

MANISTEE CITY
ZONING BOARD OF APPEALS

Meeting of May 9, 2103
5:30 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I CALL TO ORDER

II ROLL CALL

III APPROVAL OF AGENDA

At this time the Zoning Board of Appeals can take action to approve the May 9, 2013 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the January 3, 2013 meeting Minutes.

V PUBLIC HEARING

ZBA-2013-01 Faith Covenant Church - Appeal to the decision/determination of the Zoning Administrator

Faith Covenant Church is requesting an appeal to the decision/determination of the Zoning Administrator relating to Large Place of Public Section 1868.B.1.b *“A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section 1835, hereof.”*

Eating and Drinking Establishments Section 1835.B.6 *“Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein.”*

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-2013-01 Faith Covenant Church - Appeal to the decision/determination of the Zoning Administrator

A Public Hearing was held earlier in response to the request from Faith Covenant to appeal the decision/determination of the Zoning Administrator relating to Large Place of Public Section 1868.B.1.b "A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section 1835, hereof."

Eating and Drinking Establishments Section 1835.B.6 "Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein."

At this time the Zoning Board of Appeals will determine if the Zoning Administrator erred in his decision.

Old Business

Other Business of the Appeals Board

Misc.

VII PUBLIC COMMENTS AND COMMUNICATIONS

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

VIII ADJOURNMENT

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

**ORGANIZATIONAL
MEETING MINUTES**

January 3, 2013

A meeting of the Manistee City Zoning Board of Appeals was held on January 3, 2013 at 5:30 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

MEMBER ABSENT: None

OTHERS: Denise Blakeslee (Planning & Zoning)

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

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the Agenda as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the December 19, 2012 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

None

BUSINESS SESSION:

Election of Officers 2013

According to the By-Laws of the City of Manistee Zoning Board of Appeals their annual election of Officers is held at the January Organizational Meeting.

Chair

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

Ray Fortier 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 2013, 5 to 0.

Vice-Chair

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

Ray Fortier nominated Mark Hoffman 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, Mark Hoffman was elected Vice - Chair of the Zoning Board of Appeals for 2013, 5 to 0.

Secretary

Chair John Perschbacher asked for nominations for the Position of Secretary.

Mark Hoffman nominated Ray Fortier for the position of Secretary.

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

With a roll call vote, Ray Fortier was elected Secretary of the Zoning Board of Appeals for 2013, 5 to 0.

Appointment of a Recording Secretary 2013

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

Ray Fortier appointed Denise Blakeslee to act as the Recording Secretary for the Zoning Board of Appeals for the year 2013.

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.

On January 2, 2013 City Council approved amending Article 25 Zoning Board of Appeals Section 2501 Membership, Terms of Office (Paragraph 3) as follows:

...Council, by a majority vote of the members serving, may appoint up to two (2) alternate members, who shall serve for three (3) years.

With the change to the Ordinance staff reviewed the Zoning Board of Appeals By-Laws and recommend changing Section 3.5 Quorum as follows:

- 3.5 Quorum. In order for the Appeals Board to conduct business or take any official actions, a quorum consisting of at least three ~~of the five~~ members ~~and two alternates~~ of the Appeals Board shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the Appeals Board may discuss matters of interest, but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

Members and staff also discussed Section 3.9 Voting

MOTION by Ray Fortier, seconded by Bill Kracht to amend Section 3.5 Quorum of the City of Manistee Zoning Board of Appeals By-Laws to read as follows:

- 3.5 Quorum. In order for the Appeals Board to conduct business or take any official actions, a quorum consisting of at least three members of the Appeals Board shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the Appeals Board may discuss matters of interest, but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

With a Roll Call vote this motion passed 5 to 0.

5 - Yes Hoffman, Schindlbeck, Fortier, Kracht, Perschbacher
0 - No None

Old Business:

None

Other Business of the Appeals Board:

Chair Perschbacher thanked the members and staff for their service on the board and a special thank you to Member Kracht for still attending meetings during his recent illness.

