

**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 Wednesday, October 5, 2005 at 5:30 p.m. in the **Second Floor Conference Room, City Hall, 70 Maple Street, Manistee, Michigan.**

**AGENDA**

- I Roll Call
- II Site Inspection:
  - 1.
- III Public Hearing:
  - 1. Kay Wagner, 521 Second Street
  - 2.
- IV Approval of Minutes:
  - 1. Approval of Minutes (5/19/05)
- V Business Session:
  - A. Action on Pending Case:
    - 1. Kay Wagner, 521 Second Street
    - 2.
  - B. Old Business:
    - 1.
  - C. Other Business of the Appeals Board:
    - 1.
- VI Questions, Concerns of Citizens in Attendance
- VII Adjournment

cc: Zoning Board of Appeals Members  
Bruce Gockerman, City Attorney  
Mitch Deisch, City Manager  
Julie Beardslee, City Assessor

# MEMORANDUM

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TO: Zoning Board of Appeals Members

FROM: Denise Blakeslee   
Administrative Assistant

DATE: September 26, 2005

RE: Zoning Board of Appeals Meeting, October 5, 2005

A Meeting has been scheduled for 5:30 p.m., Wednesday, October 5, 2005. The meeting is being held in response to a request from Kay Wager.

Kay Wagner lives in the house at 523 Second Street. Ms. Wager has purchased the house next to hers at 521 Second Street. Ms. Wager would like to convert the house at 521 Second Street into an Accessory Structure (garage/carport and workshop).

The request would require four variances to convert the house into an accessory structure as follows:

- Reduction in Front Yard Set-back (Second Street) from 25 feet to 20 feet 6 inches (existing structure).
- Reduction in Front Yard Set-back (Cedar Street) from 25 feet to 2 feet 7 inches (existing structure).
- Increase in Height limitation for an accessory structure from 14 feet to 19 feet 10 inches (existing structure)
- Increase in Side Wall Height limitation for an accessory structure from 10 feet to approximately 13 feet 6 inches (existing structure).

One variance to allow the construction of a Gazebo:

- Reduction in Front Yard Set-back (Cedar Street) from 25 feet to 2 feet 7 inches to allow the construction of a gazebo.

One variance to the curb cut standards:

- Reduction in the curb cut standards on Second Street to allow a driveway 19 feet from the intersection rather than the required 30 feet.

Copies of documentation relating to the request are attached. If you are unable to attend the meeting please call me at 398-2805.

:djb

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

Name: KAY E. WAGNER  
Address: 521-523 SECOND STREET  
City, State, Zip Code: MANISTEE, MICHIGAN 49660  
Phone Numbers: (work) — (home) 231-398-2584  
Agent Name & Phone Number if applicable: ✓

**FEE FOR APPEAL \$250.00**

OFFICE USE ONLY	
Appeal Number: <u>2005-01</u>	Date Received: <u>9-19-05 / 9-21-05</u>
Receipt Number/Fee Amt: <u>9459 \$250.00</u>	Hearing Date: <u>10-5-05</u>
Zoning District for Property: <u>R-4</u>	Parcel Code Number: <u>51-51-364-714-01</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 WANT TO COMBINE THE 1/2 LOT  
AT 521 SECOND STREET WITH MY 1/2 LOT (RESIDENCE) AT 523 SECOND  
STREET AND CHANGE THE USE OF THE EXISTING STRUCTURE AT  
521 SECOND STREET FROM A LIVING UNIT TO A GARAGE AND WORKSHOP.  
I WOULD NEED A VARIANCE FOR: 1) STRUCTURE CHANGE-OF-USE;  
2) SETBACKS OFF CEDAR STREET (A SEASONAL STREET) AND SECOND  
STREET; 3) HEIGHT/ROOF PITCH OF EXISTING STRUCTURE FOR  
USE AS AN UTILITY BUILDING; 4) WALL HEIGHT; 5) GAZEBO  
SETBACK; 6) CURB CILT LESS THAN 30' ON SECOND STREET.

**PROPERTY INFORMATION:**

Tax Roll Parcel Code #51-51- 51-51-364-714-01

Property Address: 521 SECOND STREET, MANISTEE, MI 49660

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land.  
NONE

Present use of parcel: RESIDENCE

List of all deed restrictions (attach 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: \_\_\_\_\_

**DETAILED REQUEST AND JUSTIFICATION:**

Please identify each requested variance:

		Required by Zoning	Requested by Appellant
SECONDS <input checked="" type="checkbox"/>	Front-Yard Set-Back	from <u>25'-0"</u>	to <u>20'-6" (EXISTING)</u>
CEDAR <input checked="" type="checkbox"/>	<sup>FRONT</sup> Side-Yard Set-Back	from <u>25'-0"</u>	to <u>2'-7" (EXISTING)</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 checked="" type="checkbox"/>	Height	from <u>14'-0"</u>	to <u>19'-9 1/2" (EXISTING)</u>
<input type="checkbox"/>	Area Requirements	from _____	to _____
<input type="checkbox"/>	Off-street Parking	from _____	to _____
<input checked="" type="checkbox"/>	Other	<u>10'-0"</u>	<u>APPX 13'-6"</u>
	- HT OF SIDEWALLS		
	- GAZEBO FRONT YARD (CEDAR ST. SETBACK)	<u>25'-0"</u>	<u>2'-7" (SAME AS EXISTING STRUCTURE)</u>
	- CURB CUT ON SECOND STREET	<u>30'-0"</u>	<u>19'-0"</u>

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

Dimensional information

- Too Narrow EACH 1/2 LOT IS 30'-8 1/2" X 120'-0"
- 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?

THESE BUILDINGS WERE CONSTRUCTED ON NARROW 1/2 LOTS WITH SET-BACKS LESS THAN WHAT IS NOW THE CURRENT ZONING REQUIREMENT

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?

A LITERAL INTERPRETATION WOULD RENDER THE 1/2 LOT UNBUILDABLE BECAUSE OF THE CURRENT SET-BACK REQUIREMENTS

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?

THE EXISTING BUILDING AT 521 SECOND STREET WAS CONSTRUCTED AND OCCUPIED CIRCA 1900 PRIOR TO THE ADOPTION OF CURRENT ORDINANCES.

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 PLAN PROPOSED WOULD PROVIDE QUALITY, DESIRABLE OFF-STREET PARKING NEAR THE STREET INTERSECTION. THE BUILDING UTILITIES, WHICH HAD NUMEROUS DANGEROUS VIOLATIONS WOULD BE BROUGHT TO CODE WITH THE CHANGE-OF-USE.

List any other comments in support of the application.

THE PROPOSED CHANGE OF USE OF THIS BUILDING WOULD PROVIDE WHEELCHAIR ACCESSIBILITY... - IT IS MUCH BETTER TO RECYCLE AND REUSE THAN TO THROW AWAY INTO THE LANDFILL WHATEVER IS STILL SERVICEABLE.

**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 EXTERIOR APPEARANCE OF THE BUILDING HAS BEEN A BLIGHT FOR YEARS. I WOULD MAKE SIGNIFICANT IMPROVEMENT TO THE PROPERTY.

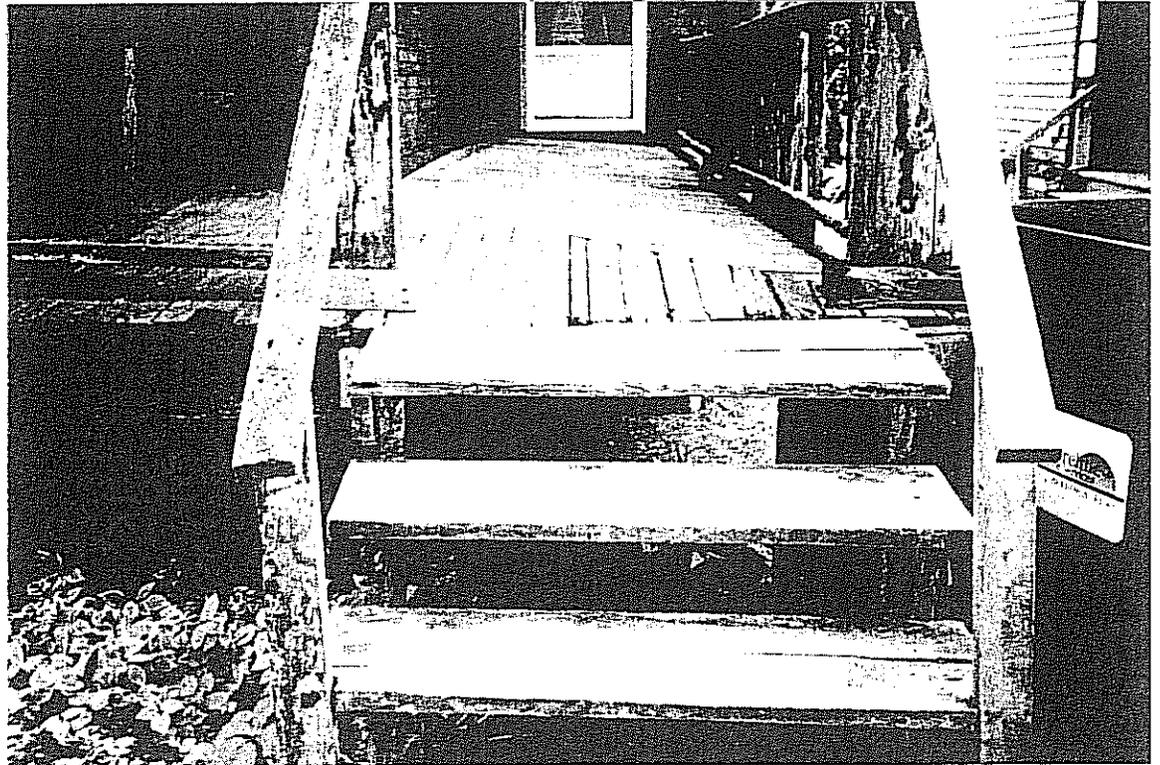
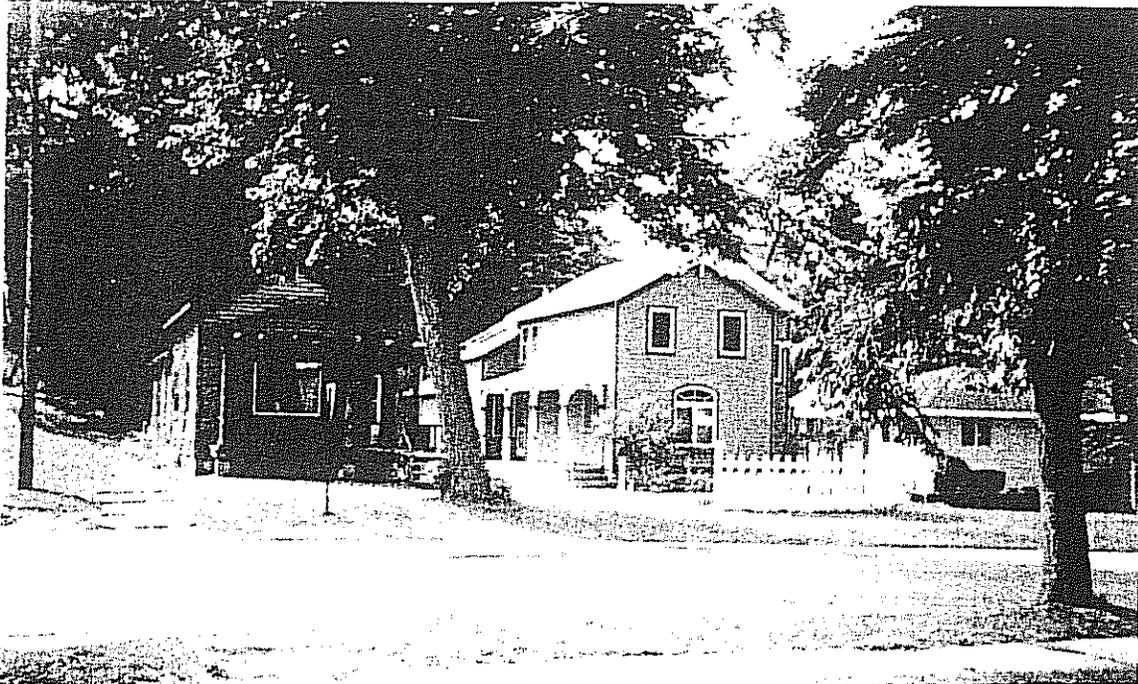
**AFFIDAVIT:**

