

**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, January 6, 2000 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. Don & Sandy Pelarski/Edwin & Helen Alfred - encroachment
    - 2.
  - B. Questions, Concerns of Citizens in Attendance:
    - 1.
    - 2.
  
- III. Business Session:
  - A. Approval of Minutes (11/18/99 & 12/16/99)
  - B. Unfinished Business:
    - 1. Don & Sandy Pelarski/Edwin & Helen Alfred - Encroachment
    - 2.
  - C. Other Business:
    - 1. Election of Officers
    - 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

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TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen  
Building/Zoning

DATE: December 23, 1999

RE: Zoning Board of Appeals Meeting Thursday, January 6, 2000

We have scheduled another Zoning Board of Appeals meeting for 5:30 p.m., Thursday, January 6, 2000.

A request has been received from Don & Sandy Pelarski, 284 Fifth Street and Edwin & Helen Alfred 280 Fifth Street. Mr. & Mrs. Pelarski are in the process of selling their home, a survey revealed an encroachment onto Mr. & Mrs. Alfred's property. A variance is requested to reduce the side-yard set-back from 10 feet to 8 feet to correct the encroachment problem. A copy of the request is enclosed.

Minutes from the last two meetings were mailed earlier this week extra copies will be at the meeting if needed. If you are unable to attend the meeting please call Denise at 723-2558. See you there!

MWN:djm

*M.W.N.*

Enclosures

REQUEST FOR APPEAL

CITY OF MANISTEE  
ZONING BOARD OF APPEALS

Don & Sandy Pelarski - 284 5<sup>th</sup> St

Name

Edwin & Helen Alfred - 280 5<sup>th</sup> St

Address

City, State and Zip Code

Phone Numbers (Work)

(Home)

FOR OFFICE USE ONLY

Appeal Number 200 0001  
Date Received 12-22-99  
Tax Parcel Number 51-51-572-712-01  
Fee Received (Amt & Date) 150.00 12-23  
Receipt Number 3612  
Hearing Date 1-6-2000  
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: \_\_\_\_\_

Tax Roll Parcel Code #: 51-51-572-712-01

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: \_\_\_\_\_

F. Present zoning district classification of the property is: \_\_\_\_\_

See Attached Letter

- 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 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. \_\_\_\_\_
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) |
- Encroachment - See Attached letter

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? \_\_\_\_\_

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? \_\_\_\_\_

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. *See Attached Letter*

Signature \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



318 Parkdale Avenue • P.O. Box 212  
Manistee, Michigan 49660  
Phone: (231) 723-6596 • (888) 335-7464 • Fax (231) 723-6235

December 16, 1999

Mr. Jon Rose  
City Hall  
70 Maple Street  
Manistee, MI 49660

Re: Request for Split and Granting of Variance by Zoning Board of Appeals

Dear Mr. Rose:

Pursuant to our conversation, enclosed herewith is an application for a parcel division split that will ultimately allow Mr. and Mrs. Pelarski to sell property located at 284 Fifth Street to Mr. Donald S. Vavra.

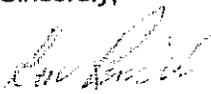
In conducting a mortgage survey on the parcel owned by Mr. and Mrs. Pelarski, it was discovered that the improvements encroach upon the adjoining property owned by Mr. and Mrs. Edwin Alfred. We currently have a Quit Claim Deed from Mr. and Mrs. Alfred to Mr. and Mrs. Pelarski conveying the West 3.5 feet of their lot to the Pelarskis in an effort to solve the encroachment problem. Enclosed you will find a copy of that survey.

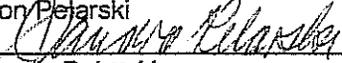
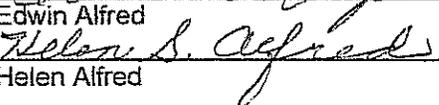
You informed me that it would be necessary to obtain approval from the Zoning Board of Appeals inasmuch as the improvements on the lot owned by Mr. and Mrs. Alfred do not conform with the current requirements for a 10' set back and that I would have to make application to the Zoning Board of Appeals to allow a variance of this nature to exist. Incidentally Mr. Rose, even if the Alfreds would not convey the 3.5 feet to the Pelarskis, the property would still non-conforming inasmuch there does not exist 10 feet from the current property line to the edge of Alfred's home.

Therefore, enclosed find a check in the amount of \$150 representing the application fee for the variance needed. It is hopeful that both of these matters could be approved and set before the City Council, if necessary, so that we may close at the earliest possible convenience.

Hopefully in the near future the City might consider meeting with some of the local Realtors to discuss how some of these title problems could be solved with greater ease than what we have been experiencing. If you have any thoughts along these lines or the powers that be might want to discuss them, we would be most eager to assist in any way possible.

Sincerely,

  
Ron Ringel, Broker  
State of Michigan License #6501148861

  
\_\_\_\_\_  
Don Pelarski  
  
\_\_\_\_\_  
Sandy Pelarski  
  
\_\_\_\_\_  
Edwin Alfred  
  
\_\_\_\_\_  
Helen Alfred

Enclosures  
RR/cw

