

**MANISTEE CITY  
ZONING BOARD OF APPEALS**

Meeting of October 15, 2020  
11 a.m. - Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

**AGENDA**

**I CALL TO ORDER**

**II PLEDGE OF ALLIGIENCE**

**III ROLL CALL**

**IV APPROVAL OF AGENDA**

At this time the Zoning Board of Appeals can take action to approve the October 15, 2020 Agenda.

**V APPROVAL OF MINUTES**

At this time Zoning Board of Appeals can take action to approve the Jan 23, 2020 meeting Minutes.  
(Pre-approved by email vote)

**VI PUBLIC HEARING**

Request for variance – parcel # 51-51-364-701-01

**VII BUSINESS SESSION:**

**Action on Pending Cases**

- Parcel # 51-51-364-701-01
  - Act on request from Krista McDougall for variance to allow placement of a sign within the clear vision area of the corner of Spruce Street and Water Street. Up to a 15 sq. ft. sign would be placed 4’9” from the City right of way if approved as requested.

**Old Business**

None

**VIII PUBLIC COMMENTS AND COMMUNICATIONS**

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

**IX ADJOURNMENT**

**MANISTEE CITY ZONING BOARD OF APPEALS**

City Hall, 70 Maple Street

Manistee, MI 49660

**ORGANIZATIONAL MEETING AND PUBLIC HEARING**

**MEETING MINUTES**

January 23, 2020

A meeting of the Manistee City Zoning Board of Appeals was held on January 23, 2020 at 2:00 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Duane Jones, Kathryn Levy and Glenn Zaring

**MEMBER ABSENT:** Denis Johnson and Marlene McBride

**OTHERS** Kyle Storey (City Zoning Administrator) and Nancy Baker (Recording Secretary)

The meeting was called to order at 2:00 p.m. by Chair Zaring

**APPROVAL OF AGENDA:**

Chair Zaring amended the agenda with the Election of Officers and By-laws to be placed as the first order of business.

**Election of Officers 2020**

According to the City of Manistee Zoning Board of Appeals By-laws the election of officers organizational meeting is to be conducted in January.

**Chair**

At this time the meeting was turned over to Kyle Storey who asked for nominations for the position of Chair.

Duane Jones nominated Glenn Zaring for position of Chair.

There were no other nominations, nominations were closed.

Roll call vote:

Yes: Jones, Levy, Zaring

Glenn Zaring was elected Chair for the Zoning Board of Appeals for 2020.

**Vice Chair**

At this time the meeting was turned over to Chair Glenn Zaring who asked for nominations for the position of Vice Chair.

Glenn Zaring nominated Duane Jones for position of Vice Chair.

There were no other nominations, nominations were closed.

Roll call vote:

Yes: Jones, Levy, Zaring

Duane Jones was elected Vice Chair for the Zoning Board of Appeals for 2020.

#### Secretary

Duane Jones nominated Kathryn Levy for position of Secretary.

There were no other nominations, nominations were closed.

Roll call vote:

Yes: Jones, Levy, Zaring

Kathryn Levy was elected Secretary for the Zoning Board of Appeals for 2020.

#### Appointment of Recording Secretary 2020

Glenn Zaring and Kathryn Levy appointed Nancy Baker to act as the Recording Secretary for the Zoning Board of Appeals for the year 2020.

#### By-laws Review

The City Zoning Board of Appeals shall annually review the By-laws.

Duane Jones motioned, seconded by Kathryn Levy for the By-laws to stand as written with the understanding they can be amended at anytime during the year.

Motion passes unanimously.

#### **APPROVAL OF MINUTES:**

The ZBA approved the December 19, 2019 minutes unanimously by email consent, by written signature.

#### **PUBLIC HEARING:**

None

#### **BUSINESS SESSION:**

##### **Action of Pending Cases**

##### 220 Arthur Street

Mr. Storey stated the applicant has provided more information regarding the requested variance for directional signs. This information outlines setbacks along with a different type of sign. The sign request is to place 1 directional monument sign, not a pole sign, to help mark the existing business drive.

Mr. Amor conveyed that the original request was for 3 directional signs. The sign for the existing drive has been revised. The other 2 signs will be revisited when the second drive is completely developed.

Mr. Storey reviewed each basic condition and the specific conditions for the 1 directional sign in the location of the existing business drive.

Basic Conditions:

1. The requested variance is not contrary to the public interest or to the intent and purpose of this ordinance.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy  
No: none  
Condition has been met.
  
2. The requested variance does not establish a use that is not permitted by right or by special use permit in the zoned district.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy  
No: none  
Condition has been met.
  
3. The requested variance does not create an adverse affect upon properties in the immediate vicinity or in the district.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy  
No: none  
Condition has been met.
  
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy  
No: none  
Condition has been met.
  
5. The requested variance is for property under the control of the applicant.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy  
No: none  
Condition has been met.
  
6. The requested variance was not self-created by the applicant or property owner.  
Roll Call Vote:  
Yes: Jones, Zaring, Levy  
No: none  
Condition has been met.

7. There is not an alternative that would allow the improvement to the property without the requested variance.

Roll Call Vote:

Yes: Jones, Zaring, Levy

No: none

Condition has been met.

8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.

Roll Call Vote:

Yes: Jones, Zaring, Levy

No: none

Condition has been met.

Special Conditions: 1 condition is required to be met; the applicant presented 3 special conditions for the driveway sign. One condition is to identify the entrance/exit sign for good visibility for the safety of the traffic because of the road curve.

Roll Call Vote:

Yes: Jones, Zaring, Levy

No: none

The Variance Request for Appeal at 220 Arthur Street for 1 directional monument sign for the existing drive has been approved. The ZBA is requiring that a variance application request for the 2 remaining signs be brought before the ZBA when the drive location for these signs has been developed.

#### 160 Memorial Drive

Mr. Storey stated the motion at the previous meeting was too specific and was to be more general in content. The language for the sign ordinance was to be interpreted by the ZBA due to conflicting interpretations. In order to read the existing language of the ordinance he recommends the word "principal building" be changed to read "storefront elevation".

Mr. Armor, Amor Signs, is not asking for a variance but rather guidance in the interpretation of the ordinance regarding what is a "principal" part of a building and clarification on the maximum square footage for wall signs.

Mr. Storey informed the ZBA a draft to the revised ordinance has been reviewed by the Planning Commission. There will be an ordinance draft work session this spring with a possible mid-year 2020 ordinance adoption date.

