

**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 Monday, June 9, 1997 at 7:00 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. Brian Hoogland
    - 2.
  - B. Questions, Concerns of Citizens in Attendance:
    - 1.
    - 2.
  
- III. Business Session:
  - A. Approval of Minutes (5/22/97)
  - B. Unfinished Business:
    - 1.
  - C. Other Communications:
    - 1.
  - D. Reports:
    - 1.
  - E. New Business:
    - 1.
    - 2.
  
- IV. Work/Study Session:
  
- V. Adjournment

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



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

616-723-2558  
FAX 616-723-1546

May 15, 1997

Mr. & Mrs. Charles Axce  
7145 Bair Avenue  
Bear Lake, Michigan 49614

SUBJECT: Man-Made Parcel

Dear Mr. & Mrs. Axce:

I understand that you are currently listing and seeking to sell your lots on Man-Made Lake. Two separate and distinct purposes cause me to write.

First, the property is zoned R-1. The R-1 zoning district requires parcels of 18,000 square feet and a minimum parcel width of 100 feet fronting on a public street.

The parcel on Man-Made substantially exceeds these minimums; but does not double them. I understand that a request may be received by the City to divide this property into two separate buildable parcels. It is expected that several variances would be required from the Zoning Board of Appeals to permit this property to be split. The process for splitting includes recommendations from the Planning Commission with final action to the City Council.

Please be advised that the other major property owner in this zoning district is the Manistee Village Partners, owners of the Dunes Subdivision. Through a variety of methods they have attempted to increase the density which would be allowed in this zoning district. While they have been successful in dividing the property from the originally platted lots to smaller parcels, they have not been successful in creating lots below the minimums established in the Zoning Ordinance. The City has not provided any variances which would result in higher densities than those permitted in the ordinance. Based on that precedent you should anticipate objections to requests to divide your land into two separate parcels.

Second, I have been directed by the City Council to seek an option to purchase the property at its appraised value less commission. I understand that the potential sale of this property to the City has been excluded from any listing of the property. In as much as it would likely require 90 days for the City to arrange financing to purchase the property, a four month option is requested.

Your understanding of the first item and consideration of the second is appreciated. Either I or the City Attorney, Mr. Bruce Gockerman will be contacting you in several days to follow up on these matters. Thank you.

Sincerely,

CITY OF MANISTEE

A handwritten signature in black ink, appearing to read 'R. Ben Bifoss', written over a faint circular stamp or watermark.

R. Ben Bifoss, City Manager

RBB:cl

cc. Manistee City Council  
City Attorney

95' DUNES DRIVE

95'

120'

A

B

175'

8.5'

10.6'

