

**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, September 6, 2001 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call

- II Public Hearing:
 - 1. Lee Hawkins, 1304 Manistee Street
 - 2. Dale Rybicki, 205 Ninth Street
 - 3.

- III Business Session:
 - A. Approval of Minutes (8/23/01)
 - B. Unfinished Business:
 - 1. Lee Hawkins, 1304 Manistee Street
 - 2. Dale Rybicki, 205 Ninth Street
 - 3.

 - C. Other Business:

- 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: August 27, 2001

RE: Zoning Board of Appeals Meeting, September 6, 2001

A Zoning Board of Appeals Meeting has been scheduled for Thursday, September 6, 2001 at 5:30 p.m. This meeting is in response to the following requests:

1. Lee Hawkins, 1304 Manistee Street. Mr. Hawkins is requesting a variance to allow the construction of a detached garage 21 feet in height with 14 foot sidewalls.
2. Dale Rybicki, 205 Ninth Street. Mr. Rybicki is requesting a variance to the side-yard set-back to allow the construction of an attached garage.

Copies the requests are enclosed for your review. 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

Lee Hawkins

Name

1305 Manistee St

Address

Manistee Mi 49660

City, State and Zip Code

Phone Numbers (Work)

(Home) 398-0514

FOR OFFICE USE ONLY

Appeal Number 21009
Date Received 8-23-01
Tax Parcel Number 51-51-764-705-03
Fee Received (Amt & Date) 250.00 8-23-01
Receipt Number 639
Hearing Date 9-6-01
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: _____

Tax Roll Parcel Code #: 51-51-764-705-03

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: Residential

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 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. It is for a garage with height of the door and side walls to exceed zoning limits 14' side walls

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? Will not be able to put my work truck under cover

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 it is just for a big garage

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? New garage old garage torn down
All Vehicles and all things to be put in
new garage
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? try to work with all my
Neighbors