MOTION by Ms. Levy, seconded by Mr. Jones to accept the proposed changes to Section 2012 A.4.a. through A.4.c. for the changes in the language from principal building to storefront elevation and to include the language changes in the sign regulation table.

Roll Call Vote:

Yes: Jones, Zaring, Levy

No: none

Motion passed by roll call vote.

Mr. Storey stated all future sign permits will be referred to as storefront elevation and not principal building.

**OLD BUSINESS**

None

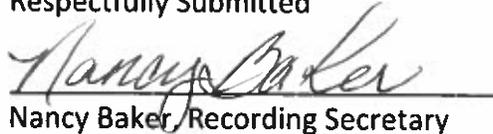
**PUBLIC COMMENTS AND COMMUNICATIONS**

None

**ADJOURNMENT:**

Meeting was adjourned by call of the Chair at 2:43 p.m.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Nancy Baker", is written over a horizontal line.

Nancy Baker, Recording Secretary

**MANISTEE CITY ZONING BOARD OF APPEALS**

City Hall, 70 Maple Street

Manistee, MI 49660

**ORGANIZATIONAL MEETING AND PUBLIC HEARING  
MEETING MINUTES**

January 23, 2020

The Manistee City Zoning Board of Appeals.

**MEMBERS VOTING:** Duane Jones, Kathryn Levy and Glenn Zaring

**APPROVAL OF MINUTES:**

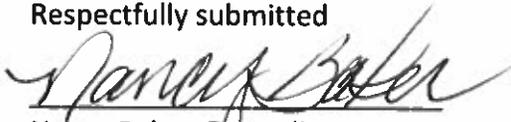
Approval of January 23, 2020 minutes.

I, Duane Jones vote YES on approving the Zoning Board of Appeals meeting minutes on January 29, 2020.  
Vote response via email.

I, Kathryn Levy vote YES on approving the Zoning Board of Appeals meeting minutes on January 30, 2020.  
Vote response via email.

I, Glenn Zaring vote YES on approving the Zoning Board of Appeals meeting minutes on January 28, 2020.  
Vote response via email.

Respectfully submitted



Nancy Baker, Recording Secretary



## Planning Department

September 24, 2020

ZBA Members  
70 Maple Street  
Manistee, MI 49660

Mike Szokola  
Manistee County Planner  
395 3<sup>rd</sup> St.  
Manistee, MI 49660  
231.723.6041  
planning@manisteecountymi.gov  
www.manisteemi.gov

Dear ZBA Members,

Ms. McDougall is applying for a Variance for her property parcel # 51-51-364-701-01 within the Neighborhood Commercial Zoning District (C-2), on the corner of Spruce Street and Water Street in Manistee, MI 49660. The request is for the placement of a roughly 15 sq. ft. sign face on a 6" existing/abandon base within the City of Manistee's clear visibility at corners area. The variance seeks to place the sign on the existing/abandon signpost 4'9" from the Northeast parcel corner within the 25' clear visibility area.

The Section of the zoning ordinance that deals with clear visibility at corners is Section 513: Clear Visibility at Corners. The Section reads, "No parking space, fence, hedge, planting, sign, structure, or any other element of the built environment, shall be located, erected or maintained, within a distance of twenty-five (25) feet from a street right-of-way which obstructs safe vision at a street corner. Provided, however, the Zoning Administrator, upon consultation with the City Engineer and/or Chief of Police, may require a greater clear vision area where necessary due to traffic speeds, volumes or the topography of the site. Provided, further, that the Planning Commission may, upon the recommendation of the Zoning Administrator, waive or modify such standard within the C-3 and C-2 districts to permit buildings to conform to existing front and side yard patterns in the immediate vicinity."

### Background:

Ms. McDougall had applied for a sign permit to use the existing/abandon base sign in her parking lot on Water Street and Spruce Street. The sign had formerly been utilized by Johnson's funeral home when Denis Johnson had owned the parking lot. Around 2017 the sign and use had been abandoned and the grandfathered use stopped at that time. I informed Ms. McDougall that she would not be able to utilize the sign as it had been abandoned for longer than a year and a grandfathered use no longer applied. Ms. McDougall still wished to utilize the existing/abandon sign base and is seeking a variance to do so.

Please review the following information:

- A Narrative letter Ms. McDougall has provided that explains why a variance should be granted.
- Ms. McDougall's "Notice of Appeal" paperwork.
- Site plan.
- Map of parking lot, circa 2013.
- Map of parking lot clear visibility area marked on it.
- 3 Photos taken and included in packet by applicant.
- Proposed sign if variance is granted.
- Email correspondence asking DPW Director, Fire Department Inspector, and Chief of Police if they have any issue with the granting of a variance.
- Pictures showing parking lot and measurements from various points.
- Notice of Meeting/Public Hearing for Newspaper.
- Letters that were sent to Parcel owners and occupants per Planning and Enabling Act 2008.
- Motions Memo

The Planning Department request that if a variance is granted, to place the sign anywhere but on the original base, that a survey be conducted to ensure that the sign is built in the correct area.

If you have any questions or concerns, feel free to reach out to me via email or phone.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Szokola". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike Szokola  
Manistee County Planner  
City of Manistee Zoning Administrator

McDougall Letter of why a variance should be granted, taken from their application paperwork, Addendum A.

#### Addendum A

This is a parking lot across the street from our business Richards & McDougall, P.C. We lack parking spaces for our firm and would like to designate this as an employee and customer parking lot only to reduce the amount of people parking on the street. We have had issues with no sign designating this and many vehicles that are not employees or customers are parking there which is creating parking issues. Many times people park there overnight which makes it difficult during the winter months to plow the lot and due to the nature of our business we arrive to work sometimes before 5 a.m. during tax season and the plow trucks do not like us parking on the street because they are trying to clear the snow which do to our location we typically have piles of snow from the rest of River Street in front of our building. If we could put a sign up on the corner where the Johnson Funeral home sign was for many years and the base of the sign is still existing, we could eliminate the problem and get the parking lot area cleaned up and presentable looking. If we can't put it in the 25-foot clear vision lane the only other thing would be to put it in an area which would make us lose 3 parking spaces and make the parking lot too narrow to navigate safely. The placement would not prevent drivers from being able to see traffic at the corner of Water and Spruce Streets.