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

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

Meeting adjourned at 5:45 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: Faith Covenant Church
475 Eighth Street
Manistee, MI 49660

LOCATION
OF REQUEST: Proposed Youth Center fronting on Twelfth Street

ACTION
REQUESTED: Appeal to the decision/determination of the Zoning Administrator relating to Large Place of Public Section 1868.B.1.b *"A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section 1835, hereof."*

Eating and Drinking Establishments Section 1835.B.6 *"Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein."*

DATE/TIME
OF HEARING: Thursday, May 9, 2013 at 5:30 p.m.

Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to: Jon Rose, Community Development, City of Manistee, P.O. Box 358, 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 or at City Hall in the Community Development Department.

Jon R. Rose
City of Manistee



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

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

Submission of Application	
After receipt of a complete application a public will be scheduled. You will receive written notice from the City indicating the date and time. You or your representative should be present at the hearing to explain your request to the Board and to answer any questions that they may have. After the hearing, the Board of Appeals will make a decision to either approve, approve with conditions, or deny your request. You will receive written notice of their decision. If you do not agree with the Board's decision, you will need to retain legal counsel and that the matter to Circuit Court. Each application shall be accompanied by the payment of a fee \$500.00 in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application.	
Applicant Information	
Name of Owner: <u>FATHI COVENANT CHURCH</u>	
Address: <u>475 EIGHTH STREET</u>	
Phone #: <u>723 7173</u>	e-mail: _____
Name of Agent (if applicable): <u>GARY BUREN, LAKESHORE CONSTRUCTION</u>	
Address: <u>3591 LAKESHORE RD MANISTEE</u>	
Phone #: <u>398 0837</u>	e-mail: <u>GBUREN@CHARTER.NET</u>
Cell#: <u>690 1336</u>	
Property Information	
Address: <u>475 EIGHTH STREET</u>	Parcel # <u>51-311-475-07</u>
Present/proposed Land Use: _____	
Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land: _____ _____	
List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary: _____ _____	
Has a previous appeal been made with respect to this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: _____ _____	
Detailed Narrative of Request	
State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals. _____ _____ <u>SEE ATTACHED</u> _____ _____ _____ _____ _____	

- 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.

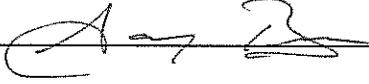
Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance 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: 4/3/13

Signature: _____ Date: _____

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

Office Use Only

Fee: <input checked="" type="checkbox"/> \$500.00	Receipt #
Date Received: <u>4-8-13</u>	Hearing Date: ZBA-

Request for Appeal

City of Manistee Zoning Board of Appeals

Name of Owner: Faith Covenant Church

Address: 475 Eighth Street

Phone #: 231-723-7173

Agent: Gary Buren, Lakeshore Construction

Address: 3591 Lakeshore Road, Manistee

Phone#: 231-398-0837 **Cell#:** 231-690-1336 **email:** gburen@charter.net

Property Information

Address: 475 Eighth Street

Present/proposed Land Use: Existing Church and proposed new Youth Center

Parcel Number: 51-311-475-07

A previous appeal has not been made with respect to this property.

Detailed Narrative of Request

It is the desire of Faith Covenant Church to construct a building on the parcel for the general purpose of a youth center. The proposed building would include a snack bar and kitchen to accommodate activities at the center.

The church applied for and received a Zoning Amendment that amended Section 1868. Place of Public Assembly, Item B1.a to read:

A large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres.

While the Church is in compliance with the Zoning Amendment section 1868, the inclusion of a snack bar and/or kitchen necessitates additional compliance with 1868.B.1.b that reads:

A Large place of Public Assembly that includes as Eating and Drinking Establishment shall meet the standards of Section 1835, hereof.

An Eating and Drinking Establishment is defined in the City of Manistee Zoning Ordinance as follows:

A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

Section 1835 Eating and Drinking Establishment, Item B. 6 reads:

Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on a key street segment, as defined herein.

The Zoning Amendment that was granted to Faith Covenant Church of Section 1868 to allow a Place of Public Assembly on a minimum five acre parcel does not accommodate the inclusion of a snack bar or kitchen.

