

**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 Thursday, September 3, 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. Ambar Chemical Inc.
 - 2. Dennis Dunlap
 - 3. Patrick & Cindy Welsh
 - 4.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (8/13/98 ZBA 8/18/98 Board of Appeals)
 - B. Unfinished Business:
 - 1. Ambar Chemical Inc.
 - 2. Dennis Dunlap
 - 3. Patrick & Cindy Welsh
 - 4.
 - 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: Denise Mikula 

DATE: August 26, 1998

RE: Board of Appeals Meeting Thursday, September 3, 1998

We have scheduled a Zoning Board of Appeals Meeting on Thursday, September 3, 1998 at 5:30 p.m. in the Council Chambers.

The Zoning Board of Appeals Meeting is being held in response to three requests. The first is a request from Ambar Chemical Inc. Ambar would like a variance to the height limitation from 30 feet to 48 feet for the construction of a penthouse for loading of hopper to bulk railroad cars. A copy of their request is enclosed.

Dennis Dunlap is the developer for Bayview Condominiums on Arthur Street. Mr. Dunlap is requesting a variance to the front yard and waterfront setback requirements regarding a wall/fence along the south property line. A copy of his request is enclosed.

Patrick & Cindy Welsh live at 446 Sixth Street. Mr. & Mrs. Welsh would like to put an addition onto their home. The home is already 6.5 feet from the west property line. Their plans are to construct a 21' x 18'6" addition onto the back of the home where they currently have a deck. A copy of their request is enclosed.

Ray Rutkowski has applied for one of the vacancies on the Zoning Board of Appeals. I prepared a letter and a packet for him. If his application is placed on the September 1, 1998 Council Agenda and he is appointed at the meeting he will be able to join us at the September meeting.

Jon Rose will be back to work on August 31st if you have any questions. If you are unable to make the meeting please call me at 723-2558. See you there!

:djm

Enclosures

AUG 21 1998

REQUEST FOR APPEAL

CITY OF MANISTEE

ZONING BOARD OF APPEALS

AMBAR CHEMICAL, INC.
Name
1501 MAIN STREET
Address
MANISTEE, MI 49660
City, State and Zip Code
Phone Numbers (Work) 616-723-6266
(Home) _____

FOR OFFICE USE ONLY
Appeal Number 9811
Date Received 8.21.98
Tax Parcel Number 51-51-712-475-04
Fee Received (Amt & Date) 8/24/98 \$150.00
Receipt Number 2017
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:

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

II. PROPERTY INFORMATION:

- A. Legal description of property affected by this appeal: ATTACHED
ADDRESS: 1501 MAIN STREET, MANISTEE, MI 49660
Tax Roll Parcel Code #: 51-51-712-475-04
- 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: AMBAR CHEMICAL, INC., 16825 NORTHCHASE DRIVE, SUITE 1600, HOUSTON, TX 77060
- D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: INCLUDES PARTS OF MAXWELL TOWN PLAT AND VACATED STREETS.
- E. Present use of property is: WAREHOUSE, STORAGE AREA
- F. Present zoning district classification of the property is: I-2 INDUSTRIAL

G. A previous appeal (has/~~has not~~) been made with respect to these premises in the last 2 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: 9/96; 2/97, 5/97 Action Requested: HEIGHT VARIANCE

Decision (approved/ denied) other: WITH CONDITIONS

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 type="checkbox"/> Lot Coverage | <input type="checkbox"/> Placement | <input checked="" 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. CONSTRUCTION OF PENTHOUSE FOR LOADING HOPPER, TO BULK LOAD RAILCARS. PENTHOUSE EXTENDS THROUGH AN EXISTING WAREHOUSE ROOF WITH AN OVERALL HEIGHT OF APPROXIMATELY 48 FEET ABOVE GRADE.

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

- | | | |
|--------------------------------------|---|--|
| <input type="checkbox"/> Too Narrow | <input checked="" 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) |

THIS IS STRICTLY A HEIGHT VARIANCE REQUEST.