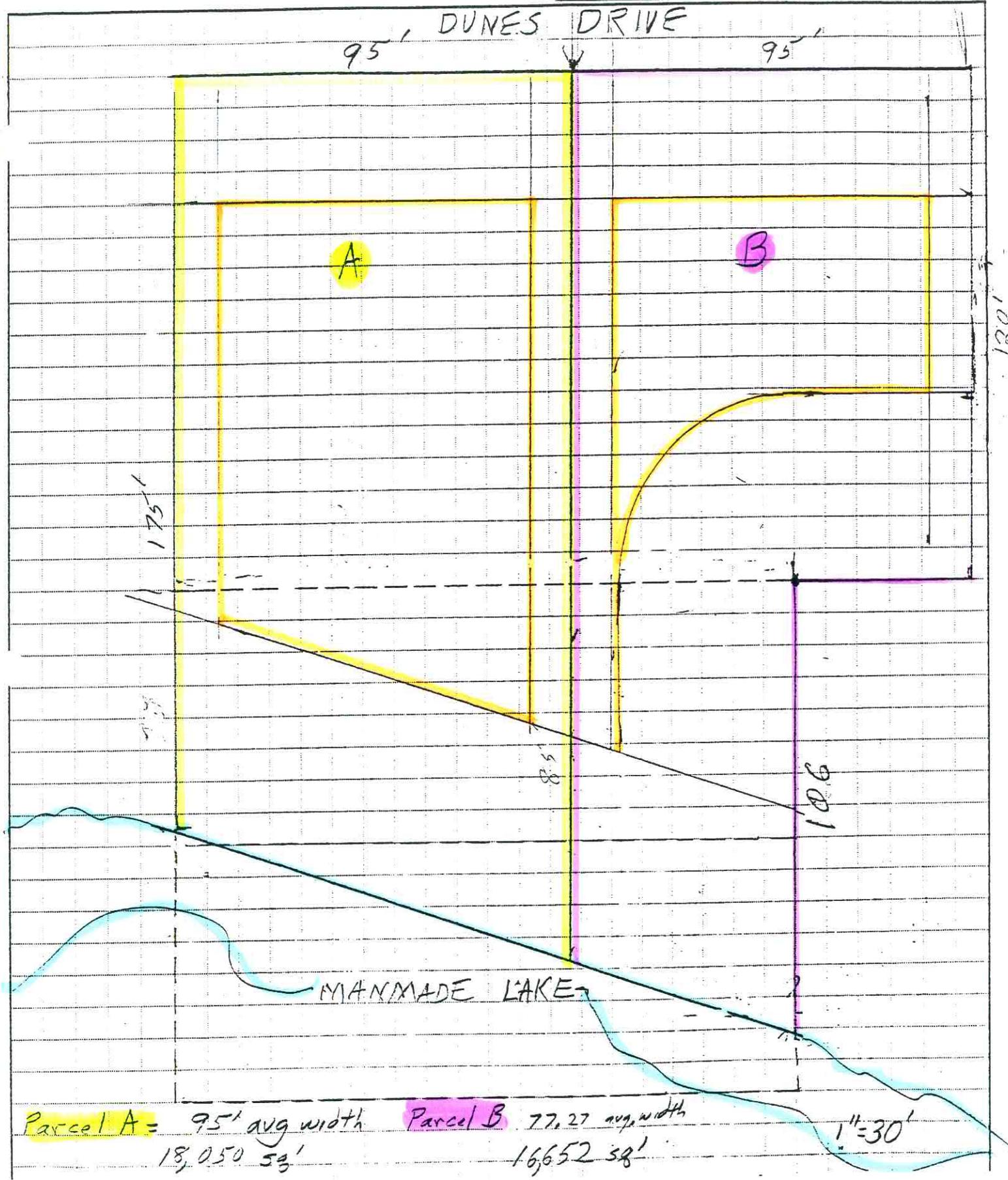
MANMADE LAKE

Parcel A = 95' avg width  
18,050 sq'

