

**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, October 7, 1999 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. Roger Birks/Brenda Alfred - Birks
 - 2.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (9/13/99)
 - B. Unfinished Business:
 - 1. Roger Birks/Brenda Alfred - Birks
 - 2.
 - C. Other Business:
 - 1.
 - 2.

- V. Work/Study Session:

- VI. Adjournment

cc: Zoning Board of Appeals Members
Mark W. Niesen, Building Inspector
Jon R. Rose, Community Development
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: Mark W. Niesen *M.W.N.*
Building/Zoning

DATE: September 27, 1999

RE: Zoning Board of Appeals Meeting Thursday, October 7, 1999

We have scheduled another Zoning Board of Appeals meeting for 5:30 p.m., Thursday, October 7, 1999.

A request has been received from Roger C. Birks and Brenda Alfred - Birks, 295 First Avenue for three variances to allow construction of a detached garage that will match the roof line of their home.

1. A variance to allow height increase from 14 feet to 21 feet.
2. A variance to reduce the side-yard set-back from 3 feet to 1 foot.
3. A variance to reduce the rear-yard set-back from 3 feet to 1 foot.

A copy of the request is enclosed.

If you are unable to attend the meeting please call Denise at 723-2558. See you there!

We would also like to take a moment to congratulate Mark & Dawn Wittlief on the birth of their daughter!!!

MWN:djm

Enclosures

REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

ROGER C. BIRKS + BRENDA ALFRED-BIRKS

Name

Appeal Number 9914

Date Received 9.24.99

295 FIRST AVENUE

Address

Tax Parcel Number 51-51-274-700-11

Fee Received (Amt & Date) 150.00

Receipt Number 3344

MANISTEE, MI 49660

City, State and Zip Code

Hearing Date October 7, 1999

Board of Appeals Action _____

Phone Numbers (Work) 723-8445

(Home) 398-9177

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: _____

THORPS ADDITION LOT SIX (6) BLOCK D, CITY OF MANISTEE

Tax Roll Parcel Code #: 51-51-274-706-11

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: _____

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

E. Present use of property is: RESIDENTIAL

F. Present zoning district classification of the property is: RESIDENTIAL (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.
- (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 checked="" type="checkbox"/> Other <u>ROOF HEIGHT</u> |

2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. WE WISH TO BUILD A 2 CAR GARAGE.

HOWEVER IN ORDER TO PARK 2 CARS WITHOUT UNREASONABLE DIFFICULTY, THE STRUCTURE MUST BE CLOSE OR AT THE SOUTH & WEST PROPERTY LINES. MAKE ROOFLINE SIMILAR TO HOME'S

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

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

SAME AS ABOVE - ALSO - WE WISH TO MAKE THE ROOF LINE COMPATIBLE WITH THE HOUSE'S ROOFLINE. WE PLAN ON USING ATTIC TRUSSES

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? IMPOSSIBLE TO PARK 2 CARS IN GARAGE IF WE MUST COMPLY WITH SET-BACKS

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). BECAUSE

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 PREVIOUS GARAGE REMOVED SEVERAL YEARS AGO.

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 SMALL GARAGES WERE USUALLY REMOVED DURING THE 40'S + EARLY 50'S BECAUSE THEY NO LONGER ACCOMMODATED LARGER, MODERN VEHICLES

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. _____

APPEALANCE OF OUR NEIGHBORHOOD

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? WE SEE NO NEGATIVE IMPACT. ONLY ENHANCEMENT AND ADDED VALUE TO THE NEIGHBORHOOD

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 [Signature]

Date 9-23-99

Signature [Signature]

Date 9-23-99

-NORTH-

FIRST AVENUE

FX R=100'

M=99.59' FX

PORCH



30.3'

2 STORY HOUSE

29.7'

29.8'

12.9'

CONC. DRIVE

CONCRETE

SIR

R=60'
M=59.87'

R=100'

SEE DETAIL "B"

M=99.52'

SEE DETAIL "A"

R=60'