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? THE PROCESS VESSEL IS TOO LARGE TO BE INSTALLED AT A LOWER ELEVATION TO LOAD RAILCARS.
- 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? THE APPLICATION OF THE 30 FT HEIGHT ORDINANCE WOULD PRELUDE THE DESIRED USE OF THE LOADING FACILITY.
- 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 THE AREA IS CURRENTLY AN INDUSTRIAL BUILDING, WE WOULD ONLY ADD HEIGHT TO THE EXISTING BUILDING.
- 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. _____

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? POSITIVE - INCREASE SALES OF PRODUCT, BENEFICIAL TO LOCAL ECONOMY AND LONGEVITY OF AMBAR CHEMICAL EMPLOYEES. NEGATIVE - SHOULD HAVE NO EFFECT ON SURROUNDING AREA.
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? ADDITION WILL BE MADE NEXT TO A 100 FT TALL EXISTING BUILDING; THEREFORE, NO NEGATIVE IMPACTS SHOULD EXIST.

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 *[Handwritten Signature]*

Date 8-19-98

Signature _____

Date _____

CITY OF MANISTEE
 KENNETH OLENICZAK
 MANISTEE CITY TREASURER
 70 MAPLE STREET
 MANISTEE, MI 49660

TAX YEAR 1998 CLASSIFICATION 93 SCHOOL DISTRICT 30
 OFFICE HOURS: OFFICE HOURS 9AM-5PM MON-FRI.
 CHECKS PAYABLE TO CITY OF MANISTEE. TAXES PAYABLE BY AUGUST 20 1998.

PROPERTY CODE: 51-51-850-015-00

OFFICIAL TAX STATEMENT
 PRESENT OR MAIL THIS COPY WHEN PAYING TAXES
 (SEE REVERSE SIDE FOR TAX LAWS AND FISCAL YEARS)

HOMESTEAD PERCENT	TAXABLE VALUE	ASSESSED VALUE	EQUALIZED VALUE	SCH. OPER. TAX VALUE
0	0	0	0	0

PROPERTY DESCRIPTION: (NOT RESPONSIBLE IF PAID ON WRONG DESCRIPTION)

INDUSTRIAL FACILITIES TAX ROLL (ACT 198 OF 1974)
 NEW FACILITY
 INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE #96-156
 REAL PROP. ISSUED EFF. 12/30/96 ENDING 12/30/2009. \$192,000
 PERS PROP. ISSUED EFF. 12/30/96 ENDING 12/30/2007. \$11,641,000
 (REAL & PERSONAL INSTALLED 2/96-2/97) INCLUDING:
 BROMINE PLANT EQUIPMENT, LIQUID PLANT EQUIPMENT, DRY PLANT EQUIPMENT,
 BAGGING PLANT EQUIPMENT, SALT PLANT EQUIPMENT AND RELATED INSTALLATION,
 ENGINEERING & MODIFICATION COSTS
 1998 EQ SEV REAL \$ 211,200
 1998 EQ SEV PERSONAL \$ 4,639,800

OWNER IF DIFFERENT:

AMBAR INC
 IFT. #92-156
 1501 MAIN STREET
 MANISTEE MI
 49660

TAXING UNIT	MILLAGE	AMOUNT
I. P. T. SPECIAL	100.0000	72,849.20
TOTAL		72,849.20
ADMINISTRATION FEE		0.00
RAY THIS AMOUNT		72,849.20

CITY OF MANISTEE
 KENNETH JLENICZAK
 MANISTEE CITY TREASURER
 70 MAPLE STREET
 MANISTEE, MI 49660

TAX YEAR 1978 CLASSIFICATION 300 SCHOOL DISTRICT 30
 OFFICE HOURS: OFFICE HOURS 8AM-5PM MON-FRI
 CHECKS PAYABLE TO CITY OF MANISTEE TAXES PAYABLE BY AUGUST 20 1978

PROPERTY CODE: 51-51-790-040-00

OFFICIAL TAX STATEMENT
PRESENT OR MAIL THIS COPY WHEN PAYING TAXES
 (SEE REVERSE SIDE FOR TAX LAWS AND FISCAL YEARS)

HOMESTEAD PERCENT	TAXABLE VALUE	ASSESSED VALUE	EQUALIZED VALUE	SCH. OPER. TAX VALUE
0	4,905,100	4,905,100	4,905,100	4,905,100

