

**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 Monday, July 9, 2001 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call

- II Public Hearing:
 - 1. Kyle & Carrie Mosher, 505 Seventh Street
 - 2. Delores Daul, 378 Eleventh Street
 - 3.

- III Business Session:
 - A. Approval of Minutes (4/5/01)
 - B. Unfinished Business:
 - 1. Kyle & Carrie Mosher, 505 Seventh Street
 - 2. Delores Daul, 378 Eleventh Street
 - 3.
 - C. Other Business:
 - 1.

- 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

TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen
Building/Zoning

DATE: June 25, 2001

RE: Zoning Board of Appeals Meeting, July 9, 2001

A Zoning Board of Appeals Meeting has been scheduled for Monday, July 9, 2001 at 5:30 p.m. This meeting is in response to the following requests:

1. Kyle & Carrie Mosher, 505 Seventh Street for a variance to the front-yard set-back from 25 feet to 15 feet to construct a covered porch.
2. Delores Daul, 378 Eleventh Street for a variance to the front-yard set-back from 25 feet to 12 feet for a garage addition.

Copies of both requests are enclosed for your review. Have a safe & happy Fourth of July!

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

Kyle & Carrie Mosher
Name

505 7th Street
Address

Manistee, MI 49660
City, State and Zip Code

Phone Numbers (Work) 231-398-5556

(Home) 231-398-5953

FOR OFFICE USE ONLY

Appeal Number 21003

Date Received 6-22-01

Tax Parcel Number 51-51-366-710-10

Fee Received (Amt & Date) 250.00 6-22-01

Receipt Number 0416

Hearing Date 7-9-01

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:

- Ordinance or Map Interpretation
- Appeal from Administrative Decision
- Variance
- Other Authorized Review

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: 51-51-366-710-10

Tax Roll Parcel Code #: _____

B. List of all deed restrictions (attach additional sheets if necessary): None

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: None

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: R3

- 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 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. Build out from house: front porch with shingled roof.

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 checked="" type="checkbox"/> Too Shallow | <input type="checkbox"/> Shape | <input type="checkbox"/> Other (Specify) |

House is too close to front property line. Would like a variance to build up to 15 foot.

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 Setback distances have changed since the house was built in approx. 1950

