

**City of Manistee**  
**Zoning Board of Appeals**  
City Hall  
70 Maple Street  
Manistee, Michigan

There will be a meeting of the City of Manistee Zoning Board of Appeals to be held on Monday, August 18, 2003 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan

**AGENDA**

- I Roll Call
  
- II Public Hearing:
  - 1. Richard Caplin, 1016 Ramsdell Street
  - 2. Top Notch Auto, 145 Harrison Street
  - 3.
  
- III Business Session:
  - A. Approval of Minutes (3/20/03)
  - B. Unfinished Business:
    - 1. Richard Caplin, 1016 Ramsdell Street
    - 2. Top Notch Auto, 145 Harrison Street
    - 3.
  - C. Other Business:
    - 1.
    - 2.
  
- IV Questions, Concerns of Citizens in Attendance
  
- V Adjournment

cc: Zoning Board of Appeals Members  
Bruce Gockerman, City Attorney  
Mark W. Niesen, Building Inspector  
Mitch Deisch, City Manager  
Julie Beardslee, City Assessor

# MEMORANDUM

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TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen  
Building Inspector *M.W.N.*

DATE: August 7, 2003

RE: Zoning Board of Appeals Meeting, August 18, 2003

The Zoning Board of Appeals will be meeting on Monday August 18, 2003 at 5:30 p.m. for the following requests:

1. Richard Capling, 1016 Ramsdell Street. A request has been received from Richard Capling who would like to construct a 24' x 20' deck on the south side of his home at 1016 Ramsdell Street. This request requires a reduction in the side-yard set-back from 10 feet to 5 feet. A copy of the request is enclosed for your review.
2. Top Notch Auto, 145 Harrison Street. The Planning Commission approved an "open air use" for the expansion of their auto sales to the vacant property on July 10, 2003. Top Notch Auto is requesting variances to two requirements of the Zoning Ordinance for the sale of used cars on the vacant parcel south of their building. The requests are:
  - A variance to reduce the front-yard set-back from 30 feet to 4 feet.
  - A variance to eliminate hard surface requirements of the ordinance.

A copy of their request is enclosed for your review.

If you have any questions, please call me at 723-2558.

**REQUEST FOR APPEAL**  
**CITY OF MANISTEE**  
**ZONING BOARD OF APPEALS**

Name: RICHARD L. CAPLING  
Address: 1016 RAMSDALL ST  
City, State, Zip Code: MANISTEE, MI 49660  
Phone Numbers: (work) 723-3535 (home) 723-6028  
Agent Name & Phone Number if applicable: \_\_\_\_\_

**FEE FOR APPEAL \$250.00**

OFFICE USE ONLY	
Appeal Number: <u>2003-04 #</u>	Date Received: <u>8-4-03</u>
Receipt Number/Fee Amt: <u>#3775 250.<sup>00</sup></u>	Hearing Date: _____
Zoning District for Property: <u>R-5</u>	Parcel Code Number: <u>51-51-748-741-09</u>
Type of Request: <input checked="" type="checkbox"/> Variance Request	
<input type="checkbox"/> Ordinance or Map Interpretation	
<input type="checkbox"/> Appeal from Administrative Decision	
<input type="checkbox"/> Other Authorized Review	

**PLEASE NOTE:** All questions must be answered. Incomplete applications will be returned to be completed before processing. If additional space is needed, number and attach additional sheets.

**State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Board of Appeals:**

I am building a free standing wooden deck on my property located at 1016 Ramsdall St.  
The deck is going to be located on the south side of the residence near the eastern  
corner. The deck is going to be <sup>24</sup>22 feet wide by 20 feet deep. The reason for this  
variance is because the 20 feet deep portion of the deck will extend 5 feet further  
then i am allowed to build. I have talked to my neighbors located on the south side  
of my residence and they have so far given me permission to build the deck the extra  
5 feet. Their letters of permission will be attached will this paperwork.

**PROPERTY INFORMATION:**

Tax Roll Parcel Code # 51-51- 748-741-09

Property Address: 1016 Ramsdell St.