We respectfully request an appeal of Section 1835.B.6 that requires key street frontage for this parcel so that a kitchen and snack bar might be included in the facility.

Variances

Basic Conditions.

1. *The requested variance is **not** contrary to the public interest or to the intent and purpose of this ordinance. The church or youth center is not a retail establishment for the purpose of selling food and drink.*
2. *The requested variance does **not** establish a use that is not permitted by right or by special use permit in the zoning district. As with other churches, it hopes to provide this service.*
3. *The requested variance does **not** create an adverse effect upon properties in the immediate vicinity or in the district.*
4. *The requested variance is **not** of a recurrent nature to require a change in the Zoning Ordinance.*
5. *The requested variance **is** for property under the control of the applicant.*
6. *The requested variance was **not** self-created by the applicant or property owner.*
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 amount necessary to still permit the reasonable use of the land.*

Special Conditions.

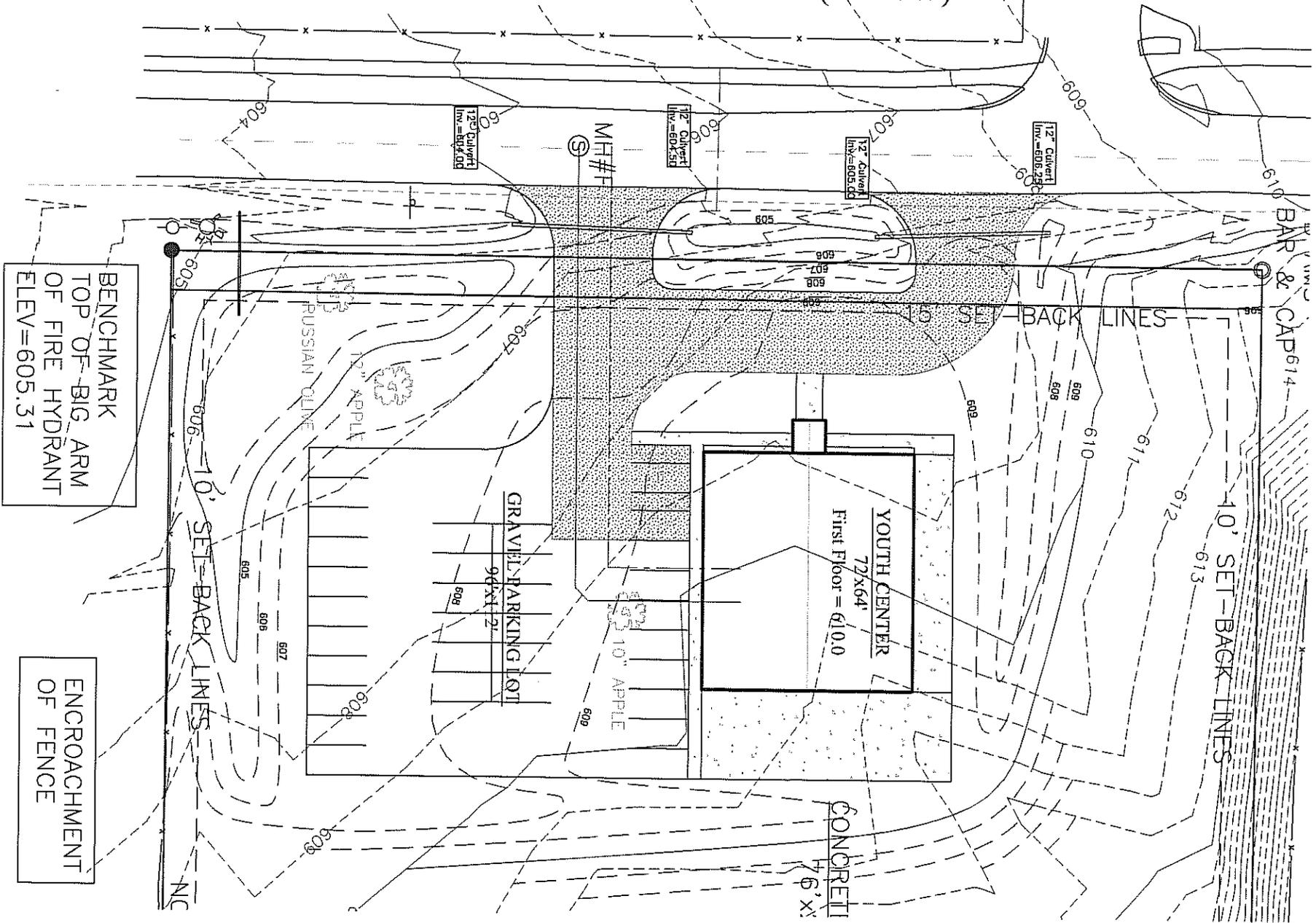
This Place of Public Assembly, more than five acres in area, does not front on a key street that is required by Section 1835.B.6. The variance would permit the construction and use of a kitchen and snack bar in the facility.

