

**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, March 22, 2001 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

**AGENDA**

- I. Roll Call
- II. Public Hearing:
  - 1. Good Shepherd Lutheran Church
  - 2.
- III. Business Session:
  - A. Approval of Minutes (12/14/00)
  - B. Unfinished Business:
    - 1. Good Shepherd Lutheran Church
    - 2.
  - C. Other Business:
    - 1. Election of Officers
- IV. Questions, Concerns of Citizens in Attendance
- V. Adjournment

cc: Zoning Board of Appeals Members  
Bruce Gockerman, City Attorney  
Jon R. Rose, Community Development  
Mark W. Niesen, Building/Zoning  
Ken Oleniczak, Interim City Manager  
Julie Beardslee, City Assessor

# MEMORANDUM

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**TO:** Zoning Board of Appeals Members

**FROM:** Mark W. Niesen  
Building/Zoning

**DATE:** March 14, 2001

**RE:** Zoning Board of Appeals Meeting, March 22, 2001

M.W.N.

A Zoning Board of Appeals Meeting has been scheduled for Thursday, March 22, 2001 at 5:30 p.m. This meeting is in response to a request from Good Shepherd Lutheran Church. The Church is located on the corner of Cypress and Magill Streets. The Church would like to construct an addition on the South side of the Building next to the alley. The addition would replace what is currently a courtyard. The addition would reduce the set-back from 10 feet to 2 feet 3 inches. A copy of the request is enclosed.

This is the first meeting of 2001 and we will also hold the election of officers. If you are unable to make the meeting please call Denise at 723-2558. See you there!!

# REQUEST FOR APPEAL

## CITY OF MANISTEE ZONING BOARD OF APPEALS

Mark R. Krauskopf, AIA, Abonmarche Consultants, Representing  
Good Shepherd Church  
Name

521 Cypress Street  
Address

Manistee, MI 49660  
City, State and Zip Code

Phone Numbers (Work) 231-723-7161  
(Home)

### FOR OFFICE USE ONLY

Appeal Number 21001  
Date Received 3-2-01  
Tax Parcel Number 51-51-1054-702-07  
Fee Received (Amt & Date) \$250.00 3-2-01  
Receipt Number 00108  
Hearing Date  
Board of Appeals Action

**FEE FOR APPEAL \$250.00**

**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 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: See Attached
- Tax Roll Parcel Code #: \_\_\_\_\_
- B. List of all deed restrictions (attach additional sheets if necessary): Tax Exempt  
51-51-654-702-07
- 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: Church
- F. Present zoning district classification of the property is: 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 4604 Section C1B 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: Planned church addition location encroaches into 10' required setback. REQUEST IS TO REDUCE SETBACK FROM 10' TO

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. The church addition at the central courtyard is planned to terminate at the existing exterior wall and form a "Bay" window at the south. Setbacks do not allow this bay window at position shown.

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)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Location of property  
line with respect to planned building addition
- 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. Existing south corners of building are also within the setback, requiring any building addition to also be within setback.

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**

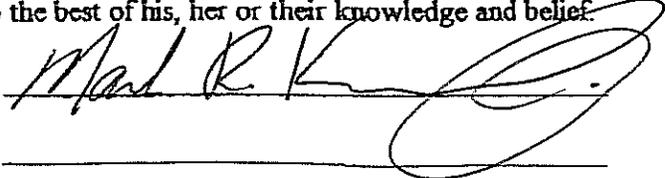
If your request is granted:

A. What are likely to be the positive and negative impacts of this decision on the surrounding land and neighbors? No negative impact on neighboring property.

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.