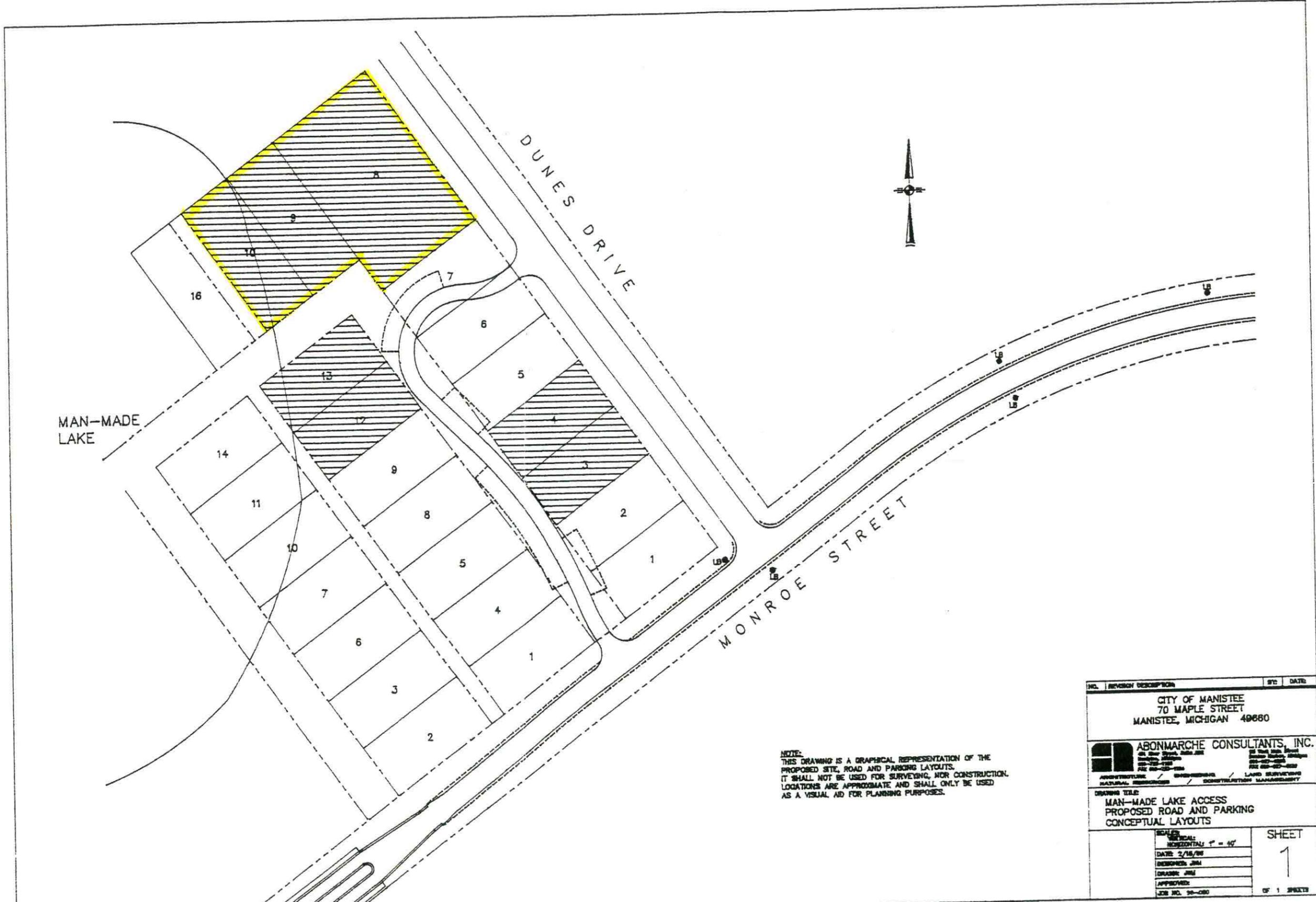
Parcel B 77.27 avg width  
16,652 sq'

1"=30'

Setbacks



2-15-96



NOTE:  
 THIS DRAWING IS A GRAPHICAL REPRESENTATION OF THE  
 PROPOSED SITE, ROAD AND PARKING LAYOUTS.  
 IT SHALL NOT BE USED FOR SURVEYING, NOR CONSTRUCTION.  
 LOCATIONS ARE APPROXIMATE AND SHALL ONLY BE USED  
 AS A VISUAL AID FOR PLANNING PURPOSES.

NO.	REVISION DESCRIPTION	BY	DATE
CITY OF MANISTEE 70 MAPLE STREET MANISTEE, MICHIGAN 49660			
<b>ABONMARCHÉ CONSULTANTS, INC.</b> <small>25 West Street, Suite 202            Manistee, Michigan 49660            231-335-1133            FAX 231-335-1134</small>			
<small>ARCHITECTURE / ENGINEERING / LAND SURVEYING            NATURAL RESOURCES / DISTRIBUTION MANAGEMENT</small>			
<b>DRAWING TITLE:</b> MAN-MADE LAKE ACCESS PROPOSED ROAD AND PARKING CONCEPTUAL LAYOUTS			
<small>SCALE:            HORIZONTAL 1" = 40'</small>			<b>SHEET</b> 1 OF 1 SHEETS
<small>DATE: 2/15/96            DESIGNED: JIM            DRAWN: JIM            APPROVED:            JOB NO. 96-080</small>			



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

616-723-2558  
FAX 616-723-1546

June 2, 1997

Dear Zoning Board of Appeals Member:

The City of Manistee Zoning Board of Appeals will hold a meeting on Monday, June 9, 1997 at 7:00 p.m. in the Council Room of City Hall, 70 Maple Street, Manistee, Michigan. The purpose of this hearing is to consider a request from:

NAME: Brian Hoogland  
ADDRESS: 2333 Eagle Drive  
Holland, MI 49424  
LOCATION OF REQUEST: Lots 8, 9 & 10, Block 4, King's Addition, City of Manistee  
(Man-Made Lake/Dunes Drive).  
ACTION REQUESTED: Request for a variance to the required parcel width of 100 feet  
and a reduction from the required 18,000 square foot parcel  
area within the R-1 Zoning District to permit a parcel division.