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 Ray E. Wagner Date 09-19-05

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

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



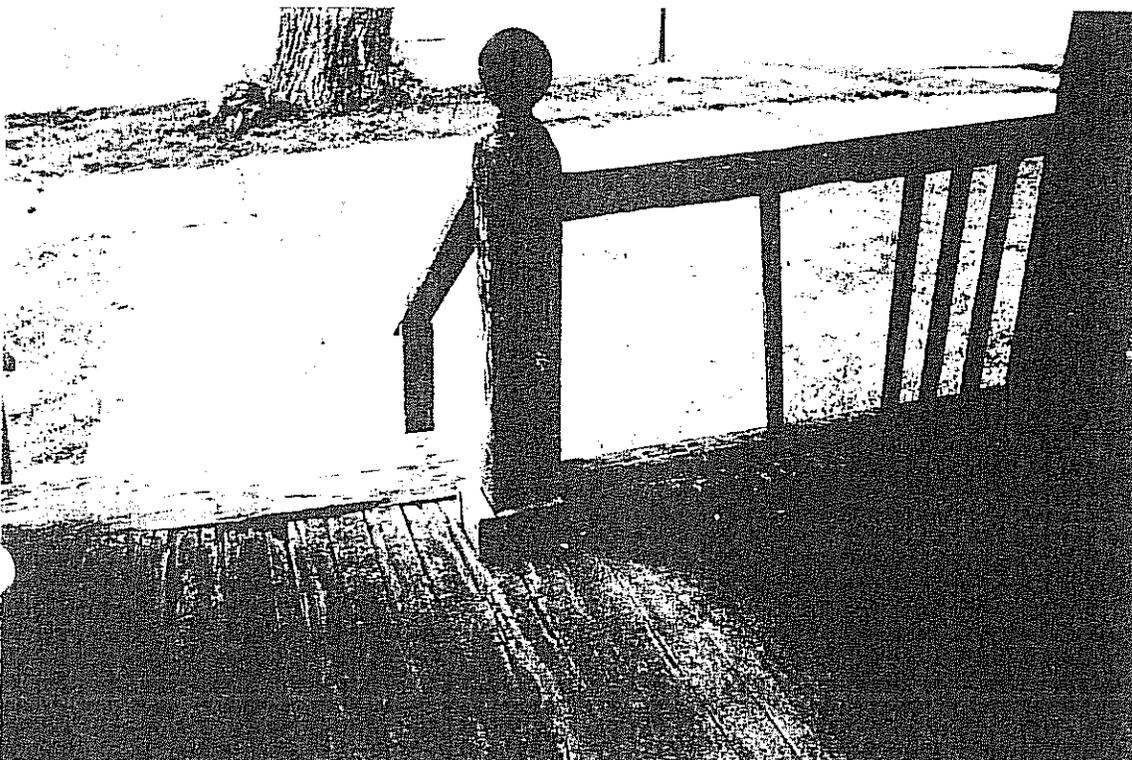
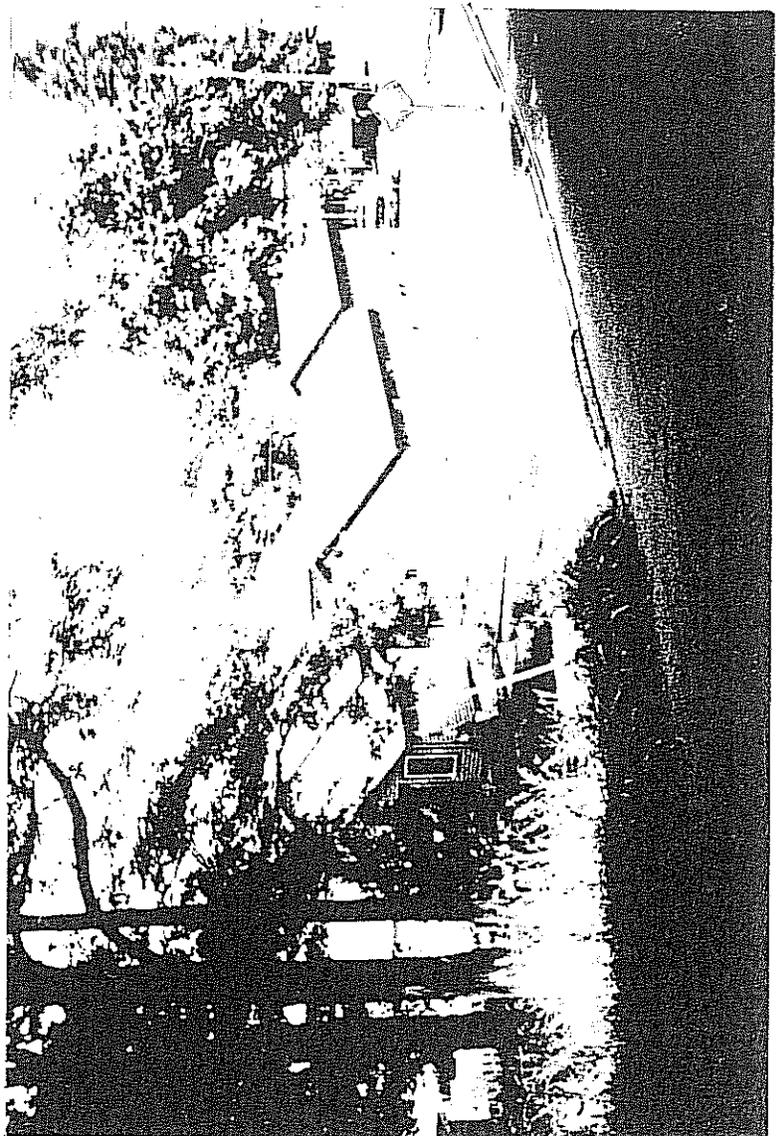
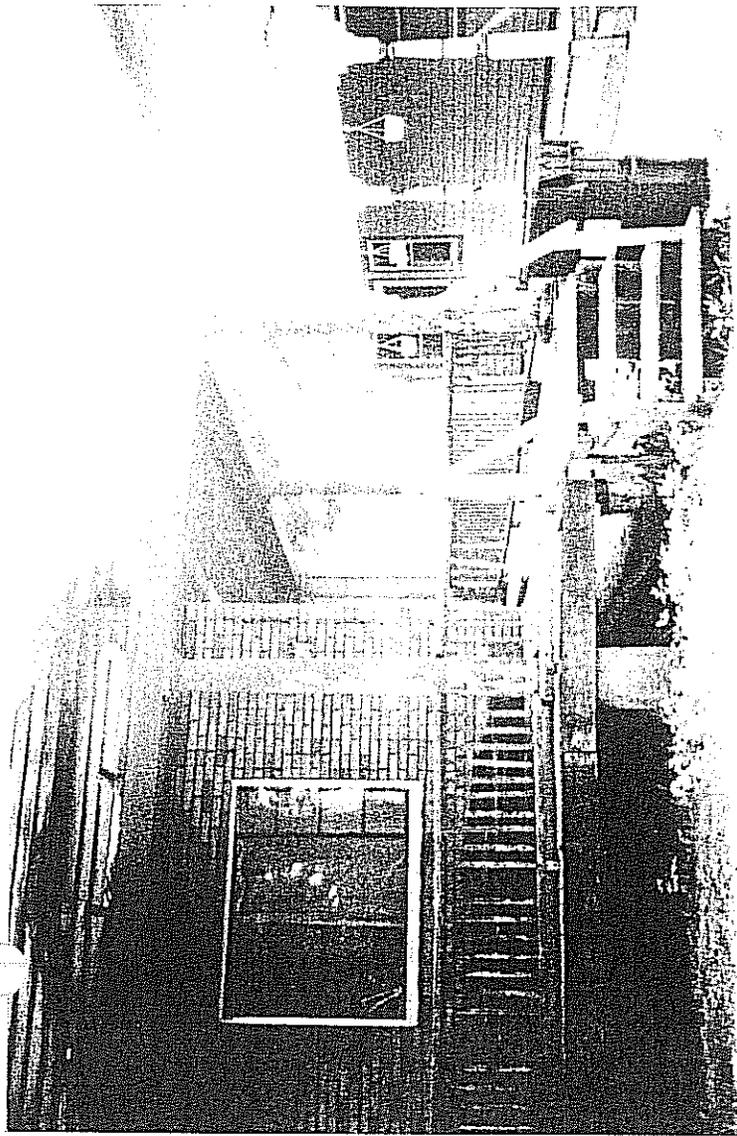
## PROPOSED BUILDING CHANGES