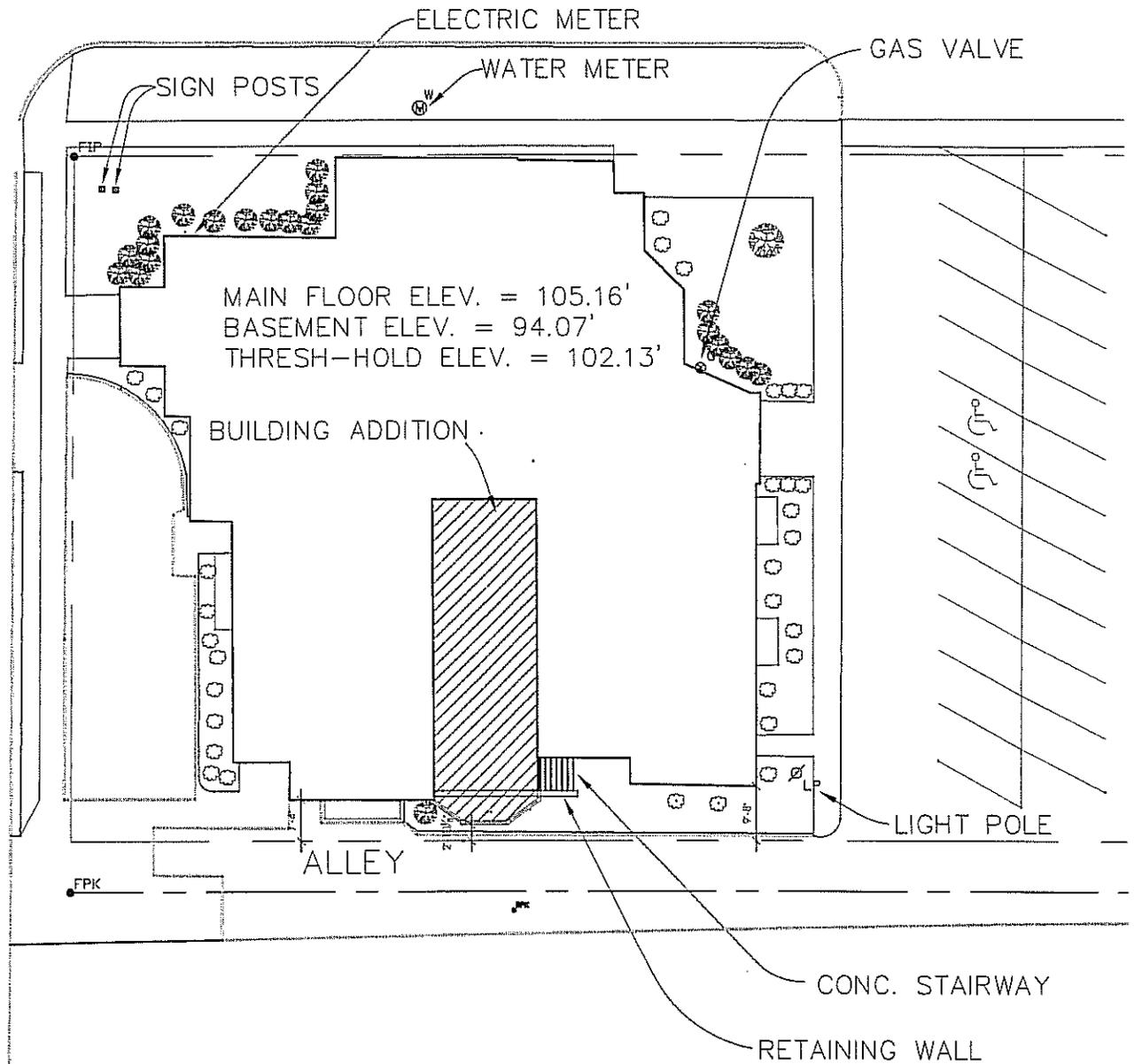
Signature  Date 3/5/21  
Signature \_\_\_\_\_ Date \_\_\_\_\_

W MAGILLS ADD LOT 9, EXC N 132 FT, ALSO EXC S 33 FT, ALSO COM AT SW  
COR OF LOT 8 FOR POB, TH E 10 FT, TH N 102 FT, TH W 10 FT, TH S 102 FT TO  
POB. [P.ADDR: EAST OF 40 MAGILL ST.]

HART + CUTCHEONS SUB OF LOTS 12 THRU 19 OF W MAGILLS ADD LOTS 9,  
10, 11 + 12 BLOCK 1\_\_\_\_\_P.ADDR: 521 CYPRESS ST.

