

**MANISTEE CITY  
ZONING BOARD OF APPEALS**

Meeting of May 17, 2007  
5:30 p.m. - Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

**AGENDA**

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Zoning Board of Appeals can take action to approve the May 17, 2007 Agenda.

IV Approval of Minutes

At this time Zoning Board of Appeals can take action to approve the January 11, 2007 meeting Minutes.

V Public Hearing

Bill and Mary Beth Kennedy, 415 Cedar Street. Mr. & Mrs. Kennedy own the home at 415 Cedar Street and are requesting a variance to increase the height from 35 feet to 42 feet to restore the original roof peak of the home as shown on the 1885 Architectural Drawings.

At this time the Chair shall open the hearing.

The Applicant shall present any comments and explanation of the case.

The City Staff and any consultants serving the City shall present their reports.

The hearing will be opened for public comments

The Public comment period will be closed

VI Business Session:

Action on Pending Case

Bill and Mary Beth Kennedy, 415 Cedar Street. Mr. & Mrs. Kennedy own the home at 415 Cedar Street and are requesting a variance to increase the height from 35 feet to 42 feet to restore the original roof peak of the home as shown on the 1885 Architectural Drawings.

Old Business

Other Business of the Appeals Board

#### VII Public Comments and Communications concerning Items not on the Agenda

At this time the Chair will ask if there are any public comments.

#### VIII Adjournment



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## MEMORANDUM

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TO: Zoning Board of Appeals Members  
FROM: Denise Blakeslee   
DATE: May 2, 2007  
RE: Meeting on May 17, 2007

Good Morning!

We have scheduled a meeting for Thursday, May 17, 2007 at 5:30 p.m. in the Council Chambers, City Hall. This meeting is being held in response to a request from Bill and Mary Beth Kennedy. Mr. & Mrs. Kennedy are asking for a variance to allow an increase in height from 35 feet to 42 feet to restore the original roof peak of the home as shown on the 1885 Architectural Drawings.

If you are unable to attend the meeting please call me at 398-2805.

:djb



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## MEMORANDUM

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TO: Zoning Board of Appeals Members

FROM: Jon R. Rose   
Community Development Director

DATE: May 2, 2007

RE: Variance Request - 415 Cedar Street

Good Morning!

We have received a request for a Variance from Bill and Mary Beth Kennedy, 415 Cedar Street to allow an increase in the height limitation to restore the original roof peak of the home as shown on the 1885 Architectural Drawings. Staff review and recommendation is as follows:

- ◆ This is a historic home that was constructed in 1885 before local zoning laws were in effect.
- ◆ The request is to restore the original roof peak as shown on the 1885 Architectural Drawings.
- ◆ The applicant has received a letter of support from the Manistee County Historical Museum.
- ◆ The developer has investigated methods to eliminate the need for a variance but this plan seems to be the most practical with the least impact.
- ◆ The City Fire Chief was contacted and “has no objections to an increase in height for the purpose of returning the structure to original architecture”.

This request seems to be reasonable and meets the intent of the ordinance.

JRR:djb



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

Name: Bill and Mary Beth Kennedy  
 Address: 415 Cedar St, PO Box 86  
 City, State, Zip Code: Manistee, MI 49660  
 Phone Numbers: (work) — (home) 723-4112  
 Agent Name & Phone Number if applicable: \_\_\_\_\_

**FEE FOR APPEAL \$250.00**

OFFICE USE ONLY	
Appeal Number: <u>ZBA-2007-01</u>	Date Received: <u>4-26-07</u>
Receipt Number/Fee Amt: <u>\$250.00</u>	Hearing Date: <u>5-17-07</u>
Zoning District for Property: <u>R-2</u>	Parcel Code Number: <u>51-51-341-702-01</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:

We plan to restore the original roof peak on our home, as shown in the original 1885 architectural drawings. As a result, the peak will be higher than the 35' zoning limit.

**PROPERTY INFORMATION:**

Tax Roll Parcel Code # 51-51- 341-702-01

Property Address: 415 Cedar St.