Please advise this office at least five days prior to the date of the meeting if you will be unable to attend, so an alternate member can be notified to attend in your place. Any relevant materials are enclosed for your review if available.

Sincerely,

CITY OF MANISTEE

Lori L. Domnan  
Zoning Administrator

LLD:djm

Enclosure

# MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street  
P.O. Box 358  
Manistee, Michigan 49660

In the Matter of: Brian Hoogland  
2333 Eagle Drive  
Holland, MI 49424

**Appeal Docket:** 9707  
**Parcel Number:** 51-51-260-708-05  
**Property Address:** Vacant Land

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**Action Requested:** Request for a variance to the required parcel width of 100 feet and a reduction from the required 18,000 square foot parcel area within the R-1 Zoning District to permit a parcel division.

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## Findings of Fact:

1. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Land Use District?  
 YES  NO
2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?  
 YES  NO
3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?  
 YES  NO
4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?  
 YES  NO

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**NOTE: IN ORDER TO COMPLY WITH STANDARDS AS ESTABLISHED IN MICHIGAN COURTS AND THE REQUIREMENTS OF THE ORDINANCE, ALL OF THE ABOVE ITEMS MUST BE ANSWERED 'YES', OTHERWISE NO VARIANCE CAN BE ISSUED.**

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(OVER)

5. Do the reasons set forth in the application justifying the variance and is the requested variance the minimum variance that will make possible the reasonable use of the land, building or structure?  
 YES  NO
6. Does the requested variance include the allowance for a use which is not permitted in the Land Use District in question?  
 YES  NO [If Yes, the variance CANNOT be granted]
7. Are there any conditions, safeguards or guarantees, in conformity with the Ordinance, that the Board feels are necessary if a variance is granted?  
 YES  NO

If yes, the required conditions, safeguards and/or guarantees shall be (including reasons for the requirement):

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8. Other pertinent facts concerning the matter:

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9. Motion on the request, which includes a restatement of all of the above facts and final action of the Board:

Motion by: *R. Johnson* Supported by: *M. Johnson*

*that the request be denied*

*UNANIMOUSLY.*

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MOTION WAS APPROVED UNANIMOUSLY

MOTION WAS APPROVED BY \_\_\_ to \_\_\_ VOTE  
 SUPPORTING MOTION:  
 OPPOSED TO MOTION:

MOTION WAS DENIED BY \_\_\_ to \_\_\_ VOTE  
 SUPPORTING MOTION:  
 OPPOSED TO MOTION:

# REQUEST FOR APPEAL

## CITY OF MANISTEE ZONING BOARD OF APPEALS

Brian Hoogland  
 Name  
2333 Eagle Drive  
 Address  
Holland, MI 49424  
 City, State and Zip Code  
 Phone Numbers (Work) 616-355-9110  
 (Home) 616-786-9924

FOR OFFICE USE ONLY

Appeal Number 9707  
 Date Received \_\_\_\_\_  
 Tax Parcel Number 51-51-260-708-05  
 Fee Received (Amt & Date) 150.00 6-2-97  
 Receipt Number 11554  
 Hearing Date \_\_\_\_\_  
 Board of Appeals Action \_\_\_\_\_

**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: Lots 8, 9 and 10, Block 4, King's Addition, City of Manistee, Manistee County, Michigan
- Tax Roll Parcel Code #: 51-51-260-708-05
- B. List of all deed restrictions (attach additional sheets if necessary): \_\_\_\_\_
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: Bill and Alice Axce  
7145 Blair Road  
Bear Lake, MI 49614
- D. This area is:  Not platted,  Platted,  Will be Platted  
 If Platted, Name of Plat: Block 4, NW 1/4 of St. Mary's Parkway, King's 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: Unimproved raw land. No structures on property.
- G. Present zoning district classification of the property is: RI
- H. A previous appeal (has/has not) been made with respect to these premises in the last \_\_\_\_\_ 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: \_\_\_\_\_