Thank you for your consideration.

Gary Buren, Lakeshore Construction

Faith Covenant Church

TWELFTH STREET (66' R/W)



BENCHMARK
TOP OF BIG ARM
OF FIRE HYDRANT
ELEV=605.31

ENCROACHMENT
OF FENCE

YOUTH CENTER
72' X 64'
First Floor = 610.0

GRAVEL PARKING LOT
96' X 21'

CONCRETI
7'6" X 1'

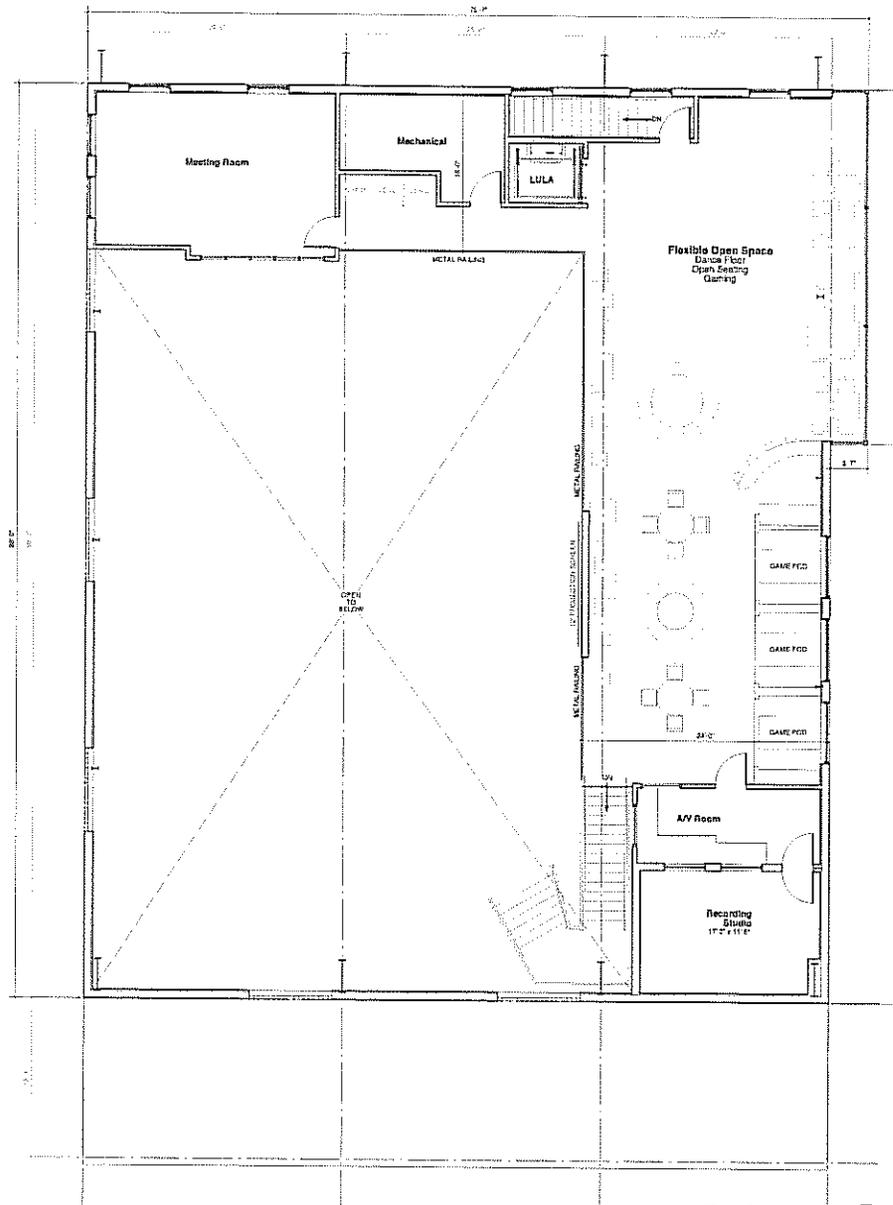
10' SET-BACK LINES

15' SET-BACK LINES

10' SET-BACK LINES

BAR & CAP 614

NC



axion
 ARCHITECTURE
 118 Ash Grove St, Suite 222