521-523 SECOND STREET  
MANISTEE, MICHIGAN 49660

DRAWINGS BY: KAY E. WAGNER  
523 SECOND STREET  
MANISTEE, MICHIGAN 49660

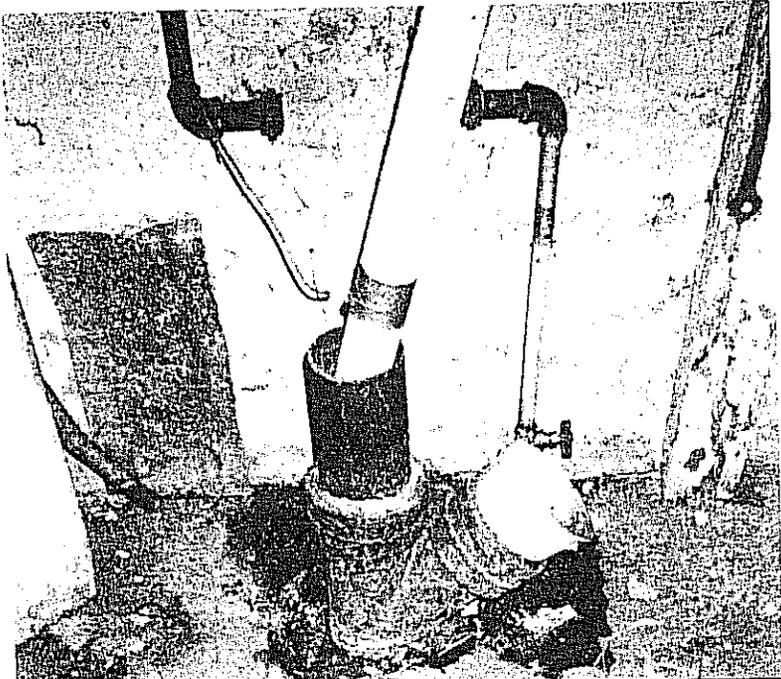
## CONTENTS

- PHOTOS - EXTERIOR FEATURES, EXISTING
- PHOTOS - PLUMBING PROBLEMS
- PHOTOS - ELECTRICAL PROBLEMS
- NEIGHBORHOOD LOT LAYOUT
- COPY OF LETTER, CHRISTIE ENGINEERING
- PLOT PLAN
- PROPOSED BUILDING CHANGE-OF-USE  
FRONT VIEW (FACING CEDAR STREET HILL)
- PROPOSED BUILDING CHANGES  
SIDE VIEW ALONG CEDAR STREET HILL
- EXISTING STRUCTURE, 521 SECOND STREET
- PROPOSED CHANGES
- PROPOSED CEILING BEAMS, SOUTH PART
- NORTH BUILDING SECTION
- SOUTH BUILDING SECTION
- PROPOSED BUILDING CHANGES  
SECTION AT RIDGE OF EACH PART  
(LOOKING EAST, TOWARD CEDAR STREET)



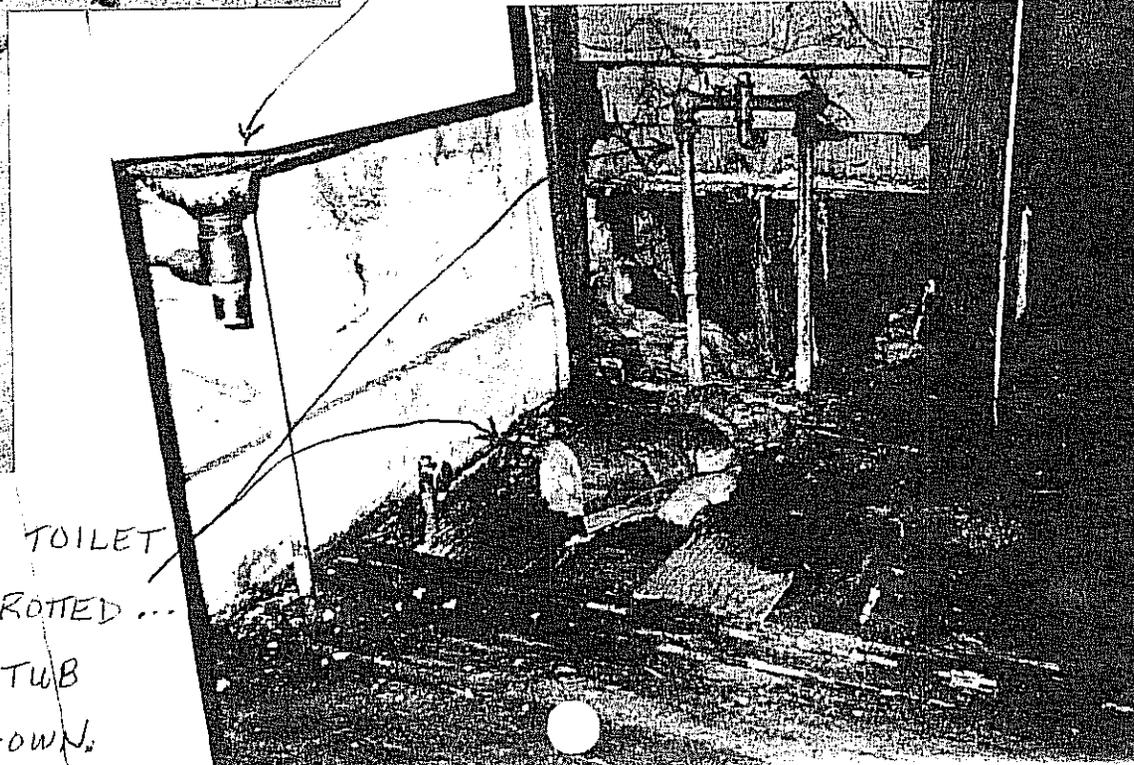
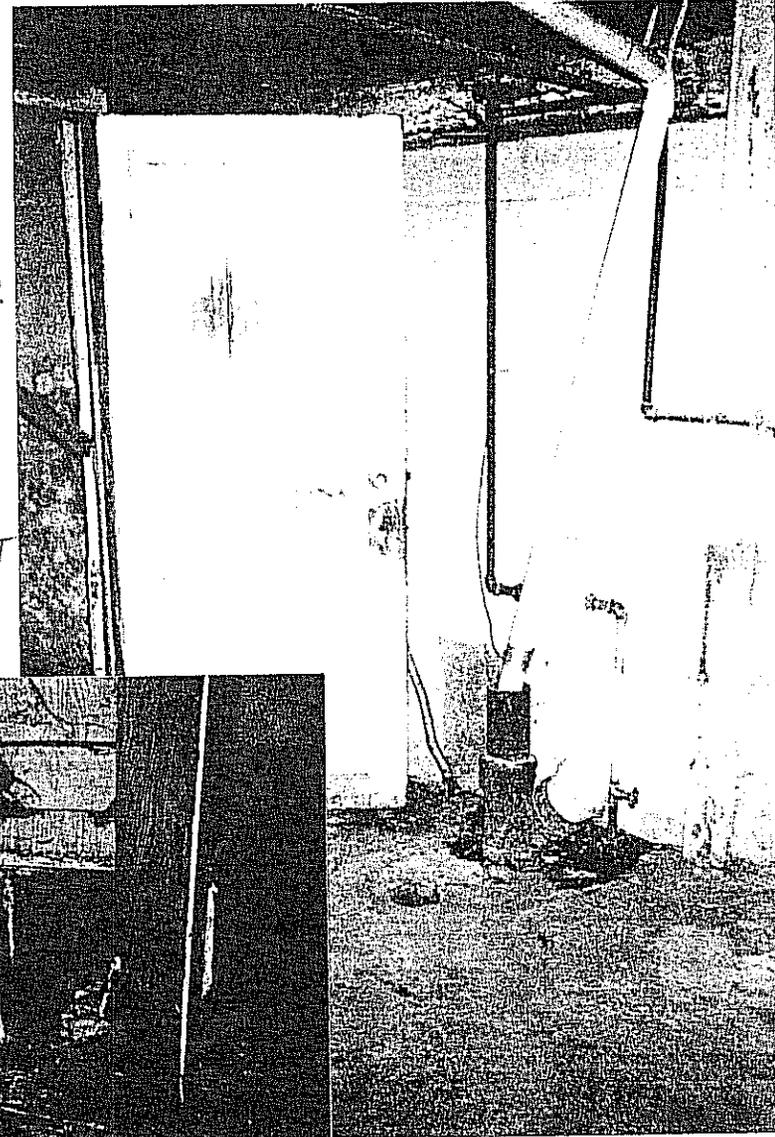
BACK YARD  
OF THE  
PROPERTIES

MOST ELEMENTS  
OF THE PORCH -  
FLOOR, RAILING,  
STEPS BADLY  
ROTTED.

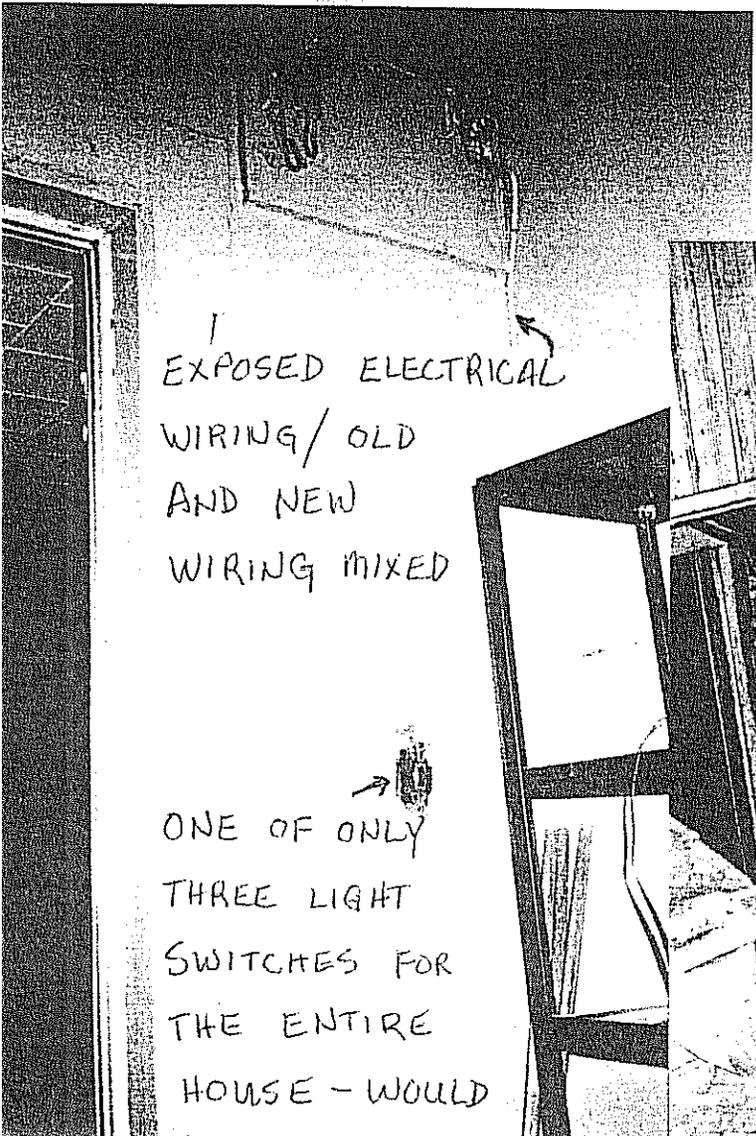


PLUMBING WHICH  
WAS IN USE WHEN  
HOUSE WAS PURCHASED.

BATHROOM SINK WAS  
NOT ATTACHED TO  
SEWER LINE (BUCKET  
WAS BEING USED)



BOARDS AROUND TOILET  
AREA TOTALLY ROTTED...  
PLUMBING FOR TUB  
EXPOSED AS SHOWN.



