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

- Matters Pertaining to the General Citizenry:
 A. Public Hearing:

 Rick Schimke
 Robert P. Johnson

 B. Questions, Concerns of Citizens in Attendance:

 2.
- III Business Session:

Roll Call

I.

- 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

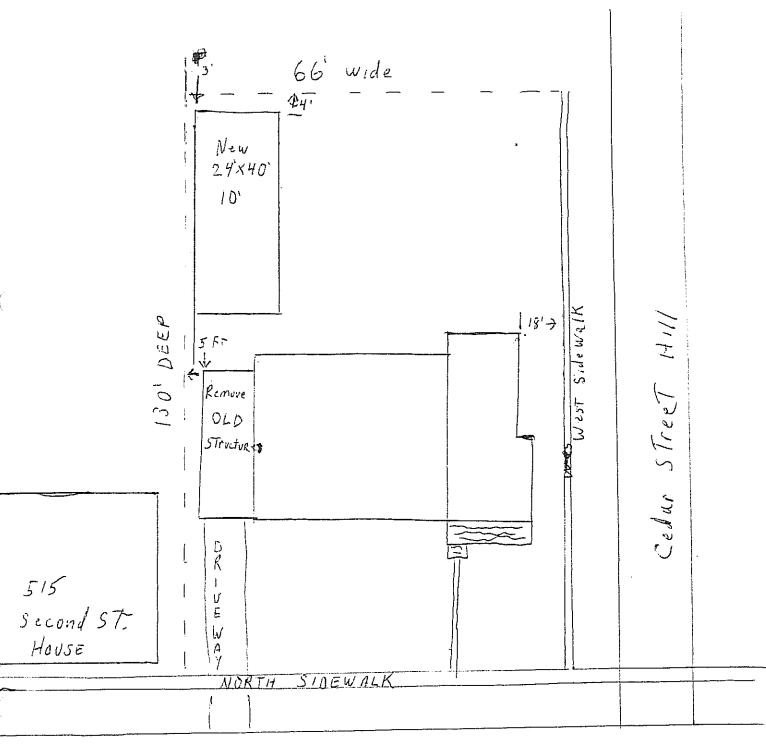
Ric	K S	FOR OFFICE USE ONLY Appeal Number						
Name		Appeal Number						
_		Date Received APR 0 3 1998 Tax Parcel Number 11 7 18						
51	′ 7	Tax Parcel Number All N 0 1330						
Addres	S	Fee Received (Amt & Date) 4150.00 4-5-13						
247	_	Receipt Number = 1497						
14/	<u>a:115/</u>	Tec me 49/10 Hearing Date 4-28.98						
	ate and Z							
Phone l	Numbers	(Work) <u>************************************</u>						
		(Home) 723-2337 FEE FOR APPEAL \$150.00						
		OTE: All questions must be answered completely. If additional space is needed, number and mal sheets.						
I.	I. (We)	ON REQUESTED: c), the undersign request a hearing before the Manistee City Zoning Board of Appeals for the se indicated below:						
		Ordinance or Map Interpretation						
	J	Appeal from Administrative Decision						
П.	PROP	PERTY INFORMATION:						
	A.	Legal description of property affected by this appeal:						
		CE Makeh goldenton						
		C E March Wildrest 20 Tax Roll Parcel Code #: 51-51-3 64-712-11						
	B.	List of all deed restrictions (attach additional sheets if necessary): Night						
	C.	Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: $ADAGE$						
	D.	This area is: Not platted, Platted, Will be Platted If Platted, Name of Plat: Fmaks Addiction 1,76 15/2019	it ja					
	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 Trad					
	G. H.	Present zoning district classification of the property is: A previous appeal (has/has not) been made with respect to these premises in the last \(\lambda \lambda \lambda \rangle \) 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:					
m.	DET.	AILED REQUEST AND JUSTIFICATION 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: / ARSER Garage					
	В.	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 Height					
		Signs Area Requirements Other Some fact					
		2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. Heart and Size and					
		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) Part of Lating 1070 hill an soul for the control of the c					