PROPERTY DESCRIPTION: (NOT RESPONSIBLE IF PAID ON WRONG DESCRIPTION)
 PERSONAL PROPERTY: (77) NON INVENTORY FURNITURE & FIXTURES
 MACHINERY & EQUIPMENT ASSOCIATED WITH CALCIUM CHLORIDE
 PRODUCTION FACILITY LOCATED AT 1301 MAIN STREET
 REAL PROPERTY: 51-51-712-075-04

OWNER IF DIFFERENT:

AMBAR INC
 1301 MAIN ST
 MANISTEE MI
 49660

TAXING UNIT	MILLAGE	AMOUNT
	TAX RECEIPT #	4094
CITY OPER	18.5782	90,839.62
REFUSE COLL.	2.2500	11,036.48
FIRE TRK 5.1%	0.6000	2,943.06
ST EDUC. TAX	3.0000	14,715.30
INTERN. MUNIC. COMM. COLLECT.	2.1842	10,716.66
	3.1250	15,579.16
TOTAL		145,820.28
ADMINISTRATION FEE		0.00
PAY THIS AMOUNT		145,820.28

CITY OF MANISTEE
 KENNETH OLENICZAK
 MANISTEE CITY TREASURER
 70 MAPLE STREET
 MANISTEE, MI 49860

TAX YEAR: 1998 CLASSIFICATION: 3 SCHOOL DISTRICT: 30
 OFFICE HOURS: OFFICE HOURS 8AM-5PM MON-FRI
 ALL CHECKS PAYABLE TO CITY OF MANISTEE. TAXES PAYABLE BY AUGUST 30 1998.

TAXING UNIT	MILLAGE	AMOUNT
		TAX RECEIPT # 3602
CITY OPER	19.9102	56,719.22
REFUSE COLL	2.2500	8,106.53
FIRE TRW SERV	0.6000	2,161.26
ST. EDUC TAX	3.0000	10,800.00
INTEREST SCHOLR	2.1842	7,871.62
COMM SUCCESSION	0.1753	11,440.25
TOTAL		107,108.10
ADMINISTRATION FEE		0.00
PAY THIS AMOUNT		107,108.10

PROPERTY CODE: 51-51-712-475-04

OFFICIAL TAX STATEMENT
PRESENT OR MAIL THIS COPY WHEN PAYING TAXES
 (SEE REVERSE SIDE FOR TAX LAWS AND FISCAL YEARS)

HOMESTEAD PERCENT	TAXABLE VALUE	ASSESSED VALUE	EQUALIZED VALUE	SCH. OPER. TAX VALUE
0	3,602,900	3,602,900	3,602,900	3,602,900

PROPERTY DESCRIPTION: (NOT RESPONSIBLE IF PAID ON WRONG DESCRIPTION)

PT GOVT LOT 7 SEC 18 T21N R14W + PT GOVT LOT 9 SEC 12 T21N R17W + PT GOVT LOT 3 SEC 13 T21N R17W COM AT INT OF E LI OF MAIN ST + N SEC 13 OF SEC 12, S 1000.54 FT TO N LI 16TH ST, E 403 FT, S 5000.10 FT, E 697 FT, E 643 FT TO MANISTEE LK, NLY, ALG LK TO A PT PROVEG 30MIN E OF PUB, S 3000.30 FT TO PUB EXC IN PAV INCLUDING BLK 13 OF MAXWELLTOWN PLAT AND PAV PURT 171M BT & STATE ST LIT 1994 LIT CERT #76-021 IS REFLECTED. T21N R14W SEC 12 T21N R17W SEC 13 T21N R14W SEC 12 & 13 T21N R17W P ADDR: 1501 MAIN ST

OWNER IF DIFFERENT:

AMBAR CHEMICAL LLP
 1501 MAIN STREET
 MANISTEE MI 49860

REQUEST FOR APPEAL

CITY OF MANISTEE ZONING BOARD OF APPEALS

DENNIS W. DUNLAP
Name

406 N. LAVINIA
Address

LUDINGTON, MICH. 49431
City, State and Zip Code

Phone Numbers (Work) 616-777-3447
(Home) 616-845-6737

FOR OFFICE USE ONLY

Appeal Number 9812
Date Received 8-24-98
Tax Parcel Number 51-51-101-275-10
Fee Received (Amt & Date) \$150.00 8/24/98
Receipt Number 2021
Hearing Date 9-3-98
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: SEE ATTACHED
ADDRESS IS: 43 ARTHUR STREET (US-31)
Tax Roll Parcel Code #: 51-51-101-275-10
- 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: HUNTINGTON BANK
76 STEVE LOOMIS
322 FIRST ST. / MANISTEE, MI 49660
- D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: _____
- E. Present use of property is: PROPERTY IS BEING USED TO CONSTRUCT
CONDOMINIUMS / BOAT DOCKS
- F. Present zoning district classification of the property is: _____

