

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, October 29, 2001 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call

 - II Public Hearing:
 - 1. Alan & Sue Verheek, 417 Second Street
 - 2. Ivan Tenney, 291 Tenth Street
 - 3.

 - III Business Session:
 - A. Approval of Minutes (9/6/01)
 - B. Unfinished Business:
 - 1. Alan & Sue Verheek, 417 Second Street
 - 2. Ivan Tenney, 291 Tenth Street
 - 3.

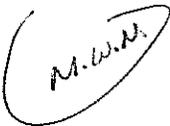
 - C. Other Business:

 - 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
Mitch Deisch,
City Manager
Julie Beardslee, City Assessor

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen 
Building/Zoning

DATE: October 19, 2001

RE: Zoning Board of Appeals Meeting, October 29, 2001

A Zoning Board of Appeals Meeting has been scheduled for Monday, October 29, 2001 at 5:30 p.m. This meeting is in response to the following requests:

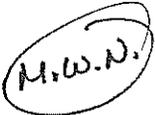
1. Alan & Sue Verheek, 417 Second Street. Mr. & Mrs. Verheek would like to construct an addition onto the rear of their home at 417 Second Street. The east side of their home is currently 2 feet 6 inches from the property line. They would like to construct the addition to follow the current lines of the home. This would require a variance to the side-yard set-back from the 10 feet required in the ordinance to 2 feet 6 inches. A copy of the request is enclosed for your review.

Jon Rose has been in contact with the City Attorney in response to the request from the ZBA to draft language regarding attendance at meetings by either the applicant or their representative. Currently the Attorney is working on several large projects for the City. This item will be addressed in the future, but at this time we do not know exactly when that will be. We will continue to follow up on this matter.

If you are unable to make the meeting please call Denise at 723-2558. See you there!!

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen 
Building/Zoning

DATE: October 23, 2001

RE: Zoning Board of Appeals Meeting, October 29, 2001

We have been able to add another request for a variance to the October 29th meeting. Ivan Tenney, 291 Tenth Street is asking for three variances. The variances are as follows:

1. Variance to the height limitation of an accessory structure from 14 feet to 21 feet.
2. Variance to the wall height of an accessory structure from 10 feet to 12 feet.
3. Variance to allow an accessory structure to be 65 square feet larger than the primary structure.

A copy of the request is enclosed.

See you at the meeting!

REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

Alvin & Sue Verheek
Name
417 Second Street
Address
Manistee, MI 49660
City, State and Zip Code
Phone Numbers (Work) 723-3173
(Home) 723-2308

FOR OFFICE USE ONLY

Appeal Number 21010
Date Received 10-17-01
Tax Parcel Number 51-51-374-713-09
Fee Received (Amt & Date) 250.00 10-17-01
Receipt Number 0853
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 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: MARK S TYSON & Co Add.
Lot 5 Block 7
Tax Roll Parcel Code #: 51-51-374-713-09
- 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: _____
- D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: MARK S TYSON & Company
- E. Present use of property is: Resident
- 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 26 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.

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. _____

Add one room to rear of house
following East side of home.

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)

Home built to close to lot line.