Zoning Board of Appeals/Planning & Zoning  
395 Third Street  
Manistee, MI 49660  
231.723.6041 (phone)  
231.398.3526 (fax)

## Request for Appeal

City of Manistee Zoning Board of Appeals  
Please Print

Submission of Application		
<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>		
Applicant Information		
Name of Owner: Manistee River Investments, LLC		
Address: 475 Water Street Manistee, MI 49660		
Phone #: 231-723-6275	Cell#: 231-233-8565	e-mail: kristam@richardsand
Name of Agent (if applicable):		mcdougallcpa.com
Address:		
Phone #:	Cell#:	e-mail:
Property Information		
Address: 479 Water Street		Parcel # 51-364-701-01
Present/proposed Land Use: Parking Lot		
Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land: Manistee River Investments, LLC owned by David Richards & Krista McDougall		
List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary:  N/A		
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		
<p>State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals.</p> <p>See Attached Addendum A</p>		

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
x Other: Clear Vision Cnr Line	From 25ft/25ft	To 4ft/4ft
Please Mark all characteristics of your property which require the granting of a variance		
x Too Narrow	Explain: See Addendum B	
Too Small	Explain:	
Too Shallow	Explain:	
Elevation (height)	Explain:	
Slope	Explain:	
Shape	Explain:	
Soil	Explain:	
Other:	Explain:	
<b>Specific Variance</b>		
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.		
<b>Basic Conditions - The Board shall find that a variance request meets all of the following conditions.</b>		
1. The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Justification: See Addendum C		
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 checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Justification: Property is within C-2 Zoning on a Key Street Segment. Parking is allowable as a Special Use on a Key Street Segment w/i C-2 Zoning. As such it is not establishing a use which is not allowable in the district via variance.		
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Justification: It actually produces a positive effect upon properties, as this old sign post, pole cover, and flower bed are in disrepair, neglected for years. This project makes the property more visually appealing w/sign location variance.		
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Justification: This is a site specific case that is unique to this property.		
5. The requested variance is for property under the control of the applicant	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Justification: Yes		
6. The requested variance was not self-created by the applicant or property owner.	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Justification: This is an existing sign pole that was in use by the previous owner up until 2017.		

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: We cannot reduce the size of our parking lot.	
8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Justification: Yes, by allowing this sign location to be re-used, the property can continue to be reasonably used and function as a parking lot. This will also have a positive effect on the surroundings by enhancing the visual landscape.	
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:	
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: See Addendum D	
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: *Krista McDowell* Date: *8/26/20*

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-

#### **Addendum A**

**This is a parking lot across the street from our business Richards & McDougall, P.C. We lack parking spaces for our firm and would like to designate this as an employee and customer parking lot only to reduce the amount of people parking on the street. We have had issues with no sign designating this and many vehicles that are not employees or customers are parking there which is creating parking issues. Many times people park there overnight which makes it difficult during the winter months to plow the lot and due to the nature of our business we arrive to work sometimes before 5 a.m. during tax season and the plow trucks do not like us parking on the street because they are trying to clear the snow which do to our location we typically have piles of snow from the rest of River Street in front of our building. If we could put a sign up on the corner where the Johnson Funeral home sign was for many years and the base of the sign is still existing, we could eliminate the problem and get the parking lot area cleaned up and presentable looking. If we can't put it in the 25-foot clear vision lane the only other thing would be to put it in an area which would make us lose 3 parking spaces and make the parking lot too narrow to navigate safely. The placement would not prevent drivers from being able to see traffic at the corner of Water and Spruce Streets.**

#### Addendum B

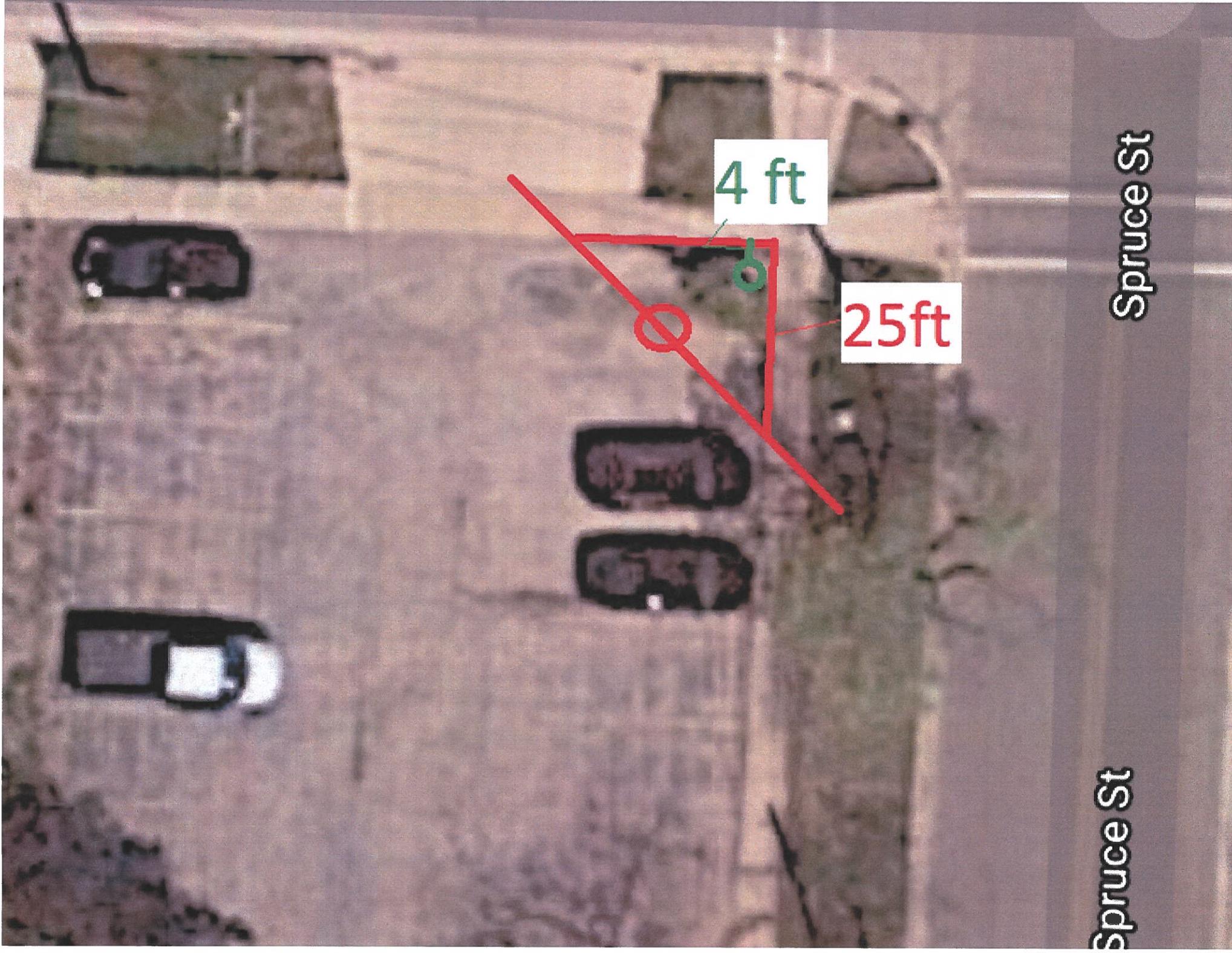
If the sign location is required to be on the 25ft Clear Vision Corner Line, the parking lot space will become even narrower, which will make it more challenging and less safe for the motorists to operate on the property.