 PO Box 624
 Ash, PA 15101
 P: (412) 462-4570
 F: (412) 828-1241
 www.axionarch.com

Lakeshore
 Construction
 3591 Lakeshore Blvd
 Pittsburgh, PA 15242
 P: (412) 394-6187
 F: (412) 394-3410
 www.lakeshoreconstruction.com

Client Name
 Client Address
 Mechanics, PA
 P: (412) 394-6187
 F: (412) 394-3410
 www.mech.com

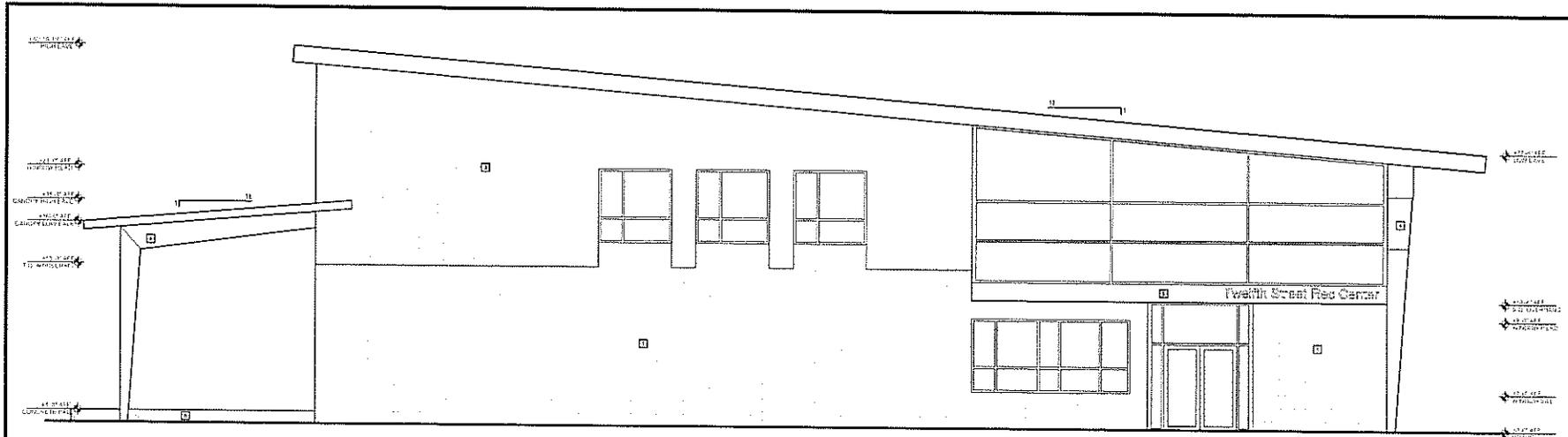
Twelfth Street Rec Center
 Twelfth Street
 Pittsburgh, PA
Mezzanine Floor Plan

Revisions:

Project #: 212000
 Issue Date: 02/28/12
 Reviewer:
 Drawn By: GJM

A2.2

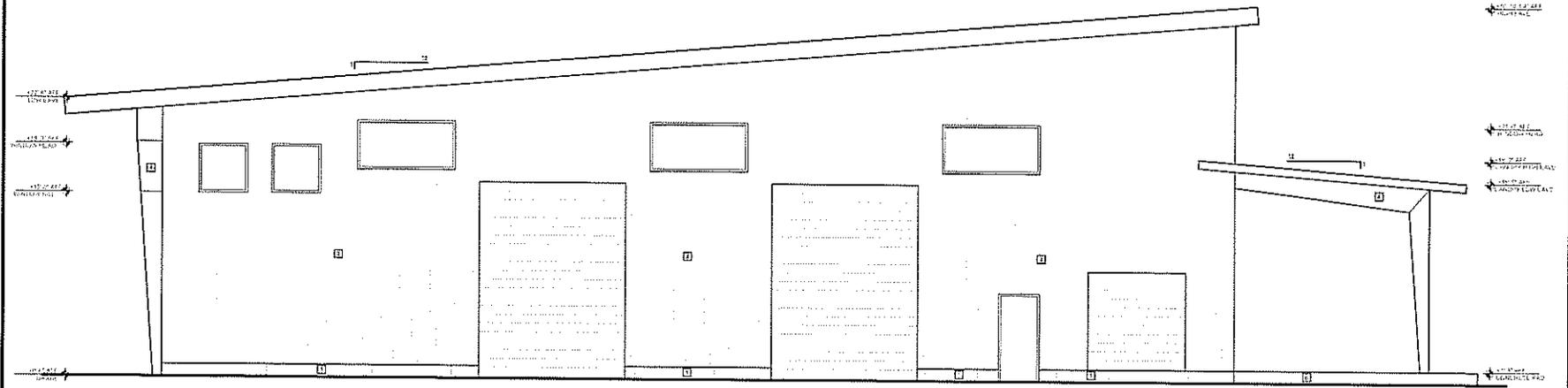
1. Mezzanine Floor Plan
 SCALE: 1/8" = 1'-0"
 N
 0 2 4 6 8 10



1. South Elevation
SCALE: 1/4" = 1'-0"

Material Legend

SYMBOL	DESCRIPTION	LEGEND
1	BRK-1 BRICKWORK	LEGEND
2	CONC-1 CONCRETE	LEGEND
3	GLASS-1 GLASS	LEGEND
4	INS-1 INSULATION	LEGEND
5	STL-1 STEEL	LEGEND
6	TRK-1 TRACKING	LEGEND
7	WDR-1 WOOD	LEGEND
8	WDR-2 WOOD	LEGEND
9	WDR-3 WOOD	LEGEND
10	WDR-4 WOOD	LEGEND
11	WDR-5 WOOD	LEGEND
12	WDR-6 WOOD	LEGEND
13	WDR-7 WOOD	LEGEND
14	WDR-8 WOOD	LEGEND
15	WDR-9 WOOD	LEGEND
16	WDR-10 WOOD	LEGEND
17	WDR-11 WOOD	LEGEND
18	WDR-12 WOOD	LEGEND
19	WDR-13 WOOD	LEGEND
20	WDR-14 WOOD	LEGEND
21	WDR-15 WOOD	LEGEND
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99	WDR-93 WOOD	LEGEND
100	WDR-94 WOOD	LEGEND
101	WDR-95 WOOD	LEGEND
102	WDR-96 WOOD	LEGEND
103	WDR-97 WOOD	LEGEND
104	WDR-98 WOOD	LEGEND
105	WDR-99 WOOD	LEGEND
106	WDR-100 WOOD	LEGEND



2. North Elevation
SCALE: 1/4" = 1'-0"

CIXON
ARCHITECTURE
119 Ave Drive SE, Suite 222
PO Box 504
Aurora, IL 60012
P: (708) 466-4320
F: (708) 478-3213
www.cixon.com

Lakeshore
CONSTRUCTION
1111 Lakeshore Road
Moline, IL 61768
P: (309) 396-4867
F: (309) 396-2432
www.lakeshoreconstruction.com

Client Name
Client Address
Moline, IL
P: (309) 396-4867
F: (309) 396-2432
www.lakeshore.com