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? less able to Add to

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). _____

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 _____

Home built to close to hot live

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 Negative Impact

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? NO Negative Impact

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 Donna LaHock Date 10/17/01

Signature Susan Perbeck Date 10-17-01

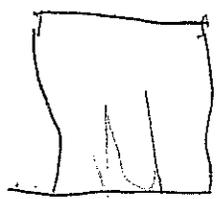
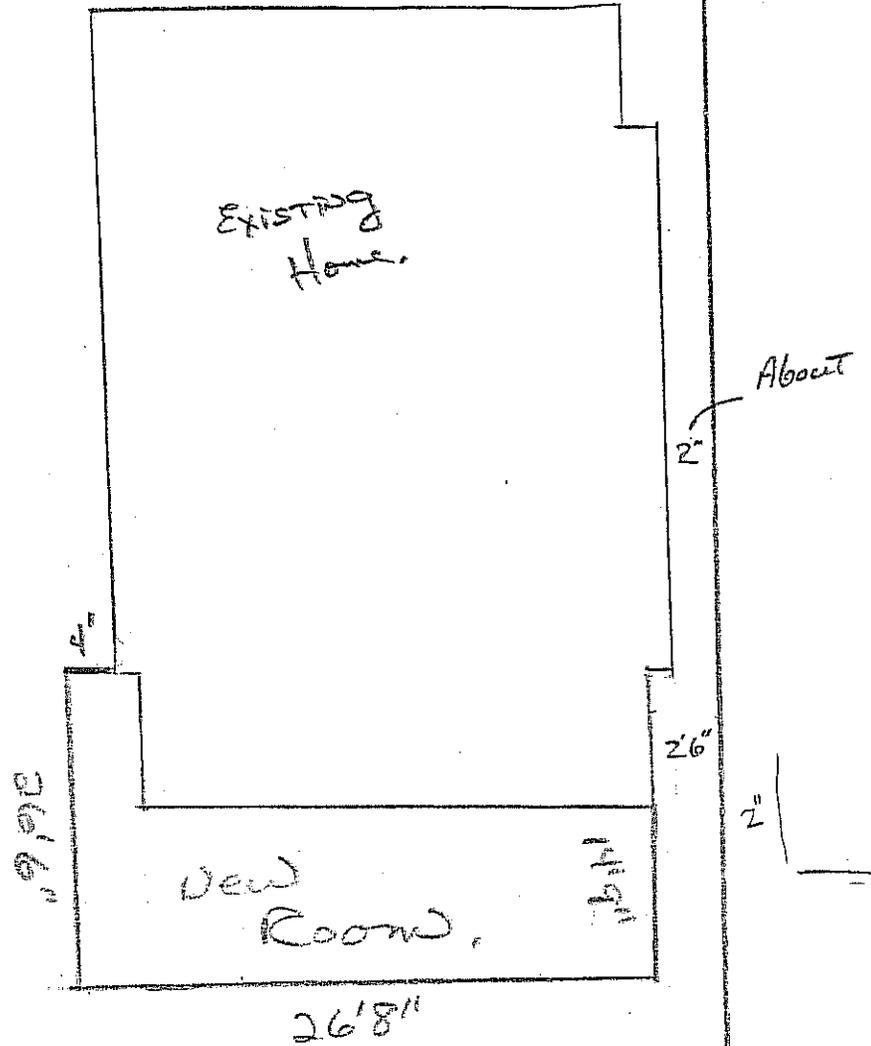
Second Street

Lot 6

Lot 5

Lot 4

Lot
Line



- Alley -

26'6"

New Living Room

24'

