

**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, December 16, 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. Ken & Carolyn Witter - Side-Yard Set-Back
 - 2.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (11/18/99)
 - B. Unfinished Business:
 - 1. Ken & Carolyn Witter - Side-Yard Set-Back
 - 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: December 2, 1999

RE: Zoning Board of Appeals Meeting Thursday, December 16, 1999

We have scheduled another Zoning Board of Appeals meeting for 5:30 p.m., Thursday, December 16, 1999.

A request has been received from Ken & Carolyn Witter, 349 Eighth Street for a variance to the side-yard set-back from 10 feet to 1 foot 6 inches to construct a garage addition to the primary structure. 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

Kenneth + Carolyn Witter
Name

349 8th St
Address

Manistee MI 49660
City, State and Zip Code

Phone Numbers (Work) 723-6201 (Ken)
(Home) 723-6788

FOR OFFICE USE ONLY

Appeal Number 9916
Date Received 11-22-99
Tax Parcel Number 51-51-670-703-05
Fee Received (Amt & Date) 11-22-99 \$150.⁰⁰
Receipt Number 3533 11-24-99
Hearing Date 12-16-99
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: LOT 2 BLOCK B OF RAMSDALL & BENEDICTS ADDITION TO CITY OF MANISTEE
Tax Roll Parcel Code #: 51-51-670-703-05
- 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: RAMSDALL & BENEDICT ADDITION TO CITY
- E. Present use of property is: PRIVATE RESIDENCE
- F. Present zoning district classification of the property is: RESIDENTIAL

- 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 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. PROPOSE TO ERECT A 21'4" X 40'0" 2 CAR GARAGE & STORAGE AREA ATTACHED TO EXISTING DWELLING

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) |

EXISTING DWELLING BUILT TOO CLOSE TO EAST PROPERTY LINE TO ALLOW CONSTRUCTION OF 2 CAR ATTACHED GARAGE WITH PROPER SIDE LOT CLEARANCE THUS REQUIRING VARIANCE TO SIDE LOT CLEARANCE

PROPOSED NEW GARAGE TO BE 1'-6" FROM EAST PROPERTY LINE, WITH 6" EAVE OVERHANG

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? A DOUBLE CAR GARAGE FOR A 2 VEHICLE FAMILY CAN NOT BE BUILT PROPERLY ATTACHED TO EXIST HOME
- 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). PRESENT HOME & BOUNDARY LINES EXISTED PRIOR TO PURCHASE OF PRO
- 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 ADHERENCE TO ZONING ORDINANCE WILL PROHIBIT CONSTRUCTION OF NECESSARY 2 CAR GARAGE & STORAGE AREA
- 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 PHYSICAL OR VISUAL BARRIERS WILL BE CREATED
NEW CONSTRUCTION WILL NOT OCCUR OVER EXISTING
BURIED PIPE LINES OF ANY KIND. WILL ENHANCE APPEARANCE OF HOME
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? THERE SHOULDN'T BE ANY NEGATIVE IMPACT, ONLY
POSITIVE.