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land.  
West Shore Bank/Mortgage Company

201 W. Loomis St.

P.O. Box 627 Ludington, MI 49431  
Present use of parcel: Residence

List of all deed restrictions (attache additional sheets if necessary): N/A

Has a previous appeal been made with respect to this property?  Yes  No

If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: N/A

**DETAILED REQUEST AND JUSTIFICATION:**

Please identify each requested variance:

	Required by Zoning	Requested by Appellant
<input type="checkbox"/> Front- Yard Set-Back	from _____	to _____
<input checked="" type="checkbox"/> Side-Yard Set-Back	from <u>10</u>	to <u>5</u>
<input type="checkbox"/> Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Rear-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Waterfront Set-Back	from _____	to _____
<input type="checkbox"/> Height	from _____	to _____
<input type="checkbox"/> Area Requirements	from _____	to _____
<input type="checkbox"/> Off-street Parking	from _____	to _____
<input type="checkbox"/> Other	_____	_____

Please mark all characteristics of your property which require the granting of a variance.

Dimensional information

- Too Narrow Property is only 22 feet wide at build site.
- Too Small \_\_\_\_\_
- Too Shallow \_\_\_\_\_
- Elevation (height) \_\_\_\_\_
- Slope \_\_\_\_\_
- Shape \_\_\_\_\_
- Soil \_\_\_\_\_
- Subsurface \_\_\_\_\_
- Other (Specify) \_\_\_\_\_

Justification

The Zoning Board of Appeals must answer yes to the following four questions to grant an appeal. Please list your justification to each question for the Zoning Board of Appeals.

1. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Land Use District?

I am not aware of any special conditions that exist at my residence. However  
where the deck is being built the property is only approximately 22 feet wide.  
\_\_\_\_\_  
\_\_\_\_\_

2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?

No.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?

Correct.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?

The granting of this variance would not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

List any other comments in support of the application.

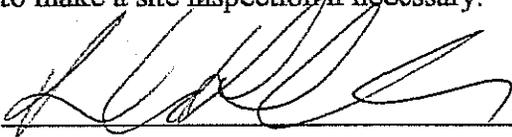
**IMPACT ON SURROUNDING LANDS**

If your request is granted what would the positive and/or negative impacts of this decision be on the surrounding land and neighbors?

The positive impacts the deck would make on the neighborhood would be that property values should go up, it would be a place for people in the neighborhood to meet and get to know each other, and that we are ambitious.