#### 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 checked="" type="checkbox"/> Lot Coverage | <input type="checkbox"/> Placement         | <input type="checkbox"/> Height             |
| <input type="checkbox"/> Signs                   | <input type="checkbox"/> Area Requirements | <input type="checkbox"/> Other _____        |
2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. Property split into 2 separate Building lots. Presently 190' road frontage. Request for 2 lots of 95 each.
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 checked="" type="checkbox"/> Shape | <input type="checkbox"/> Other (Specify) |
- Property is sufficiently deep. Approx. 36,000 sq. ft. total.  
- Cost to bring utilities is approx. \$20,000 which could be shared by both of us.  
- No neighbors on either side. Parking lot south of property.

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? cost of bringing utilities to property is a concern for both of us.

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 Property is unique in that it is adjacent to public property (incl. Parking Lot) on each side. No immediate residential property on homes near us.

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. Property is of sufficient size to be split. Historically, was actually 3 lots. Although road frontage would be 5 feet short, the two lots would have sufficient depth and size. Cost of hooking up utilities could be shared by us (approx. \$20,000)

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? No negative impact on neighborhood. There are no existing Homes within 500 feet of property.

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? Property would be used to build quality summer/retirement homes in the next few years. No anticipated negative impact for any 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 B. H. L.

Date 5/23/97

Signature \_\_\_\_\_

Date \_\_\_\_\_

May 23, 1997

City of Manistee  
Attn: Lori Donnan  
Zoning Board of Appeals Administrator  
PO Box 358  
70 Maple Street  
Manistee, MI 49660

Dear Lori:

We are purchasing the Alice Axce property (lots 8, 9 & 10, King's Addition) which is on Man-Made Lake north of the channel in Manistee. Our request for the Zoning Board is to approve the property being split into two separate parcels. Plans are for each of us to own a lot for the purpose of building summer/retirement homes.

The property is presently 190 feet wide along Dunes Drive, which we understand is 10 feet short of the necessary 100 feet of road frontage to sub divide the property into two lots. Each lot would have 95 feet of road frontage if the variance is granted. The total property has approximately 36,000 square feet of area, and is quite deep so it is sufficient for the parcel to be subdivided into 2 parcels. As you can see from the legal description, the property historically consisted of 3 lots.

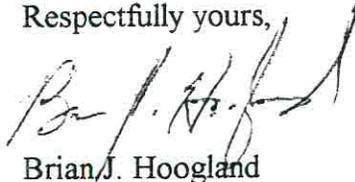
The parcel # of the property is #51-51-260-708-05.

I have drawn on the survey how we would wish the property to be split. A check for \$150 for the application fee is enclosed.

The Manistee City Planning Commission has already reviewed and approved the property split at their meeting of May 22nd.

We appreciate your consideration of our request, and look forward to meeting with you in the near future.