Request for Appeal
Page 2

G. A previous appeal (has) been made with respect to these premises in the last 1 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: SEPT. 29, 1997 Action Requested: VARIANCE TO "HEIGHT TO 35'-6" BLDG.
VARIANCE FROM WATERFRONT SET BACK APPLIED TO 15'
 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: _____

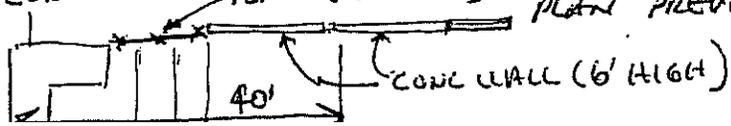
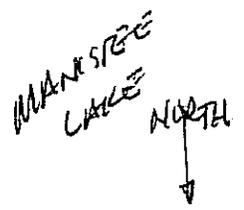
B. Variance from the requirements of the Zoning Ordinance.
 The appellant respectfully requests the Board of Appeals grant a variance on the above described property.

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

<input checked="" type="checkbox"/> Setback	<input type="checkbox"/> Side Yard	<input type="checkbox"/> Off-street Parking
<input 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. IT IS PROPOSED TO CONSTRUCT A 6' HIGH PRIVACY & SOUND BARRIER WALL ALONG THE S. PROPERTY LINE (COMMON W/ THE ARTHUR STREET BOAT LAUNCH PROPERTY). THE WALL IS TO BE CONCRETE THAT APPEARS TO BE BRICK. IT IS PROPOSED TO LANDSCAPE & LIGHT BOTH SIDES OF THE WALL.
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 checked="" type="checkbox"/> Other (Specify)

OUR PROPERTY IS TO BE DEVELOPED AS RESIDENTIAL & WE WOULD PROPOSE TO CONSTRUCT A POOL AT THE SOUTH END. THIS REQUIRES PRIVACY FENCING (WALL) WHICH WE WOULD LIKE TO CONSTRUCT TO WITHIN 15' FROM THE WATER'S EDGE, DEFINED BY THE SEA WALL ON THE PROPERTY. THE FIRST 7' WOULD BE A WHITE VINYL FENCE, WHILE THE NEXT PART WOULD BE A CONC. WALL FENCE (4' HIGH) SEE SKETCH BELOW & SITE PLAN PREVIOUSLY SUBMITTED & APPROVED.



Request for Appeal
Page 3

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? THERE WILL BE A SAFETY & SECURITY PROBLEM POTENTIALLY - CURRENTLY THE PUBLIC FISHES OFF THE SEAWALL - ACCESSING

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? BUT WILL PRESENT SEVERE RESTRICTIONS AND A CHANGE IN PLANS

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 THERE IS A NEED TO MAINTAIN SEPARATION FROM CITY OWNED PROPERTY. PRIVACY FOR THE SWIMMING POOL & FOR SAFETY NEED TO BE MAINTAINED.

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. WE BELIEVED THAT WE HAD PREVIOUSLY BEEN GIVEN THE ABILITY TO CONSTRUCT STRUCTURES WITH A 15' SET BACK WHICH INCLUDED BOTH THE WALL & THE BULLAINES.

IT FROM THE CITY PROPERTY.

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 _____ section _____. It is alleged the Zoning Administrator erred in (the interpretation of article _____ / his order/his requirement/ his decision/ his determination) regarding the issuance of _____ 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? A QUALITY FENCE (WALL) WILL BE CONSTRUCTED & WILL SEPARATE COMMERCIAL (LITTLE CASAS) & RECREATION USES FROM RESIDENTIAL USES.
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? WE DO NOT KNOW OF ANY POTENTIAL NEGATIVE IMPACTS.

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 [Handwritten Signature]

Date 28 Dec 98

Signature [Handwritten Signature]

Date 8-24-98

REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

PATRICK and Cynthia Welsh

Name

446 6th St.