#### Addendum C

This sign location will promote safety in traffic and vehicular parking within the C-2 Zoning District (Section 101 S.). It will also help lessen and avoid congestion on the public street (Section 101 F.). The sign location will also help protect the character of this specific area in the city (Section 10-1 E.).

#### Addendum D

Yes. Vehicles would not be able to maneuver safely in the parking lot as they do now. The parking lot would not function as intended, as the clear vision corner location would partially obstruct one of the drive's entrances or exits. There would be a new obstruction for motorists to keep an eye on while maneuvering in a narrow parking lot.



4 ft

25 ft

Spruce St

Spruce St

# AERIAL MAPS (Click here for Data Information) *Showing Parcel Lines & Labels*



- ▶ Overlays
- ▶ Base Maps
- ▶ Legend
- ▶ Overview
- ▼ Measure

Click up to 20 points

**Total Distance Between Points:**

0.0627

331.02

**Distance Between Points:**

136.53

[Start Over](#) | [Close](#)

**State Plane Point**  
(in US Feet):

Point X

4 19170811

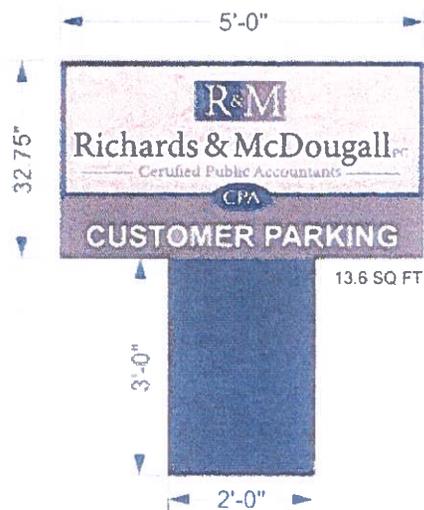
To see the coordinate number in the box above:  
**NOTE:** Distances are

▶ Search









SINGLE FACE SIGN CABINET  
 WELDED ALUMINUM FRAME  
 POLYMETAL FACE AND BACK  
 ALUMINUM POLE COVER

SIDES, BACK, POLE COVER PAINTED PMS 653 BLUE

FACE DECORATION DIGITAL WITH LAMINATE

INSTALL ON EXISTING POLE/BASE

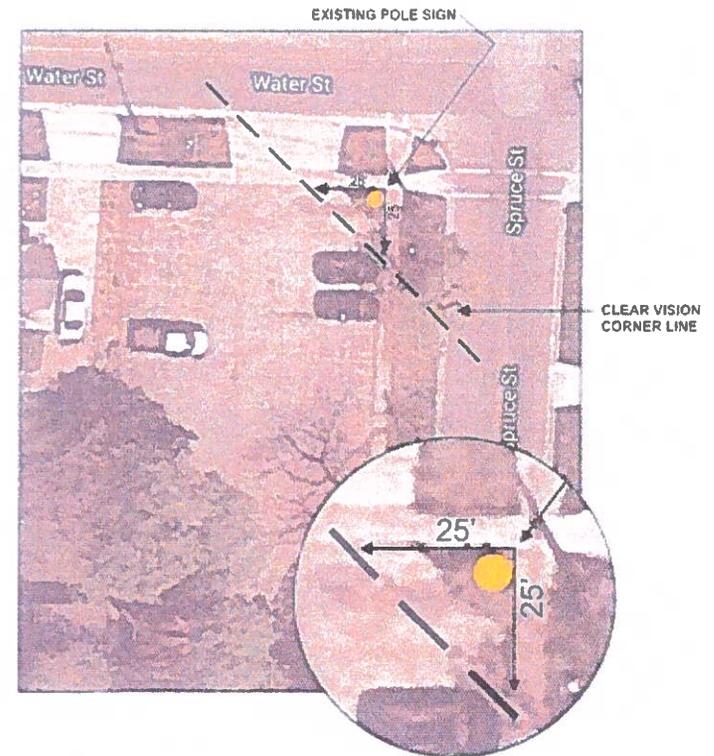
**NEW BASE BY OTHERS**



PROPOSED



EXISTING SIGN POLE SETBACK



**AMOR**  
 196A PINE CREEK RD. • P. O. BOX 433 • MARISTEE, MI 49660 • 231-723-8363  
 844-977-2667 • FAX: 231-723-9365 • www.amorign.com

DATE: 8-26-20      ACCOUNT EXECUTIVE: THA  
 DRAWING SCALE: 1/2"      GRAPHICS BY: W. BIALIK  
 FILENAME: 017712 - Parking Lot Sign  
 N:\Customers\IP-Z\RI\Richards & McDougal PC\017712 - Parking Lot Sign

PANTONE COLOR MATCHING:  
 PMS: AS SHOWN  
 ● PMS 653 BLUE  
 ● BLACK 70%  
 ○ PMS WARM GRAY 1

3M / PSA FILM MATCHING:  
 PREMIUM:  
 TRANSLUCENT:  
 PSA: LAMINATE:

Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_

## Mike Szokola

---

**From:** Jeff Mikula <JMikula@manisteemi.gov>  
**Sent:** Wednesday, September 2, 2020 3:57 PM  
**To:** Mike Szokola; Brent Haskin  
**Cc:** Thad Taylor  
**Subject:** RE: Variance Recommendations

[WARNING: External Message]

I believe the previous owner and sign was Johnson Funeral home.