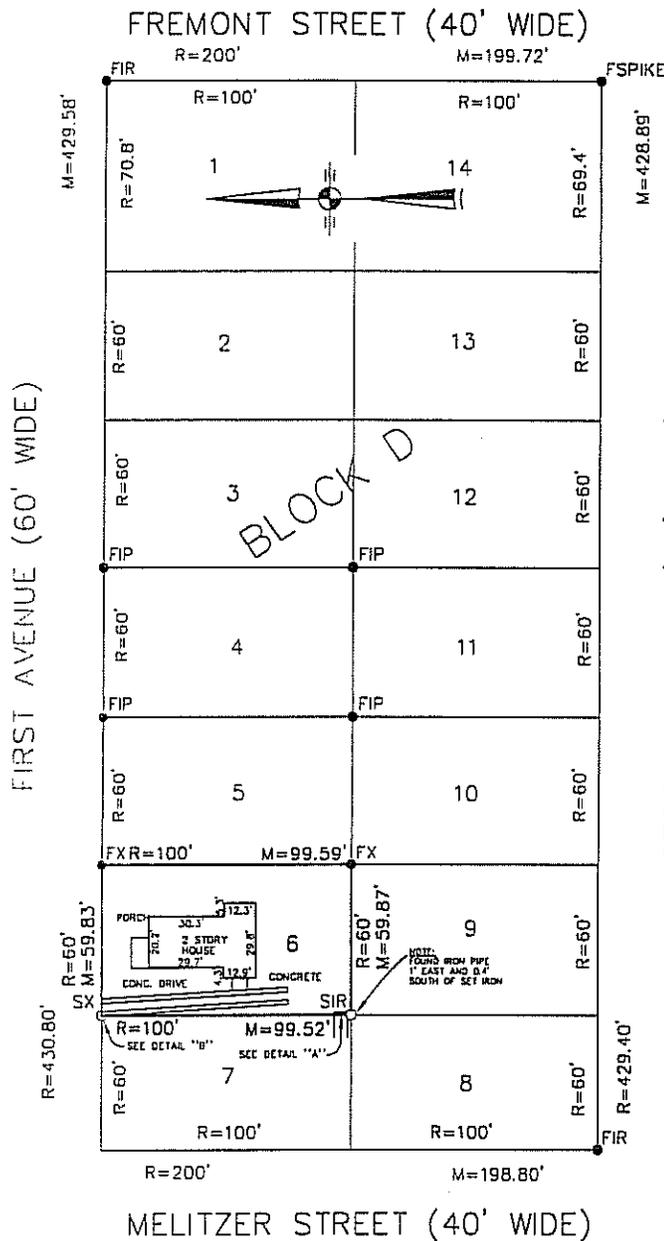
7

R=100'

SEE

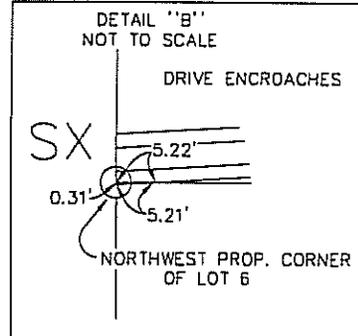
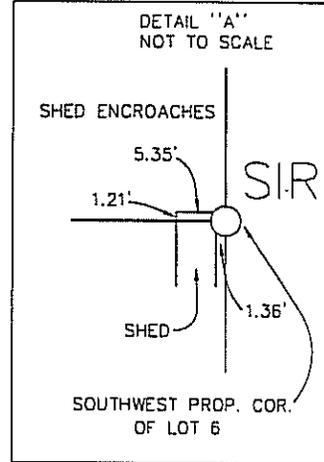
CERTIFICATE OF SURVEY

I, ANTHONY M. SLAWINSKI, LICENSED PROFESSIONAL SURVEYOR NO. 13597 IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND
 THORPS ADDITION LOT SIX (6) BLOCK D, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN.



LEGEND

- FSPIKE FOUND SPIKE
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- FX FOUND CHISELED "X"
- SX SET CHISELED "X"
- SIR SET IRON ROD



Anthony M. Slawinski
 ANTHONY M. SLAWINSKI
 LICENSED PROFESSIONAL SURVEYOR No. 13597
 ABONMARCHE CONSULTANTS, INC.

8-3-99
 DATE OF CERTIFICATE

PLAT OF SURVEY FOR:
 BRENDA
 BIRKS-ALFRED

ABONMARCHE CONSULTANTS, INC.
 361 First Street, Manistee, Michigan 49660
 516-723-1198
 FAX: 616-723-1194

95 West Main Street, Benton Harbor, Michigan 49022
 616-927-2295
 FAX: 616-927-4639

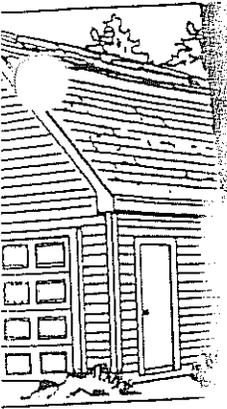
ARCHITECTS / ENVIRONMENTAL / ENGINEERS / LAND SURVEYORS / CONSTRUCTION MANAGEMENT

| | |
|---------------------|----------------------|
| DATE: JULY 30, 1999 | DRAWN BY: PCB |
| SCALE: 1" = 60' | SEC. - T.21N. R.17W. |

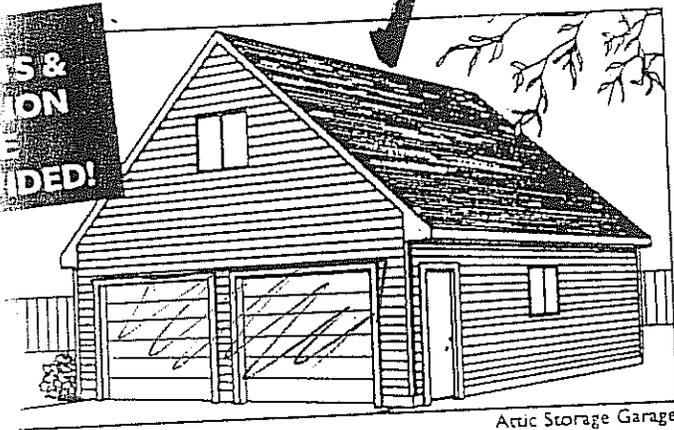
JOB NO. 99-876

REL AND

ATTIC STORAGE GARAGES

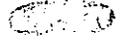
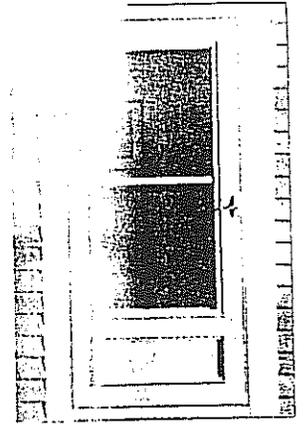


INSULATION PROVIDED!



Attic Storage Garage

... Includes:



32" x 36" White
Track Life

BIRKS
295 FIRST AVE
MANISTEE

