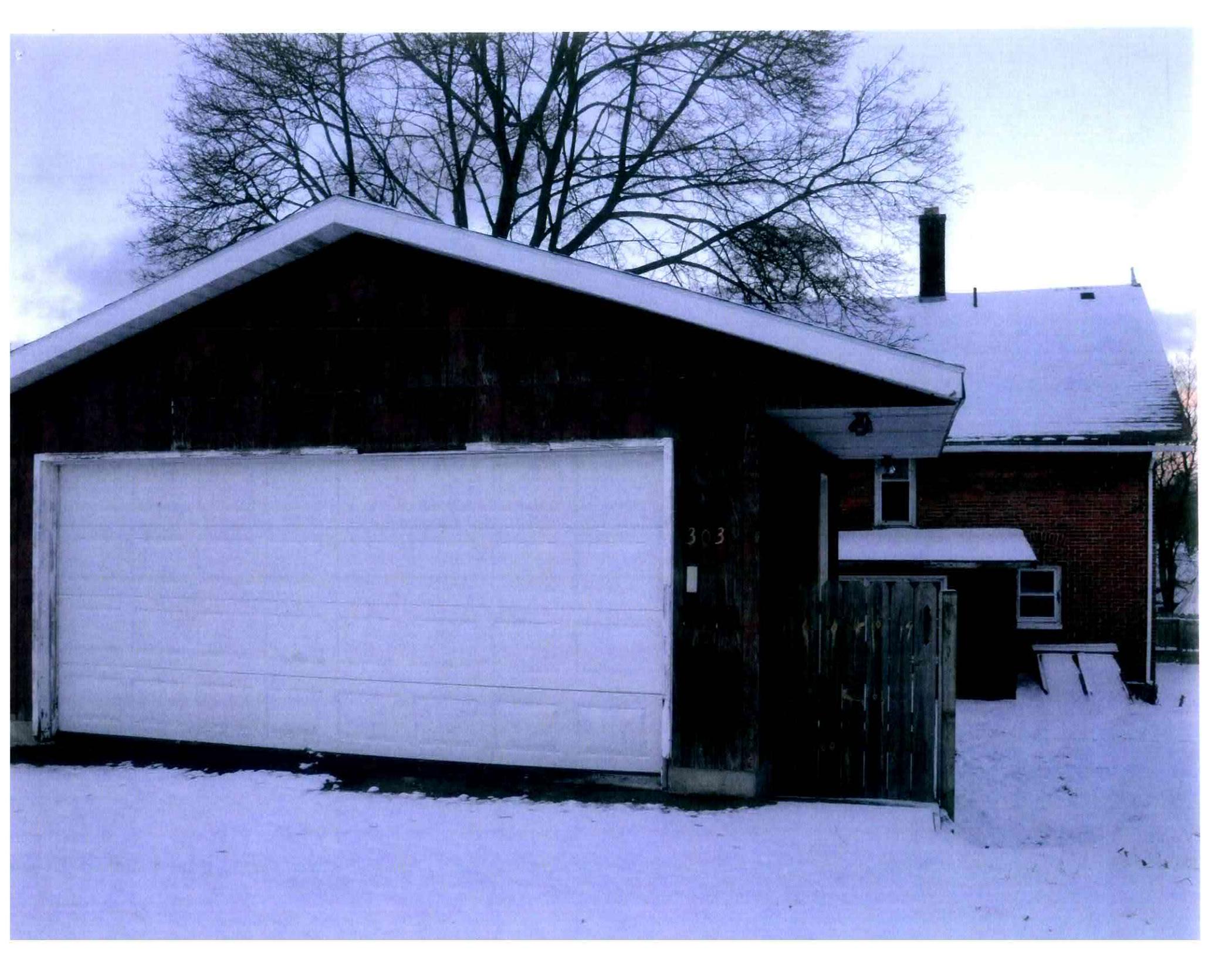












303