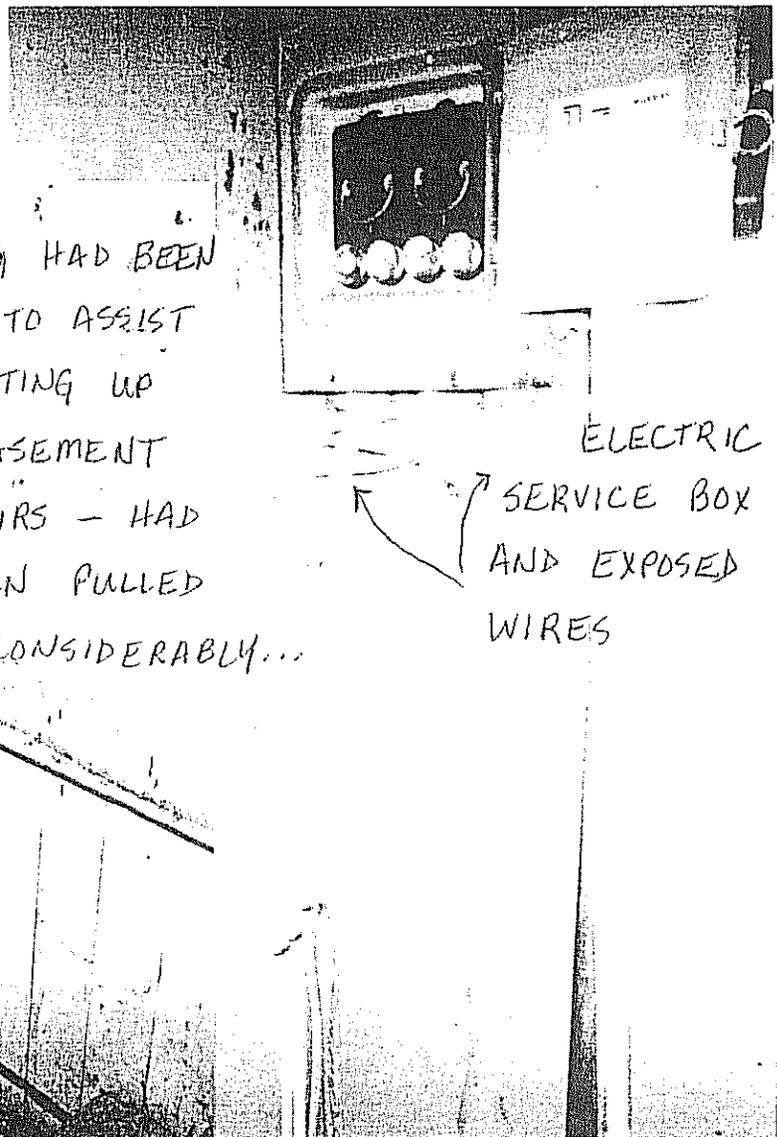
EXPOSED ELECTRICAL  
WIRING/ OLD  
AND NEW  
WIRING MIXED



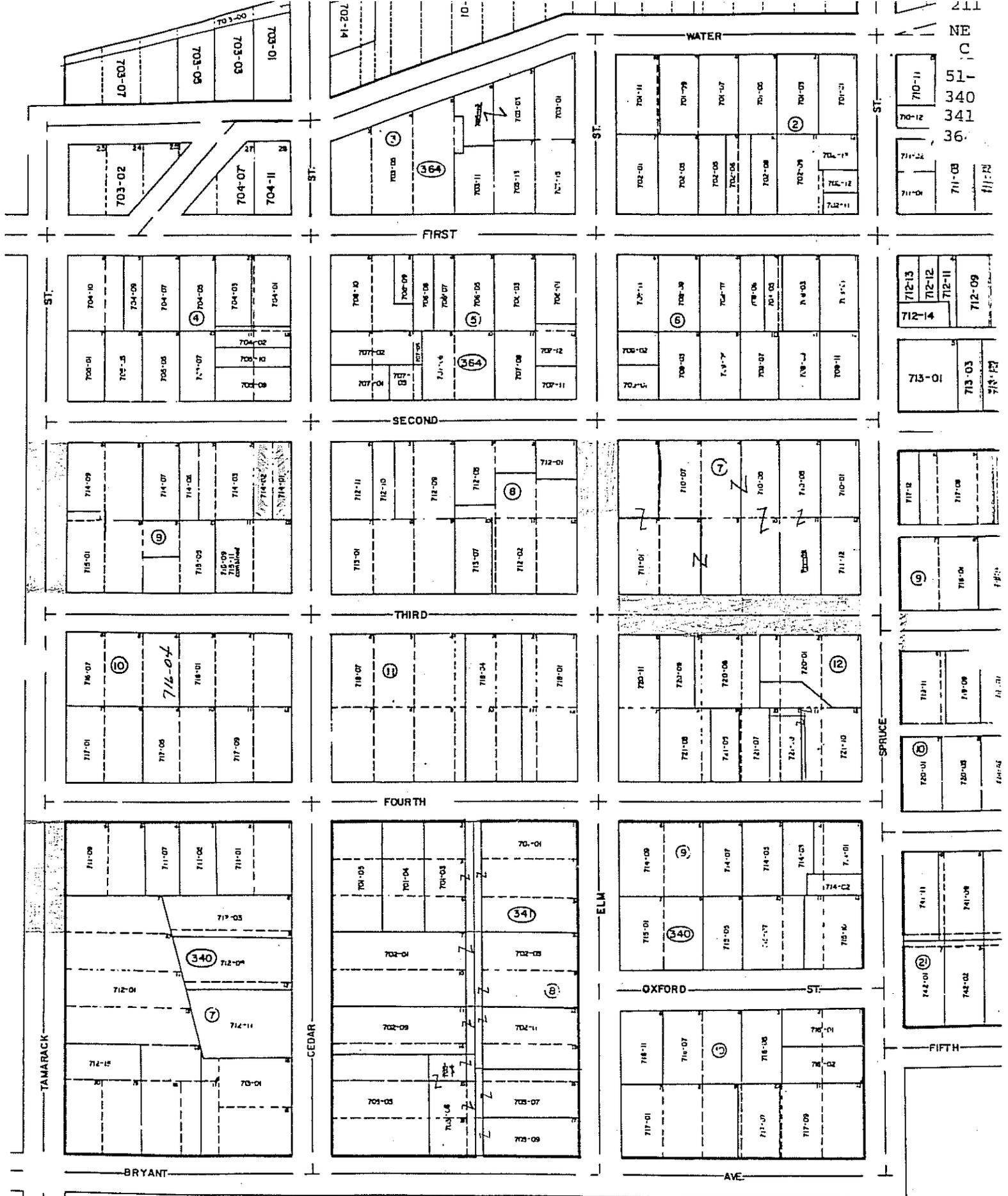
ONE OF ONLY  
THREE LIGHT  
SWITCHES FOR  
THE ENTIRE  
HOUSE - WOULD  
ONLY WORK WHEN  
PULLED OUT FROM WALL  
- SPARKS NOTED WHEN USED.



WIRING HAD BEEN  
USED TO ASSIST  
GETTING UP  
BASEMENT  
STAIRS - HAD  
BEEN PULLED  
CONSIDERABLY...



ELECTRIC  
SERVICE BOX  
AND EXPOSED  
WIRES



211  
NE  
C  
51-  
340  
341  
36

710-11  
710-12  
711-01  
711-02  
711-03  
711-04

712-13  
712-12  
712-11  
712-14

713-01  
713-03  
713-04

717-01  
717-02  
717-03

718-01  
718-02  
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720-01  
720-02  
720-03

721-01  
721-02  
721-03

741-01  
741-02  
741-03

742-01  
742-02  
742-03

743-01  
743-02  
743-03

744-01  
744-02  
744-03

745-01  
745-02  
745-03

746-01  
746-02  
746-03

***Christie Engineering***

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359 River Street, Suite 202

Manistee, MI 49660

Voice & Fax: 231-398-0625

Email: [chris@jackpine.net](mailto:chris@jackpine.net)

September 16, 2005

Ms. Kay Wagner  
523 Second Street  
Manistee, MI 49660

Dear Ms. Wagner:

I am writing to summarize my findings regarding the possible rehabilitation of the house at 521 Second Street.

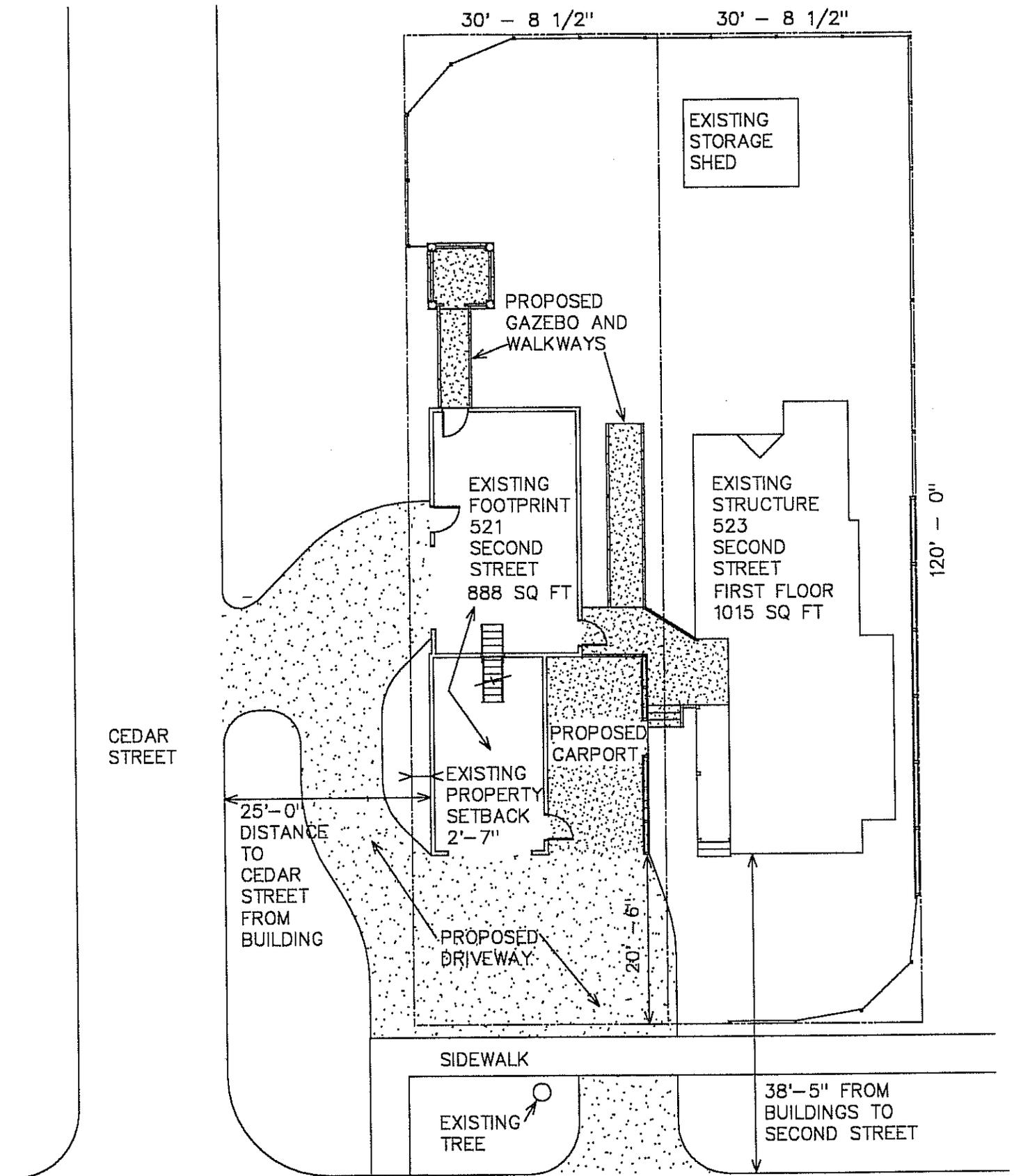
Upon my recent inspection of the building I found that it is basically structurally sound. There are a couple of weak areas in the roof that will have to be shored up, but nothing that cannot be fixed. I have also reviewed your plans for rehabilitation and find them doable. I will be available to help you develop further structural details to carry out your proposed redevelopment in a proper and satisfactory manner.

