

**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 Wednesday, May 20, 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. Manistee-Benzie Community Mental Health
 - 2.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (4/28/98)
 - B. Unfinished Business:
 - 1. Manistee-Benzie Community Mental Health
 - 2.
 - 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: May 14, 1998

RE: Zoning Board of Appeals Meeting Wednesday, May 20, 1998

We will be having a Zoning Board of Appeals Meeting on Wednesday, May 20, 1998 at 5:30 p.m. in the Council Chambers.

We have received a request from Manistee-Benzie Community Mental Health, 310 N. Glocheski Drive for a variance to the side-yard set-back from 10 feet to 5 feet to allow the construction of a 36' x 100' addition to the existing building and a variance to reduce the parking space requirements from 36 to 30. A copy of the request is 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

Manistee-Benzie Community Mental Health

Name

310 N. Glocheski Drive

Address

Manistee, MI 49660

City, State and Zip Code

Phone Numbers (Work) (616) 723-6516

(Home) _____

Appeal Number 9806
 Date Received 5.8.98
 Tax Parcel Number 57-57-155-008-00
 Fee Received (Amt & Date) 150.00 5-11-98
 Receipt Number 1639
 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: Parcel 7 Manistee

Industrial Park

Tax Roll Parcel Code #: N/A

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: Manistee-Benzie Community Mental Health

D. This area is: Not platted, Platted, Will be Platted

If Platted, Name of Plat: _____

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: Office
- G. Present zoning district classification of the property is: _____
- 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
- 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: New addition construction (proposed) will be within 5' of property line.
- 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 _____
 - State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. New construction will be within 5' of property line. Proposed addition must maintain symmetry of existing building.
 - 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)
Proposed addition will be within 4 feet of side property line.

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? Will not allow architectural symmetry with existing structure.
- 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? Office space planned would need significant modifications (costly) and would not allow for planned efficiencies.
- 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 line angle cuts across a horizontal axis.
- 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 No other building will be allowed near the property line.
- i. Other Comments in support of the application. _____

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 impact

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 Michael Moran

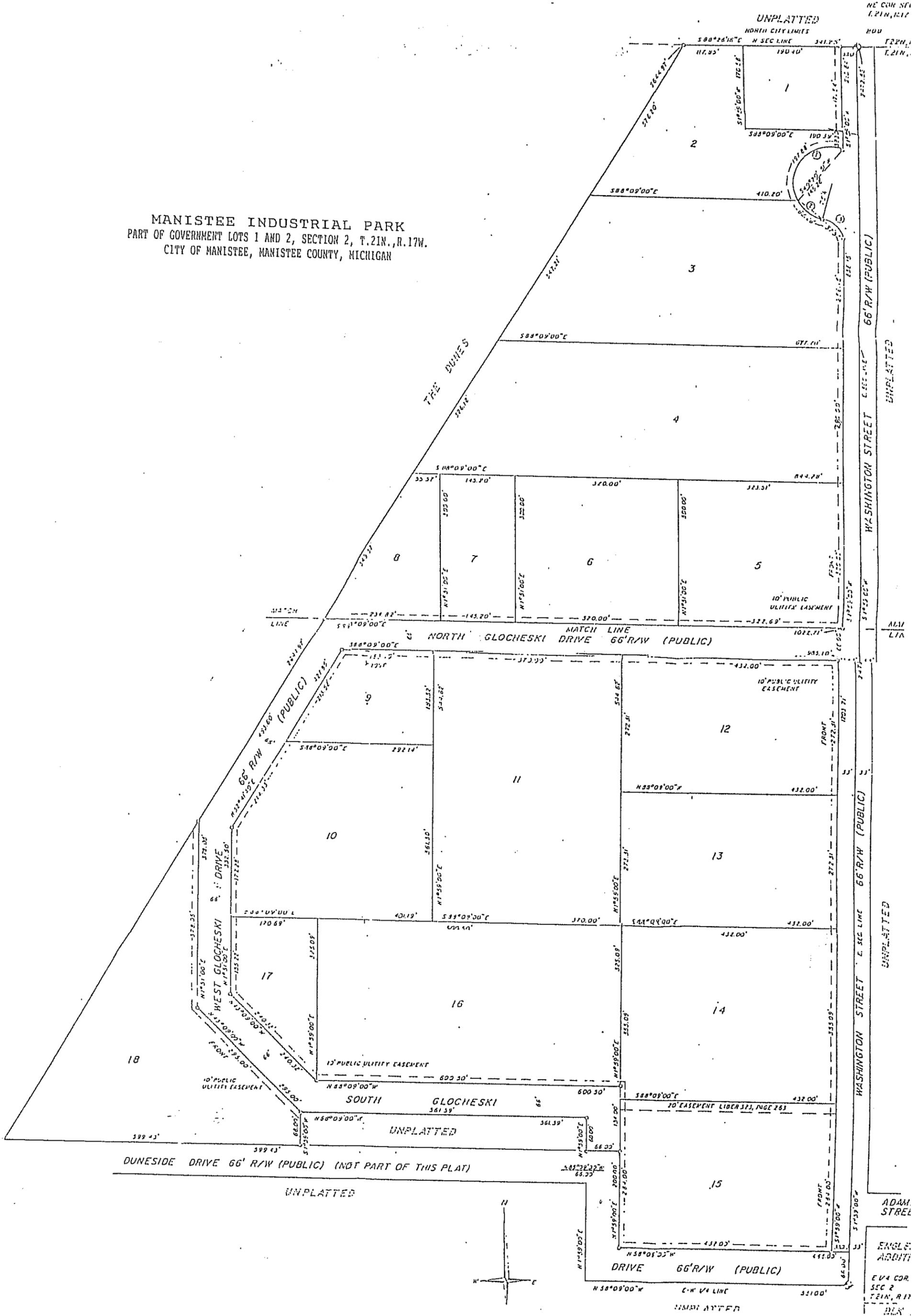
Date 5-8-98

Signature _____

Date _____

| CURVE | RADIUS | DELTA | ARC LENGTH | CHORD BEARING | DISTANCE |
|-------|--------|------------|------------|---------------|----------|
| 1 | 25.00' | 131°00'00" | 107.88' | S40°20'31"W | 143.21' |
| 2 | 25.00' | 111°31'44" | 67.70' | S23°01'10"E | 101.42' |
| 3 | 25.00' | 39°58'31" | 37.57' | S40°41'23"E | 24.90' |

MANISTEE INDUSTRIAL PARK
PART OF GOVERNMENT LOTS 1 AND 2, SECTION 2, T.21N., R.17W.
CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN



NE COR. SEC. 2, T.21N., R.17W.
HUB
T.21N., R.17W.
UNPLATTED
WASHINGTON STREET 66' R/W (PUBLIC)
UNPLATTED
WASHINGTON STREET 66' R/W (PUBLIC)
UNPLATTED
ADAM STREET
ENGL. & ADULTI
EV4 COR. SEC. 2, T.21N., R.17W.
D.L.A.