

**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, November 19, 2001 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call

- II Public Hearing:
 - 1. Alex Zielinski, 132 Ford Street
 - 2.

- III Business Session:
 - A. Approval of Minutes (10/26/01)
 - B. Unfinished Business:
 - 1. Alex Zielinski, 132 Ford Street
 - 2.

 - 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: November 2, 2001

RE: Zoning Board of Appeals Meeting, November 19, 2001

We will hold a Zoning Board of Appeals Meeting on Monday, November 19, 2001 at 5:30 p.m. in the Council Chambers. The meeting is being held in response to the following request:

1. Alex Zielinski, 132 Ford Street. Mr. Zielinski is requesting a variance to the side-yard setback from 10 feet to 4 feet to construct an attached garage. If approved Mr. Zielinski will demolish an existing shed that is located in the area the proposed garage will be built. A copy of the request is enclosed.

Also enclosed is a memo from Jon Rose. If you are unable to attend the meeting please call Denise at 723-2558. See you at the meeting.

MWN:djm

REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

Name _____

Alix Zilmski

Address _____

132 Ford ST Manistee MI

City, State and Zip Code 49660

Phone Numbers (Work) 398-0348

(Home) _____

Appeal Number 21012

Date Received 10-31-01

Tax Parcel Number 51-51-270-717-01

Fee Received (Amt & Date) \$250.00 10-31-01

Receipt Number 0908

Hearing Date 11-19-01

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: Ramsdell + Benedict's North
ADD N 54 FT OF E 80 FT LOT 1 BLOCK 7 P. ADD 132 FORD ST

Tax Roll Parcel Code #: 51-51-270-717-01

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: FLEET CREDIT UNION

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: R4

- 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 applicant respectfully requests the Board of Appeals make an interpretation of:
 (A) The _____ of district boundaries on the _____ Zoning District map as applied to the property described in the application.
 (B) The provision _____ 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 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. attached garage - Remove shed add 8 FT for garage base 16 FT wide
REQUEST FOR VARIANCE FOR SIDE YARD SETBACK FROM 10' TO 4'
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) |
- Requirement 10 FT necessary to use 4 FT
Remainder 6 FT

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? No OFF STREET PARKING
- 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. OFF STREET PARKING
A STORAGE

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? _____

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 Alex Zielinski

Date 10-29-01

Signature _____

Date _____

MORTGAGE REPORT

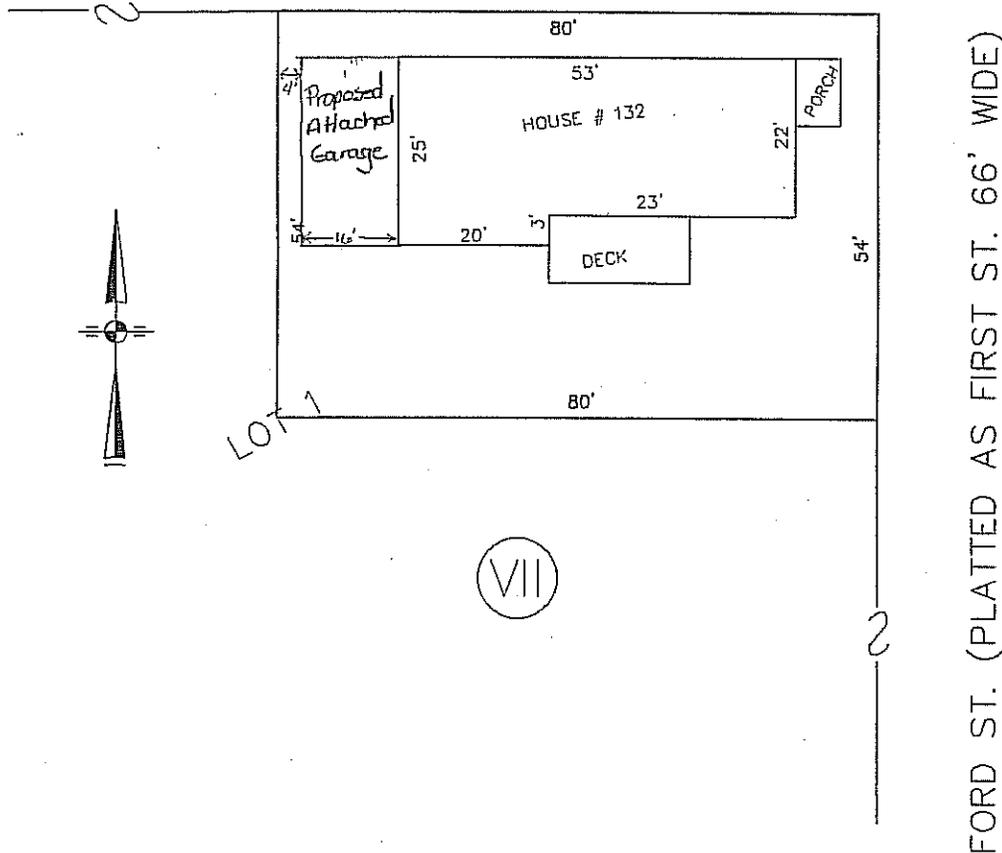
THE UNDERSIGNED, A LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MICHIGAN, CERTIFIES THAT THE FOLLOWING DESCRIBED PROPERTY HAS BEEN INSPECTED FOR THE LENDER, FILER CREDIT UNION AND THAT OUR FINDINGS ARE AS HEREON DELINEATED; THAT UNLESS OTHERWISE NOTED, BUILDING DIMENSIONS REPRESENT EXTERIOR WALLS WHICH REST ON A FOUNDATION; AND THAT POSSIBLE BUILDING ENCROACHMENTS, IF ANY, ARE INDICATED.