**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. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

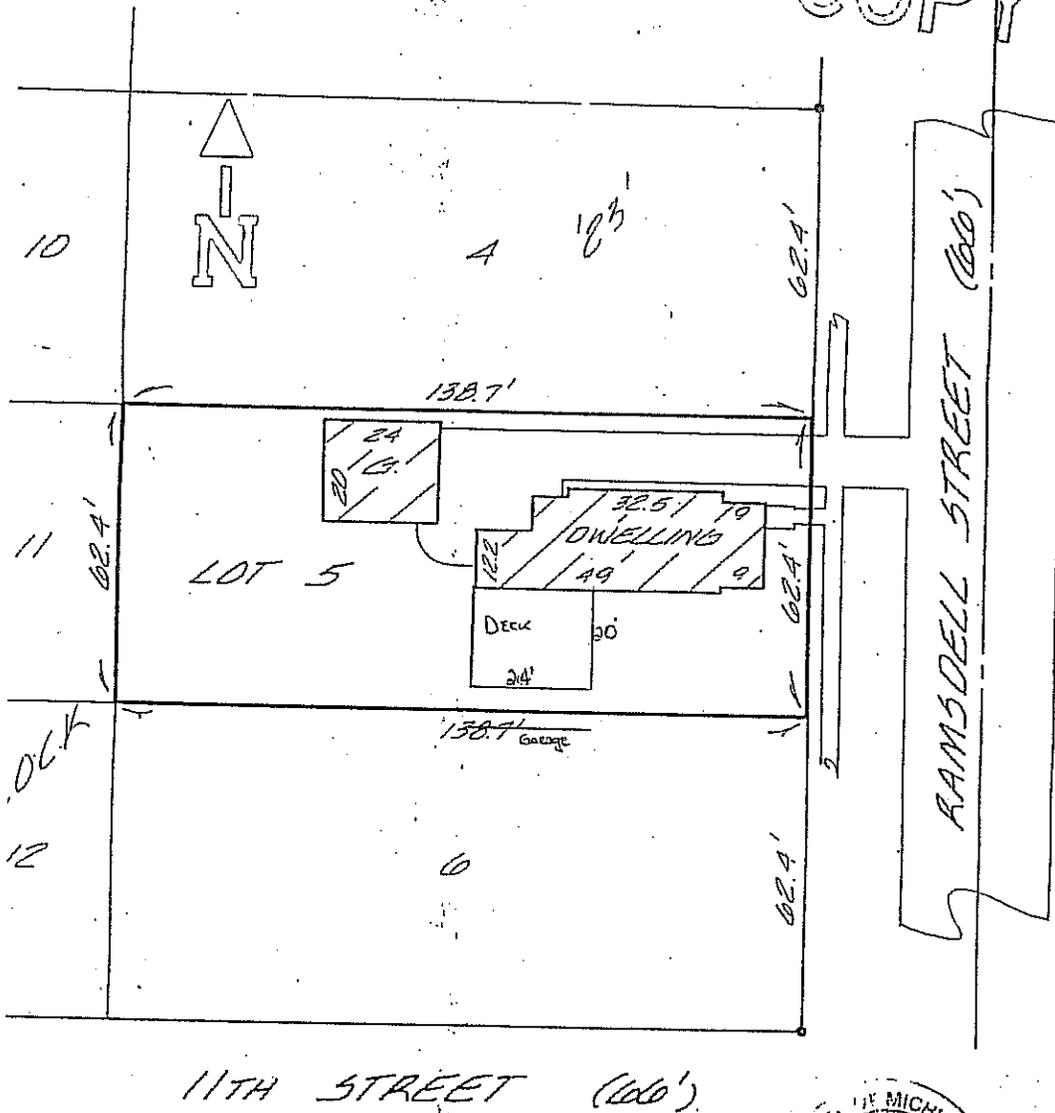
Signature  Date 7/29/03

Signature \_\_\_\_\_ Date \_\_\_\_\_

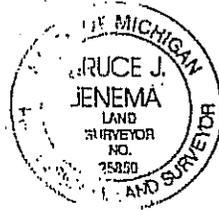
**Representation at the Public Hearing by either the applicant or agent is encouraged.**

# MORTGAGE REPORT

COPY



ADDRESS:  
1016 Ramsdell Street  
Manistee, MI. 49660

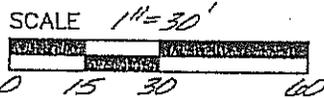


DESCRIPTION: Lot 5, Block 23, Freeland Addition to the City of Manistee, Manistee County, Michigan.

**LEGEND**

- MONUMENT FND.
- IRON FND
- NAIL FND.

ALL BOUNDARY & EASEMENT DIMENSIONS ARE RECORDED UNLESS OTHERWISE NOTED.

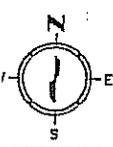


I hereby certify that I have inspected the property hereon described; that there are improvements located as shown; that said improvements are within property lines; and that there are no visible encroachments upon the land and property described, unless otherwise noted. All utilities and easements may or may not be shown.

This inspection is for mortgage purposes only. *Bruce J. Jenema* R.L.S. No. 25850

**Jenema Land Surveys**  
50 Clay Street  
Manistee, MI 49660  
616-723-7930  
Fax 616-723-5761

Steven C. Schmeling & Julie Bottrell	
Northwestern Savings Bank	
DATE: April 1, 1996	SHEET 1 OF 1
DRAWN: JCM	FILE NO. 96252



Frank & Sandra Gregorski  
1031 Davis Street  
Manistee, Michigan 49660

August 2, 2003

To Whom it may concern:

As owners of the residence located at 1020 Ramsdell Street, Manistee, Michigan we hereby grant permission to Mr. & Mrs. Richard Capling who reside at 1016 Ramsdell Street, Manistee, Michigan For construction of a deck whose endline may come closer to our property line than city ordinance may allow.