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 Kenneth Witter

Date 11-22-99

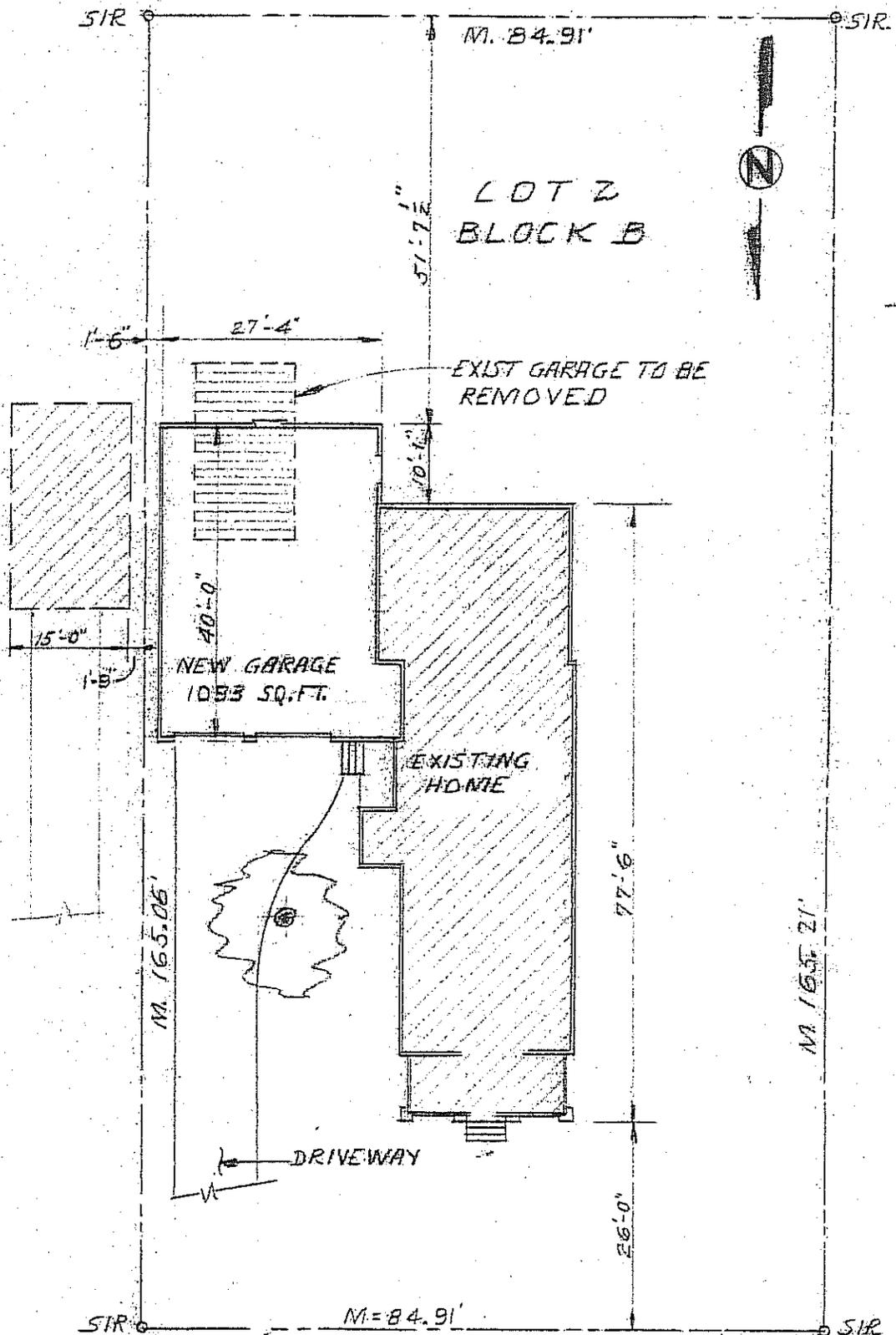
Signature Carolyn Witter

Date 11-22-99

LOT 2 BLOCK B EXCEPT THE WEST 25 FT.
RAMSDALL & BENEDICTS ADDITION TO THE