Please feel free to call if you have any further questions.

Sincerely,



Frank O. Christie, PE



# PLOT PLAN

SCALE: 1/16" = 1'-0"

NORTH

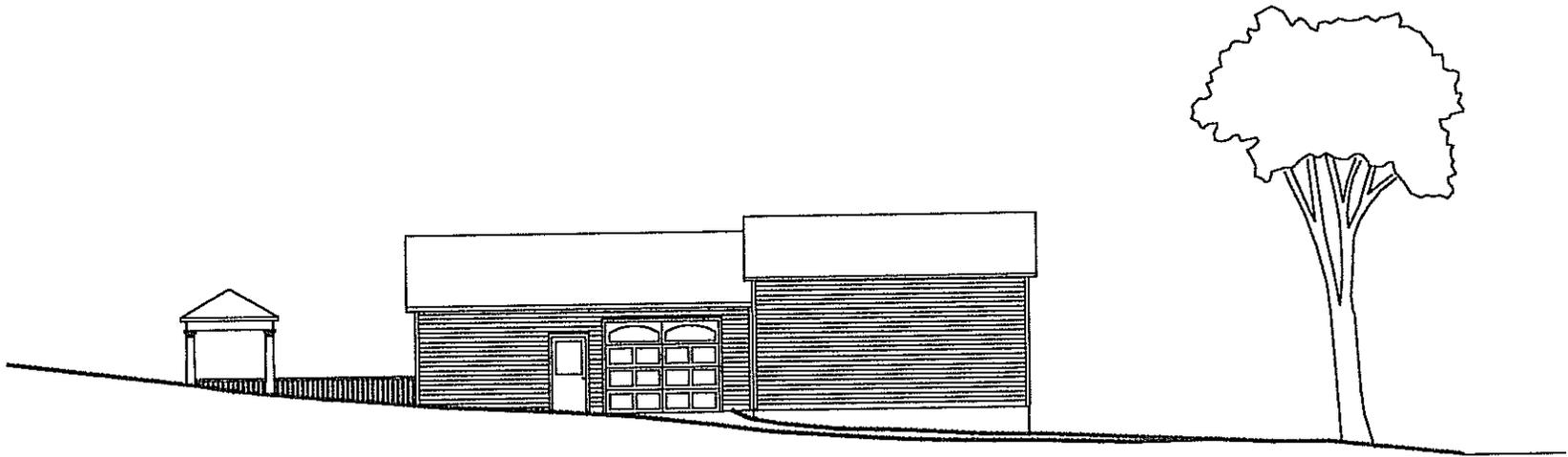


SECOND STREET



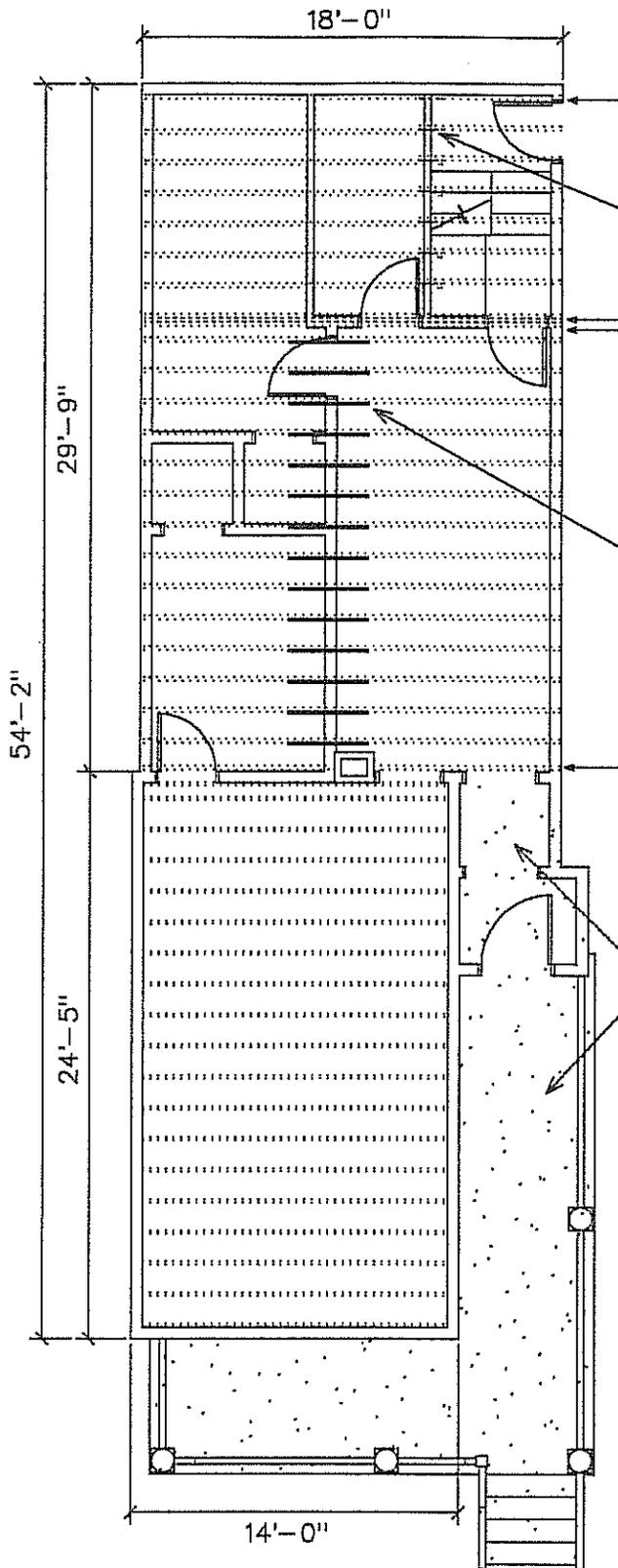
PROPOSED BUILDING CHANGE-OF-USE  
FRONT VIEW (FACING CEDAR STREET HILL)

SCALE: 3/32" = 1'-0"



PROPOSED BUILDING CHANGES  
SIDE VIEW (ALONG CEDAR STREET HILL)

SCALE: 1/16" = 1'-0"



THE BUILDING HAS 2"X4" ROOF RAFTERS THROUGHOUT WHICH ARE 24" O.C. AND A 7/12 PITCH

THIS SECTION OF STRUCTURE HAS 2"X4" CEILING JOISTS WITH A LAPPED JOINT ON INNER ENTRYWAY WALL AS INDICATED BY DOTTED LINES.

THE CEILING JOISTS ARE 16"O.C. THROUGHOUT THE BUILDING

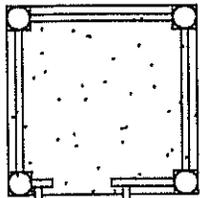
THIS PORTION OF STRUCTURE HAS 2"X6" CEILING JOISTS WITH A BUTT JOINT ON THE INNER WALL AND 1"X4" (OR LARGER) SPLICES WHICH VARY IN LENGTH FROM 40" TO 48"

THIS PORTION OF THE STRUCTURE TO BE REMOVED

IF THE COLUMNS AND OTHER MATERIALS FROM THE PORCH CAN BE SALVAGED, THE PLAN IS TO CONSTRUCT A GAZEBO BEHIND THE EXISTING BUILDING TO HONOR ARLENE STAMP WHO WAS THE PREVIOUS OWNER OF THIS PROPERTY