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? _____

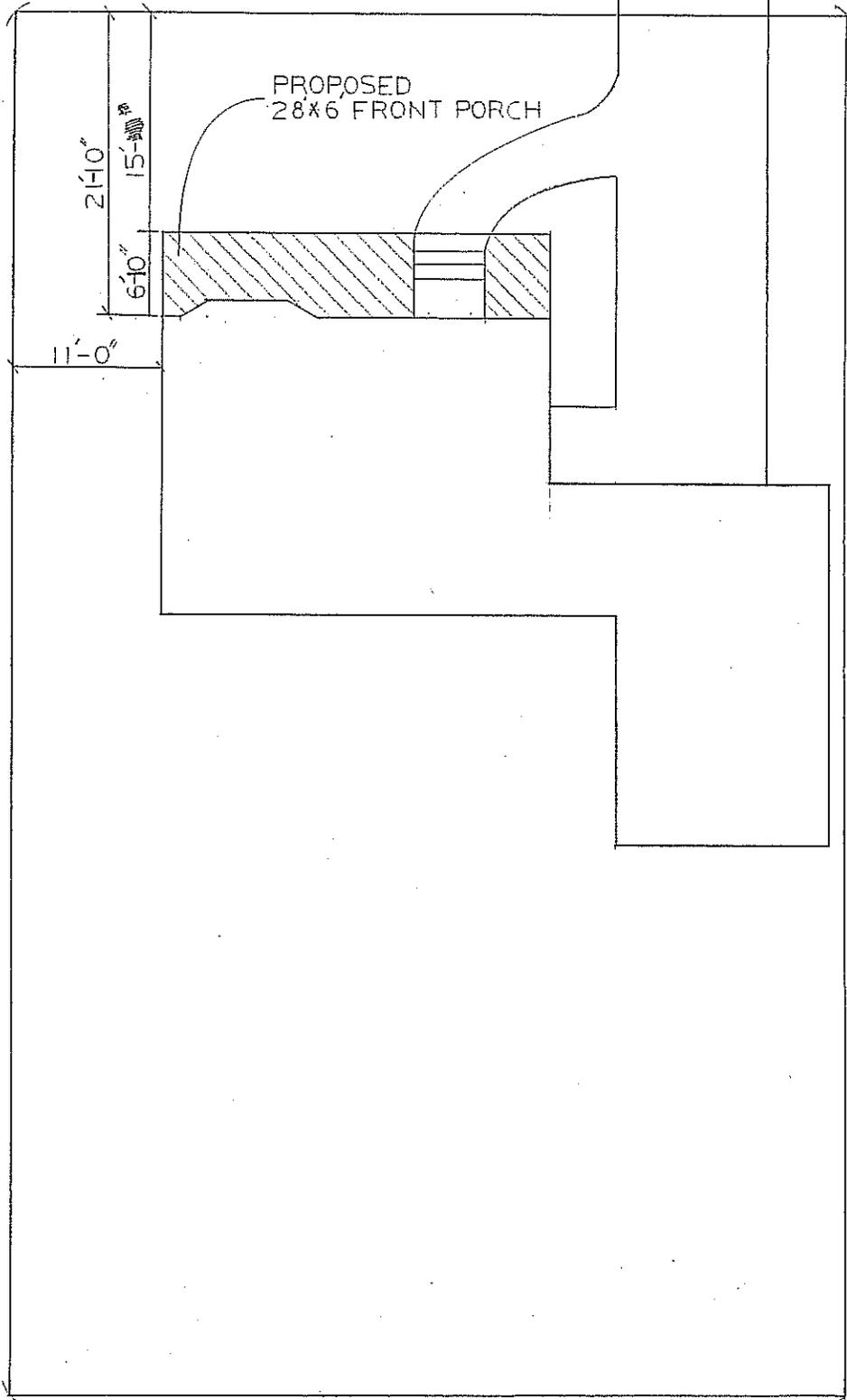
g. Would granting the variance be contrary to any county development plans?
 yes no. or to any local government development plans?
 yes no. Explain _____

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. front stairs that exist protrude as far as my (new) porch w/roof would.

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. Setback distances have changed since the house was built in approx. 1950
- 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. front stalks that exist protrude as far as my (new) porch w/roof would.

SEVENTH ST.



SCALE $\frac{1}{8}'' = 1'-0''$



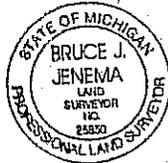
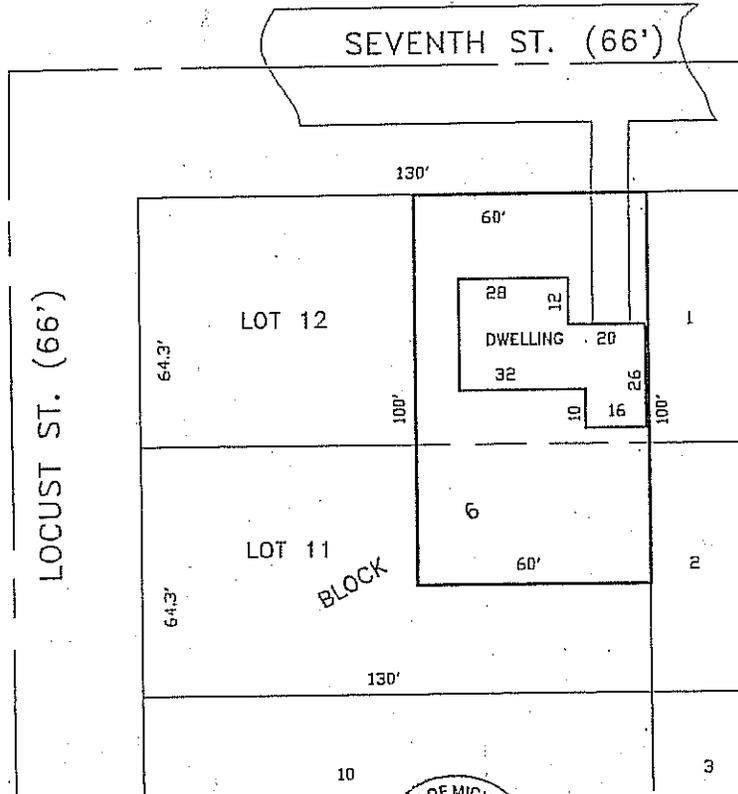
NORTH ELEVATION