I do not have an issue with it as long as we maintain 5 ft of clearance from the Hydrant to ensure operation and maintenance.

Jeffrey W. Mikula  
Public Works Director  
City of Manistee

(231) 723-7132 work  
(231) 510-6050 cell

[jmikula@manisteemi.gov](mailto:jmikula@manisteemi.gov)

---

**From:** Mike Szokola <mszokola@manisteecountymi.gov>  
**Sent:** Wednesday, September 2, 2020 1:28 PM  
**To:** Jeff Mikula <JMikula@manisteemi.gov>; Brent Haskin <bhaskin@manisteemi.gov>  
**Cc:** Thad Taylor <ttaylor@manisteemi.gov>  
**Subject:** Variance Recommendations

Jeff & Brent,

Can I get your opinions on whether this variance should be granted or not from a city services and fire department stance?

It is for a sign in the parking lot on Water St.

The new owners would like to repair the old sign, that has not been in use for over a year and should've been taken down completely, and use it for their new sign.

It would reside within the 25' clear vision lane and there is a hydrant in front of it.

Please, see the attachment and offer any recommendations you may have.

I plan to present your recommendations to the ZBA when this variance comes before them.

Regards,

Mike Szokola

Assistant Planner / GIS

Manistee County

231.398.3527

[mszokola@manisteecountymi.gov](mailto:mszokola@manisteecountymi.gov)



## Mike Szokola

---

**From:** Brent Haskin <bhaskin@manisteemi.gov>  
**Sent:** Wednesday, September 2, 2020 3:44 PM  
**To:** Thad Taylor  
**Cc:** Mike Szokola; Jeff Mikula; Mark Cameron  
**Subject:** Re: Variance Recommendations

[WARNING: External Message]

From the Fire Department's position I don't see anything wrong with it as long as it doesn't impede access to the hydrant which I don't believe it will. You may want to check with Chief Cameron so he can weigh in too. I have included him in this message.

Brent

Sent from my iPhone

Phone call:  
Chief Cameron also had No issue as long as it gets no closer.

On Sep 2, 2020, at 2:49 PM, Thad Taylor <ttaylor@manisteemi.gov> wrote:

Mike:

I suggest you ask Chief Glass to weigh in on the matter.

Thad N. Taylor | City Manager

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City of Manistee | Manager's Office  
70 Maple Street | Manistee, MI 49660 | p: 231-398-2801 | f: 231-723-1546  
[ttaylor@manisteemi.gov](mailto:ttaylor@manisteemi.gov) | [www.manisteemi.gov](http://www.manisteemi.gov)

---

**From:** Mike Szokola <mszokola@manisteecountymi.gov>  
**Sent:** Wednesday, September 2, 2020 1:28 PM  
**To:** Jeff Mikula <JMikula@manisteemi.gov>; Brent Haskin <bhaskin@manisteemi.gov>  
**Cc:** Thad Taylor <ttaylor@manisteemi.gov>  
**Subject:** Variance Recommendations

Jeff & Brent,

Can I get your opinions on whether this variance should be granted or not from a city services and fire department stance?

It is for a sign in the parking lot on Water St.

The new owners would like to repair the old sign, that has not been in use for over a year and should've been taken down completely, and use it for their new sign.

It would reside within the 25' clear vision lane and there is a hydrant in front of it.

Please, see the attachment and offer any recommendations you may have.

I plan to present your recommendations to the ZBA when this variance comes before them.

Regards,

## Mike Szokola

Assistant Planner / GIS

Manistee County

231.398.3527

[mszokola@manisteecountymi.gov](mailto:mszokola@manisteecountymi.gov)

<image001.png>

## Mike Szokola

---

**From:** Josh Glass <jglass@manisteemi.gov>  
**Sent:** Monday, September 14, 2020 1:09 PM  
**To:** Mike Szokola  
**Subject:** RE: Variance Recommendations

[WARNING: External Message]

Mike,

Based on the information you have presented, I have no objections to this sign placement.

### Joshua A. Glass

Police Chief  
Manistee City Police Department  
70 Maple St.  
Manistee, MI 49660  
Office: 231-398-2810  
Fax: 231-398-2012



**IMPORTANT NOTICE:** This e-mail may contain information, which may be confidential or legally privileged. The information in this e-mail is intended only for the use of the individual or entity named in this e-mail. If you or your firm are not the intended recipient and have received this e-mail in error, you are hereby notified that reading, copying, disclosing, or distributing these documents, or taking any action based on the information contained within them, is prohibited and that the document should be deleted and notify the sender at the above e-mail address.

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**From:** Mike Szokola <mszokola@manisteecountymi.gov>  
**Sent:** Monday, September 14, 2020 12:14 PM  
**To:** Josh Glass <jglass@manisteemi.gov>  
**Subject:** FW: Variance Recommendations

Chief Glass,

Thad asked me to get your feedback on this.  
Let me know if you have any objection to the placement of a 16'5" sign on that existing base.  
A variance has come in to allow for this activity.  
I am trying to shore things up so I can call this meeting.  
Thank you for your time.

Regards,

**Mike Szokola**

Assistant Planner / GIS  
Manistee County  
231.398.3527  
[mszokola@manisteecountymi.gov](mailto:mszokola@manisteecountymi.gov)



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**From:** Mike Szokola  
**Sent:** Monday, September 14, 2020 12:11 PM  
**To:** Mark Cameron <[MCameron@manisteemi.gov](mailto:MCameron@manisteemi.gov)>  
**Subject:** FW: Variance Recommendations

Chief Cameron,

Here is the variance paperwork we discused.  
Let me know if you have any objection to the placement of a 16'5" sign on that existing base.

Regards,

**Mike Szokola**

Assistant Planner / GIS  
Manistee County  
231.398.3527  
[mszokola@manisteecountymi.gov](mailto:mszokola@manisteecountymi.gov)



---

**From:** Mike Szokola  
**Sent:** Wednesday, September 2, 2020 1:28 PM  
**To:** Jeff Mikula <[JMikula@manisteemi.gov](mailto:JMikula@manisteemi.gov)>; Brent Haskin <[bhaskin@manisteemi.gov](mailto:bhaskin@manisteemi.gov)>  
**Cc:** Thad Taylor <[ttaylor@manisteemi.gov](mailto:ttaylor@manisteemi.gov)>  
**Subject:** Variance Recommendations

Jeff & Brent,

Can I get your opinions on whether this variance should be granted or not from a city services and fire department stance?