CITY OF MANISTEE.
SEC. 12 T.21N R.17W

LOT 1
BLOCK B

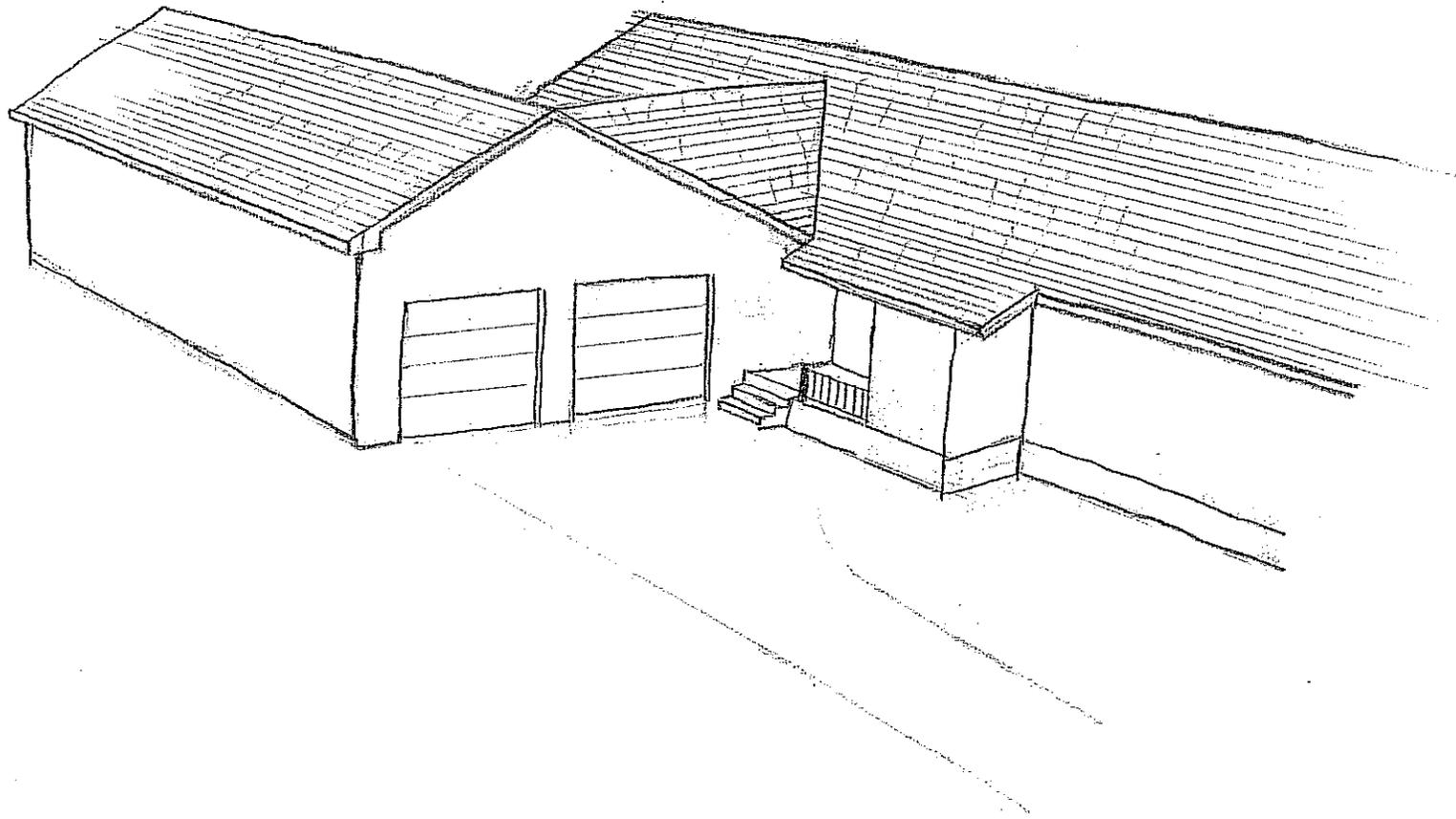
LOT 2
BLOCK B



EIGHTH STREET

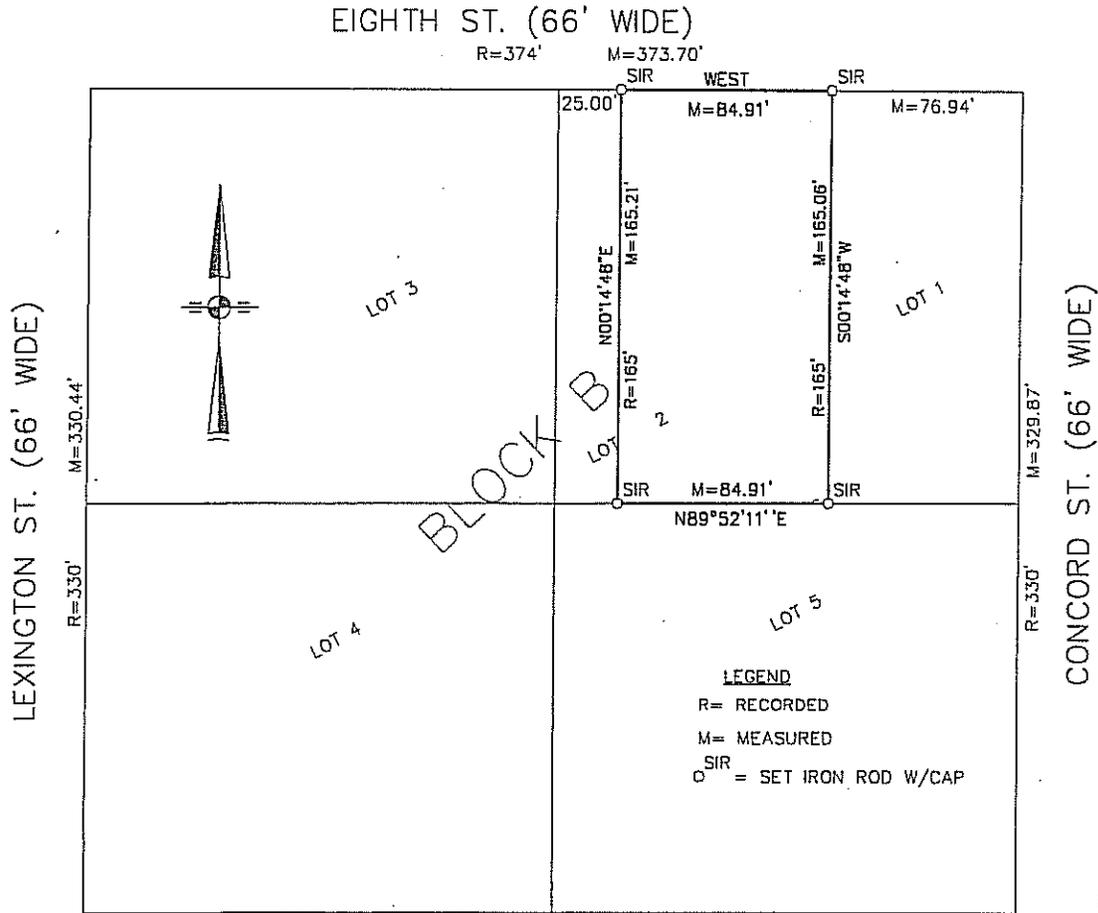
KENNETH & CAROLYN WITTER
349 EIGHTH STREET
MANISTEE, MICH.

