

**CITY OF MANISTEE
ZONING BOARD OF APPEALS**

City Hall
70 Maple Street
Manistee, MI 49660

There will be a meeting of the City of Manistee Zoning Board of Appeals to be held on Tuesday, April 28, 1998 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call

- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1. Rick Schimke
 - 2. Robert P. Johnson
 - 3.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (4/2/98)
 - B. Unfinished Business:
 - 1. Rick Schimke
 - 2. Robert P. Johnson
 - 3.
 - C. Other Business:
 - 1.
 - 2.

- IV. Work/Study Session:

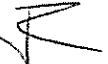
- V. Adjournment

cc: Zoning Board of Appeals Members
Lori Donnan, Administrative Assistant
Jon R. Rose, Community Development Officer
Julie A. Beardslee, City Assessor
R. Ben Bifoss, City Manager
Bruce Gockerman, City Attorney

CITY OF MANISTEE

MEMORANDUM

TO: Board of Appeals Members

FROM: Jon R. Rose 
Community Development Officer

DATE: April 14, 1998

RE: Zoning Board of Appeals Meeting Tuesday, April 28, 1998

We will be having a Zoning Board of Appeals Meeting on Tuesday, April 28, 1998 at 5:30 p.m. in the Council Chambers. We have two items on the agenda.

First item is a request from Rick Schimke, 517 Second Street. Mr. Schimke is requesting a variance to the sidewall height from 10 feet to 12 feet and an overall height variance from 14 feet to 16 feet 6 inches to construct a garage.

Second item is a request from Robert P. Johnson, 395 Second Street. Mr. Johnson is requesting an amendment to a variance he received September 28, 1992 for a carport. The request is to allow installation of a garage door on his carport. Copies of the applications are enclosed for your review.

If you are unable to attend the meeting please call Denise at 723-2558. See you at the meeting!

JRR:djm

Enclosures

REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

Rick Schimke
Name
517 2nd ST.
Address
Manistee MI 49660
City, State and Zip Code
Phone Numbers (Work) 442-2044
(Home) 723-0629

Appeal Number _____
Date Received APR 03 1998
Tax Parcel Number _____
Fee Received (Amt & Date) \$150.00 4-3-98
Receipt Number # 1497
Hearing Date 4-28-98
Board of Appeals Action Approved

FEE FOR APPEAL \$150.00

PLEASE NOTE: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. ACTION REQUESTED:

I. (We), the undersign request a hearing before the Manistee City Zoning Board of Appeals for the purpose indicated below:

- | | |
|--|--|
| <input type="checkbox"/> Ordinance or Map Interpretation | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Appeal from Administrative Decision | <input type="checkbox"/> Other Authorized Review |

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: LOT 6 Block 8
CE Marsh Addition
Tax Roll Parcel Code #: 51-51-364-712-11

B. List of all deed restrictions (attach additional sheets if necessary): NONE

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: NONE

D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: CE Marsh Addition Lot 6 Block 8

E. Attach a site plan drawn to the scale of one (1) inch equals ten (10) feet, showing all existing structures on the property, all proposed structures and marking those structures that will be removed or razed. Also the general shape, size and location of all existing structures within 100 feet of the property along with their uses shall be depicted on the site plan, along with all abutting roads, streets, alleys or easements.

- F. Present use of property is: Homes Trac
- G. Present zoning district classification of the property is: R-2 R-4
- H. A previous appeal (has/has not) been made with respect to these premises in the last NONE years. If a previous appeal, re-zoning or special use permit application was made, state the date, nature of action requested and the decision:
Date: _____ Action Requested: _____
Decision (approved/ denied) other: _____

III. DETAILED REQUEST AND JUSTIFICATION

A. Interpretation of Zoning Ordinance or Map

1. The appellant respectfully requests the Board of Appeals make an interpretation of:
- (A) The location of district boundaries on the _____ Zoning District map as applied to the property described in the application.
- (B) The provisions of article _____ Section _____ of the Manistee City Zoning Ordinance.
- (C) Other, (specify) _____

2. Please describe in detail the nature of the problem to be interpreted and the reason for the request: LARGER GARAGE than the zoning requires (Height and Size)

B. Variance from the requirements of the Zoning Ordinance.

The appellant respectfully requests the Board of Appeals grant a variance on the above described property.