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land. Chase Home Finance, PO Box 24696, Columbus, OH 43224-0696

Present use of parcel: Primary Residence

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: June 2004: The reconstruction of the original 1885 Carriage house/garage - Approved

**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 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 checked="" type="checkbox"/> Height	from <u>35'</u>	to <u>42'</u>
<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 \_\_\_\_\_
- Too Small \_\_\_\_\_
- Too Shallow \_\_\_\_\_
- Elevation (height) \_\_\_\_\_
- Slope \_\_\_\_\_
- Shape \_\_\_\_\_
- Soil \_\_\_\_\_
- Subsurface \_\_\_\_\_
- Other (Specify) \_\_\_\_\_

**Variances.** The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. Basic Conditions. The Board shall find that a variance request meets all of the following conditions.
  - a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.  
 Yes    No
  - b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.  
 Yes    No
  - c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.  
 Yes    No
  - d. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.  
 Yes    No
  - e. The requested variance shall relate only to property that is under control of the applicant.  
 Yes    No
  - f. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.  
 Yes    No
  - g. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

Yes    No

h. The requested variance is the minimum variance that will make possible the reasonable use of the land.

Yes    No

2. Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

a. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.

Yes    No

Justification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.

Yes    No

Justification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Yes    No

Justification: We would like to replace the original  
roof configuration as shown in the  
original architectural drawings and  
photographs.

3. Rules. The following rules shall be applied in the granting of variances:

a. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

b. Each variance granted under the provisions of this Ordinance shall become null and void unless:

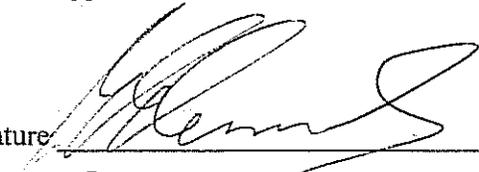
The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

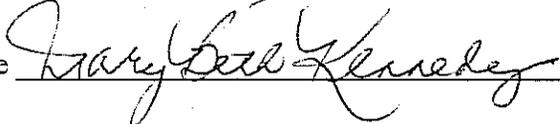
c. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of

newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

**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 4/16/07

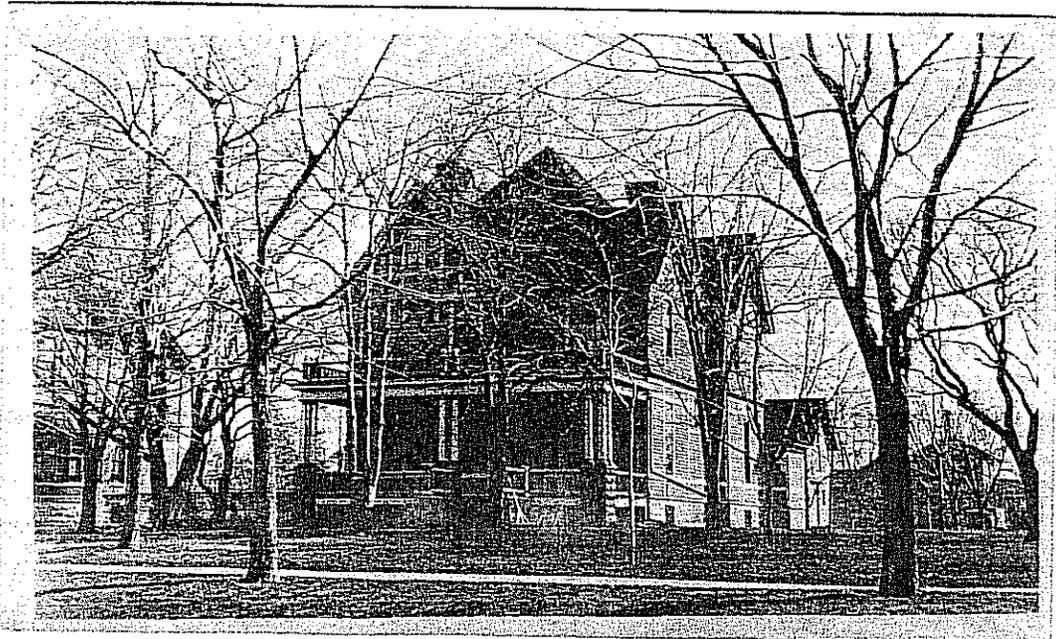
Signature  Date 4/16/07

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

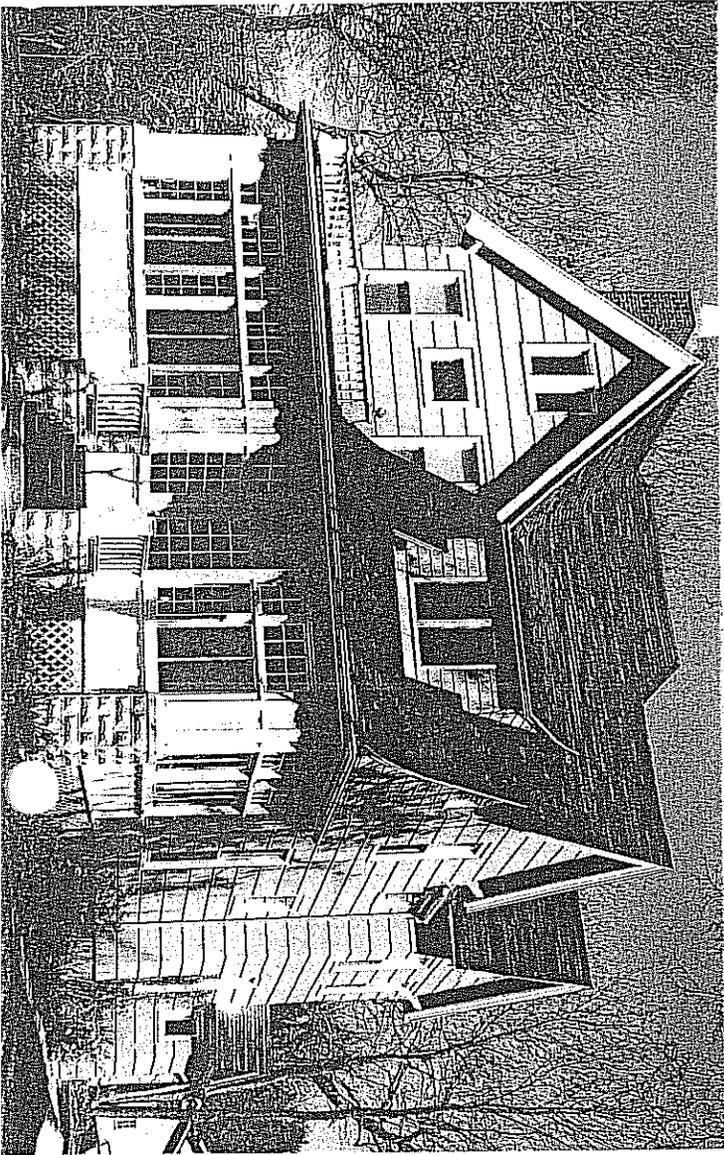
March 2006



415 Cedar St. — 1900



415 Cedar St — 1921

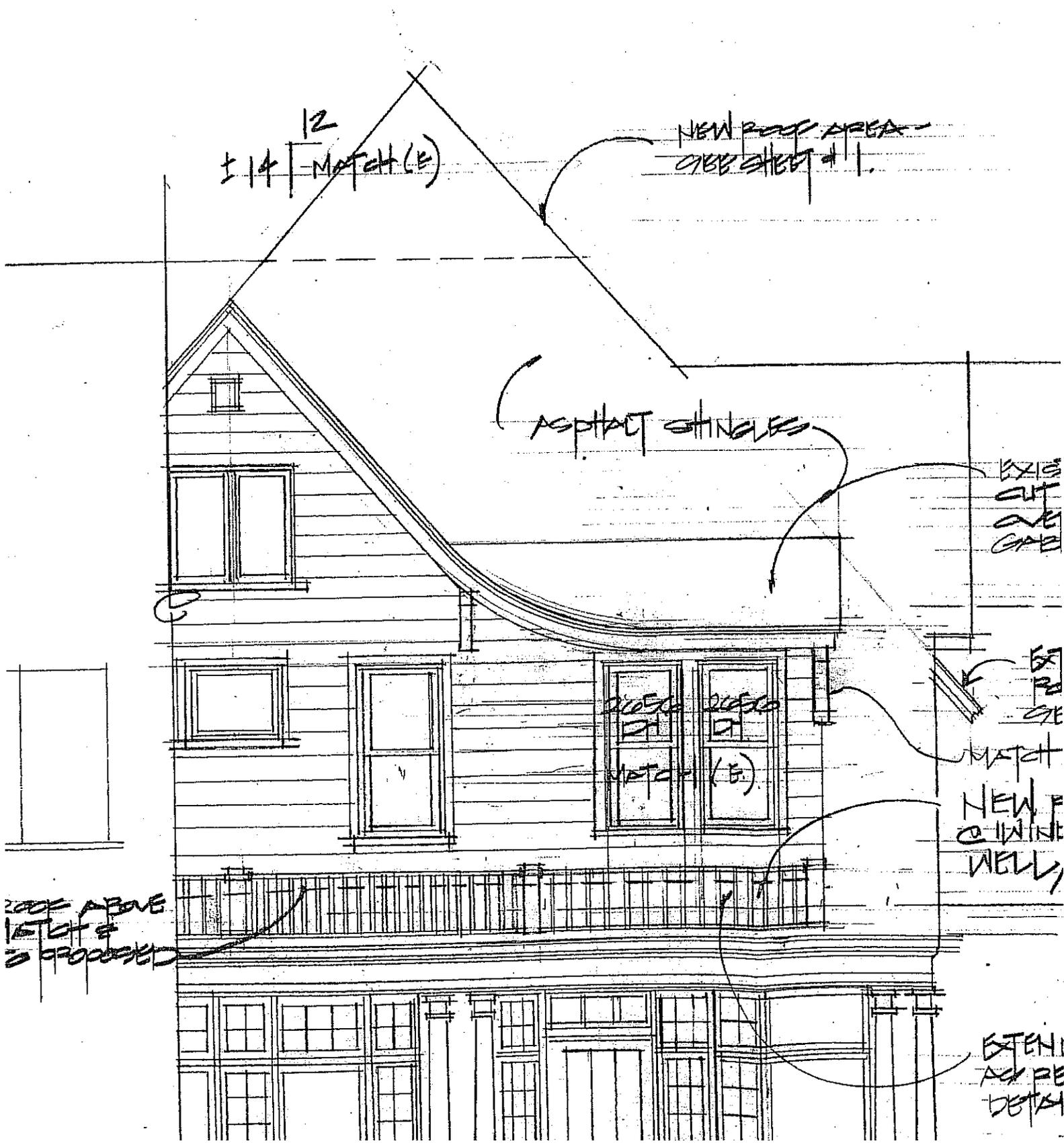


Present  
Look

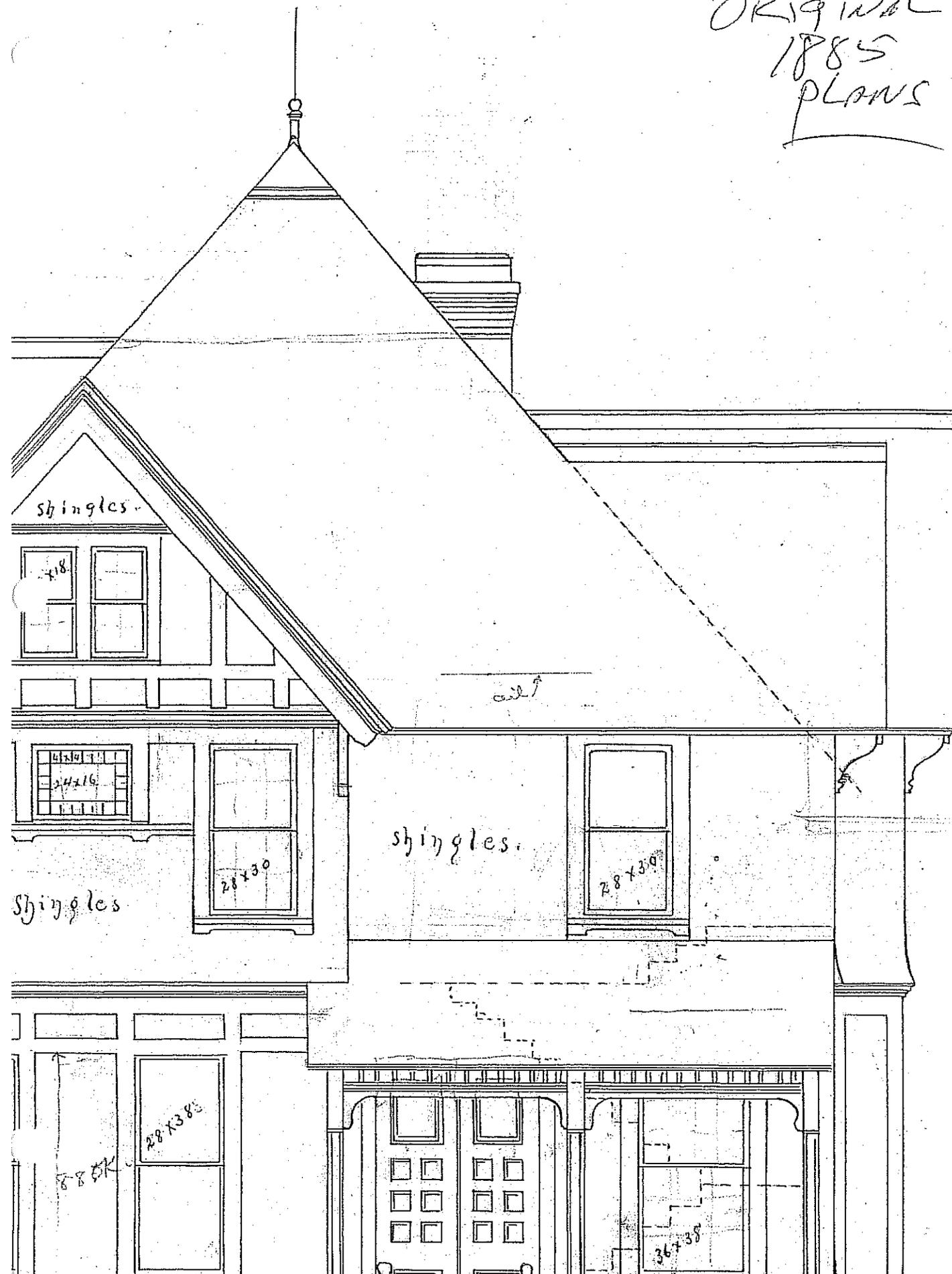
NOT USE IN WIND ZONES LESS THAN 100 MPH. CHANGES TO SPECIFICATIONS using ASTM D 3161 modified to use a wind speed of 110 mph are acceptable for use in all cases where special fastening is required.

FLASHING, SHALL BE APPLIED TO MANUFACTURER'S PRINTED INSTRUCTIONS