Address

Manistee, MI 49660

City, State and Zip Code

723-8272 x1325

Phone Numbers (Work) Cindy - 723-7957

(Home) 723-4985

FOR OFFICE USE ONLY

Appeal Number 9813

Date Received 8.26.98

Tax Parcel Number 51-51-371-702.05

Fee Received (Amt & Date) 150.00 8.26.98

Receipt Number _____

Hearing Date 9.3.98

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:

- Ordinance or Map Interpretation
- Appeal from Administrative Decision

- Variance
- Other Authorized Review

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: See attached copy

Tax Roll Parcel Code #: 51-51-371-702.05

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: Arnold & Margaret Tice,

430' N. Norman St.
Barryton, MI 49330-9712

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

If Platted, Name of Plat: G. W. Robinsons

E. Present use of property is: Residence

F. Present zoning district classification of the property is: R-4

- G. 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.
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- (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 checked="" type="checkbox"/> Setback | <input checked="" type="checkbox"/> Side Yard | <input type="checkbox"/> Off-street Parking |
| <input 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. We would like to put an addition on the back of the house which would follow the existing line of the home, which is currently 6.5 feet East of the lot line.

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 checked="" type="checkbox"/> Other (Specify) |

Our home is already 6.5 from the 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:

The esthetics of the addition would be much nicer if addition was allowed to follow the line of existing house

- 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? It would be difficult to build the addition in the manner that the architect designed.
- 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). Home was built in the 1950's prior to current zoning standards
- 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? We would not be able to get as much square footage with the addition (if we had to move it in 3 1/2 feet). Also the esthetics wouldn't be as nice.
- 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 The home is already located within the side yard setback.
- 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. It would give us more living area and a nicer "curb appeal" that would tie in nicely with any future

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? _____

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 Cynthia (Cindy) Welch

Date 3/26/98

Signature _____

Date _____

CITY OF MANISTEE
 KENNETH OLENICZAK
 MANISTEE CITY TREASURER
 70 MAPLE STREET
 MANISTEE, MI 49660

TAX YEAR 1998 CLASSIFICATION 40A SCHOOL DISTRICT 30
 OFFICE HOURS: OFFICE HOURS 8AM-5PM MON-FRI.
 CHECKS PAYABLE TO CITY OF MANISTEE. TAXES PAYABLE BY AUGUST 20 1998.

PAID
 AUG 03 1998

PROPERTY CODE: 51-51-371-702-05

NOT VALID UNLESS SIGNED BY TREASURER

Kenneth J. Oleniczak
 19

TAXING UNIT	MILLAGE	AMOUNT
		TAX RECEIPT # 1783
CITY OPER	18.5182	457.49
REFUSE COLL	2.2500	55.59
FIRE TRK & STAT	0.6000	14.82
ST. EDUC. TAX	3.0000	74.12
INTERM SCHOOL	2.1848	53.98
COMM COLLEGE	3.1753	78.45

TAX RECEIPT	HOMESTEAD PERCENT	TAXABLE VALUE	ASSESSED VALUE	EQUALIZED VALUE	SCH. OPER. TAX VALUE
	100	24,705	26,400	26,400	0

PROPERTY DESCRIPTION: (NOT RESPONSIBLE IF PAID ON WRONG DESCRIPTION.)

G. W. ROBINSONS ADD COM 157 FT E OF SW COR, E 85 FT, N 187.25 FT, W 85 FT, S 187.25 FT BLOCK 1\ _____ P. ADDR: 446 6TH ST