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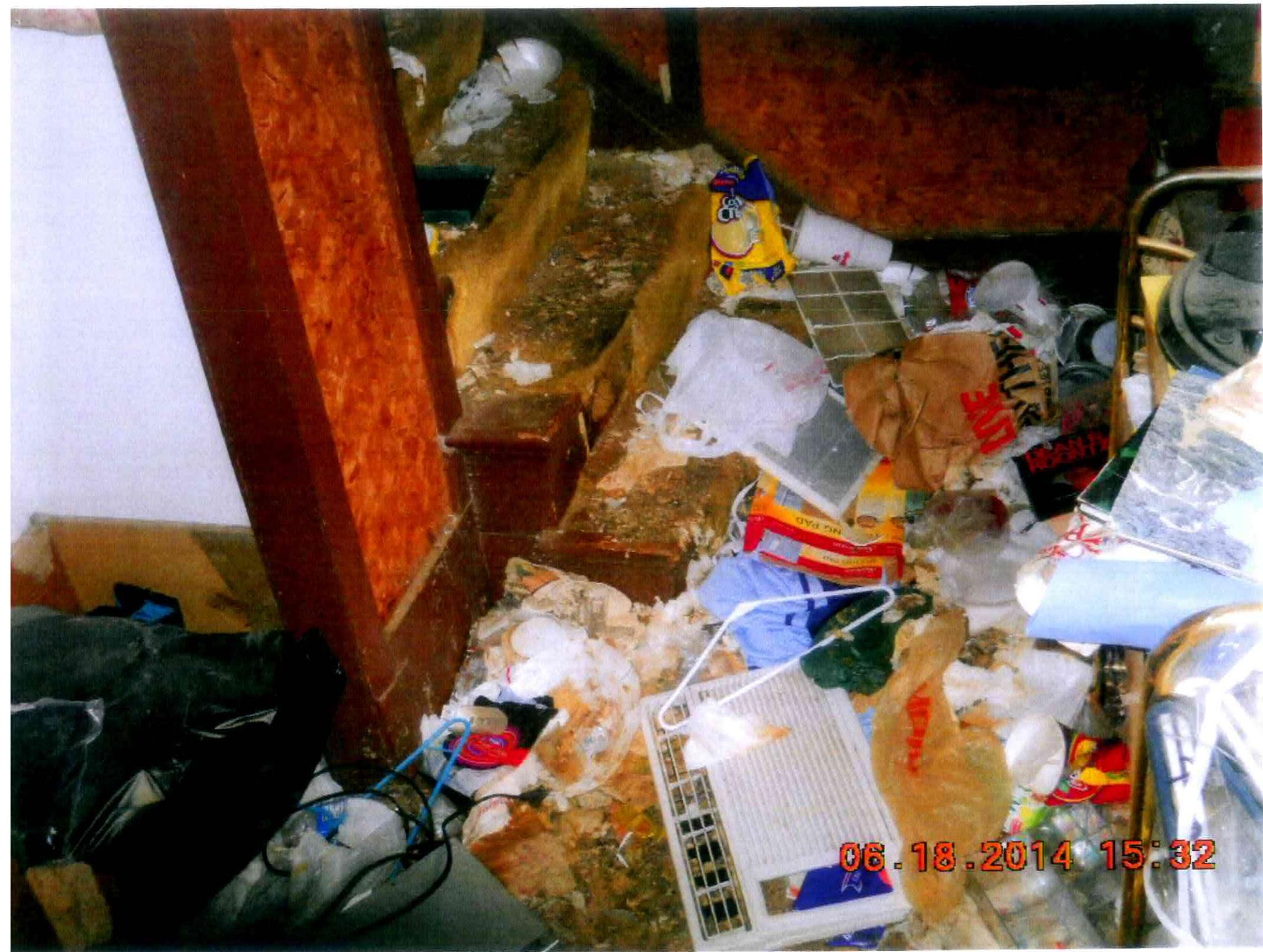