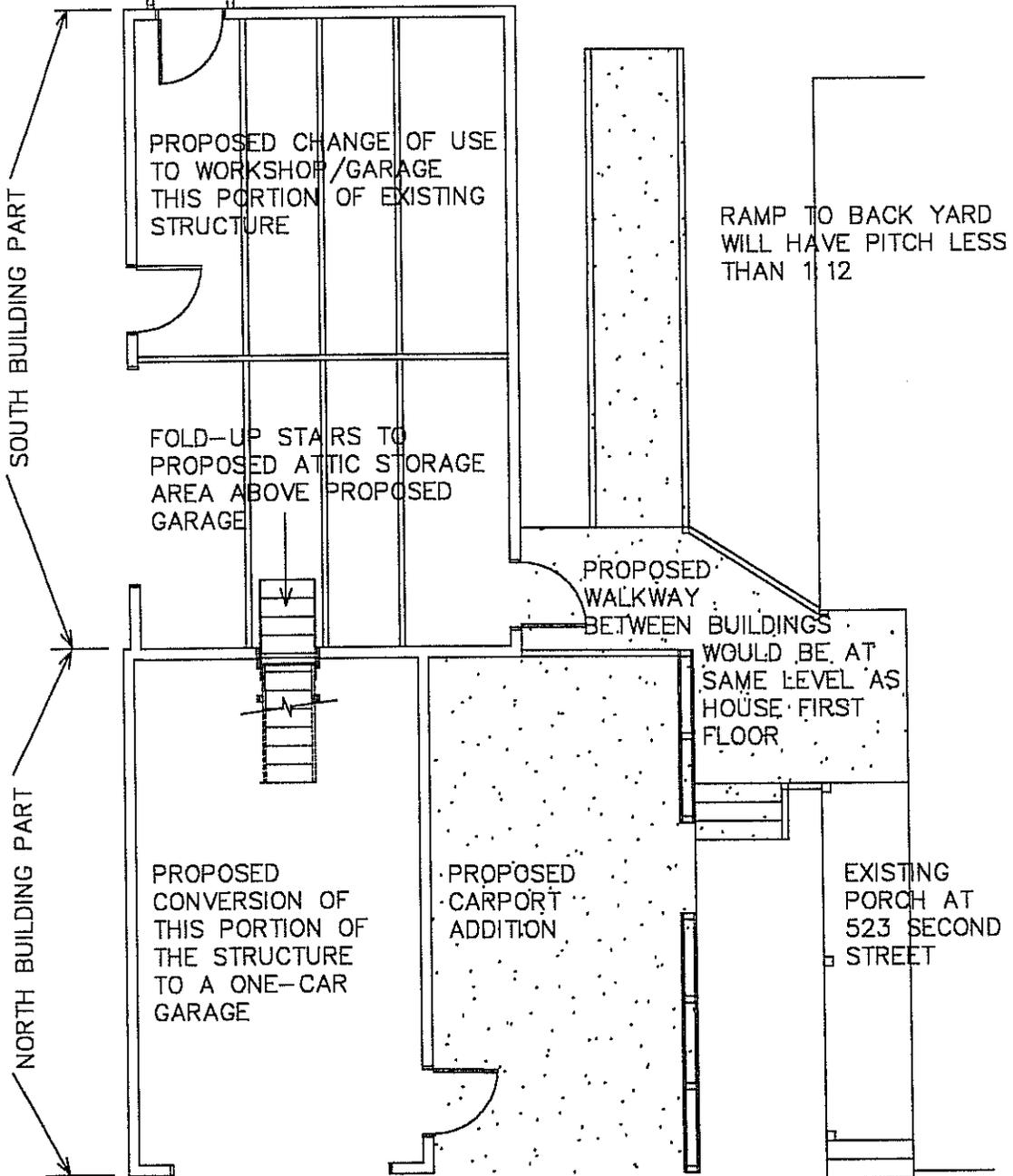
EXISTING STRUCTURE  
521 SECOND STREET

SCALE: 1/8" = 1'-0"



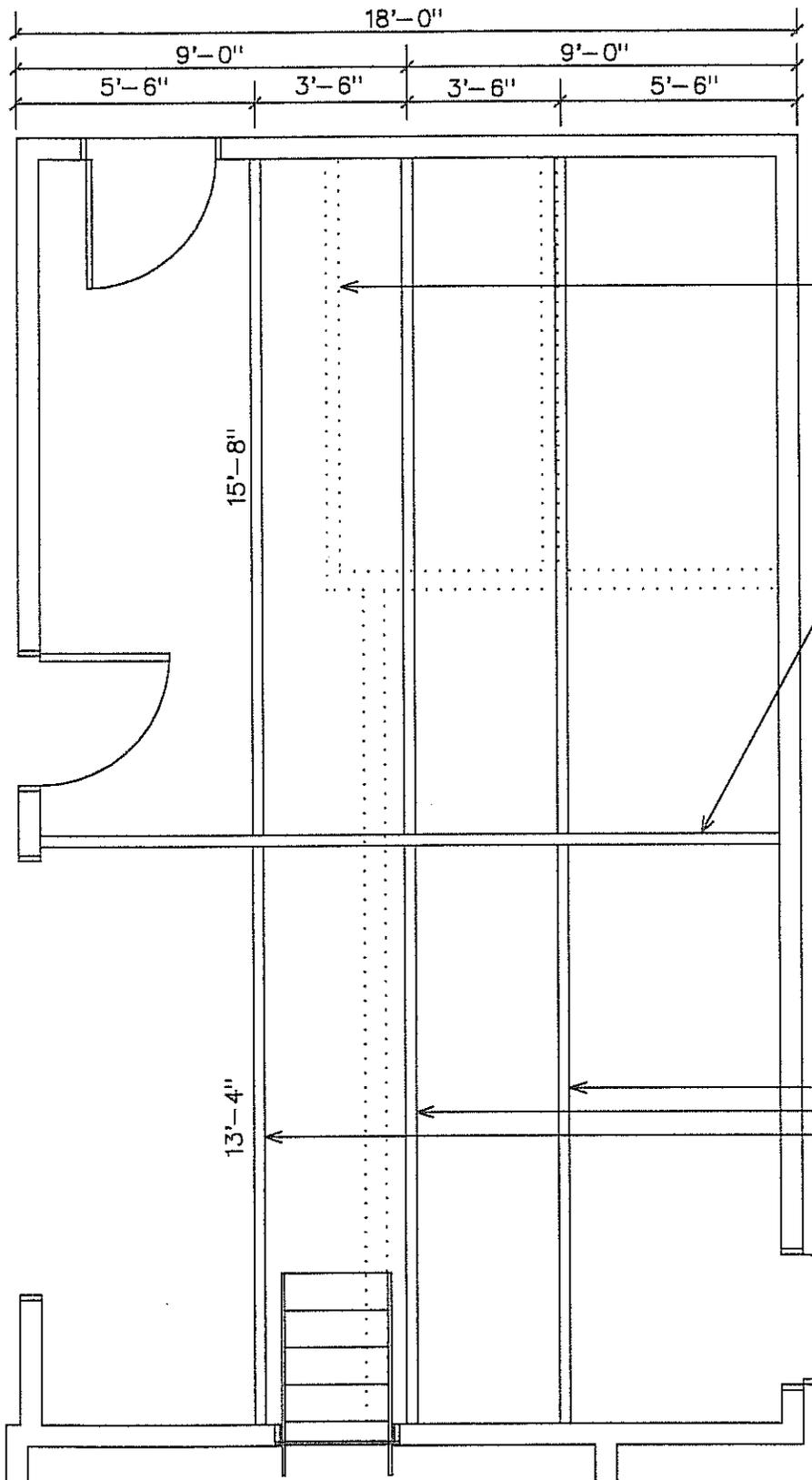
PROPOSED GAZEBO TO BE CONSTRUCTED WITH PRESSURE TREATED LUMBER AND SALVAGED MATERIALS FROM ORIGINAL PORCH (SIZE 8'X8')

WALKWAYS OF PRESSURE TREATED LUMBER TO PROVIDE HANDICAP ACCESSIBILITY FROM BUILDING TO BUILDING, GAZEBO, AND BACK YARD



# PROPOSED CHANGES

SCALE: 1/8" = 1'-0"



DOTTED LINES INDICATE THE LOCATION OF EXISTING LOAD-BEARING WALLS WHICH WOULD BE REMOVED AFTER SUPPORT BEAMS ARE PUT INTO PLACE

PROPOSED CONSTRUCTION OF A 3"X12"X17'-2" BEAM USING TWO 2"X12" GLUED AND NAILED OR SCREWED TOGETHER

BEAM WOULD BE ATTACHED TO AN EXISTING 2"X6" CEILING JOIST USING 1/4"X4 1/2" LAG SCREWS FITTED WITH APPROPRIATE WASHERS (AT LEAST FOUR SCREWS IN EACH SPLICED 2"X6")

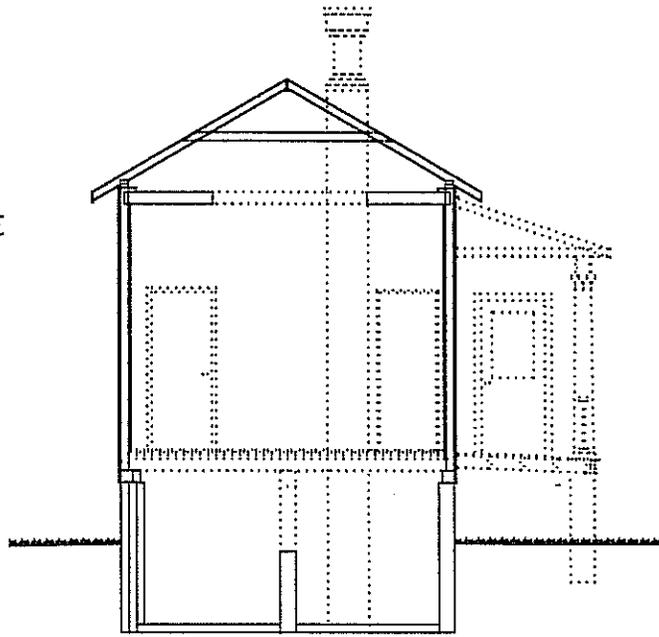
PROPOSED CONSTRUCTION OF 3"X6" CROSS BEAMS USING TWO 2"X6" GLUED AND NAILED OR SCREWED TOGETHER

PROPOSED CEILING BEAMS - SOUTH PART

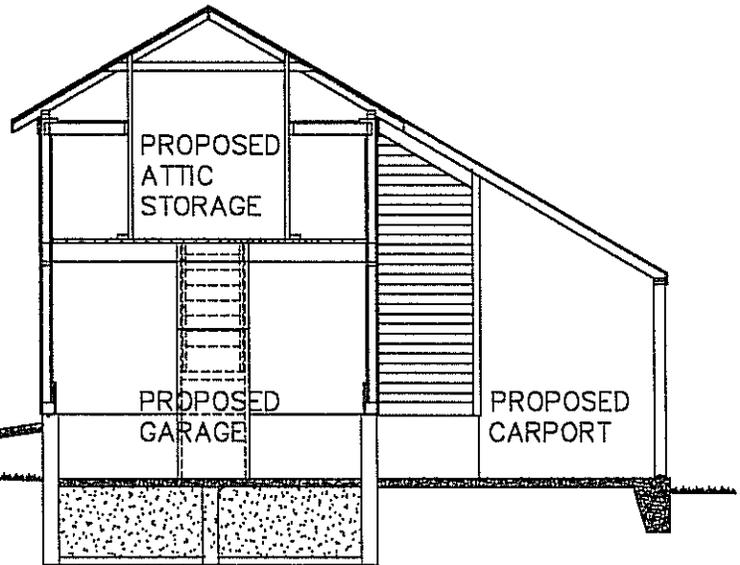
SCALE: 1/4" = 1'-0"

- REMOVAL OF CHIMNEY
- REMOVAL OF PORCH AND ENTRYWAY ADD-ONS
- REMOVAL OF ALL DOORS AND WINDOWS FROM EXISTING STRUCTURE
- REMOVAL OF ALL FLOORING AND FLOOR JOISTS AFTER NEW 2"X10" JOISTS ARE INSTALLED
- REMOVAL OF PORTION OF EXISTING CEILING JOISTS AFTER NEW ATTIC FLOOR IS INSTALLED

- INSTALL ADDITIONAL COLLAR TIES AND PULL EAST WALL BACK PLUMB
- REPAIR ROOF WHERE ROOF JOISTS AND RIDGE BOARD WERE CUT OUT AT ONE TIME FOR APPARENT CHIMNEY
- INSTALL NEW ATTIC JOISTS AND FLOORING
- INSTALL 2"X6" FRAMING TO TIE ROOF RAFTERS AND FLOORING
- CUT PORTION OF EXISTING CEILING JOISTS AWAY (TEMPORARY BRACING) AND TIE TO NEW FRAMING
- FILL BASEMENT WITH APPROXIMATELY 3' OF COMPACTED SAND
- POUR 4" CONCRETE FLOOR FOR NEW GARAGE
- POUR CONTINUOUS FOOTING/4" SLAB FOR PROPOSED CARPORT
- FRAME IN CARPORT USING 2"X6" ROOF JOISTS AND PRESSURE-TREATED 4"X6" POSTS
- NEW SHINGLES AND SIDING OF ENTIRE BUILDING



