

**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, September 15, 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. Kendra Thompson Architect - Shipwatch Phase II
 - 2.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (9/3/98)
 - B. Unfinished Business:
 - 1. Kendra Thompson Architect - Shipwatch Phase II
 - 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: Zoning Board of Appeals Members

FROM: Jon R. Rose 
Community Development Officer

DATE: September 8, 1998

RE: Zoning Board of Appeals Meeting Tuesday, September 15, 1998

We have scheduled a Zoning Board of Appeals Meeting on Tuesday, September 15, 1998 at 5:30 p.m. in the Council Chambers.

The Zoning Board of Appeals Meeting is being held in response to a request from Kendra C. Thompson, Architect on behalf of CC&P Developers, Inc. Plans are to construct Phase II of Shipwatch Condominiums. Location of the project is the vacant property East of Shipwatch Condominiums located on Manistee River (access from Fifth Avenue).

Variances required are:

1. Increase the allowable height from 30 feet to 32 feet.
2. Reduction in waterfront set-back from 50 feet to 15 feet.
3. Reduce the east side yard set-back from 10 feet to 1' 4".
4. Reduce the west side yard set-back from 10 feet to 0.
5. Variance to eliminate the requirement for public street frontage.

A copy of the request is enclosed for your review.

If you are unable to make the meeting or have any questions, please call me at 723-2558. See you there!

JRR:djm

Enclosures

REQUEST FOR APPEAL

CITY OF MANISTEE

ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

Kendra C. Thompson Architects, PC
Name

304 Oak Street
Address

Manistee, MI 49660
City, State and Zip Code

Phone Numbers (Work) 616.723.4195
(Home) _____

Appeal Number 9814
Date Received 9.3.98
Tax Parcel Number 5151-211-130.00
Fee Received (Amt & Date) 150.00 9.4.98
Receipt Number _____
Hearing Date 9.15.98
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: _____
Refer to attached site plan _____

Tax Roll Parcel Code #: _____
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: Developer: CC & P Developers, Inc.
Richard Scharick

571 Gordon Industrial Court, Ste. A
Grand Rapids, MI 49509

D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: _____

E. Present use of property is: _____

Vacant
F. Present zoning district classification of the property is: R-2

G. A previous appeal (has/has not) been made with respect to these premises in the last 7 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: 1991 Action Requested: Approval of Phase I
(similar to Phase II)
 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.
 Setback Side Yard Off-street Parking
 Lot Coverage Placement Height
 Signs Area Requirements 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 Phase II, Shipwatch Condos, a 12 unit complex. Previous approval was granted Jan. 1991.

3. 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) _____

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Refer to
attachments
for further
information.

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? _____

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? Strict application of the ordinance will not allow for the highest and best use of the property and will deny the owner the ability to develop the parcel as previously intended for.

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 unique circumstances are that the parcel adjacent has been developed to accommodate the Phase II link (i.e. stairs, parking, et

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. _____

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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? _____

~~Refer to attachments.~~

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

~~Refer to attachments.~~

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 Kendra C. Thompson
Kendra C. Thompson Architects, P.C.

Date 02 September 1998
02 September 1998

Signature _____

Date _____

attachment to:

REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS
02 September 1998

RE: SHIPWATCH
PHASE II
315 Fifth Avenue
Manistee, MI 49660

III. DETAILED REQUEST AND JUSTIFICATION

Request

Variances from the requirements of the Zoning Ordinance

The appellant respectfully requests the Board of Appeals grant a variance on the above described property for the following requirements:

1. Waterfront setback to 15 ft. (required = 50 ft)
2. Density to 1 unit per 1,884.5 sf (required = 1 per 2,700 sf)
3. Side yard setback
 - West to 5'-2" +/- (required = 10 ft)
 - East (required = 10 ft)
 - Building = 10 ft
 - Face of stairs = 1'-4" +/-
4. Building height to 41'-2" +/- (required = 30 ft)

Justification

The following justification and support information is in reference to the requested action:

Background

The variance requests to allow for the construction of Shipwatch Condominiums, Phase I and Phase II has been previously approved by the City of Manistee Planning Commission and Zoning Board of Appeals approximately January 1991. (The waterfront setback zoning regulation was not specifically addressed at that time since it was not made part of the zoning ordinance until 1994.) The specific variance issues being requested are made necessary today because of development activity that took place in 1991 and the previous Owners inability to complete Phase II in a timely fashion.