WEST ELEVATION

SCALE 1/4" = 1'-0"

MORTGAGE REPORT

SEVENTH ST. (66')



ADDRESS:
505 7th Street
Manistee, MI 49660

DESCRIPTION: H. W. Marsh's Addition to the City of Manistee, Manistee County, Michigan; Part of Lots 11 and 12 of Block 6, Commencing at the NE corner of Lot 12, thence West 60 ft., thence South 100 ft., thence East 60 ft., thence North 100 ft. to the point of beginning.

LEGEND

- IRON FND ● MONUMENT FND
- IRON SET ◻ MONUMENT SET
- ▲ P.K. FND (R) RECORD
- △ P.K. SET (M) MEASURED

SCALE 1" = 30'

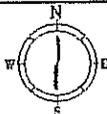


I HEREBY CERTIFY THAT I HAVE INSPECTED THE PROPERTY HEREON DESCRIBED; THAT THERE ARE IMPROVEMENTS LOCATED AS SHOWN; THAT SAID IMPROVEMENTS ARE WITHIN PROPERTY LINES; AND THAT THERE ARE NO VISIBLE ENCROACHMENTS UPON THE LAND AND PROPERTY DESCRIBED, UNLESS OTHERWISE NOTED. ALL UTILITIES AND EASEMENTS MAY OR MAY NOT BE SHOWN.

THIS INSPECTION IS FOR MORTGAGE PURPOSES ONLY

Bruce J. Jenema

R.L.S. No. 25830



Jenema Land Surveys
82 Division St.
Manistee, MI 49660
(616) 725-7930
Fax (616) 725-5761

FOR KYLE & CARRIE MOSHER

PARAGON BANK & TRUST

DATE: DECEMBER 2, 1998

SHEET: 1 OF 1

DRAWN: WAP

CHECKED: BJJ

FILE #: 98634

MEMORANDUM

TO: Zoning Board of Appeals Members

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

DATE: June 25, 2001

RE: Zoning Board of Appeals Meeting, July 9, 2001

A Zoning Board of Appeals Meeting has been scheduled for Monday, July 9, 2001 at 5:30 p.m. This meeting is in response to a request from Kyle & Carrie Mosher, 505 Seventh Street for a variance to the front-yard set-back from 25 feet to 15 feet to construct a covered porch. A copy of the request is enclosed.

Have a safe & happy Fourth of July!

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

Delores V. Paul
Name

378 11th St.
Address

Manistee, Mi 49660
City, State and Zip Code

Phone Numbers (Work) *(231) 723 0147
(Home) _____

FOR OFFICE USE ONLY

Appeal Number 21004
Date Received 6-25-01
Tax Parcel Number 51-51-670-71530
Fee Received (Amt & Date) \$250.00 6-25-01
Receipt Number 0428
Hearing Date 7-9-01
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:

- Ordinance or Map Interpretation
- Appeal from Administrative Decision
- Variance
- Other Authorized Review

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: 51-51-670-715-20

B. Tax Roll Parcel Code #: _____

C. List of all deed restrictions (attach additional sheets if necessary): _____

D. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: None

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

F. Present use of property is: _____

G. Present zoning district classification of the property is: _____

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 type="checkbox"/> Height |
| <input type="checkbox"/> Signs | <input type="checkbox"/> Area Requirements | <input checked="" type="checkbox"/> Other FRONT YARD |

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) |

GARAGE EX.