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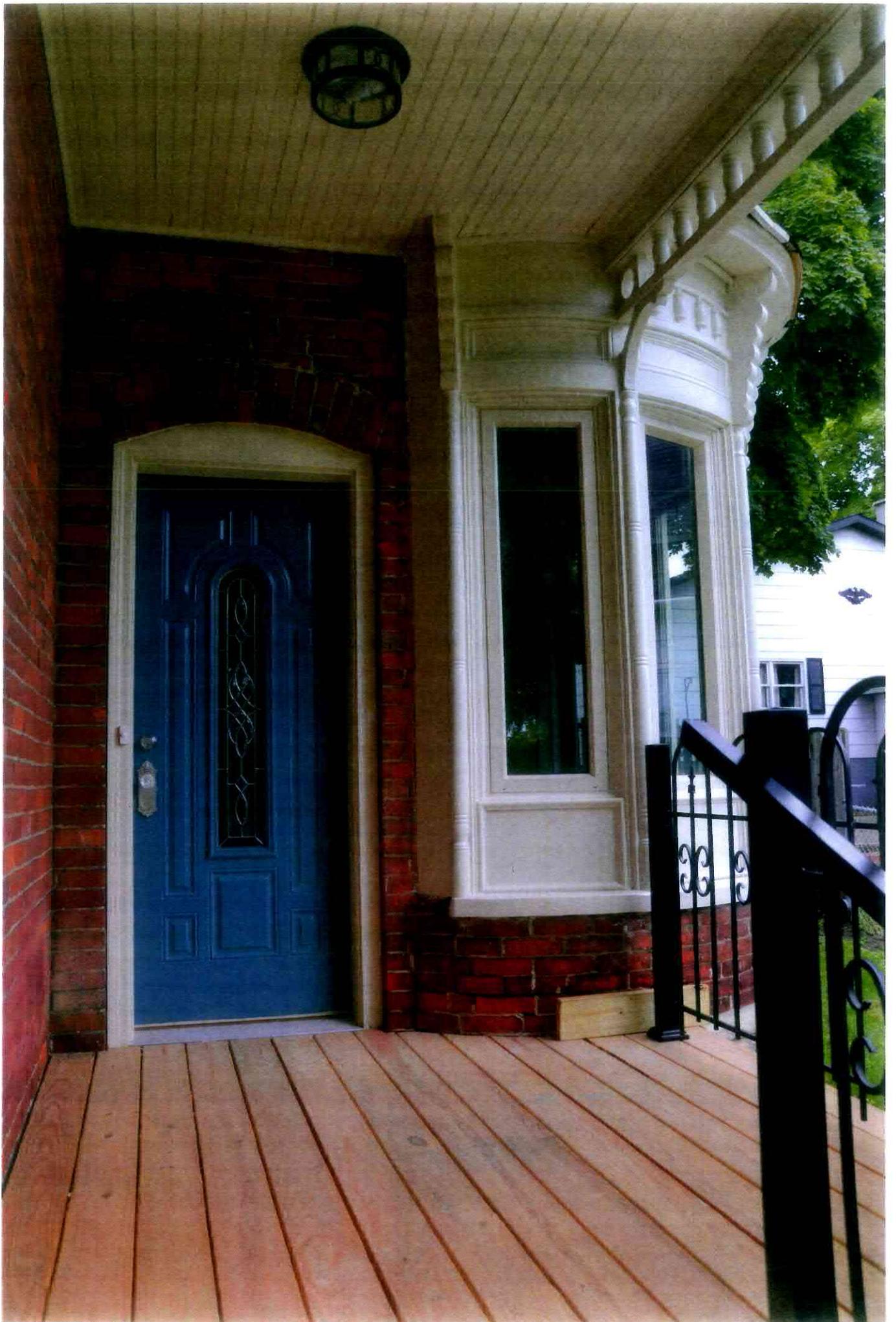