Waterfront Setback

The existing Phase I structure is located within the minimum 15 ft waterfront setback. The Phase I deck is within approx. 7 ft. and the building is within 12 ft. at some locations. Phase II, as approved in 1991, would have been constructed similar to Phase I. The proposal for Phase II today positions the deck at a minimum 15 ft. setback with the building being positioned at 22'-1" at the most critical location. The connection of Phase II deck/egress stairs to the existing stair will encroach in the waterfront setback approximately 6 1/2 inches at the south east point of connection (refer to attached sketch). The proposed Phase II building placement allows for a greater portion of the structure to be setback further than the 1991 plans and is, therefore, a benefit over the previously approved placement. The sloping site dictates that the building placement be positioned to the south so that access drives and parking be located on the most level area of the site.

Density

The original approvals for Phase I and Phase II intended to have two buildings with 12 units each. Density regulations for R-2 zoning district indicates 1 unit per 2700 sf parcel area, thus allowing 8.4 units. The proposed density for Phase II is 12 units, thus 1 unit per 1,884.5 sf parcel area. This is viewed as allowing for the highest and best use of the parcel and is compatible with adjacent property developments such as Phase I, Harborview Apartments and Chalet West Apartments.

Sideyard Setbacks

The original approvals indicated that Phase II would directly tie into the east stair of Phase I. In order to maintain this connection, the west sideyard setback to the Phase II building must be 5'-2" +/- . The east stair of Phase I is actually positioned in part on the Phase II parcel anticipating this connection to occur. In addition, the east sideyard setback of the Phase II building was previously approved for a 10 ft setback with the stair being within the setback area. The eastern most face of the stairs will be approximately 1'-4" +/- from the adjacent marina property. Because the Owner of Shipwatch condominiums is also the Owner of the marina and the projects share many common ties, this is not viewed as objectionable. The proposed Phase II building will be offset 8 ft to the north at the midpoint to create a less massive facade appearance from Phase I.

Building Height

The proposed building height of 41'-2" +/- is similar to that previously approved in 1991. The previous approved project intended that Phase II would be positioned 3 ft. higher than Phase I. The proposed Phase II today positions the building at only 2 ft higher than Phase I, thus making the ridge slightly lower than originally approved. However, the proposed Phase II today will be a structure that is 2 ft wider than originally planned for, and, at a 5:12 roof pitch will raise the ridge 10 inches. The net result is a ridge line similar to that of Phase I.

IV. IMPACT ON SURROUNDING LANDS

Because this development was previously approved and the area has already undergone half of the initial planned development, it is not viewed that Phase II would create any significantly different impacts on the surrounding area. Shipwatch, Phase I Condominium Association unanimously voted to support the completion of Phase II on Aug. 29, 1998. Shipwatch Marina will be enhanced by the opportunity of having residential units available to boaters. Property owners to the north and east will not see a significant change to the surrounding area because of the sloped site conditions.

Any potential negative impacts will be offset by the development of quality residential units on an existing vacant parcel which currently has no desirable features (i.e. lack of trees, landscaping, etc.) nor contributes to the economic development of the community. The proposed project will be in keeping with the quality and aesthetics of the existing development. No adverse effects of the health, safety or welfare of the community will occur as a result of the proposed project. Existing public services and facilities are capable of accommodating the proposed project.

DECK

10'-6 1/4"

WOOD DECK

EXISTING BUILDING

EXISTING STAIR

WATERFRONT SETBACK LINE - 13'

6 1/2"

28'-10"

PARTIAL SITE PLAN
WEST STAIR ACCESS

SCALE: 1/4" = 1'-0"

KENDRA C. THOMPSON
ARCHITECTS, P.C.

SHIPWATCH
CONDOMINIUMS

SK-98/6-15
DATE: SEPT. 2, 1998