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:

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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? NONE

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

Date 6/25/01

Signature _____

Date _____



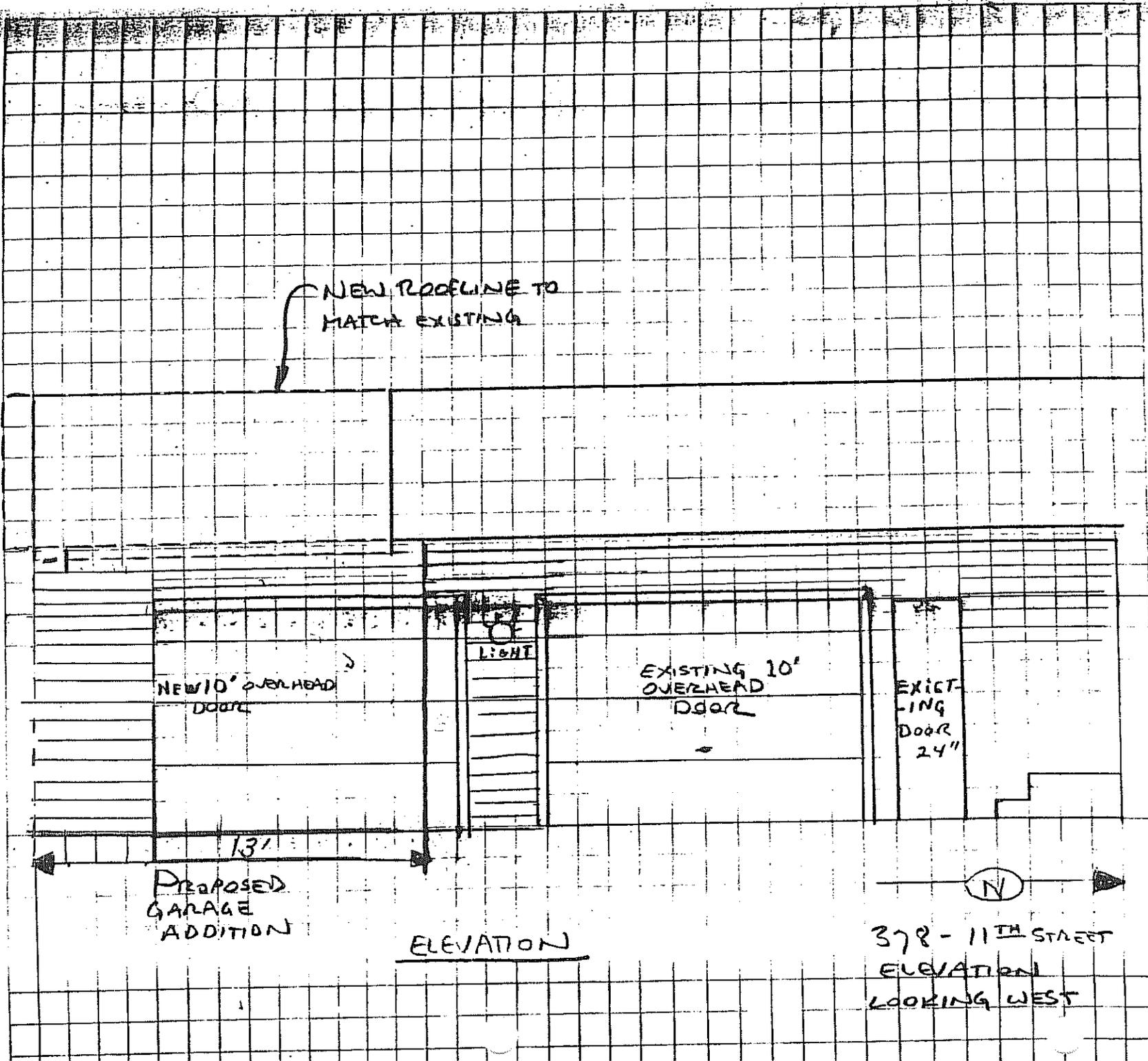
JOB NUMBER _____

DATE _____

JOB DESCRIPTION _____

SHEET _____

OF _____



ELEVATION



 378 - 11TH STREET
 ELEVATION
 LOOKING WEST

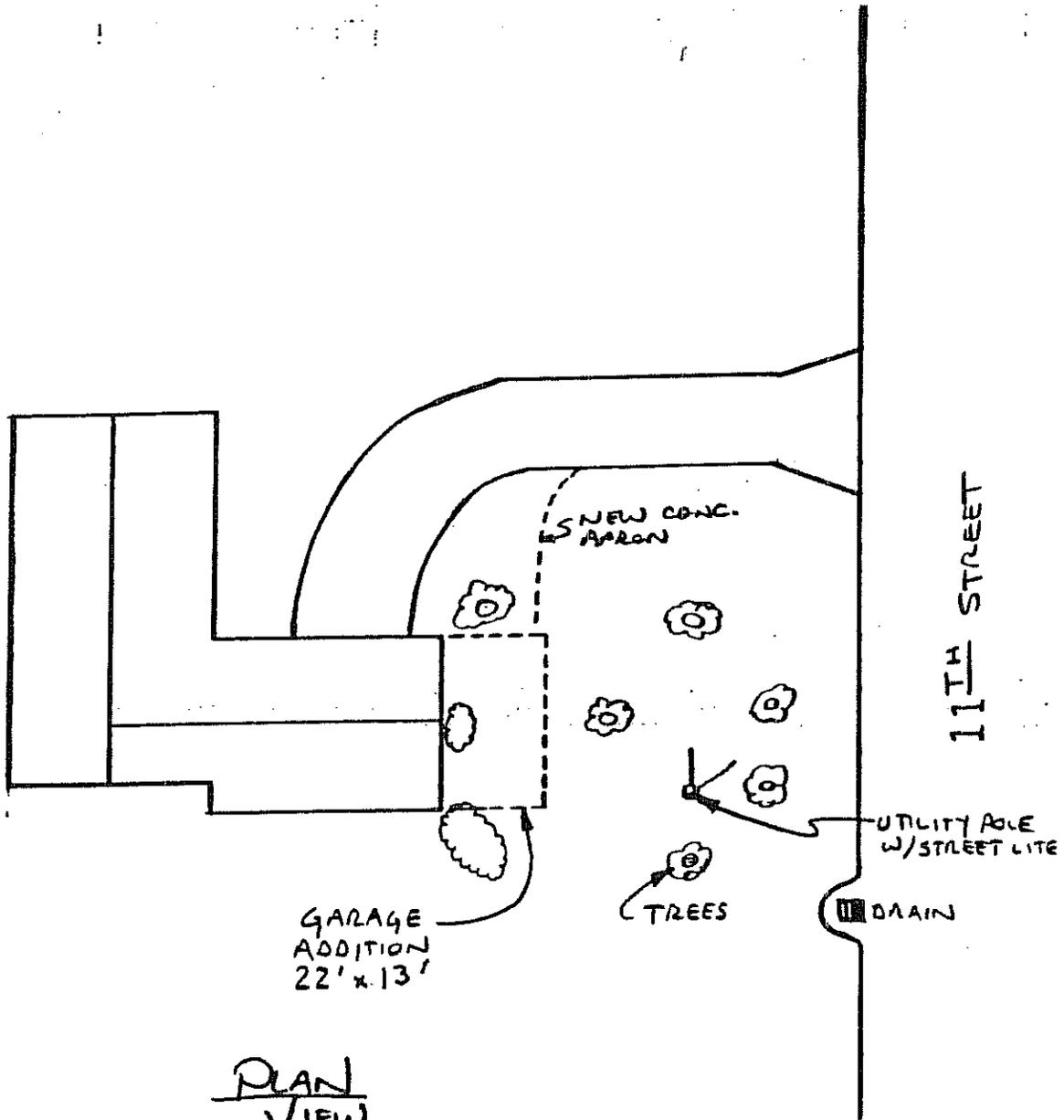


JOB NUMBER _____

DATE _____

JOB DESCRIPTION _____

