

MANISTEE CITY
ZONING BOARD OF APPEALS

Meeting of June 18, 2007

5:30 p.m. - Second Floor Conference Room, 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 June 18, 2007 Agenda.

IV Approval of Minutes

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

V Public Hearing

Jeremy Logan, 183 Washington Street . Mr. Logan owns the home at 183 Washington Street. Mr. Logan is requesting an Appeal from Administrative Decision to determine if existing garage attached to the home by a covered roof is part of the primary structure.

Jeremy Logan, 183 Washington Street . In the event that the Zoning Board of Appeals were to determine that the existing garage is not a part of the primary structure Mr. Logan is then requesting a variance for a reduction in the side-yard set-back from 10 feet to 7 feet to construct an garage addition with living space.

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

Jeremy Logan, 183 Washington Street. Mr. Logan owns the home at 183 Washington Street. Mr. Logan is requesting an Appeal from Administrative Decision to determine if existing garage attached to the home by a covered roof is part of the primary structure.

Jeremy Logan, 183 Washington Street. In the event that the Zoning Board of Appeals were to determine that the existing garage is not a part of the primary structure Mr. Logan is then requesting a variance for a reduction in the side-yard set-back from 10 feet to 7 feet to construct an garage addition with living space.

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

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Denise Blakeslee 
Administrative Assistant

DATE: May 30, 2007

RE: June 18, 2007 Meeting

Good Morning! The next meeting of the Zoning Board of Appeals has been scheduled for Monday, June 18, 2007. We have a request from Jeremy Logan, 183 Washington Street on the Agenda. Information is attached.

If you are unable to attend please call me at 398.2805.

:djb



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

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Jon R. Rose 
Community Development Director

DATE: May 30, 2007

RE: Variance Request - 183 Washington Street

Good Morning!

We have received a request for a Variance from Jeremy Logan, 183 Washington Street. Mr. Logan is requesting an Appeal from Administrative Decision to determine if existing garage attached to the home by a covered roof is part of the primary structure. The Photographs that Mr. Logan has supplied shows that a roof was constructed from the home to the garage. The Zoning Board of Appeals may determine that the garage is attached to the home and therefore part of the primary structure and that he has the right to use the existing set back and no variance is necessary.

In the event that the Zoning Board of Appeals were to determine that the garage is not a part of the primary structure then they would review the request for a variance. Mr. Logan is requesting to use the set-back for the existing garage (7 feet). Because the garage has living space above and is attached to the primary structure the ordinance requires a 10 foot side yard set-back.

JRR:djb



REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

Name: Jeremy Logan

Address: 183 Washington St

City, State, Zip Code: Manistee, MI 49660

Phone Numbers: (work) (231) 723-1373 (home) (231) 233-4261

Agent Name & Phone Number if applicable: _____

FEE FOR APPEAL \$250.00

OFFICE USE ONLY	
Appeal Number: <u>ZBA-2007-02</u>	Date Received: <u>5-29-07</u>
Receipt Number Fee Amt: <u>13401 & 250.00</u>	Hearing Date: _____
Zoning District for Property: <u>R-2</u>	Parcel Code Number: <u>SI-SI-146-730.05</u>
Type of Request:	
<input checked="" type="checkbox"/> Variance Request	<input type="checkbox"/> Ordinance or Map Interpretation
<input checked="" 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:

Upon rebuilding a new garage structure, I want to maintain the North/South location of the South garage wall at 7' from the property line. Ordinance requires that an attached garage be 10' from the property line.

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 14673005

Property Address: 183 Washington ST

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

Present use of parcel: Residential - None

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: NONE

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>7'</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 _____
- Too Small _____
- Too Shallow _____
- Elevation (height) _____
- Slope _____
- Shape _____
- Soil _____
- Subsurface _____
- Other (Specify) Garage currently resides 7' from property line

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: SEE ATTACHED

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: SEE ATTACHED

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: SEE ATTACHED

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 5-29-07
Signature _____ Date _____

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

March 2006

I am signing this letter to show my approval on the removal of 3 trees along my property line and that of my neighbor, Mr. Jeremy Logan, who resides at 183 Washington St. These trees need to be removed for the rebuilding of a garage structure on Mr. Logan's lot.

I also am approving the building and restructuring of that garage in its current North/South position, which is roughly 6 feet from my property line.

Name: Miss Elizabeth Chamberlain

Address: 179 Washington

Date: 5-24-07

Proposed Changes to 183 Washington St.