Respectfully yours,



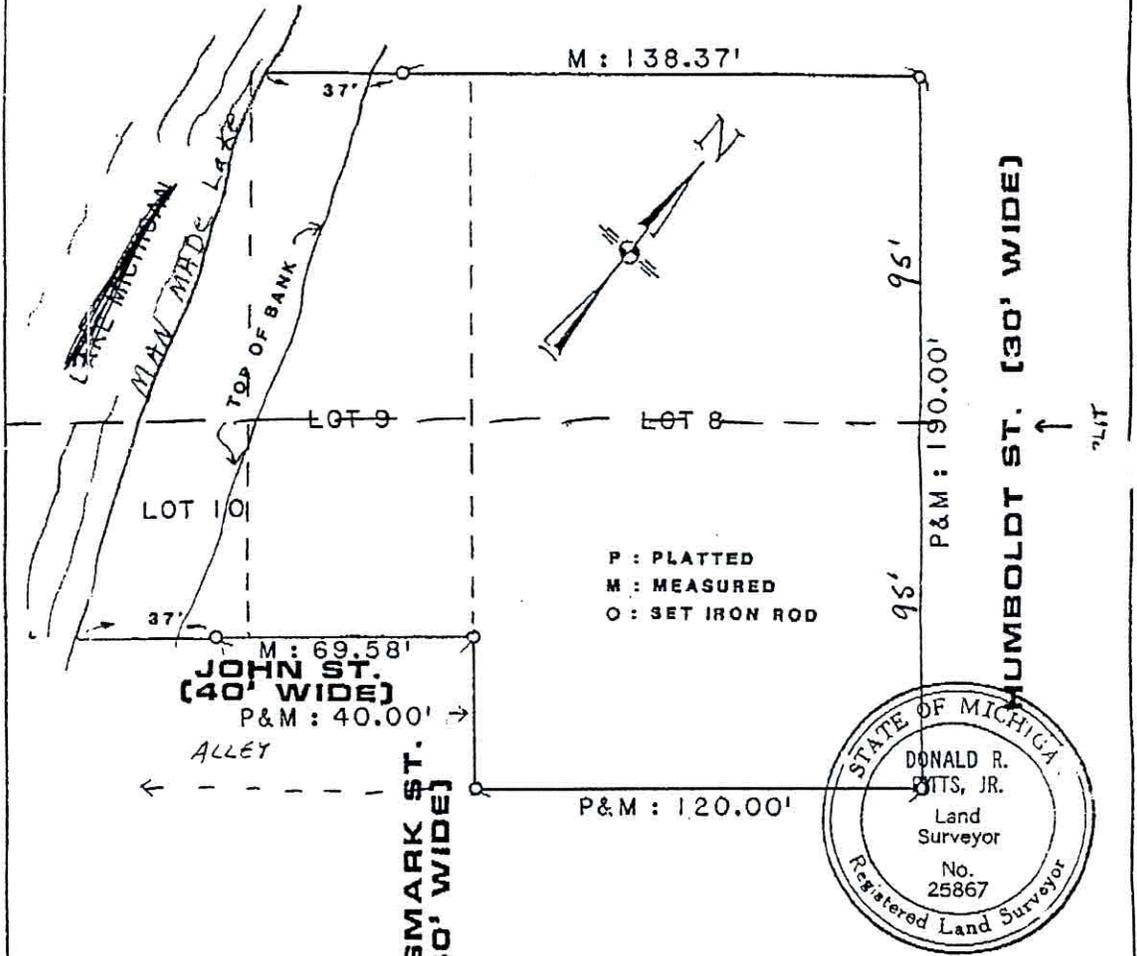
Brian J. Hoogland

2333 Eagle Drive  
Holland, MI 49424

Enclosure

# CERTIFICATE OF SURVEY

I, DONALD R. PITTS, JR., A REGISTERED LAND SURVEYOR, NUMBER 25867, IN THE STATE OF MICHIGAN, DO HEREBY CERTIFY THAT THE DRAWING HEREON DELINEATED IS A FULL AND ACCURATE REPRESENTATION OF A LAND SURVEY OF  
 LOTS 8, 9, AND 10, BLOCK 4, KING'S ADDITION, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN.



21 MAY 1991  
 DATE OF CERTIFICATE

*Donald R. Pitts, Jr.*  
 DONALD R. PITTS, JR.  
 REGISTERED LAND SURVEYOR #25867  
 ABONMARCHE CONSULTANTS, INC.

FURTHER, THAT ALL THE REQUIREMENTS OF ACT 132 OF THE PUBLIC ACTS OF 1970 HAVE BEEN FULFILLED

PLAT OF SURVEY FOR:  
  
**A. AXCE**

 <b>THE ABONMARCHE GROUP</b> 95 West Main Street Benton Harbor, Michigan 49022-3605 (616) 927-2285 ARCHITECTS / ENGINEERS / LAND SURVEYORS ENVIRONMENTAL / INTERIOR DESIGN / REAL ESTATE SERVICES	190 Monroe, Suite 400 Grand Rapids, Michigan 49503-2637 (616) 235-2882
	DATE: 21 MAY 1991
	SCALE: 1" : 40'      SHEET 1 OF 1
DRAWN BY: JRO	JOB NO. 91-195