Image 1: Sideview of five (5) feet from Hydrant.



Image 2: Five (5) feet shown from Hydrant.



Image 3: Fire hydrant five (5) feet measured past the base.



Image 4: Sideview of fire hydrant five (5) feet measured past the base.



Image 5: Existing base/abandon sign to sidewalk distance.



Image 6: Existing base/abandon sign to sidewalk distance, the measuring tape reads 4'7".



Image 7: Height of the existing base of the sign.



Image 8: Height of the existing base of the sign, tape reads 4'10".



Image 9: Size comparison of existing/abandon base.



Image 10: Parking lot shown from across Water Street looking South.

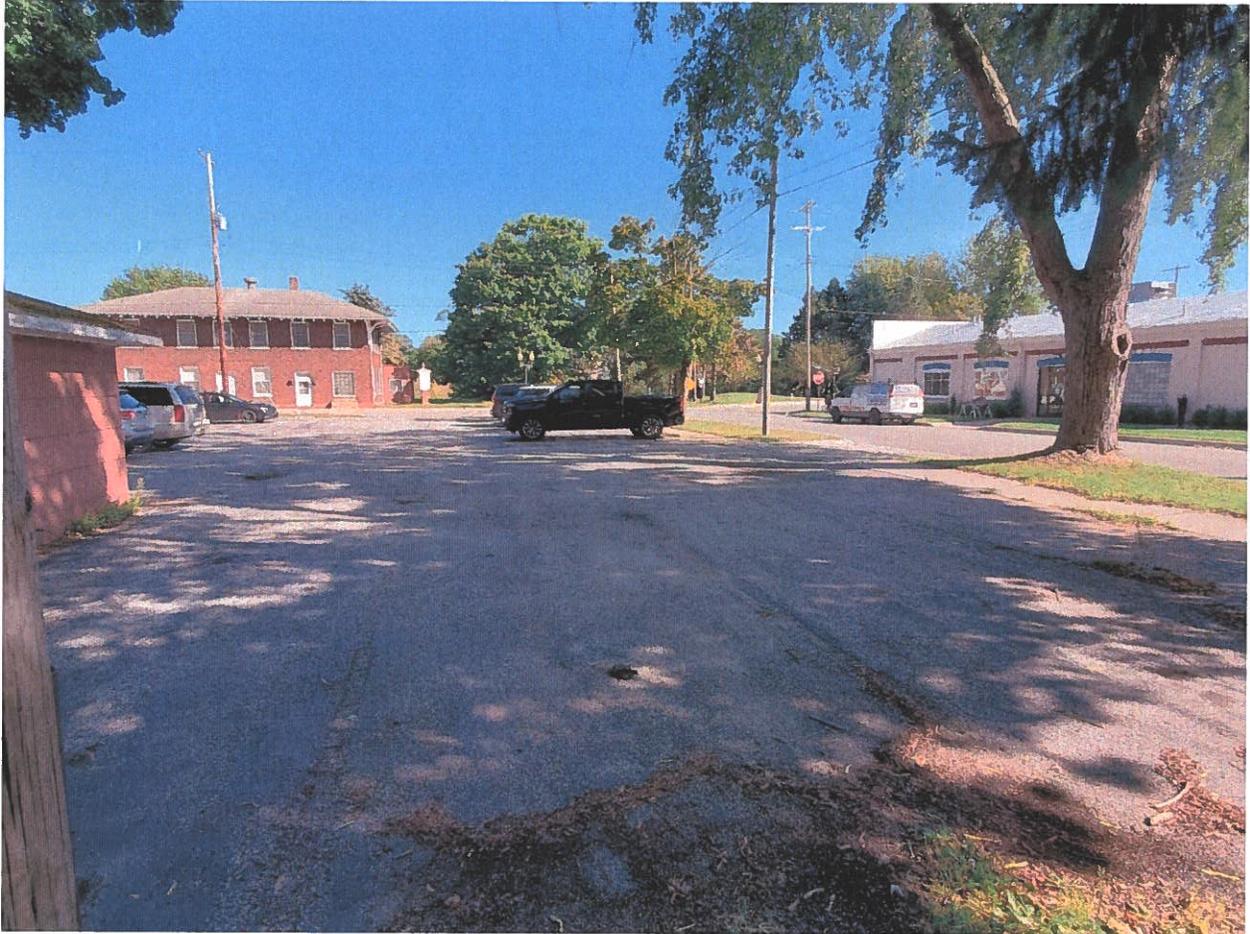


Image 11: Parking Lot shown from South looking North towards Water Street.



Image 12: Parking Lot shown from across Spruce Street looking West.

## NOTICE OF SPECIAL MEETING / PUBLIC HEARING

The City of Manistee Zoning Board of Appeals will hold a Special Meeting / Public Hearing at 11 am on October 15, 2020 at the City of Manistee, City Hall, 70 Maple St., Manistee, MI. 49660. The special meeting will be held to consider a proposed variance request for the property Parcel # 51-51-364-701-01, on the corner of Water Street and Spruce Street in Manistee, Michigan.

The applicant is seeking a variance from the City of Manistee Zoning Ordinance and would be to allow a 15 sq. ft. sign within 4'9" of the Northeast parcel corner, within the 25' clear visibility corner area. All other aspects of the City of Manistee Zoning Ordinance would have to be followed.

The variance request and application can be found on City of Manistee website at <https://www.manisteemi.gov/> or by visiting the City of Manistee, City Hall.

Correspondence can be sent by mail, or hand delivered to the City of Manistee, City Hall, 70 Maple Street Manistee, Michigan 49660. Please, mark it ATTN: Zoning Board of Appeals. All correspondence must be received by end of business day prior to the date of the meeting.



## Planning Department

Sept 24, 2020

**Mike Szokola**  
Manistee County Planner  
395 3<sup>rd</sup> St.  
Manistee, MI 49660  
231.723.6041  
planning@manisteecountymi.gov  
www.manisteemi.gov

Dear Property Owner or Occupant,

You are receiving this letter because you own or reside within a property which is 300 feet from a property being considered for variance. The property owner is seeking a variance from the City of Manistee Zoning Ordinance that would allow a 15 sq. ft. sign within 4'9" of the Northeast parcel corner, within the 25' clear visibility corner area. This sign would be in the location of an abandon existing base that had been utilized by Johnson's Funeral Home in previous years. All other aspects of the City of Manistee Zoning Ordinance would have to be followed.