THE NORTH 54 FEET OF THE EAST 80 FEET OF LOT 1, BLOCK 7, RAMSDALL & BENEDICTS NORTH ADDITION TO THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF.

PROPERTY # 51-51-270-717-01

BORROWER: ALEX ZIELINSKI

THIRD AVE. (64' WIDE)

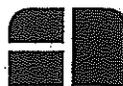


DATE: DEC. 21, 2000

SCALE: 1" = 20'

Craig Stapley
 CRAIG R. STAPLEY
 LICENSED PROFESSIONAL SURVEYOR No. 46687
 ABONMARCHE CONSULTANTS, INC.

NOTE:
 THIS REPORT IS NOT A BOUNDARY SURVEY, AND IT IS NOT SUITABLE AS A GUIDE FOR THE ERECTION OF A FENCE OR ANY TYPE OF CONSTRUCTION.



ABONMARCHE CONSULTANTS, INC.

351 First Street
 Manistee, Michigan 49660
 231-723-1198
 FAX: 231-723-1194

85 West Main Street
 Benton Harbor, Michigan 49022
 616-927-2395
 FAX: 616-927-4639

ARCHITECTS / ENGINEERS / LAND SURVEYORS
 ENVIRONMENTAL / CONSTRUCTION MANAGEMENT



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

231-723-2558
FAX 231-723-1546

October 31, 2001

TO: Members of Zoning Board of Appeals

FROM: Jon R. Rose 
Community Development Director

Dear Members,

The Zoning Board of Appeals is the **last stop** for requests for variances to the Zoning Ordinance. If a person does not agree with the decision of the Zoning Board of Appeals they can then file a claim in Circuit Court.

Recently several variances have referred items to the Historic Overlay Review Committee as a condition of the variance. This confusion has been created by the change in Section 1070.C.1 (copy attached). This change to the ordinance allows the opportunity for a property owner to receive the equivalent of a height variance from the Historic Overlay Review Committee (at no cost) to construct an *accessory structure* with architectural compatibility to the principal building. This avoids filing an appeal with the Zoning Board (cost \$250.) when the only reason for the appeal is to achieve architectural compatibility.

Zoning Appeals for height variances which do not receive approval from the Historical Overlay Review Committee, or any other variance should not be subject to review by the Historic Overlay Committee. The only time Historic Overlay Review should be required is when a project is located within the Historic Overlay District.

If a project is located in the Historic Overlay Review District this project must require approval from both the Historic Overlay Review Committee and the ZBA. This is the only time you would require the condition to the variance "Requires approval from the Historic Overlay Review Committee" if approval has not been received prior to the meeting. In most cases we ask the applicant to receive approval from the Historic Overlay Review Committee prior to the ZBA meeting.

I will be attending the Zoning Board of Appeals Meeting on Monday, November 19th and will be available to answer questions or concerns. Your dedication to this board is greatly appreciated.

JRR:djm

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO AMEND THE MANISTEE CITY ZONING ORDINANCE
SECTION 1042.A HEIGHT
SECTION 1070.C.1 LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Section 1042. Height be amended to read as follows:

No *building* or *structure* or part thereof shall be *erected* or *altered* to a *height* exceeding thirty (30) feet, except as follows:

- A. Non-*dwelling buildings* or *structures* other than *accessory buildings* or *structures*, shall ~~may~~ be *erected* or *altered* to a *height* not exceeding the *height* provided for in Section 1070.C of this Ordinance. ~~30 feet~~
- B. *Buildings* or *structures* in the C-4 Commercial and I-2 Lakefront Industrial zoning districts may be *erected* or *altered* to a *height* of 40 feet.
- C. *Buildings* or *structures* in the I-2 Lakefront Industrial zoning district may be *erected* or *altered* to a *height* of 60 feet, provided: a fire lane shall be provide to within 20 feet of the *building* or *structure*. Said fire lane shall be paved and shall have a minimum width of 20 feet.

Any *building* or *structure* or part thereof may be *erected* or *altered* to any *height* if approved by the *Appeals Board*, pursuant to its power to grant variances or the *Commission* in connection with a *Special Use Permit* application approval. This Section does not apply to radio, television antenna systems.

2. That Section 1070. Location of Accessory Buildings and Structures be amended to read as follows:

- A. All *accessory buildings* and *structures* shall be in the *side yard* or *rear yard*, except when built as part of the *main building*.
- B. An *accessory building* attached to the *principal building* of a *parcel* shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the *principal building*.
- C. An *accessory building* and *structure*,
1. shall not be higher than fourteen (14) feet tall unless a higher roof is approved by Historic Overlay Design Review Committee to achieve architectural compatibility with the principal building, and side walls shall not be more than ten (10) feet tall, or
 2. in Industrial districts, shall not be higher than seventeen (17) feet tall, and side walls shall not be higher than seventeen (17) feet tall.
- D. No *accessory building* shall be larger than the *principal building*.