1. Indicated below are the Ordinance requirement(s) which are the subject of the variance request.

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Setback | <input type="checkbox"/> Side Yard | <input type="checkbox"/> Off-street Parking |
| <input type="checkbox"/> Lot Coverage | <input type="checkbox"/> Placement | <input checked="" type="checkbox"/> Height |
| <input type="checkbox"/> Signs | <input type="checkbox"/> Area Requirements | <input checked="" type="checkbox"/> Other <u>square foot</u> |

2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. Height and size of existing 16'6" tall

3. Describe the characteristics of your property which require the granting of a variance (include dimensional information).

- | | | |
|--------------------------------------|------------------------------------|--|
| <input type="checkbox"/> Too Narrow | <input type="checkbox"/> Elevation | <input type="checkbox"/> Soil |
| <input type="checkbox"/> Too Small | <input type="checkbox"/> Slope | <input type="checkbox"/> Subsurface |
| <input type="checkbox"/> Too Shallow | <input type="checkbox"/> Shape | <input type="checkbox"/> Other (Specify) |

Part of lot is into hill on south side
Lot 66 wide by 130 deep
House - 35' 35' 1 1/2 stories

4. Justification for granting the requested variance. The appellant must show that strict application of the provisions of the Zoning Ordinance to his property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the ordinance. In order for the Board of Appeals to determine whether unnecessary hardship exists, the appellant should provide answers to each of the following questions:

- a. Can the property in question be used in a manner permitted by the Zoning Ordinance if a variance is not granted? yes no
If no, what unnecessary hardship or practical difficulty will result if the variance is not made? OWN A 21 FT Boat and in the future want to buy a larger one.
- b. To the best of your knowledge, can you affirm that the hardship or practical difficulty described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance or applicable part thereof became law? yes no
If no, explain why the hardship or practical difficulty should not be regarded as self-imposed (Self-imposed hardships are not entitled to variances). _____
- c. Are the conditions on your property the result of other man-made changes (such as relocation of a road or highway?) yes no
If yes, describe _____
- d. Will strict application of the terms of the ordinance deny use of the property for any purpose to which its reasonably adapted? yes no
If yes, how? _____
- e. Is the variance applied for due to unique circumstances presented on your property or to the general conditions in the area? yes no
If yes, explain any peculiar or unique conditions, and how many other properties in your area are similarly affected _____
- f. Would granting the variance change the essential character of the area?
 yes no. If yes, how? _____
- g. Would granting the variance be contrary to any county development plans?
 yes no. or to any local government development plans?
 yes no. Explain _____
- h. Would granting the variance be contrary to the intent and purpose of the Zoning Ordinance? yes no. If yes, explain _____
- i. Other Comments in support of the application. Want a larger garage that looks nicer than existing one.

C. Appeal from Administrative decision.

The appellant respectfully requests the Board of Appeals to (reverse/modify) the Zoning Administrator's decision (copy attached) on application number _____ dated _____. It is alleged the Zoning Administrator erred in (the interpretation of article _____ section _____ / his order/his requirement/ his decision/ his determination) regarding the issuance of a _____ permit and that (reversal/modification) of said decision should be granted because _____

Specify decision sought: Larger garage and size

D. Other authorized reviews

The appellant respectfully petitions the Board of Appeals to grant the following: for height and size of building

According to the conditions and provisions of article _____ section _____ granting this authority to the Board of Appeals. Specifically state the problem, decision sought and the justification for the request. JUST want larger building for B&T and Storage

IV. IMPACT ON SURROUNDING LANDS

If your request is granted:

A. What are likely to be the positive and negative impacts of this decision on the surrounding land and neighbors? New Building via negative