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 Joe Hankins

Date 8-23-2001

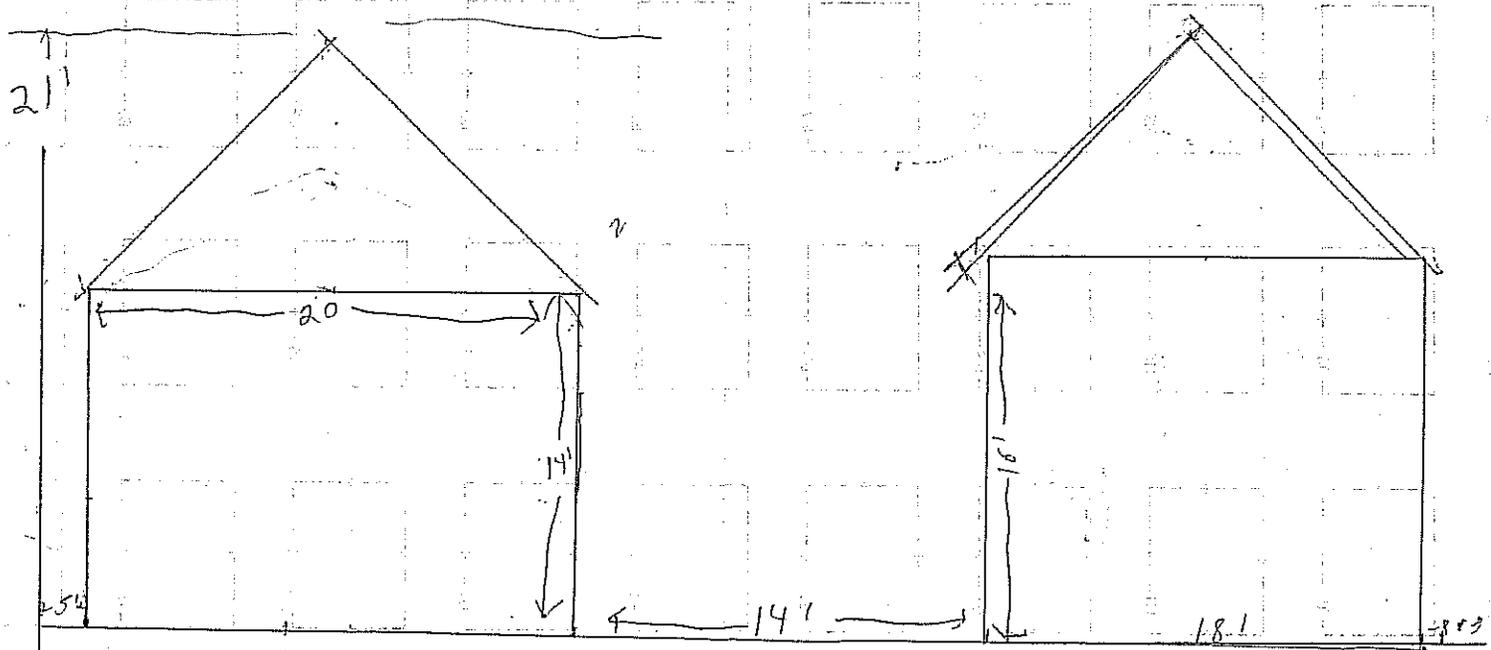
Signature _____

Date _____

IBM Flowcharting Worksheet

Programmer: _____ Date: _____ Page: _____
Chart ID: _____ Chart Name: _____ Program Name: _____
Program No.: _____

← Fold under at dotted line.



← Fold under at dotted line.

REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

Dale A Rybicki
Name

205 9th St.
Address

Manistee, Mi 49660
City, State and Zip Code

Phone Numbers (Work) 723-2561 ext 4272
call first-(Home) 231-723-2871

FOR OFFICE USE ONLY

Appeal Number 21008
Date Received 8-23-01
Tax Parcel Number 51-51-748-734-01
Fee Received (Amt & Date) 250.00 8-23-01
Receipt Number 0640
Hearing Date September 10, 2001
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: Freeland W 1/2 Lot 7 Block 19

Tax Roll Parcel Code #: 51-51-748-734-01

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: Huntington National Bank
332 First St.
Manistee, Mi 49660

D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: Freeland

E. Present use of property is: residents.

F. Present zoning district classification of the property is: residential -R-5

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 RS 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: need a 7 foot variance on East property line for construction of a garage

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. want to build a 18ft x 32ft garage attachment to the house. Garage cannot be built without variance. Removal of old shed, and a small landing on East side of house.

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) |

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? Garage can not be built. It would be too narrow.

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). house is built on a 1/2 lot.

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 Our house is on a half lot.

f. Would granting the variance change the essential character of the area? yes no. If yes, how? would be an improvement visually and financially

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. Removal of old shed which will improve the appearance of property. will increase the amount of usable space in

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: A three foot variance to the east side of property for the construction of a garage.

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. The side yard is too narrow to build a garage attachment without the variance. We need a 3 ft variance to allow garage to be 18 feet wide. Without variance garage would be 18 feet wide. The garage will be attached to the house and will contain up into house out down to basement.

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? The building will be a visual improvement and add to the house value. The neighbors have no complaints about the structure being built.
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? are no negative impacts.