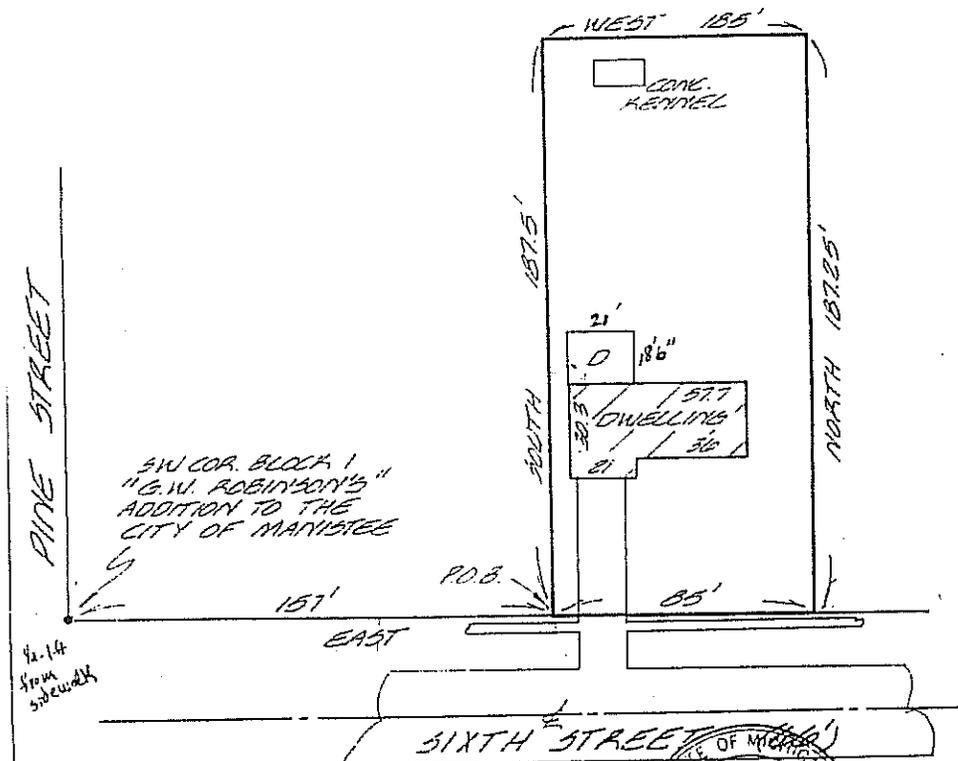
01125

OWNER IF DIFFERENT: TICE ARNOLD L & MARGARET

WELSH PATRICK & CYNTHIA
 446 SIXTH ST
 MANISTEE MI 49660

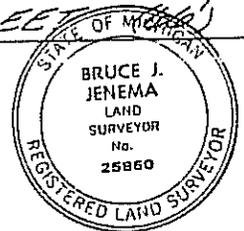
TOTAL	734.45
ADMINISTRATION FEE	0.00
PAY THIS AMOUNT	734.45

MORTGAGE REPORT



SW COR. BLOCK 1
"G.W. ROBINSON'S"
ADDITION TO THE
CITY OF MANISTEE

82.14
from
sidewalk

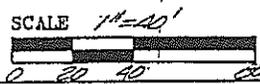


ADDRESS:
446 Sixth Street
Manistee, MI. 49660

DESCRIPTION: Part of Block 1, G.W. Robinson's Addition to the City of Manistee, Manistee County, Michigan. Described as commencing 157 ft. East of the Southwest corner thereof, thence East 85 ft., thence North 187.25 ft., thence West 85.0 ft., thence South 187.25 ft. to the point of beginning.

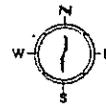
LEGEND

- ⊕ MONUMENT FND.
 - IRON FND.
 - ▲ P.K. FND.
- ALL BOUNDARY & EASEMENT DIMENSIONS ARE RECORDED UNLESS OTHERWISE NOTED



I hereby certify that I have inspected the property hereon described; that there are improvements located as shown; that said improvements are within property lines; and that there are no visible encroachments upon the land and property described, unless otherwise noted. All utilities and easements may / or may not be shown.