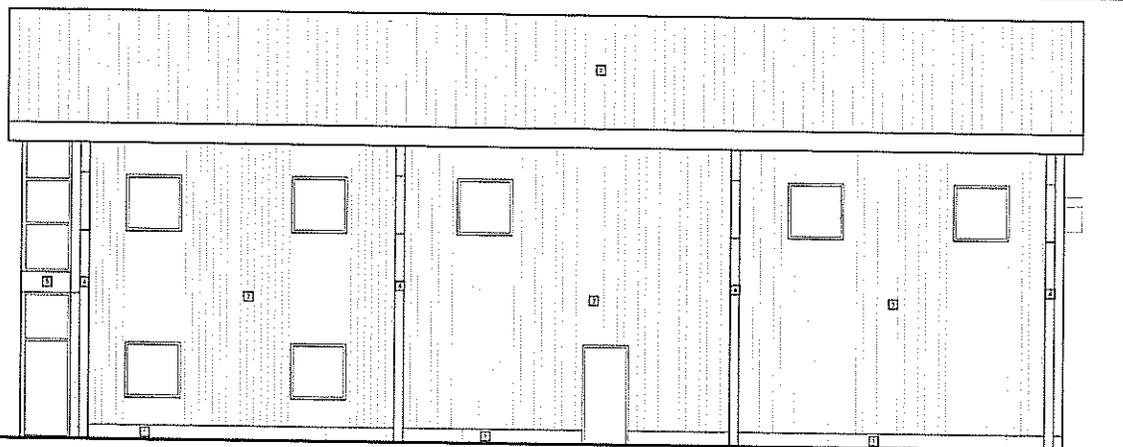
Twelfth Street Rec Center
Twelfth Street
Moline, Illinois
Elevation

Revisions:

Project #: 212010
Issue Date: 11/20/12
Reviewer: JCD
Drawn By: AMZ

A4.1

12'-0" OFF
 ROOF FINISH
 12'-0" OFF
 ROOF FINISH
 4'-0" OFF
 VERTICAL METAL ROOF
 11'-0" OFF
 VERTICAL METAL ROOF

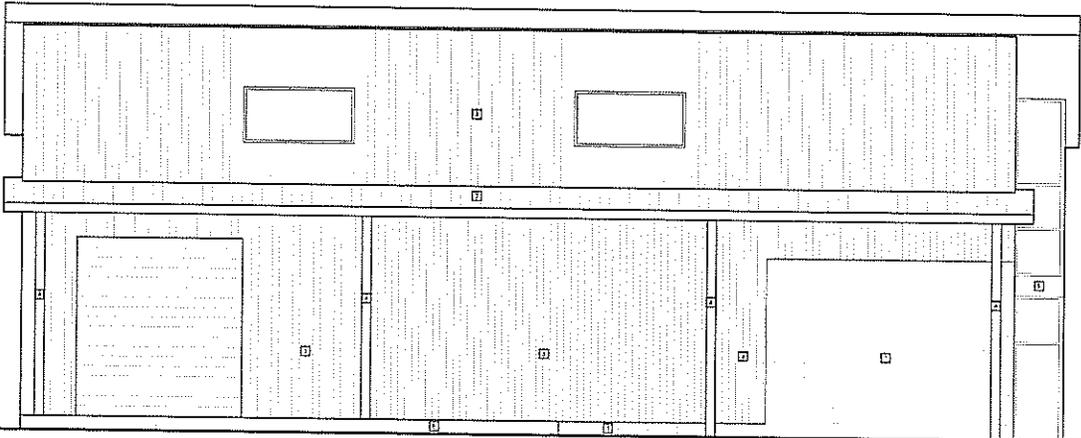


Material Legend

ITEM	SYMBOL	DESCRIPTION	COLOR
1	MAX-1	ALUMINUM MANUFACTURED CORRUGATED	180
2	SS-1	STANDING SEAM METAL ROOF	180
3	VM-1	VERTICAL METAL BOARD	180
4	PS-1	PAINTED STEEL	180
5	BM-1	BREAK METAL	TO MATCH ALUMINUM STUD FRONT
6	CC-1	CAST-IN-PLACE CONCRETE	N/A