HIGHWAY US-31

MAGILL STREET



### SITE PLAN

SCALE: 1" = 30'



**ABONMARCHE CONSULTANTS, INC.**

361 1st Street  
Manistee, Michigan 49660  
231-723-1198  
Fax 231-723-1194

95 West Main Street  
Benton Harbor, Michigan 49022

ARCHITECTURE / ENGINEERING / LAND SURVEYING  
ENVIRONMENTAL / CONSTRUCTION MANAGEMENT

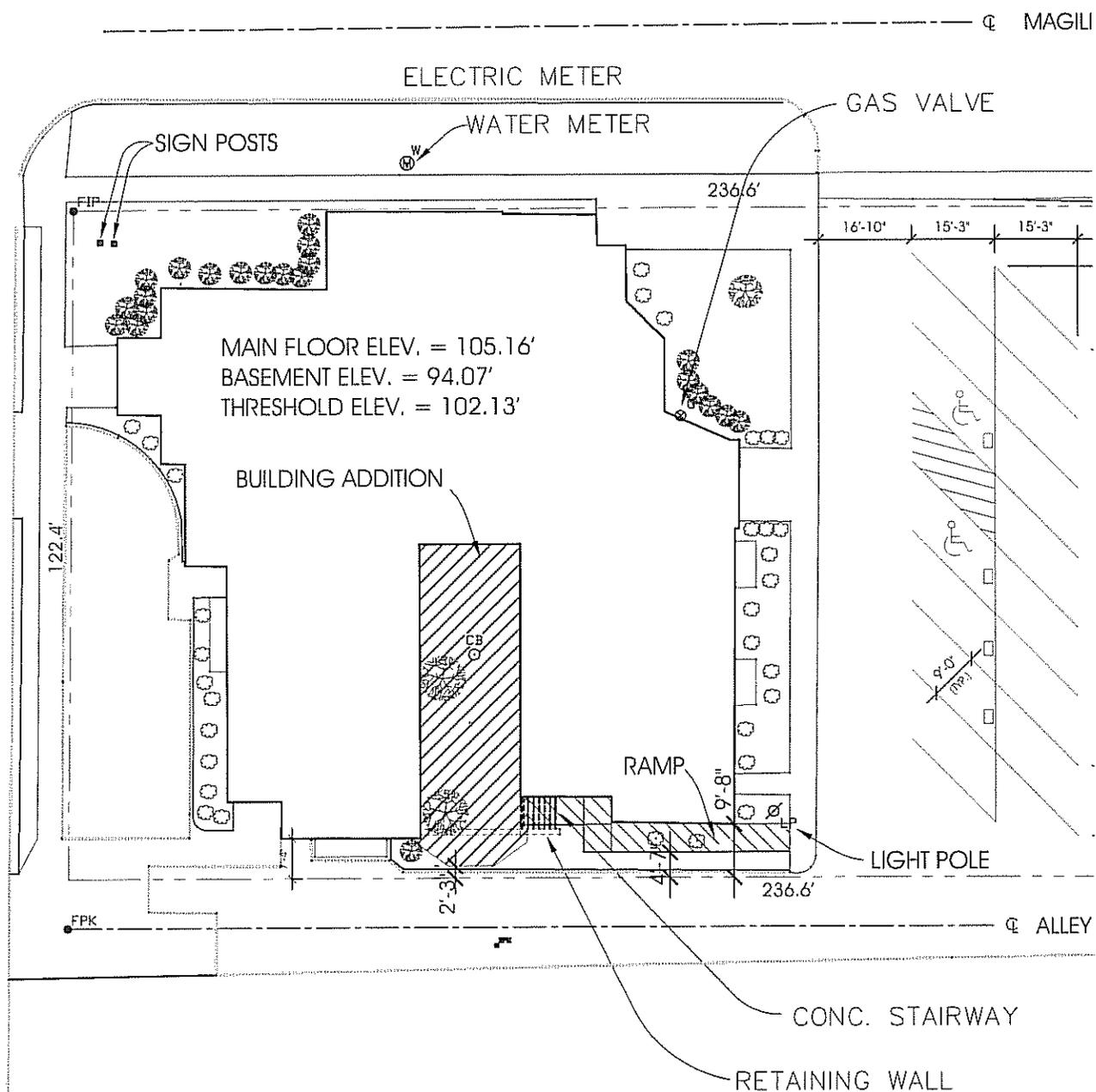
JOB NO.: MO202  
DATE: 2/28/01  
DRWN BY: MIRK

GOOD SHEPHERD SITE PLAN  
521 CYPRESS STREET  
MANISTEE, MI 49660

SHEET

C1.1

HIGHWAY US-31



**SITE PLAN**  
 SCALE: 1" = 30'

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 ENVIRONMENTAL / CONSTRUCTION MANAGEMENT

JOB NO.: MD202  
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GOOD SHEPHERD SITE PLAN  
 521 CYPRESS STREET  
 MANISTEE, MI 49660

SHEET  
**C1.1**