4.	applica practic and int unnec	cation for granting the requested variance. The appellant must show that strict ation of the provisions of the Zoning Ordinance to his property would result in cal difficulties or unnecessary hardships inconsistent with the general purpose tent of the ordinance. In order for the Board of Appeals to determine whether essary hardship exists, the appellant should provide answers to each of the
	follow a.	If no, what unnecessary hardship or practical difficulty will result if the variance is not made?
	b.	The Fotoke 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
	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
	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 耳 no. or to any local government development plans?
	h.	□ yes ☒ no. Explain
	1.	Other Comments in support of the application. Want a Literary against that Looks nices than exiting 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
		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:arge garad. and Sore
	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.
		Bast and STIRINGS
IV.	IMP	ACT ON SURROUNDING LANDS
	If you	ur 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 1/1) negative
	В.	How do you propose to minimize any potential negative impacts which your proposed activity
	٠.	may cause?
V.	AFF	DAVIT
	The i	indersigned acknowledges that if a variance is granted or other decisions favorable to the
under		s rendered upon this appeal, the said decision does not relieve the applicant from compliance
		r provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms that
answe	ers and s	ey is (are) the (owner/lessee/authorized agent for the owner) involved in the appeal and the tatements herein contained and the information herewith submitted are in all respects true and best of his, her or their knowledge and belief.
		•
Signa	ture	Red & chimbs Date
Signa	ture	Date

Wooded Hill Side



Second Street

REQUEST FOR APPEAL

CITY OF MANISTEE ZONING BOARD OF APPEALS

	Rober	t P. Johnson		FOR OFFICE USE ONLY						
Name	;			peal Number						
	205 0	Tarand Charan		e Received 4.13.98						
		Second Street	Tax	Parcel Number 51-51-574-711-09 Received (Amt & Date) 150.00 4.3.98						
Addre	ess		rcc Rer	eipt Number #1520						
	Manis	stee, MI 49660		ring Date 428.98						
City,	State and	Zip Code	Boa	ard of Appeals Action Approved						
Phone	e Numbers	s (Work)								
		(Home) 723-3464	F	EE FOR APPEAL \$150.00						
		OTE: All questions must be answer onal sheets.	red completely.	If additional space is needed, number and						
I.	I, (We	se indicated below:		istee City Zoning Board of Appeals for the Variance						
	ā	Appeal from Administrative Deci		Other Authorized Review						
П.	PRO	PERTY INFORMATION:								
	A.	Legal description of property affect	ted by this appea	al:						
				S. Tyson Addition						
			Tax Roll Parcel Code #: 51-51-574-711-09							
	B.	List of all deed restrictions (attach	additional sheet	s if necessary):						
		-none-								
	C.	Names and addresses of all other interest in the land:		or corporations having a legal or equitable						
	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 sca structures on the property, all pro removed or razed. Also the gener	le of one (1) inc posed structure ral shape, size a	ch equals ten (10) feet, showing all existing as and marking those structures that will be and location of all existing structures within be depicted on the site plan, along with all						
		abutting roads, streets, alleys or								