# PROPOSED REMODEL



ORIGINAL  
1885  
PLANS



# MANISTEE COUNTY HISTORICAL MUSEUM

425 River Street  
Manistee, Michigan 49660  
231-723-5531

24 April 2007

Zoning Board of Appeals  
City of Manistee

Manistee MI 49660

RE: 415 Cedar Street, Barnes/Kennedy Residence

Dear Board Members:

The current owners of this home are requesting a variance to allow the reconstruction of the roof line to its original form. The Museum supports this request for the following reasons:

The Barnes homes at 415 Cedar Street is one of the older homes on Cedar Street, a street originally intended to highlight the finest Victorian architecture of Manistee.

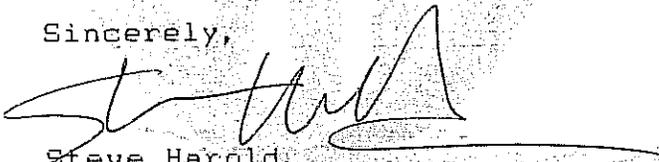
With Manistee emphasizing its Victorian architecture which, draws people from all over the state and nation, it is important to support and encourage the reconstruction of buildings to their Victorian Era appearance and architecture.

This street has some of the finest architecture in Manistee and is the first one the Museum sends visitors to when they ask about Victorian architecture.

The residence will have a better appearance when taken back to its original look.

Again I ask you to allow this zoning change in the interest in maintaining the historic character of Manistee.

Sincerely,



Steve Harold,  
Museum Director