EXISTING - TO BE REMOVED



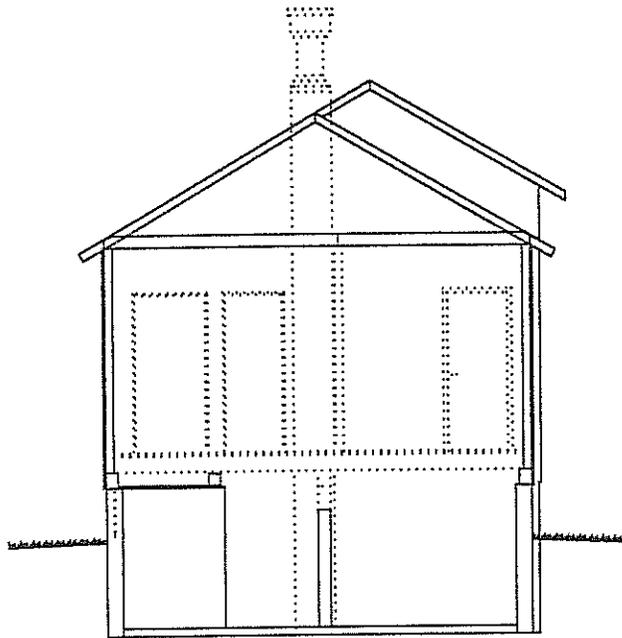
PLANNED CHANGES

NOTE: ATTIC STORAGE AREA ACCESSIBLE ONLY FROM THE PROPOSED SOUTH WORKSHOP/GARAGE PORTION OF BUILDING

NORTH GARAGE AS PROPOSED WOULD NOT BE ACCESSIBLE FROM SOUTH WORKSHOP/GARAGE

NORTH BUILDING SECTION

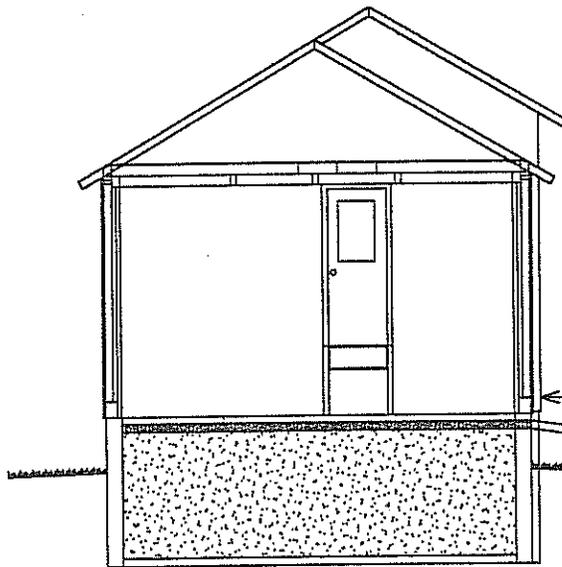
SCALE: 1/8" = 1'-0"



DOTTED LINES INDICATE CHANGES TO BE MADE TO SOUTH PORTION OF STRUCTURE

- REMOVAL OF CHIMNEY
- REMOVAL OF ALL EXISTING WINDOWS; BASEMENT WINDOWS TO BE ENCLOSED WITH CONCRETE
- REMOVAL OF INNER WALLS AND FLOORS AFTER NEW SUPPORT BEAMS ARE INSTALLED

EXISTING - TO BE REMOVED



SECTION O.C. OF 3"X12" SUPPORT BEAM PROPOSED (SEE DETAIL DRAWINGS FOR BEAM PLACEMENT/CONSTRUCTION)

DOOR TO ATTIC SPACE ABOVE GARAGE (CUSTOM-MADE FOLD AWAY STAIR FOR PART OF ATTIC ACCESS - SEE SIDE SECTION)

NOTE: DISTANCE FROM BUILDING TO CEDAR STREET IS 25 FEET

SOUTH BASEMENT AREA TO BE FILLED WITH 5'-4" COMPACTED SAND

PLANNED CHANGES

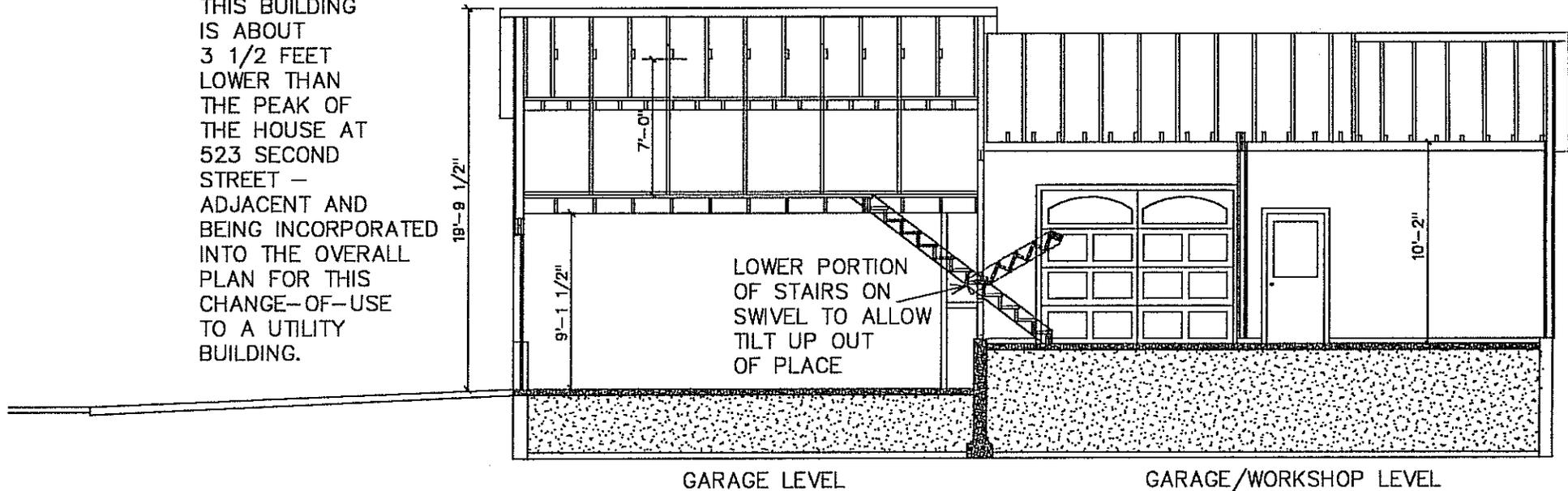
NEW FLOOR FOR WORKSHOP/GARAGE 4" POURED CONCRETE (WILL BE AT SAME HEIGHT AS FINISHED FLOOR OF HOUSE AT 523 SECOND STREET TO ALLOW FOR HANDICAP ACCESSIBILITY BY CONSTRUCTION OF WALKWAY BETWEEN BUILDINGS.

SOUTH BUILDING SECTION

SCALE: 1/8" = 1'-0"

NOTE:

THE PEAK OF THIS BUILDING IS ABOUT 3 1/2 FEET LOWER THAN THE PEAK OF THE HOUSE AT 523 SECOND STREET — ADJACENT AND BEING INCORPORATED INTO THE OVERALL PLAN FOR THIS CHANGE-OF-USE TO A UTILITY BUILDING.



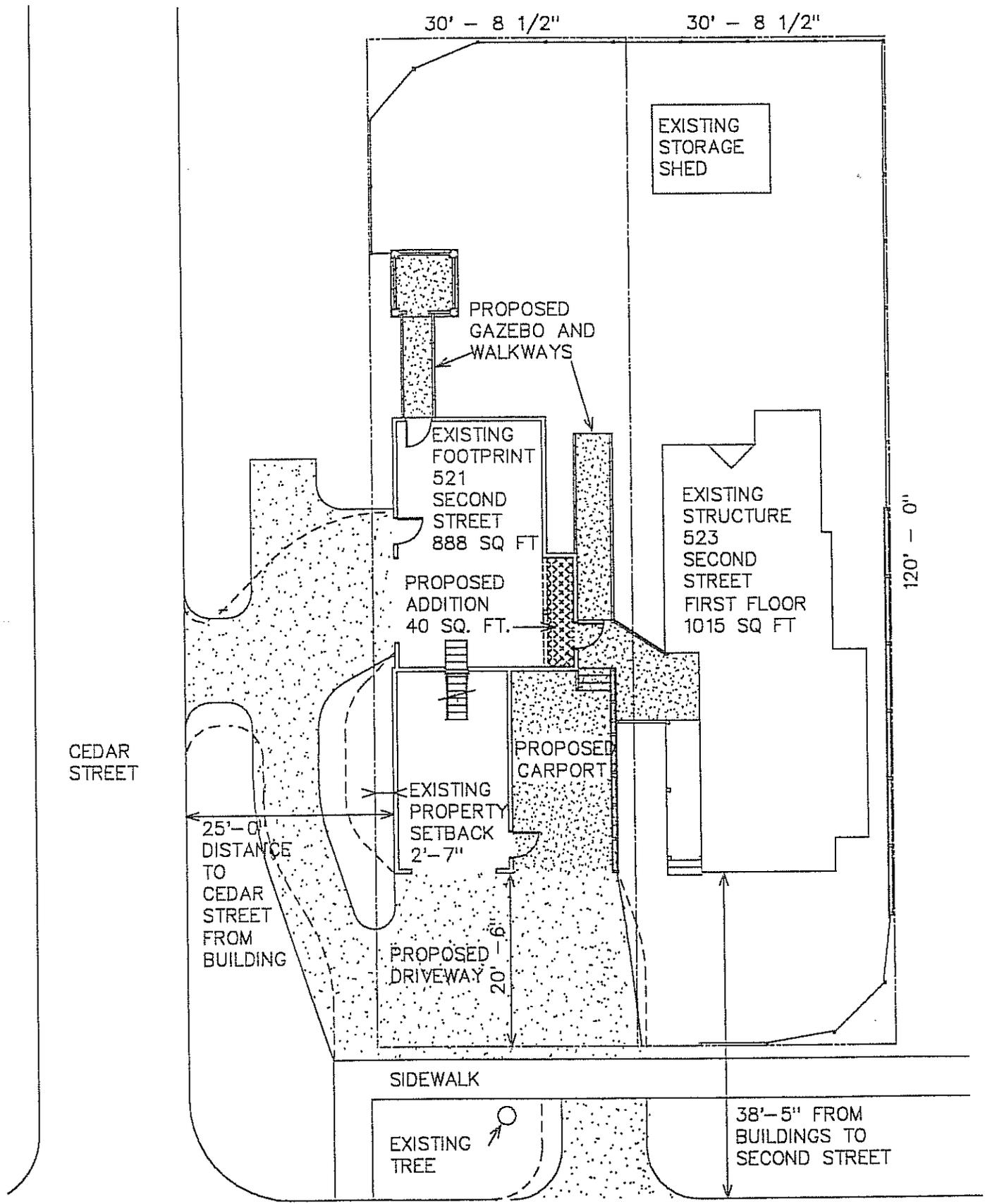
PROPOSED BUILDING CHANGES  
SECTION AT RIDGE OF EACH PART  
(LOOKING EAST, TOWARD CEDAR STREET)