land

UP

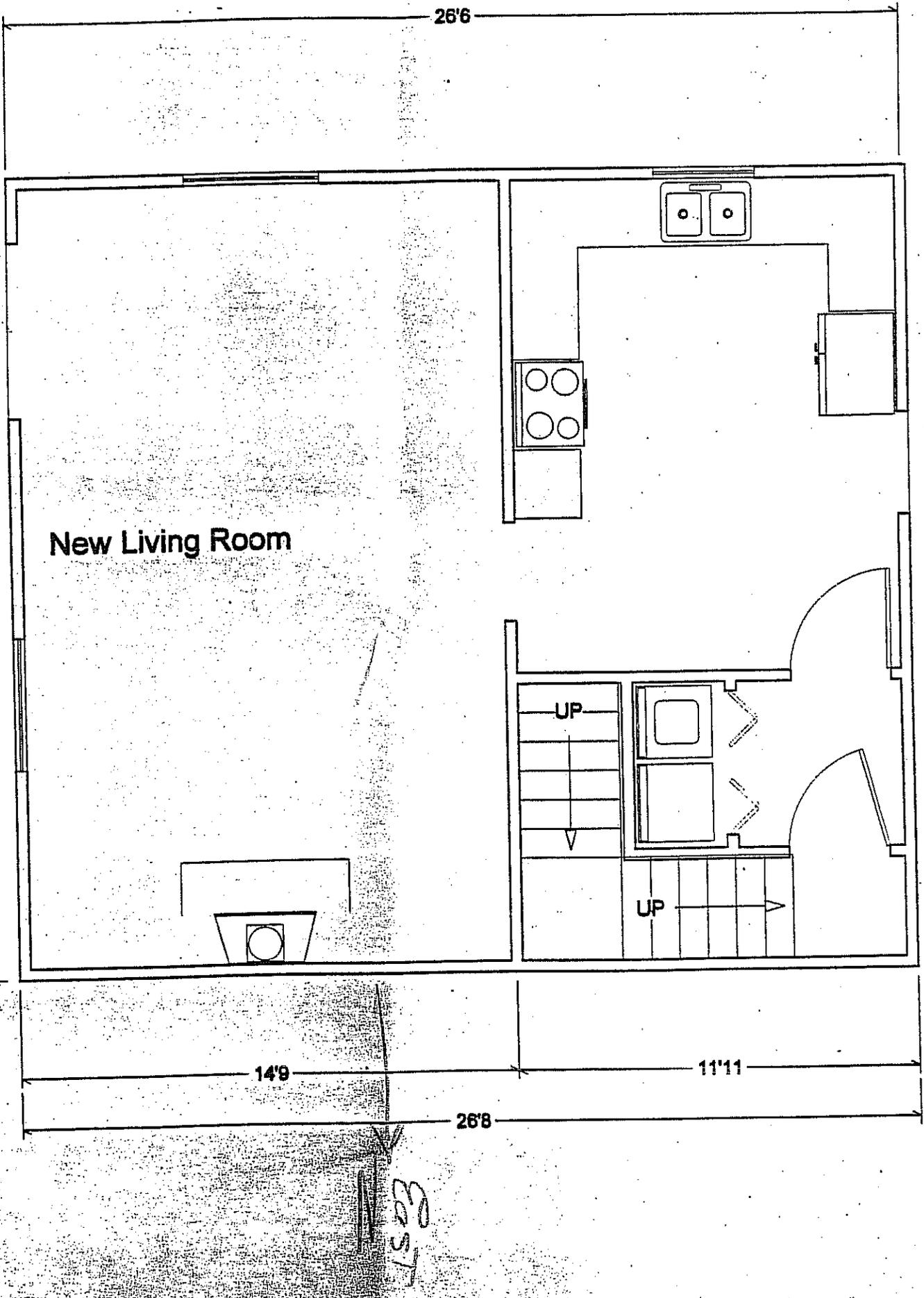
UP

14'9"

11'11"

26'8"

EST



REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

Name Ivan Tenney
 Address 291 Tenth St.
Manistee, MI 49660
 City, State and Zip Code
 Phone Numbers (Work) 398-3800
 (Home) 398-3221

FOR OFFICE USE ONLY
 Appeal Number 21011
 Date Received 10-19-01
 Tax Parcel Number 51-51-6662-704-05
 Fee Received (Amt & Date) 250.00 10/19/01
 Receipt Number 0871
 Hearing Date October 29, 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: 7 parcels will be combined 3002
 Tax Roll Parcel Code #: 51-51-6662-704-05 / 51-51-672-707-01
 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: NONE / Grand Haven Bank has a mortgage lien.
 D. This area is: Not platted, Platted, Will be Platted
 If Platted, Name of Plat: _____
 E. Present use of property is: Primary residence, current restoration/modification
 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 _____ 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: Garage size is limited by ordinance to first floor "foot print" of 1,035 ft². We request 1,200 sq. ft.

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 <u>Garage</u> |

2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance. Garage size of 30' x 40', with 12' eave height is requested. Will be stick-framed (not POLE) and CEDAR LAP SIDED to match the house.

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 size is limited by ordinance to First Floor "foot print" of 955 ft²

at 22' maximum height of 21' will be under existing home

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? RVs, and have a homeowner's workshop.

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 Due to US-31 right-of-way, the adjoining lot can only be used for driveway grade & approach.

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? I will not gain the off-street parking & storage which I purchased the two properties to be able to have.

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 I bought the adjoining lot to gain a driveway for off-street parking & storage.