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? _____

V. 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.

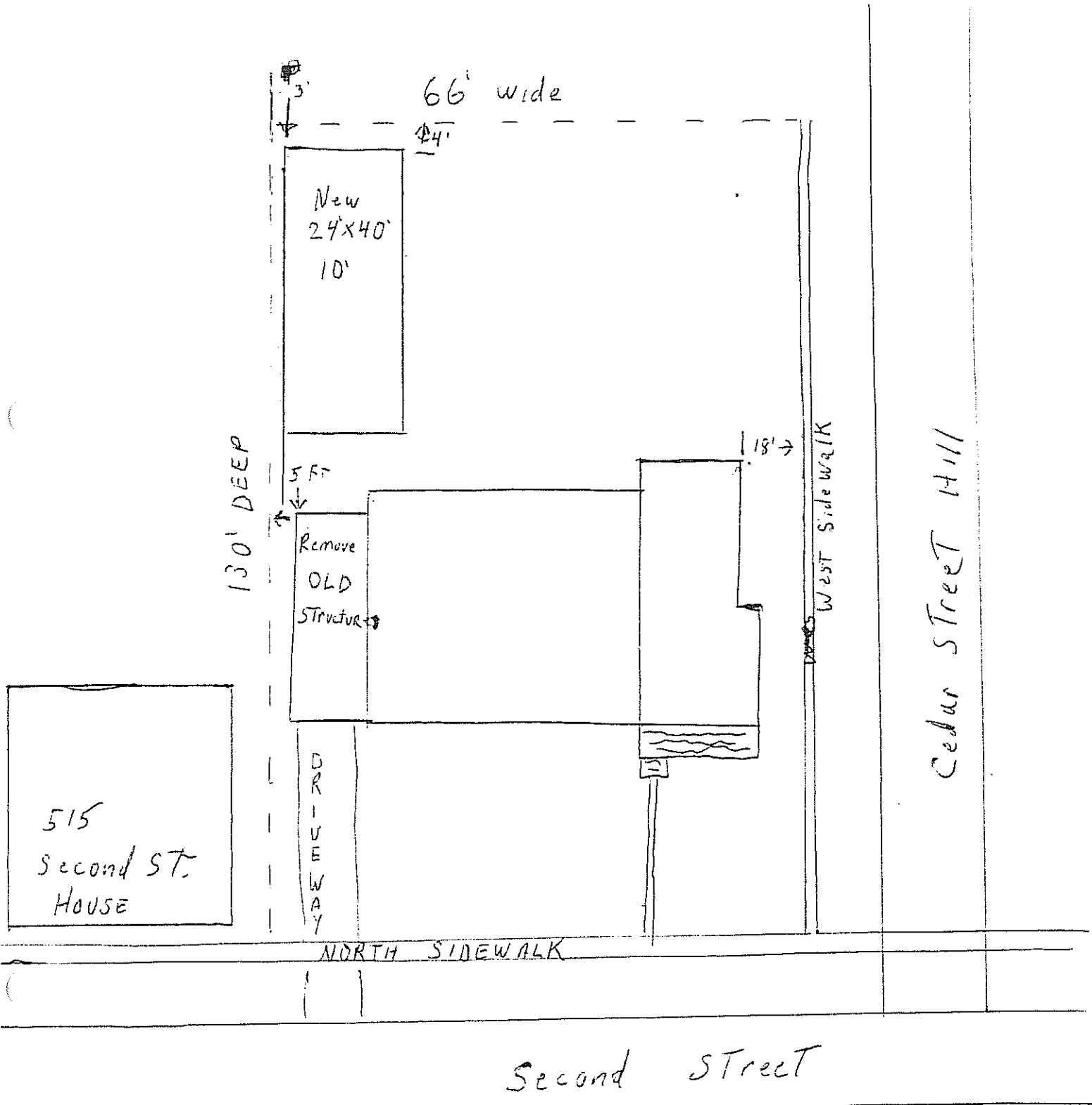
Signature Red Schmitz

Date _____

Signature _____

Date _____

Wooded Hill Side



REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

Robert P. Johnson
Name
395 Second Street
Address
Manistee, MI 49660
City, State and Zip Code
Phone Numbers (Work) Denis 723-2602
(Home) 723-3464

FOR OFFICE USE ONLY

Appeal Number _____
Date Received 4.13.98
Tax Parcel Number 51-51-574-711-09
Fee Received (Amt & Date) 150.00 4.13.98
Receipt Number #1520
Hearing Date 4.28.98
Board of Appeals Action Approved

FEE FOR APPEAL \$150.00

PLEASE NOTE: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. ACTION REQUESTED:

I. (We), the undersign request a hearing before the Manistee City Zoning Board of Appeals for the purpose indicated below:

- Ordinance or Map Interpretation Variance
 Appeal from Administrative Decision Other Authorized Review

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: _____
North 1/2 of Lot 5, Block 6 - Mark S. Tyson Addition
Tax Roll Parcel Code #: 51-51-574-711-09

B. List of all deed restrictions (attach additional sheets if necessary): _____
-none-

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: _____
-none-

D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: Mark S. Tyson Addition

E. Attach a site plan drawn to the scale of one (1) inch equals ten (10) feet, showing all existing structures on the property, all proposed structures and marking those structures that will be removed or razed. Also the general shape, size and location of all existing structures within 100 feet of the property along with their uses shall be depicted on the site plan, along with all abutting roads, streets, alleys or easements.