SCALE: 1/8" = 1'-0"



PROPOSED BUILDING CHANGE-OF-USE  
FRONT VIEW (FACING CEDAR STREET HILL)

SCALE:  $3/32'' = 1'-0''$



**PLOT PLAN**

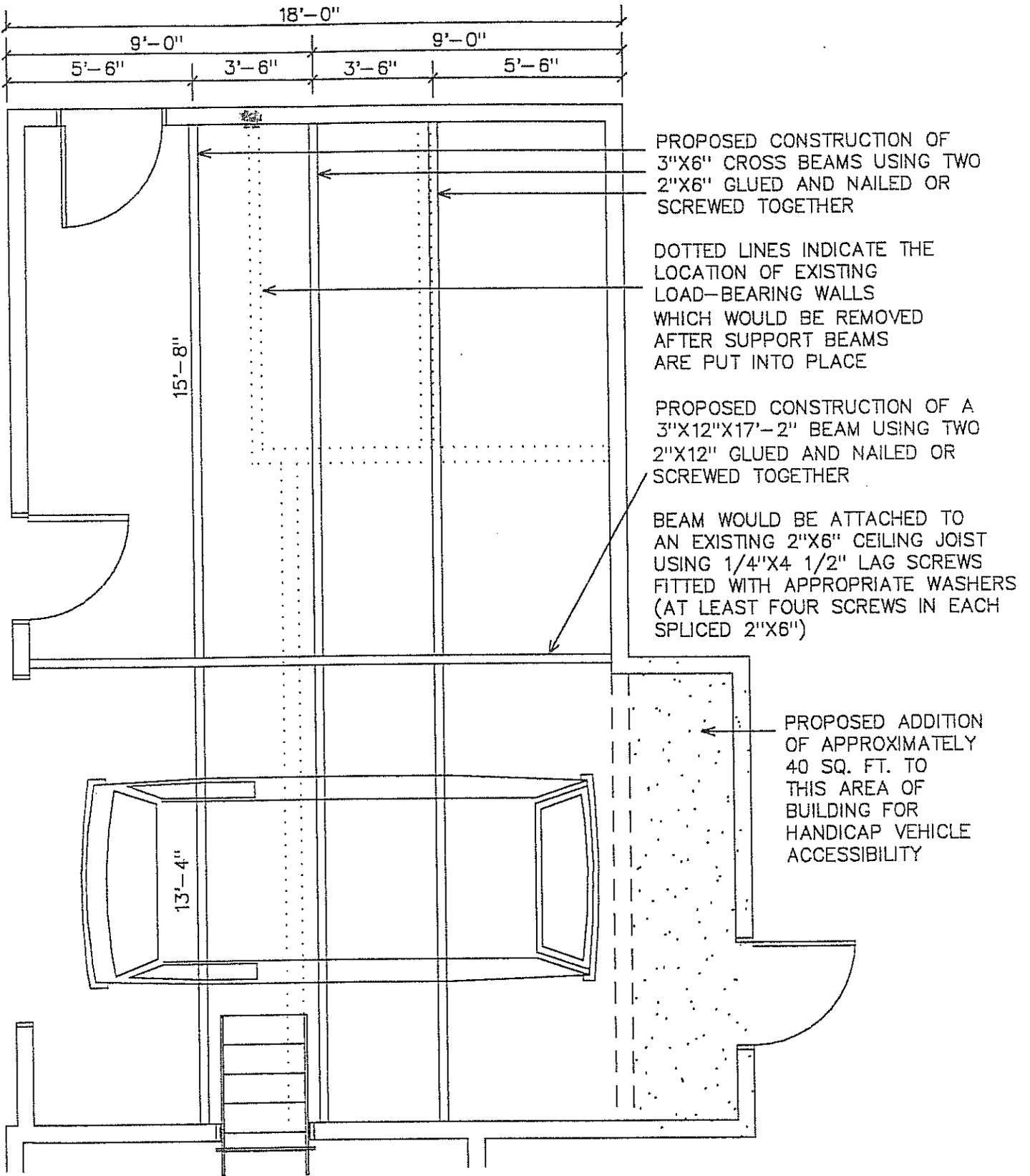
SCALE: 1/16"=1'-0"

NORTH



SECOND STREET

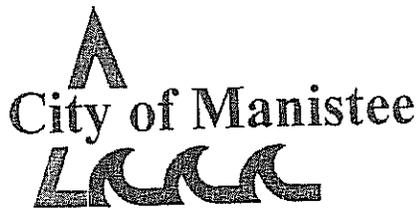




PROPOSED CEILING BEAMS - SOUTH PART

SCALE: 1/4" = 1'-0"





PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546

## MEMORANDUM

---

TO: Zoning Board of Appeals Members

FROM: Jon R. Rose   
Community Development Director

DATE: September 26, 2005

RE: Kay Wagner, 521 Second Street

Members, we have received a request from Kay Wagner for six variances. Ms. Wagner owns the home at 523 Second Street and purchased the house adjacent to hers at 521 Second Street.

Ms. Wagner proposes to convert the house at 521 Second Street into an accessory structure (garage/carport and workshop). The conversion would require four variances. A gazebo within the front yard setback would require a fifth variance while the proposed location of the curb cut on Second Street would require a sixth variance.

Ms. Wagner is proposing an ambitious project that would reuse an existing building which does not conform to the requirements of the Zoning Ordinance. The house is located on a substandard lot as is Ms. Wagner's home at the neighboring 523 Second Street. In the event that the Zoning Board of Appeals were to grant the necessary variances Ms. Wagner would be required to combine the two substandard parcels into one parcel. The resulting parcel would meet the area requirements of the current Zoning Ordinance.

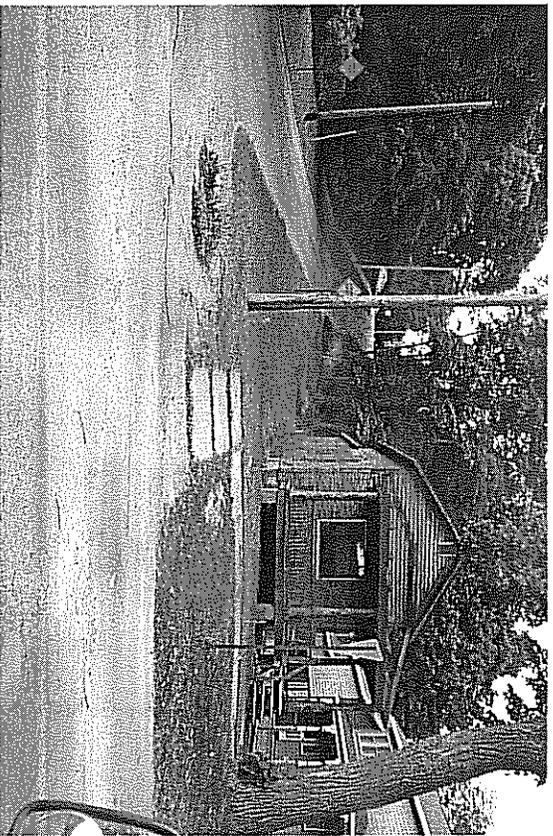
The paving Ms. Wager is proposing on City right-of-way would require City Council approval.

JRR:djb

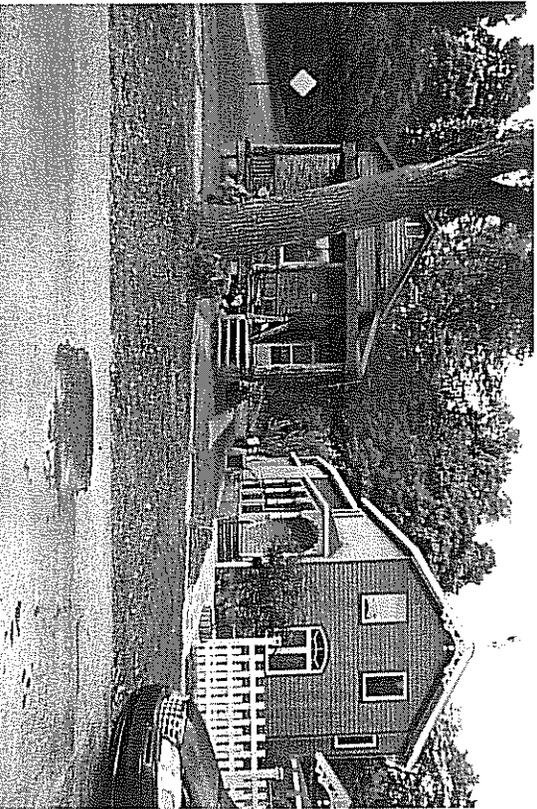




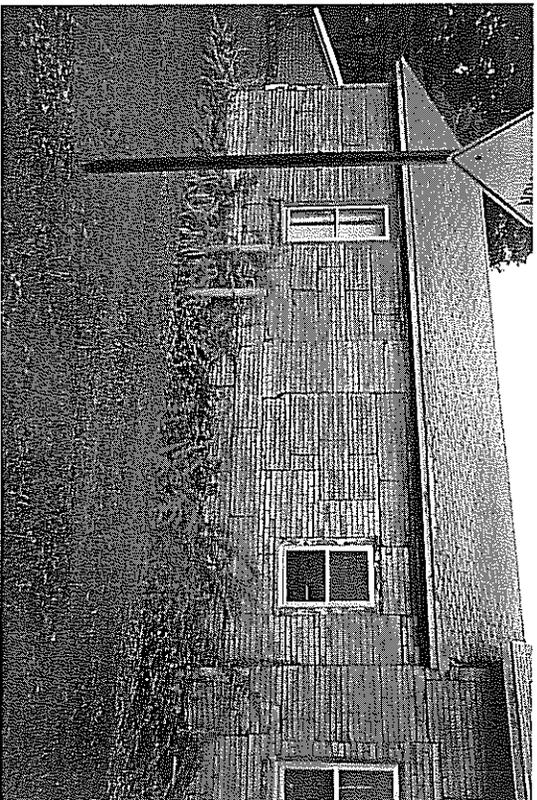
Looking North on Cedar Street



Showing elevation between Cedar Street and Building



Showing Both Buildings



Showing area of proposed driveway off Cedar