SCALE 1" = 20'-0"



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
 LOT 2, BLOCK B, EXCEPT THE WEST 25 FEET, RAMSDELL & BENEDICT'S ADDITION TO THE CITY OF MANISTEE, ACCORDING TO THE PLAT THEREOF, RECORDED IN MANISTEE COUNTY RECORDS.

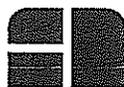


Anthony M. Slawinski
 ANTHONY M. SLAWINSKI
 LICENSED PROFESSIONAL SURVEYOR No. 13597
 ABONMARCHE CONSULTANTS, INC.

11-9-99
 DATE OF CERTIFICATE

PLAT OF SURVEY FOR:

CAROLYN
 WITTER



ABONMARCHE CONSULTANTS, INC.

361 First Street
 Manistee, Michigan 49660
 616-723-1198
 FAX: 616-723-1194

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

ARCHITECTS / ENVIRONMENTAL ENGINEERS / CONSTRUCTION MANAGEMENT LAND SURVEYORS

DATE: NOV. 8, 1999

DRAWN BY: CRS

SCALE: 1"=60'

SEC. 12 T. 21N R. 17W

806 Concord
Manistee, MI 49660
November 23, 1999

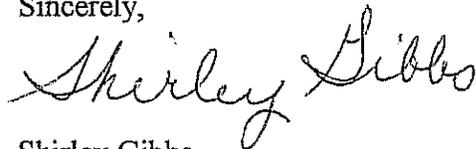
City of Manistee
70 Maple Street
Manistee, MI 49660

RE: Setback variance at 349 Eighth Street

Dear Sir:

As an adjoining property owner to Kenneth & Carolyn Witter, I have no objections to the proposed construction of an attached garage to their residence at 349 Eighth Street, Manistee.

Sincerely,

A handwritten signature in cursive script that reads "Shirley Gibbs". The signature is written in dark ink and is positioned above the printed name.

Shirley Gibbs

355 Eighth Street
Manistee, MI 49660
November 23, 1999

City of Manistee
70 Maple Street
Manistee, MI 49660

RE: Setback variance at 349 Eighth Street

Dear Sir:

As adjoining property owners to Kenneth & Carolyn Witter, we have no objections to the proposed construction of an attached garage to their residence at 349 Eighth Street, Manistee.

Sincerely,

Joseph B Coe
Marlene Coe
Joseph & Marlene Coe

810 Concord
Manistee, MI 49660
November 23, 1999

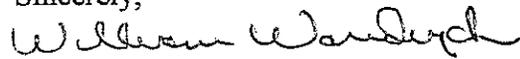
City of Manistee
70 Maple Street
Manistee, MI 49660

RE: Setback variance at 349 Eighth Street

Dear Sir:

As adjoining property owners to Kenneth & Carolyn Witter, we have no objections to the proposed construction of an attached garage to their residence at 349 Eighth Street, Manistee.

Sincerely,



William & Alice Wandrych