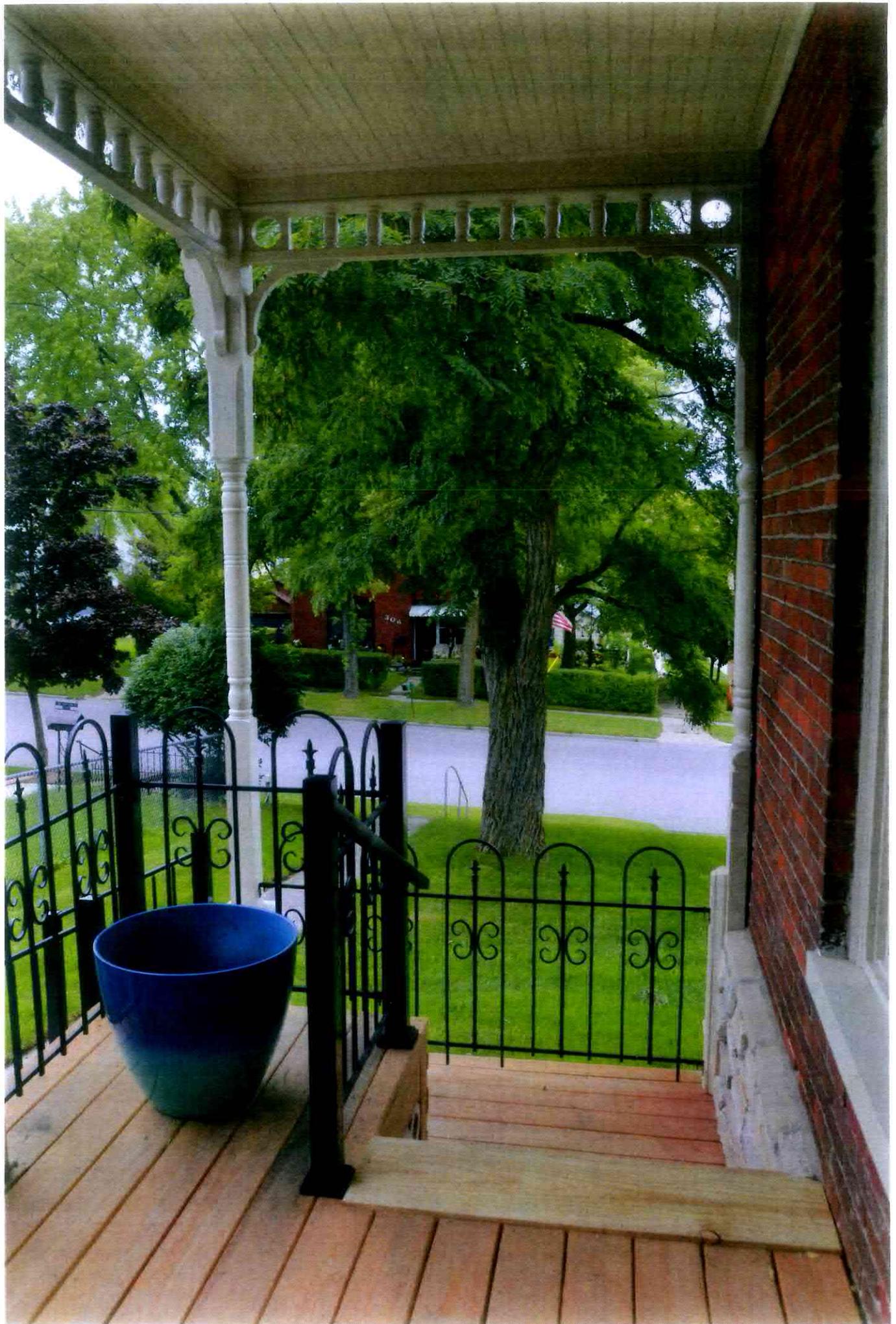
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