Frank Gregorski

*Frank Gregorski*

Sandra Gregorski

*Sandra Gregorski*

8-1-03-

I RONALD J. KRZYZANOWSKI: who  
RESIDES AT 246 12TH ST. MANISTEE, MI  
DO HERE BY GIVE PERMISSION TO RICHARD  
by CAPLING who RESIDES AT 1016  
RAMSDALL ST MANISTEE MI PERMISSION  
TO BUILD WITH IN SET OF THE  
PROPERTY LINE.

*Ronald J. Krzyzanowski*

**REQUEST FOR APPEAL**  
**CITY OF MANISTEE**  
**ZONING BOARD OF APPEALS**

Name: TOP NOTCH AUTO, LLC  
Address: 145 HARRISON ST  
City, State, Zip Code: MANISTEE, MICHIGAN 49660  
Phone Numbers: (work) 231/398-2400 (home) \_\_\_\_\_  
Agent Name & Phone Number if applicable: N/A

**FEE FOR APPEAL \$250.00**

OFFICE USE ONLY	
Appeal Number: <u>2003-05</u>	Date Received: <u>8-16-03</u>
Receipt Number/Fee Amt: <u>3804</u>	Hearing Date: <u>8-18-03</u>
Zoning District for Property: <u>C-1</u>	Parcel Code Number: <u>51-51-146-722-01</u> <u>51-51-146-722-03</u>
Type of Request:	<input checked="" type="checkbox"/> Variance Request
	<input type="checkbox"/> Ordinance or Map Interpretation
	<input type="checkbox"/> Appeal from Administrative Decision
	<input type="checkbox"/> Other Authorized Review

\*Parcels will be combined on  
2004 TAXROLL.

**PLEASE NOTE:** All questions must be answered. Incomplete applications will be returned to be completed before processing. If additional space is needed, number and attach additional sheets.

**State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Board of Appeals:**

WE ARE A MOTOR VEHICLE DEALER, USED ONLY, OPERATING  
ALONG US-31 BETWEEN LINCOLN & HARRISON STREETS. OUR  
USE IS A "PERMITTED USE" IN THE C-1 ZONING DISTRICT.  
THE "OUTDOOR USE" OF DISPLAYING OUR MERCHANDISE WAS  
APPROVED BY THE PLANNING COMMISSION ON 7/10/2003.

**PROPERTY INFORMATION:**

Tax Roll Parcel Code # 51-51- \_\_\_\_\_

Property Address: 145 HARRISON ST., MANISTEE, MICHIGAN 49660

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land.

BLARNEY CASTLE OIL CO.  
PO BOX 246  
BEAR LAKE, MICHIGAN 49614

Present use of parcel: MOTOR VEHICLE DEALER, USED ONLY

List of all deed restrictions (attache additional sheets if necessary): NONE

Has a previous appeal been made with respect to this property?  Yes  No

If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: N/A

**DETAILED REQUEST AND JUSTIFICATION:**

Please identify each requested variance:

	Required by Zoning	Requested by Appellant
<input checked="" type="checkbox"/> Front- Yard Set-Back	from <u>50 FT</u>	to <u>4 FT</u>
<input type="checkbox"/> Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Rear-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Waterfront Set-Back	from _____	to _____
<input type="checkbox"/> Height	from _____	to _____
<input type="checkbox"/> Area Requirements	from _____	to _____
<input type="checkbox"/> Off-street Parking	from _____	to _____
<input checked="" type="checkbox"/> Other	<u>HARD SURFACING</u>	<u>NONE</u>

Please mark all characteristics of your property which require the granting of a variance.

Dimensional information

- Too Narrow \_\_\_\_\_
- Too Small \_\_\_\_\_
- Too Shallow \_\_\_\_\_
- Elevation (height) \_\_\_\_\_
- Slope \_\_\_\_\_
- Shape \_\_\_\_\_
- Soil \_\_\_\_\_
- Subsurface \_\_\_\_\_
- Other (Specify) - THE "OPEN AIR" USE IS SEASONAL <sup>(HARD</sup> <sub>SURFA</sub>

Justification

The Zoning Board of Appeals must answer yes to the following four questions to grant an appeal. Please list your justification to each question for the Zoning Board of Appeals.

1. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Land Use District?

YES, IF THIS REQUEST IS NOT GRANTED A VIEW OF OUR  
MERCHANDISE WILL BE BLOCKED BY BUILDING STRUCTURES  
TO THE NORTH & SOUTH. GRANTING THE REQUEST WILL  
MOVE OUR MERCHANDISE FURTHER AWAY FROM THE RESIDENCES  
TO THE REAR.

2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?

YES, MOST EVERY OTHER BUSINESS OR RESIDENCE IS AT THE  
4 FT SETBACK REQUESTED.

3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?

THEY ARE NOT. THE BUILDINGS, STRUCTURES AND  
RESIDENCES ARE PREEXISTING AND/OR IN ANOTHER LAND USE  
DISTRICT WITH "0" FT FRONT YARD SETBACKS.

4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?

- SECTION 5001 STATES THAT THE C-1 DISTRICT IS INTENDED "TO PROVIDE FOR COMMERCIAL AREAS ALONG HIGHWAY US-31..."  
- APPROVAL OF THE VARIANCE REQUEST WOULD MOVE OUR MERCHANDISE FURTHER AWAY FROM THE RESIDENCES TO THE REAR

List any other comments in support of the application.

THIS PROPERTY HAS BEEN OWNED BY BLANEY CASTLE OIL CO. SINCE THE 1960'S. THEY OBVIOUSLY HAD RENTAL TRUCKS & TRAILERS IN THE OPEN LOT WITHIN THE CURRENT FRONT YARD SETBACK AS THE "RESTAURANT TRADE" USE EXISTED PRIOR TO THE CURRENT ORDINANCE.

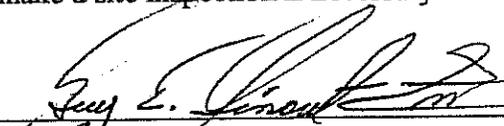
**IMPACT ON SURROUNDING LANDS**

If your request is granted what would the positive and/or negative impacts of this decision be on the surrounding land and neighbors?

POSITIVE, AS THE C-1 DISTRICT IS "INTENDED" TO BE A COMMERCIAL AREA. ALSO, GRANTING THE REQUEST MOVES OUR BUSINESS ACTIVITIES FURTHER AWAY FROM THE RESIDENTIAL AREA TO THE REAR