1. East Elevation
SCALE: 1/4" = 1'-0"

11'-0" OFF
 VERTICAL METAL ROOF
 11'-0" OFF
 VERTICAL METAL ROOF



2. West Elevation
SCALE: 1/4" = 1'-0"

12'-0" OFF
 ROOF FINISH
 12'-0" OFF
 ROOF FINISH
 4'-0" OFF
 VERTICAL METAL ROOF
 11'-0" OFF
 VERTICAL METAL ROOF

Oixon
 ARCHITECTS
 214 Ash Drive SE, Suite 103
 PO Box 431
 Ada, MI 49301
 P: (616) 421-9572
 F: (616) 421-9542
 www.oixon.com

Lakeshore
 Construction
 1111 Lakeshore Blvd
 Powers, MI 49757
 P: (517) 394-4317
 F: (517) 394-4317
 www.lakeshoremi.com

Client Name
 Client Address
 Twelfth Street
 Flint, MI 48901
 P: (810) 394-4317
 F: (810) 394-4317
 www.westmi.com

Twelfth Street Rec Center
 Twelfth Street
 Flint, Michigan
Elevation

Revisions:

Project #: 212018
 Issue Date: 11/29/12
 Reviewer: KCT
 Draft By: MTJ

A4.2



C. Terrace View



A. Entrance View



D. Elevated View



B. Parking Lot View

dixon
ARCHITECTURE
519 Ada Drive SE, Suite 101
PO Box 424
Ada, MI 49301
P: (616) 682-4370
F: (616) 682-3762
www.dixonarch.com

Lakeshore
Construction
1771 Lakeshore Road
Muskegon, MI 49643
P: (231) 786-2887
F: (231) 786-8622
www.lakeshoreconstruction.biz

Client Name
Client Address
Muskegon, MI
P: (231) 786-2887
F: (231) 786-8622
www.wellbip.com

Twelfth Street Rec Center
Twelfth Street
Muskegon, Michigan
Model Images

REVISIONS:

Project #: 212019
Issue Date: 8/22/12
Reviewer: _____
Drawn By: BAH

Model



P.O. Box 358, Manistee, MI 49660-0358

www.manisteemi.gov

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

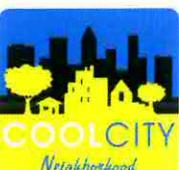
Fire Department
281 First Street
231.723.1549
Fax 231.723.3519

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



January 17, 2013

Gary Buren
Faith Covenant Church
475 Eighth Street
Manistee, MI 49660

Via email: gburen@charter.net

RE: Special Use Permit - Place of Public Assembly
Including an Eating and Drinking Establishment

Dear Mr. Buren:

This letter is to confirm my determination as the Zoning Administrator for the City of Manistee that includes a snack bar with kitchen in the proposed Teen Center on Twelfth Street it is not allowed under the Zoning Ordinance.

My determination is based on the following:

The Church applied for and received a Zoning Amendment that amended Section 1868. Place of Public Assembly, item B.1.a to read:

- a. *A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres.*

Upon review of the preliminary plans that you brought to the office for review it was noted that a kitchen/stack bar was included in the plans.

Section 1868.B.1.b reads:

- b. *A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of **Section 1835**, hereof.*

An Eating and Drinking Establishment is defined in the City of Manistee Zoning Ordinance as follow:

A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

Section 1835 Eating and Drinking Establishment, Item B. 6 reads:

6. Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein.

The Planning Commission amended the ordinance to allow a Place of Public Assembly on a parcel greater than 5 acres that does not front on a key street.

However, if the Place of Public Assembly includes an Eating and Drinking Establishment it must comply with Section 1835 of the Ordinance.

Section 1835.B.6 states that in the R-2 Zoning District an Eating and Drinking Establishment requires key street frontage.

If you feel I have misinterpreted the Zoning Ordinance you can appeal my decision to the Zoning Board of Appeals.

If you have any questions, please call me at 398.2805.

Sincerely,

CITY OF MANISTEE

COPY

Jon R. Rose
Community Development Director

JRR:djb