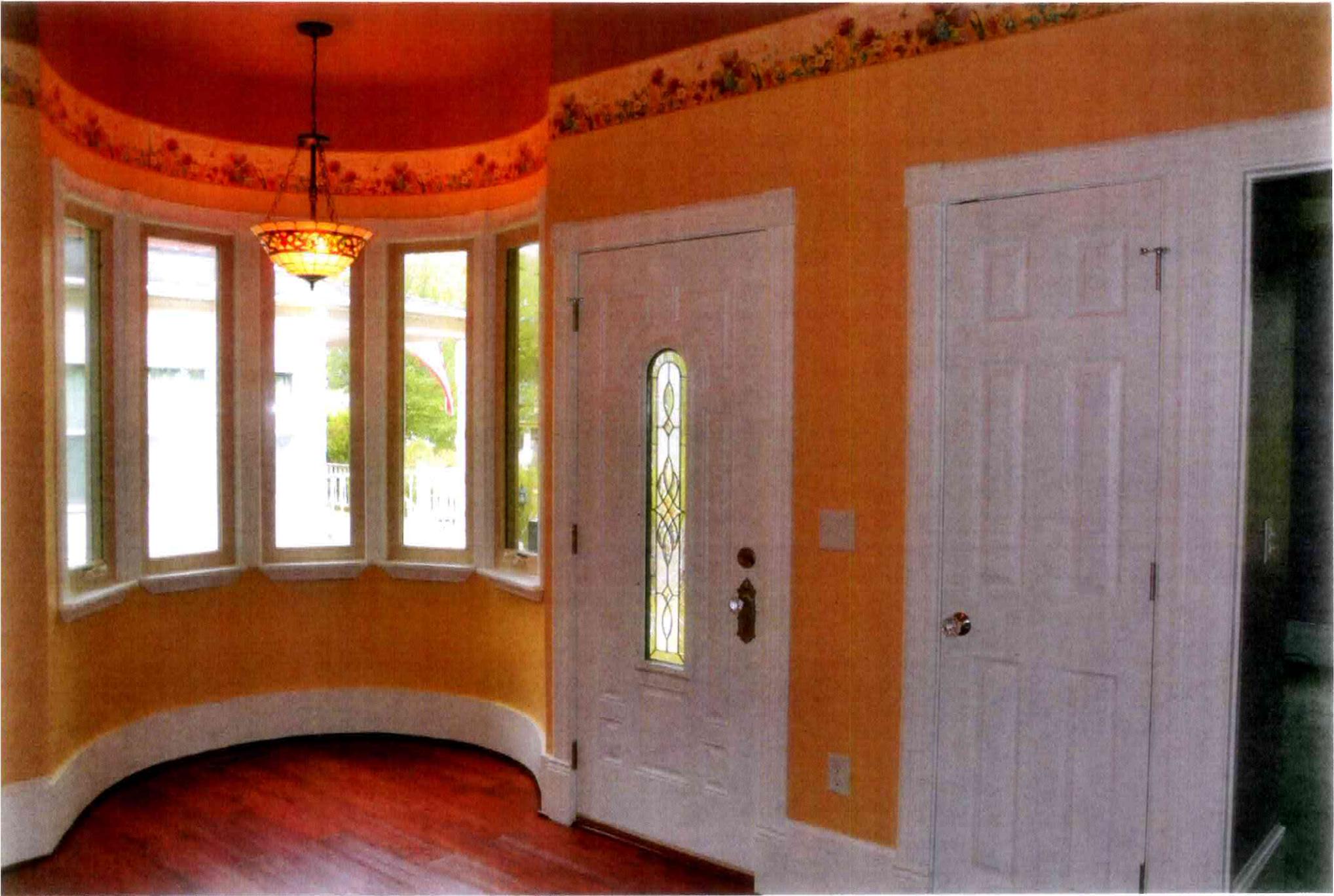












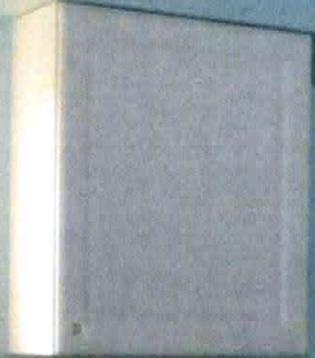