The City of Manistee will hold a Special Meeting / Public Hearing at 11 am on October 15, 2020 at the City of Manistee, City Hall, 70 Maple Street Manistee, Michigan 49660.

The variance request and application can be found on the City of Manistee Website at <https://www.manisteemi.gov/> or by visiting the City Hall.

Correspondence can be sent by mail, or hand delivered to City Hall, 70 Maple Street, Manistee, Michigan 49660, please, mark it ATTN: Zoning Board of Appeals. All correspondence must be received by end of business day on the day of the meeting.

Per Planning and Enabling Act of 2008, you must be notified if you own property or live within 300 feet of the property requesting the variance. Below you will find a listing of addresses and parcel owners that have been notified of this variance request.

Parcel #	Name of Owner 1	Property Address	City	State	Name of Owner 2	Owner Address	Owner City	Owner State	Owner Zip
51-364-708-05	DUMAS DAVE & PAM	481 FIRST ST	MANISTEE	MI		481 FIRST ST	MANISTEE	MI	49660
51-349-710-11	MANISTEE RIVER INVESTMENTS LLC	475 WATER ST	MANISTEE	MI		928 S GARFIELD AVE STE 3	TRAVERSE CITY	MI	49685
51-365-701-02	CITY OF MANISTEE		MANISTEE	MI		70 MAPLE ST	MANISTEE	MI	49660
51-349-712-12	MCADAMS CAROLYN	469 FIRST ST	MANISTEE	MI		943 MAPLE DR	LAKE ODESSA	MI	48849
51-349-712-13	VAVRA DAVID S	471 FIRST ST	MANISTEE	MI		PO BOX 129	GLEN ARBOR	MI	49636
51-349-712-11	EBBELING SCOTT W	467 FIRST ST	MANISTEE	MI		PO BOX 526	MANISTEE	MI	49660
51-364-702-13	ENGWALL JEREMY & CHRISTINE	94 SPRUCE ST	MANISTEE	MI		94 SPRUCE ST	MANISTEE	MI	49660
51-349-711-01	KRUSNIAK MICHAEL A & KATHLEEN A	466 FIRST ST	MANISTEE	MI		617 RAMSDELL ST	MANISTEE	MI	49660
51-364-708-06	LAWITZKE THOMAS M & NICOLE A	483 FIRST ST	MANISTEE	MI		PO BOX 5013	JOHNSON CITY	TN	37602-5013
51-364-702-06	MAKOWSKI JEREMY & ROSALIE	486 FIRST ST	MANISTEE	MI		486 FIRST ST	MANISTEE	MI	49660
51-365-703-00	CITY OF MANISTEE		MANISTEE	MI		70 MAPLE ST	MANISTEE	MI	49660
51-364-708-07	KOLANOWSKI CHRISTINE & EDWARD (LE) &	485 FIRST ST	MANISTEE	MI	VANAELST SAMANTHA & SHUMAKER AMANDA	485 FIRST ST	MANISTEE	MI	49660
51-364-702-08	GERLACH ZACHARY	482 FIRST ST	MANISTEE	MI		482 FIRST ST	MANISTEE	MI	49660
51-364-702-05	SMITH TIM	488 FIRST ST	MANISTEE	MI		488 FIRST ST	MANISTEE	MI	49660
51-364-708-03	ADAMS ION & TRACY	477 FIRST ST	MANISTEE	MI		280 E PREUSS RD	MANISTEE	MI	49660
51-349-712-09	CHAMPAGNE RYAN	465 FIRST ST	MANISTEE	MI		1080 RED APPLE RD	MANISTEE	MI	49660
51-364-708-01	WEGNER ZACHERY	475 FIRST ST	MANISTEE	MI		475 FIRST ST	MANISTEE	MI	49660
51-349-710-10	PARKES DOUGLAS A & KELLIE R	471 WATER ST	MANISTEE	MI		724 HARBOUR DRIVE	MANISTEE	MI	49660
51-347-000-00	CHIPPEWA RESORT PROPERTIES LLC	80 PINE ST	MANISTEE	MI		6719 PINE RIDGE DR	JENISON	MI	49428
51-364-702-03	BERNACIAK LEONARD & KATHLEEN TRUST	490 FIRST ST	MANISTEE	MI		4718 SANDPOINTE DR	NEW PORT RICHEY	FL	34655
51-364-708-09	BERNACIAK LEONARD & KATHLEEN TRUST	487 FIRST ST	MANISTEE	MI		4718 SANDPOINTE DR	NEW PORT RICHEY	FL	34655
51-364-701-07	AREAUX MARK B	501 WATER ST	MANISTEE	MI		501 WATER ST	MANISTEE	MI	49660
51-364-701-05	MONNOT SHARON R (LE) &	489 WATER ST	MANISTEE	MI	VASQUEZ LYNN M & MONNOT MATTHEW J	489 WATER ST	MANISTEE	MI	49660
51-364-702-09	MERTINS PHYLLIS K	480 FIRST ST	MANISTEE	MI		48967 JOAN ST	SAINT CLAIR SHORES	MI	48081
51-364-701-09	SLONECKI HARLAN J & BARBARA L &	503 WATER ST	MANISTEE	MI	ETAL	503 WATER ST	MANISTEE	MI	49660
51-364-702-01	SKORY GARY F	496 FIRST ST	MANISTEE	MI		115 RIPLEY ST	MIDLAND	MI	48640
51-364-701-11	ANDERSON MARGARET A	505 WATER ST	MANISTEE	MI		505 WATER ST	MANISTEE	MI	49660
51-365-701-13	PAINE GEOFFREY R & MARY C	504 WATER ST	MANISTEE	MI		504 WATER ST	MANISTEE	MI	49660
51-365-701-05	JOHNSON DENIS R & EMMY L	480 WATER ST	MANISTEE	MI		464 FIFTH ST	MANISTEE	MI	49660
51-365-701-10	PAINE GEOFFREY & MARY	WATER ST	MANISTEE	MI		504 WATER ST	MANISTEE	MI	49660
51-349-702-06	CITY OF MANISTEE MARINA	480 RIVER ST	MANISTEE	MI		70 MAPLE ST	MANISTEE	MI	49660
51-364-702-11	MAY DEAN	98 SPRUCE ST	MANISTEE	MI		2945 BRAUN CT	GOLDEN	CO	80401
51-364-702-12	SEWELL ALAN & MARTHA C (LE) &	96 SPRUCE ST	MANISTEE	MI	SEWELL ROBERT	748 STATE RD 26	MELROSE	FL	32666
51-349-711-02	WITUCKI JOHN	93 SPRUCE ST	MANISTEE	MI		701 MARLAWN DR	MANISTEE	MI	49660
51-349-712-14	LUCK ROBERT & SARA	107 SPRUCE ST	MANISTEE	MI		107 SPRUCE ST	MANISTEE	MI	49660
51-364-701-01	JOHNSON DENIS R & EMMY L					464 FIFTH ST	MANISTEE	MI	49660
51-364-701-03	DALTON DENNIS M & PAYNE JAMES C	483 WATER ST	MANISTEE	MI		483 WATER ST	MANISTEE	MI	49660
51-347-008-00	CHIPPEWA RESORT PROPERTIES LLC	456 FIRST ST	MANISTEE	MI		6719 PINE RIDGE DR	JENISON	MI	49428
51-347-011-00	CHIPPEWA RESORT PROPERTIES LLC	462 FIRST ST	MANISTEE	MI		6719 PINE RIDGE DR	JENISON	MI	49428
51-347-009-00	CHIPPEWA RESORT PROPERTIES LLC	458 FIRST ST	MANISTEE	MI		6719 PINE RIDGE DR	JENISON	MI	49428