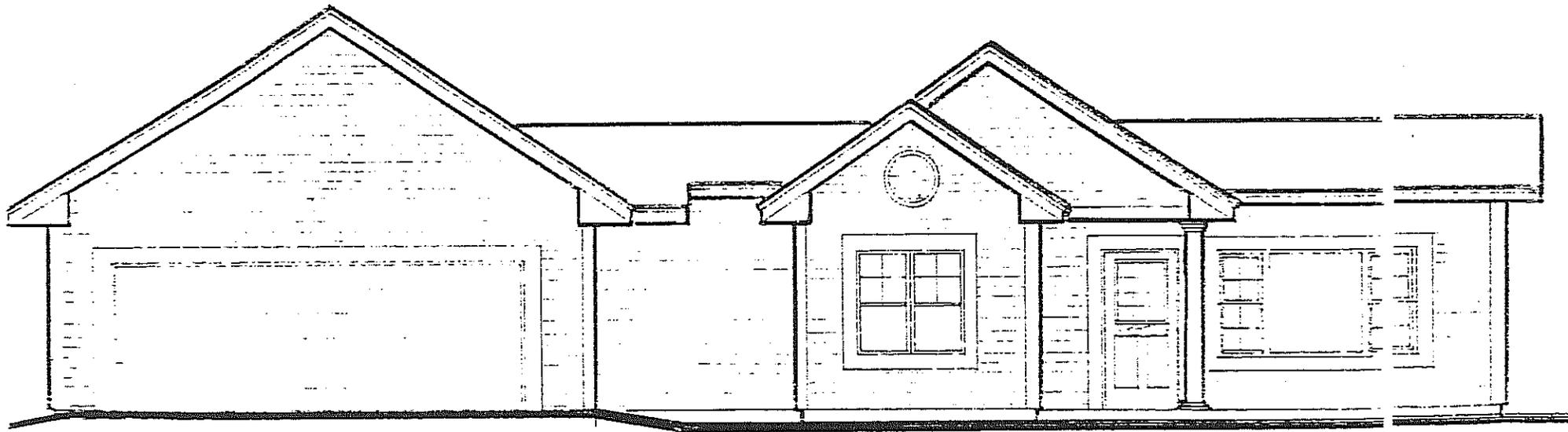
This inspection is for mortgage purposes only. *Bruce J. Jenema* R.L.S. No. 25860

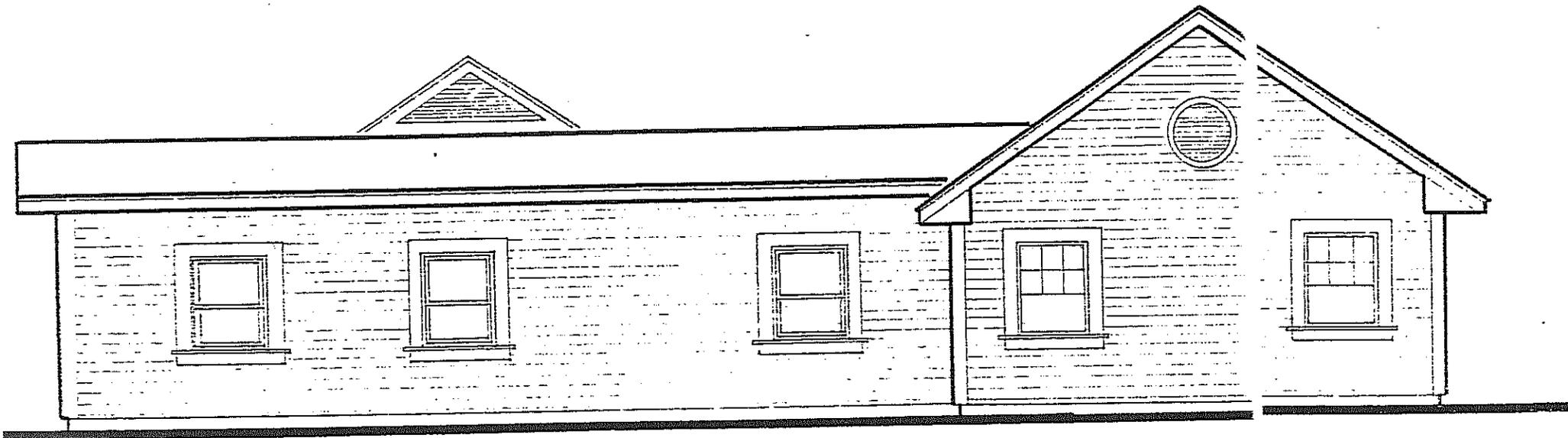


Jenema Land Surveys
50 Clay Street
Manistee, MI 49660
616-723-7930

FOR: Patrick & Cynthia Welsh	
Northwestern Savings Bank	
DATE: Aug. 9, 1994	SHEET 1 of 1
DWL/LJM	DR. B.J.J. FILE NO. 94443

marla





proposed residential alterations for:
MR./MRS. PAT WELSH

446 SIXTH STREET
MANISTEE - MICHIGAN

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