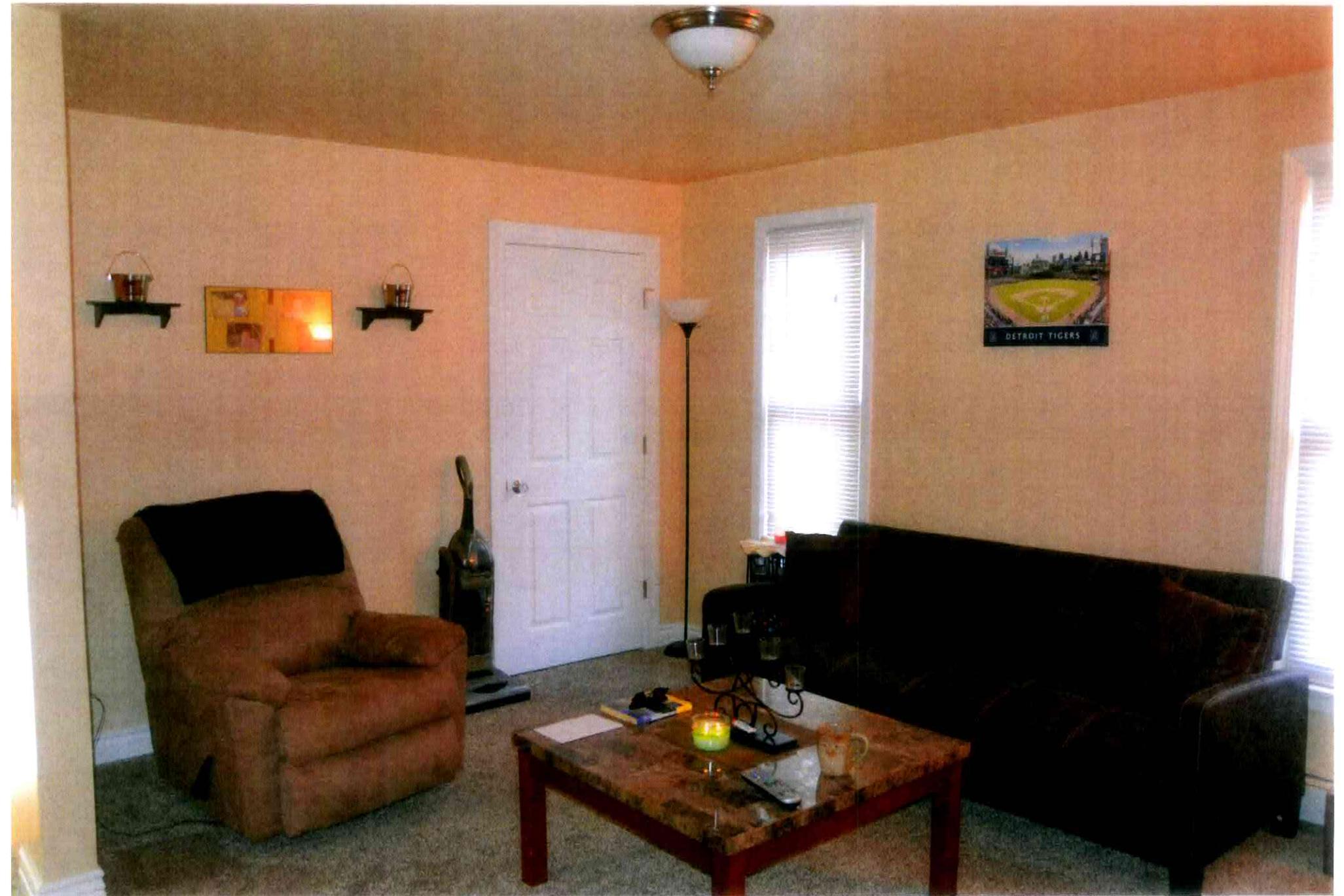














LOVE

FAMILY