- F. Present use of property is: Residential
- G. Present zoning district classification of the property is: R-4
- H. A previous appeal (has/~~has not~~) been made with respect to these premises in the last 6 years. If a previous appeal, re-zoning or special use permit application was made, state the date, nature of action requested and the decision:
Date: 9/28/92 Action Requested: Appeal # 9208 - Reduction of sideyard set back to allow construction of car port.
Decision (approved/ denied) other: _____

III. DETAILED REQUEST AND JUSTIFICATION

- A. Interpretation of Zoning Ordinance or Map
- The appellant respectfully requests the Board of Appeals make an interpretation of:
 (A) The location of district boundaries on the _____ Zoning District map as applied to the property described in the application.
 (B) The provisions of article _____ Section _____ of the Manistee City Zoning Ordinance.
 (C) Other, (specify) _____
 - Please describe in detail the nature of the problem to be interpreted and the reason for the request: _____
- B. Variance from the requirements of the Zoning Ordinance.
The appellant respectfully requests the Board of Appeals grant a variance on the above described property.
- Indicated below are the Ordinance requirement(s) which are the subject of the variance request.
 Setback Side Yard Off-street Parking
 Lot Coverage Placement Height
 Signs Area Requirements Other Amend previous variance
 - State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. We are asking for an amendment to our variance to allow the installation of a garage door.
 - Describe the characteristics of your property which require the granting of a variance (include dimensional information).
 Too Narrow Elevation Soil
 Too Small Slope Subsurface
 Too Shallow Shape Other (Specify)

4. Justification for granting the requested variance. The appellant must show that strict application of the provisions of the Zoning Ordinance to his property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the ordinance. In order for the Board of Appeals to determine whether unnecessary hardship exists, the appellant should provide answers to each of the following questions:
- a. Can the property in question be used in a manner permitted by the Zoning Ordinance if a variance is not granted? yes no
If no, what unnecessary hardship or practical difficulty will result if the variance is not made? We have had an ongoing problem with neighborhood cats using the carport as a cat box causing odor and sanitation problems.
- b. To the best of your knowledge, can you affirm that the hardship or practical difficulty described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance or applicable part thereof became law? yes no
If no, explain why the hardship or practical difficulty should not be regarded as self-imposed (Self-imposed hardships are not entitled to variances). _____
- c. Are the conditions on your property the result of other man-made changes (such as relocation of a road or highway?) yes no
If yes, describe _____
- d. Will strict application of the terms of the ordinance deny use of the property for any purpose to which its reasonably adapted? yes no
If yes, how? _____
- e. Is the variance applied for due to unique circumstances presented on your property or to the general conditions in the area? yes no
If yes, explain any peculiar or unique conditions, and how many other properties in your area are similarly affected As stated above in section a., the ongoing problem with neighborhood cats using the carport as a cat box. We know of no one else having this problem in the area.
- f. Would granting the variance change the essential character of the area?
 yes no. If yes, how? _____
- g. Would granting the variance be contrary to any county development plans?
 yes no. or to any local government development plans?
 yes no. Explain _____
- h. Would granting the variance be contrary to the intent and purpose of the Zoning Ordinance? yes no. If yes, explain _____
- i. Other Comments in support of the application. The Board has set a precedent by approving as similar request a couple of months ago. The installation of a garage door is the only change that we want to

C. Appeal from Administrative decision.

The appellant respectfully requests the Board of Appeals to (reverse/modify) the Zoning Administrator's decision (copy attached) on application number _____ dated _____. It is alleged the Zoning Administrator erred in (the interpretation of article _____ section _____ / his order/his requirement/ his decision/ his determination) regarding the issuance of a _____ permit and that (reversal/modification) of said decision should be granted because _____

Specify decision sought: _____

D. Other authorized reviews

The appellant respectfully petitions the Board of Appeals to grant the following: _____

According to the conditions and provisions of article _____ section _____ granting this authority to the Board of Appeals. Specifically state the problem, decision sought and the justification for the request. _____

IV. IMPACT ON SURROUNDING LANDS

If your request is granted:

- A. What are likely to be the positive and negative impacts of this decision on the surrounding land and neighbors? There would be no negative impacts on the neighborhood and as a positive impact, the use of a garage door would be similiar to other area home having formal garages, rather than the plastic tarp that have tried to use.
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? Work the neighbors

V. 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.

Signature _____

Denis R. Johnson POA for Robert P. Johnson

Date April 13, 1998

Signature _____

Date _____