Request for Appeal Page 2

F.	Prese	ent use o	f property is:							
G.	Present zoning district classification of the property is: R-4									
H.	A pre	evious a	ppeal (has/hasni	mt) bee	n made	with respect to	these p	remises in the	ast 6	
	years. If a previous appeal, re-zoning or special use permit application was made, state the									
			of action reques							
			28/92							
	<u>sid</u>	<u>eyard</u>	set back t	o al	<u>low c</u>	ontruction	of ca	ar port.		
	Decis	sion (🛛 :	approved/ 🗖 der	nied) ot	her:					
DET	AILED	REQU	JEST AND JUS	STIFIC	CATIO	N				
A.	Inter	•	n of Zoning Ord		•					
	1.	The a	ppellant respect							
		(A)				daries on the _			strict mar	
						escribed in the				
		(B)		is of ar	ticle	Section	of t	he Manistee Ci	ity Zoning	
	_	(C)	Ordinance.							
		(C)	Other, (specif	y)			to man out			
	7	Diance	a describe in dete	ril the n	oture of	the median to	ha intern	morad and the	rosson for	
	2.		e describe in deta			=	-			
	2.		e describe in deta quest:			=	-			
	2.					=	-			
В.		the re	quest:							
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В.	Varia The a	the re nce from	n the requirement respectfully re	ents of t	the Zon	ing Ordinance.				
В.	Varia The a	nce from	n the requirement respectfully respectfully respectfully respectfully respectfully respective.	ents of t	the Zon	ing Ordinance. pard of Appeal	s grant :	a variance on	the above	
В.	Varia The a	nce from	n the requirement respectfully re	ents of t	the Zon	ing Ordinance. pard of Appeal	s grant :	a variance on	the above	
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В.	Varia The a	nce from	m the requirement respectfully respectfully respectfully respectfully attend below are not request.	ents of tequests	the Zon the Bo rdinanc	ing Ordinance. pard of Appeal e requirement(s grant (a variance on a are the subject Off-street Pa	the above	
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В.	Varia The a descr 1.	nce from appellant ibed production variant of the second o	n the requirement respectfully respectfully respectfully respectfully respectfully respectfully respectfully are not request. Setback Lot Coverage Signs exactly what is it ance from the Zot to allow the	ents of tequests the O intended oning O insta	the Zon the Bo rdinanc Side Place Area I to be ordinance Illatio	ing Ordinance. Dard of Appeal Requirement Requirements lone on, or with Me are ask n of a garag	s grant is which a second in the project in general force door.	a variance on are the subject of the	the above ect of the rking d previous ecessitates nt to ou	
В.	Varia The a descr 1.	nce from appellant ibed production variant of the second control o	n the requirement respectfully respectfully respectfully respectfully respectfully respective. The request request respective request. Setback Lot Coverage Signs exactly what is it ance from the Zeto allow the respective respective respective respective respective respective requirements.	ents of tequests the O intended oning O insta	the Zon the Bo rdinance Side Place Area I to be ordinance Illatio f your p	ing Ordinance. Dard of Appeal The requirement The requirements The require	s grant is which a specific sp	a variance on are the subject of the Amenoperty which needs an amendment of the granting of the granting of the granting of the subject of the granting of the	the above ect of the rking d previous ecessitates nt to ou	
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В.	Varia The a descr 1.	nce from appellant ibed production variant of the second control o	n the requirement respectfully respectfully respectfully respectfully respectfully respective. The request request respective request. Setback Lot Coverage Signs exactly what is it ance from the Zeto allow the respective respective respective respective respective respective requirements.	ents of tequests the O intended oning O insta	the Zon the Bo rdinance Side Place Area I to be ordinance Illatio f your p	ing Ordinance. Dard of Appeal The requirement The requirements The require	s grant is which a specific sp	a variance on are the subject of the Amenoperty which needs an amendment of the granting of the granting of the granting of the subject of the granting of the	the above ect of the rking d previous variates nt to ou	

4.	applicate practicate and integrate unnece	ation for granting the requested variance. The appellant must show that strict ion of the provisions of the Zoning Ordinance to his property would result in all difficulties or unnecessary hardships inconsistent with the general purpose ent of the ordinance. In order for the Board of Appeals to determine whether issary hardship exists, the appellant should provide answers to each of the
	followi a.	ng questions: 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 ng 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? If 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).
	С.	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 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.,
		ping problem with neighborhood cats using the carport as a cat box
	We know f.	of no one else having this problem in the area. 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?
		Other Comments in support of the application. The Board has set a cedent by a approving as similiar request a couple of months ago. 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.	IMP	ACT ON SURROUNDING LANDS
	If you 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 a positive impact, the use of a garage door would be similiar to other area having formal carages.
	В.	having formal garages, rather than the plastic tarp that have tried to use. How do you propose to minimize any potential negative impacts which your proposed activity may cause? Work the neighbors
v.	AFFI	DAVIT
with a he/she answe	signed i all other e or the ers and s	andersigned acknowledges that if a variance is granted or other decisions favorable to the is rendered upon this appeal, the said decision does not relieve the applicant from compliance reprovisions of the City of Manistee Zoning Ordinance; the undersigned further affirms that ey is (are) the (owner/lessee/authorized agent for the owner) involved in the appeal and the tatements herein contained and the information herewith submitted are in all respects true and the best of his, her or their knowledge and belief.

as home