Sincerely,



Mike Szokola  
 Manistee County Planner  
 City of Manistee Zoning Administrator



# Planning Department

September 24, 2020

Zoning Board of Appeals  
 70 Maple Street  
 Manistee, MI 49660

Mike Szokola  
 Manistee County Planner  
 395 3<sup>rd</sup> St.  
 Manistee, MI 49660  
 231.723.6041  
 planning@manisteecountymi.gov  
 www.manisteemi.gov

Dear Members of the Zoning Board of Appeals,

Ms. Krista McDougall is applying for a variance for her property parcel # 51-51-364-701-01 on the corner of Spruce Street and Water Street. The parcel resides within the Neighborhood Commercial Zoning District (C-2), is on a key street segment, and does not front on US31. The request was made for the placement of a 16’6” sq. ft. sign face on a 6” existing/abandon base within the City of Manistee’s clear visibility at corners area. The variance seeks to place the sign on the existing/abandon signpost 4’9” from the Northeast parcel corner within the 25’ clear visibility area.

The Section of the Zoning Ordinance that deals with clear visibility at corners is Section 513: Clear Visibility at Corners. The Section reads, “No parking space, fence, hedge, planting, sign, structure, or any other element of the built environment, shall be located, erected or maintained, within a distance of twenty-five (25) feet from a street right-of-way which obstructs safe vision at a street corner. Provided, however, the Zoning Administrator, upon consultation with the City Engineer and/or Chief of Police, may require a greater clear vision area where necessary due to traffic speeds, volumes, or the topography of the site. Provided, further, that the Planning Commission may, upon the recommendation of the Zoning Administrator, waive or modify such standard within the C-3 and C-2 districts to permit buildings to conform to existing front and side yard patterns in the immediate vicinity.”

The Section of the Zoning Ordinance that governs signs is Article 21: Signs. The following table and requirements are taken from that section:

<i>Properties <u>not</u> fronting on US 31 or properties with a minimum of 10, 000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 &amp; R-3 Zoning Districts</i> <i>Internally lit signs are prohibited in the Historic District</i>			
R-2 & R-3, P-D, C-2, C-3, & WF	Ground	1	16 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 16 Sq. Ft.
	Portable	1 ( no permit needed)	8 Sq. Ft. (only during hours of operation)

“All signs shall be setback at least four (4) feet from the public right-of-way to the front of the sign structure, provided clear vision can be maintained, pursuant to Section 513. Where a sign projects or protrudes over any public or private sidewalk or walkway the bottommost point of the sign structure shall be at least eight (8) feet from said walkway.”

While an allowance to the Planning Commission, with Zoning Administrator recommendation is present in the case of building setbacks, it does not allow for signage to be waived in the same way and a variance must be sought. If a variance is granted a sign permit will still be required and all other Zoning Ordinance requirements will have to be met.

This memo is to act as a starting point for actions on this variance request. The following can be followed completely, partially, or not at all. They are simply to help the ZBA members have a starting point for discussion.

**Option A:** Deny the Variance request. The variance request fails to pass the majority vote needed. The variance needed has been caused or somewhat caused by the parcel owner, and/or hardship has not been shown to exist.

**Option B:** Allow the variance as requested. The Variance would be to allow a 16'6" sign within 4'9" of the Northeast parcel corner, within the 25' clear visibility corner area, and all other aspects of the City of Manistee Zoning Ordinance would have to be followed.

**Option C:** The Variance would be to allow a 16'6" sign within 4'9" of the Northeast parcel corner, within the 25' clear visibility corner area, and all other aspects of the City of Manistee Zoning Ordinance would have to be followed. Moreover, the ZBA could require further requirements be met for granting of the variance, parts of the variance, or some other modification for granting the variance request.

Recommendation:

The Planning Department did not require the property owner to get a survey prior to the granting of the variance. We did this so the property owner did not incur additional monetary hardship if a variance was not granted. Our recommendation is that if a variance is granted for any other area besides the existing/abandon monument sign area that the property owner be required to get a survey as a condition of the sign permit and the variance being granted. This will ensure that the variance granted is followed, that the sign is placed on the applicant's property, in the appropriate area, and help relieve the City of Manistee of any future liability or non-conformity issues if sign is shown to be built in the wrong location.

The Planning Department also feels that the DPW Director comments on the granting of a variance should be considered. The existing/abandon sign base is currently 1'7" from the fire hydrant. The DPW Director was "alright" with the granting of a variance so long as 5' could be maintained around the fire hydrant for maintenance and to ensure operation.

If you have any other questions or concerns, feel free to reach out to me prior to the Oct. 15, 2020 meeting and I will do my best to respond to you promptly.

Sincerely,

A handwritten signature in black ink that reads "Mike Szokola". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Mike Szokola  
Manistee County Planner  
City of Manistee Zoning Administrator