SHEET _____ OF _____



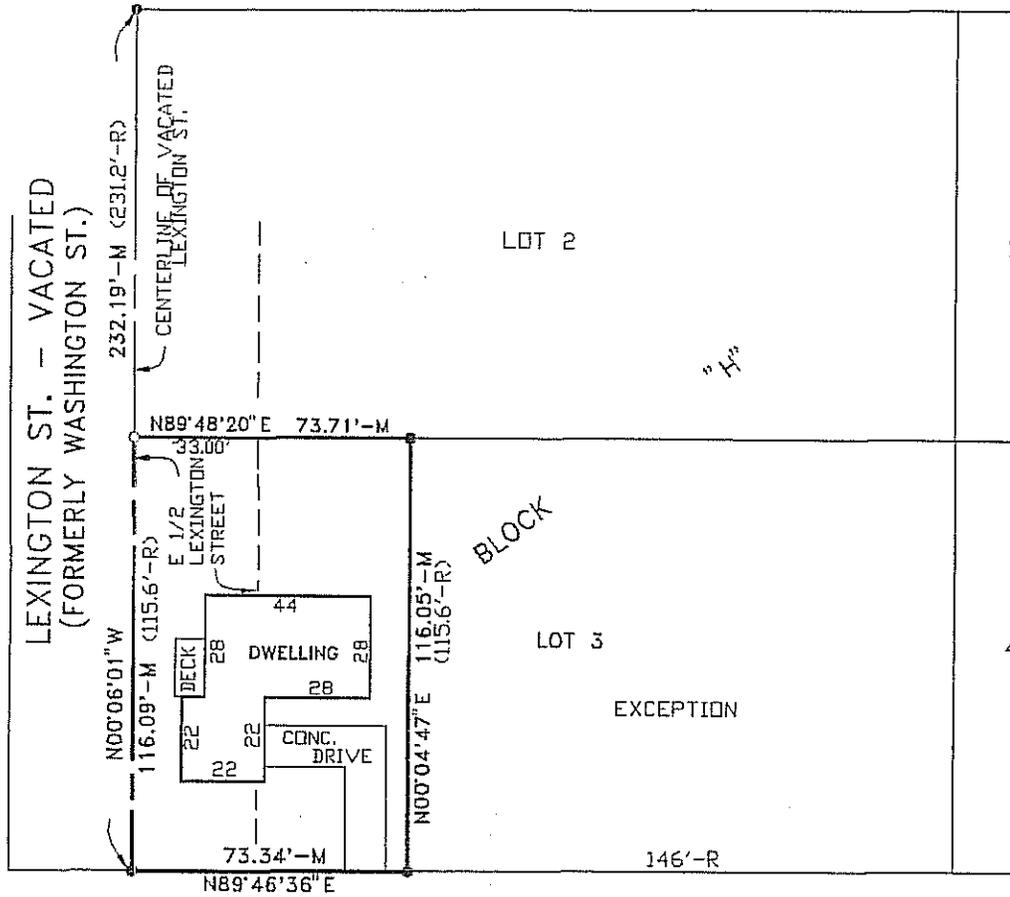
PLAN
VIEW

PROPOSED ADDITION
TO 378-11TH STREET

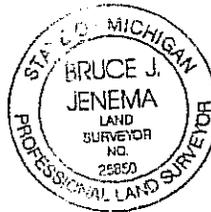
CERTIFICATE OF SURVEY

PART OF LOT 3 EXCEPT THE EAST 146 FT. THEREOF, BLOCK H,
INCLUDING THE EAST 1/2 OF LEXINGTON ST. ALL IN
RAMSDELL AND BENEDICTS ADDITION
CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN.

TENTH ST. 66'



ELEVENTH ST. 66'



LEGEND

- IRON FND ⊕ MONUMENT FND
- IRON SET ⊗ MONUMENT SET
- ▲ P.K. FND (R) RECORD
- △ P.K. SET (M) MEASURED

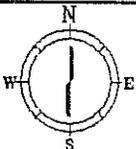


I, THE UNDERSIGNED, BEING A REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE PARCEL OF LAND, THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS NOTED, AND WITHIN LIMITS AND THAT I HAVE FULLY COMPLIED WITH THE REGULATIONS OF ACT 132, P.A. 1970 AS AMENDED.
THE BASIS OF BEARING IS: PREVIOUS SURVEY

ERROR OF CLOSURE IS 1"/

Bruce J. Jenema

R.L.S. No. 25850



Jenema Land Surveys

82 Division St.
Manistee, MI 49660
(231) 725-7930
Fax: (231) 725-5761

FOR: DELORES DAUL

DATE: JULY 17, 2000

SHEET: 1 OF 1

DWN.: WAP

CHK.: BJJ

FILE #: 00340