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 X Dale Rybacki

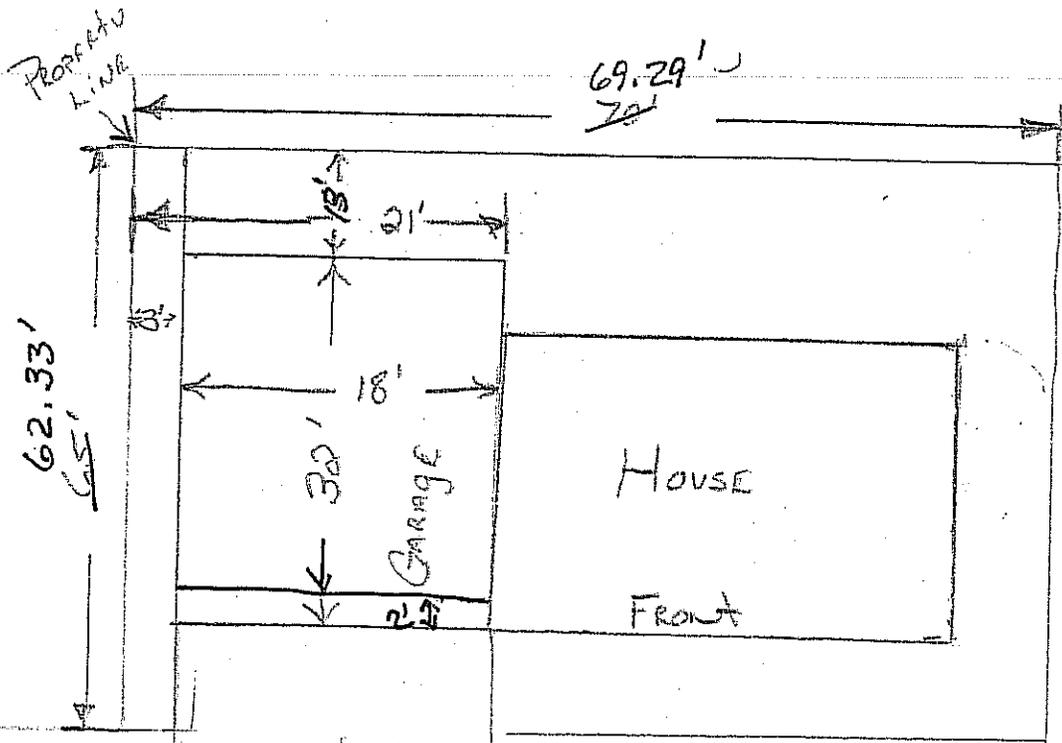
Date 8-23-01

Signature X Cynthia Rybacki

Date 8-23-01

AFTER

S



117

62.33'

69.29'

DRIVE WAY

Garage

HOUSE

FRONT

SIDE WALK

SIDE WALK

9th st

E

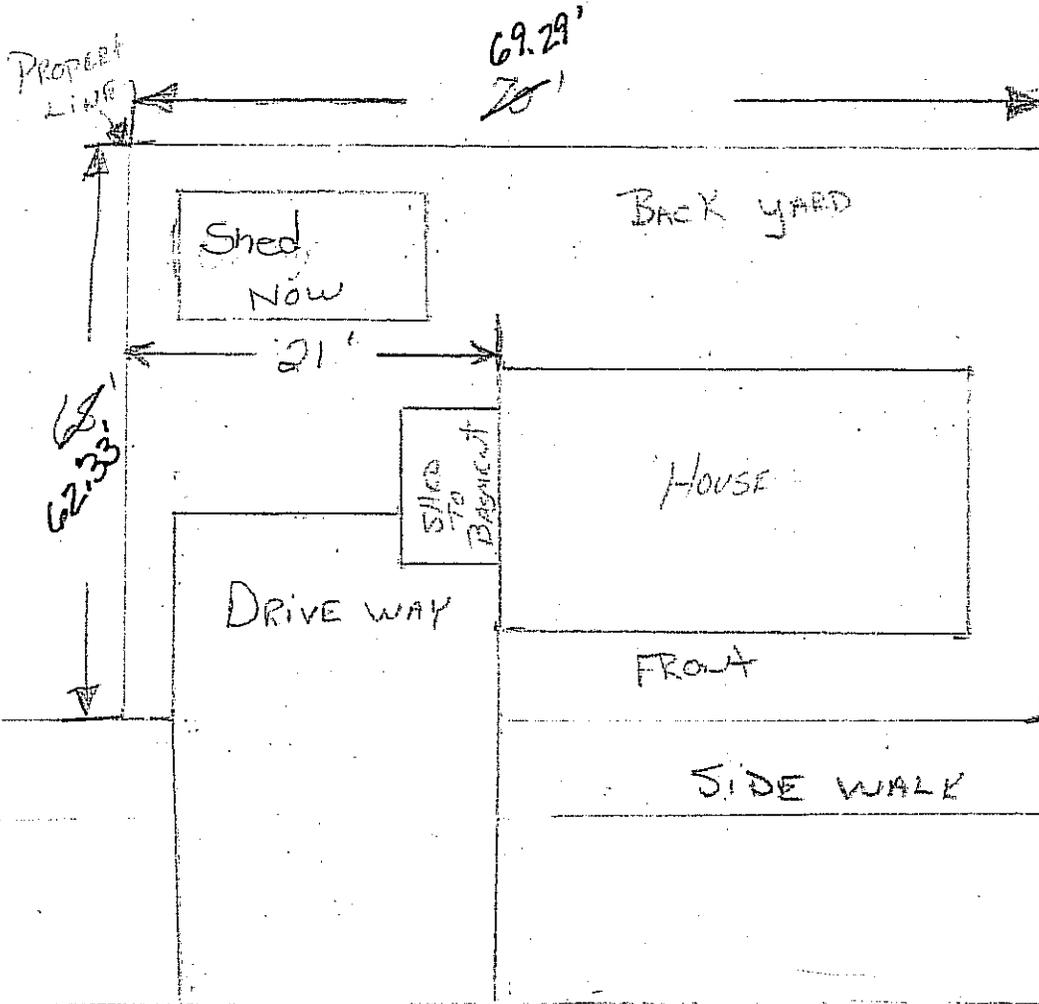
St

ENGLEWOOD

N

BEFORE DRAWING

S



SIDE WALK

W
45. N. W. 1/4 Sec. 10, T. 10 N., R. 10 W.

9th St

N