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 on two lots that are partially covered by the US-31 berm.

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. Roy Niesen has a similar size garage across the street. It is at the end of Tenth street, tucked

cross US-31, in a similar valley, the car wash was approved for a 12' eave height

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. _____

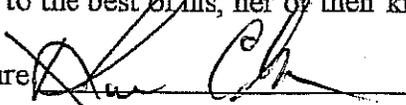
IV. IMPACT ON SURROUNDING LANDS

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? The garage will shield highway noise. We are greatly improving vacant land, the house, and the level of upkeep & appearance.
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? The entire back-yard, adjacent lots, & front areas are re-profiled, landscaped & detailed. The former state of all areas was not maintained at all.

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.

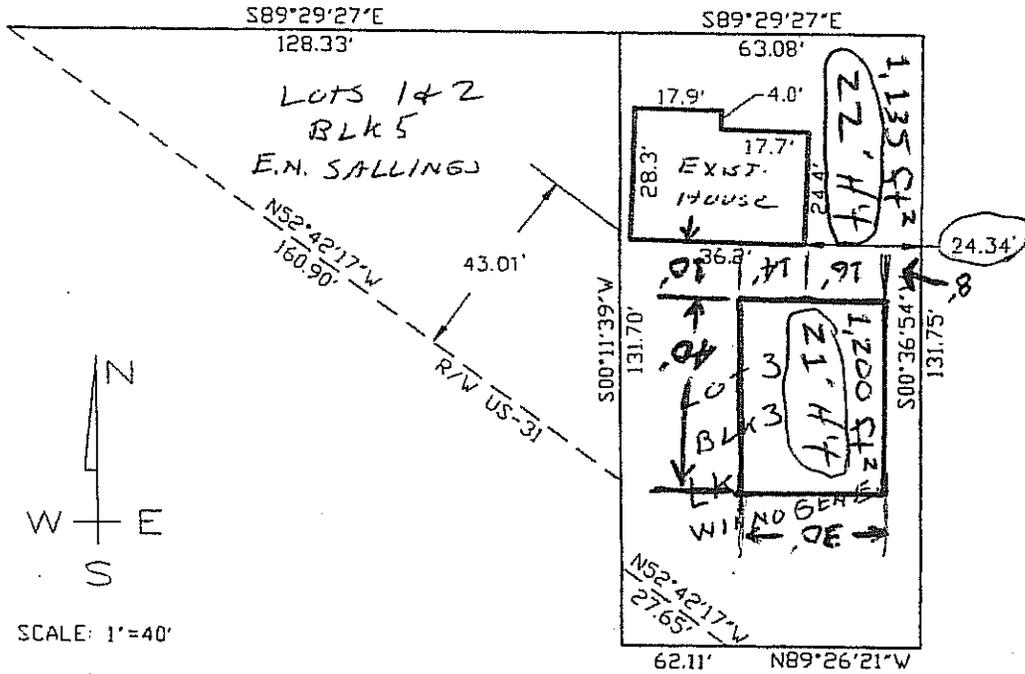
Signature 

Date _____

Signature _____

Date _____

10TH STREET



LEGEND

- = FOUND CORNER
- = SET CORNER
- ◻ = FOUND MONUMENT
- ◐ = SET MONUMENT
- R = RECORDED
- M = MEASURED
- △ = P.K. NAIL

I HEREBY CERTIFY....that to the best of my professional knowledge and belief, I have surveyed the property as described and shown herein and that there are no visible encroachments on said property unless noted and that this survey is in accordance with Public Act 132 of 1970. The survey was performed in accordance with a description furnished by others. The actual error of closure of the boundary of this survey was 1 in

FILE: **PS01-107**

DATE: **JUNE 1, 2001**

DRAWN:

REGISTERED SURVEYOR



Providing Complete
Engineering & Surveying
Services since 1972

Nordlund & Associates Inc.

813 E. Ludington Ave.
Ludington, MI 49431
(231) 843-3485

287 River Street
Manistee, Michigan 49660
(231) 723-6480

(231) 843-7678 fax number