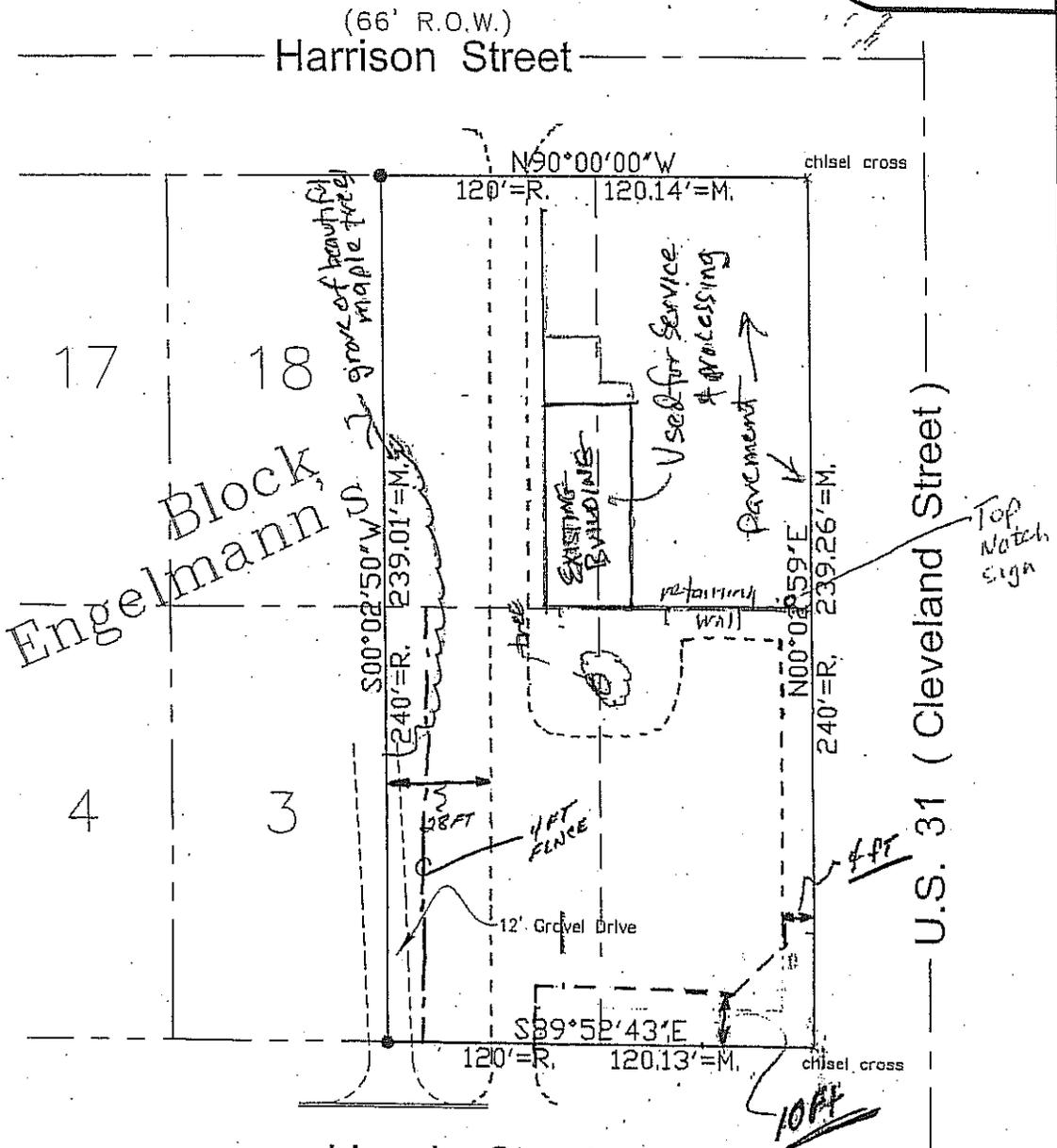
**AFFIDAVIT:**

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. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature  Date 8/6/2003  
Signature for Ted Notch Auto, LLC Date \_\_\_\_\_

Representation at the Public Hearing by either the applicant or agent is encouraged.

Top Notch Auto  
P.O. Box 493  
Manistee, Mi 49660  
SURVEYOR'S CERTIFICATE



Block  
Engelmann

U.S. 31 (Cleveland Street)

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

**Description:**  
Lots 1 - 2 & 19 - 20 of Block 7  
Engelmann's Addition, City of Manistee



I HEREBY CERTIFY...that I have surveyed and mapped the property as described above, and that the ratio of closure of the adjusted field observations was 1/5,000 or that the total error of closure is no greater than 0.15 feet. This survey does not comply with the requirements of P.A. 132 of 1970 as amended.

FILE: **PS03 - 125**

DATE: JUNE 13, 2003

DRAWN: *JOB*

*[Signature]*  
REGISTERED SURVEYOR



Providing Complete  
Engineering & Surveying  
Services since 1972

**Nordlund & Associates Inc.**  
513 E. Ludington Ave. 287 River Street  
Ludington, MI 49431 Manistee, Michigan 49660  
(231) 843-3455 (231) 723-8480  
(231) 843-3455 (231) 723-8480

## Auto Value of Manistee

166 Cleveland (US31)  
PO Box 302  
Manistee, MI 49660

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Phone 231-723-2594  
Fax 231-723-6808

August 18, 2003

Mark W. Niesen  
70 Maple St  
PO Box 358  
Manistee, MI 49660

Dear Mr Niesen,

I have no objections to the variances requested by Top Notch Auto. I feel that having a professional and well run business in that location is better for both the neighborhood and our community.

Sincerely,



Mark Fraser  
Store Manager