

**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, November 18, 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. Sharon Monnot - Height Variance
 - 2.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (10/7/99)
 - B. Unfinished Business:
 - 1. Sharon Monnot - Height Variance
 - 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: November 4, 1999

RE: Zoning Board of Appeals Meeting Thursday, November 18, 1999

We have scheduled another Zoning Board of Appeals meeting for 5:30 p.m., Thursday, November 18, 1999.

A request has been received from Sharon Monnot for a variance to height limitation of accessory structure from 14 feet to 21 feet to construct a detached garage with storage space above. A copy of the request is enclosed.

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

MWN:djm

Enclosures

REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

Sharon Mannot
Name

489 Water
Address

Manistee, MI 49660
City, State and Zip Code

Phone Numbers (Work) _____
(Home) (231) 723-5696

FOR OFFICE USE ONLY

Appeal Number 9915
Date Received 11-4-99
Tax Parcel Number 51-51-364-701-05
Fee Received (Amt & Date) 150.00 11-4-99
Receipt Number 3487
Hearing Date 11-18-99
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: C.E Marshs Add Lot 3 Block 2
Tax Roll Parcel Code #: 51-51-364-701-05
- 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: _____
- D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: _____
- E. Present use of property is: Homestead
- F. Present zoning district classification of the property is: C-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 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. _____
2 car garage w/ attic storage
VARIANCE FROM 14' TO 21' IN HEIGHT
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 type="checkbox"/> Other (Specify) |

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? no place for storage

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 _____

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. _____

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

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

There will be none

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 *Sharon Mennel*

Date 11-3-99

Signature _____

Date _____

DAVID S. VAURA
P.O.#102
MANISTEE, MICH. 49660

NOV. 12, 1999

MR. MARK W. NIESEN
BUILDING/ZONING
CITY OF MANISTEE
70 MAPLE ST.
MANISTEE, MICH. 49660

RE: MONNOT ZBA APPLICATION FOR 489 WATER ST

DEAR MR. NIESEN AND THE ZBA:

PLEASE REGISTER MY OBJECTIONS TO THIS REQUEST TO INCREASE THE HEIGHT OF AN ACCESSORY STRUCTURE FROM THE PERMITTED 14' TO 21'. I AM THE OWNER OF 478-480 FIRST STREET - NEARLY BEHIND THIS PROPOSED 21' STRUCTURE. THE HEIGHT PROPOSED IS JUST TOO MUCH. THIS IS A RESIDENTIAL NEIGHBORHOOD; THE HEIGHT PROPOSED IS MORE TYPICAL OF A COMMERCIAL STORAGE TYPE OF BUSINESS OPERATION.

AT MY 478-480 BUILDING, WE ARE IN THE PROCESS OF REMOVING AN UNSIGHTLY METAL STORAGE SHED AND REQUIRING ITEMS CURRENTLY IN THE YARD TO BE REMOVED. SHRUBS ARE BEING PLANTED ALONG THE PROPERTY LINE AND A BRICK PATIO BEING INSTALLED. A TALL WALL OF AN ACCESSORY BUILDING IS NOT DESIRABLE FOR THIS IMPROVING RESIDENTIAL NEIGHBORHOOD.

YOURS SINCERELY,

David S. Vavra

DAVID S. VAURA, OWNER 478-480 FIRST ST.

I am Sharon's neighbor on
the west side, and we have
no objection to the construction of
her garage.

11-17-99

501 Water Str.
Manister, MI
Mr Mrs Richard Frankowski