The plan for refurbishing 183 Washington:

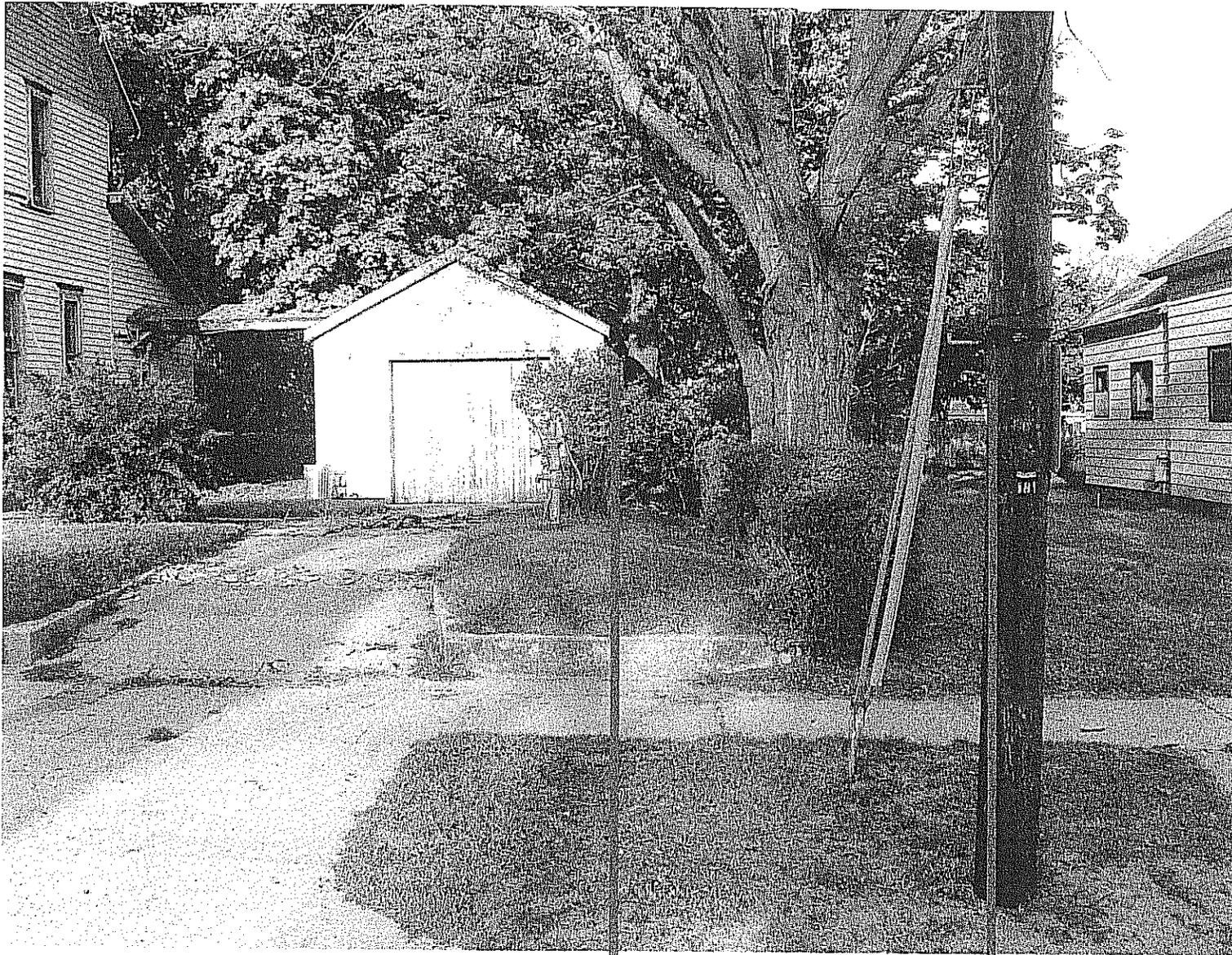
1. Be able to enter the mechanical room of the existing house (6' high 12'x12' basement and crawl space) through a small basement inside the home that would exist between the existing home and garage.
2. Convert the area above the enlarged garage to living space. This would be done by removing the existing garage and replacing it with a bigger structure (see graphics on following pages). The garage currently lies 7' from the property line (measured 18" off side walk, plus the sum of neighboring properties to determine property line). With the new construction, I only plan on extending the length of this wall, and not change its current North/South position in relation to the property line (maintain the 7').
3. Maintain the aesthetic characteristics of the exist home.

Proposed Changes to 183 Washington St.

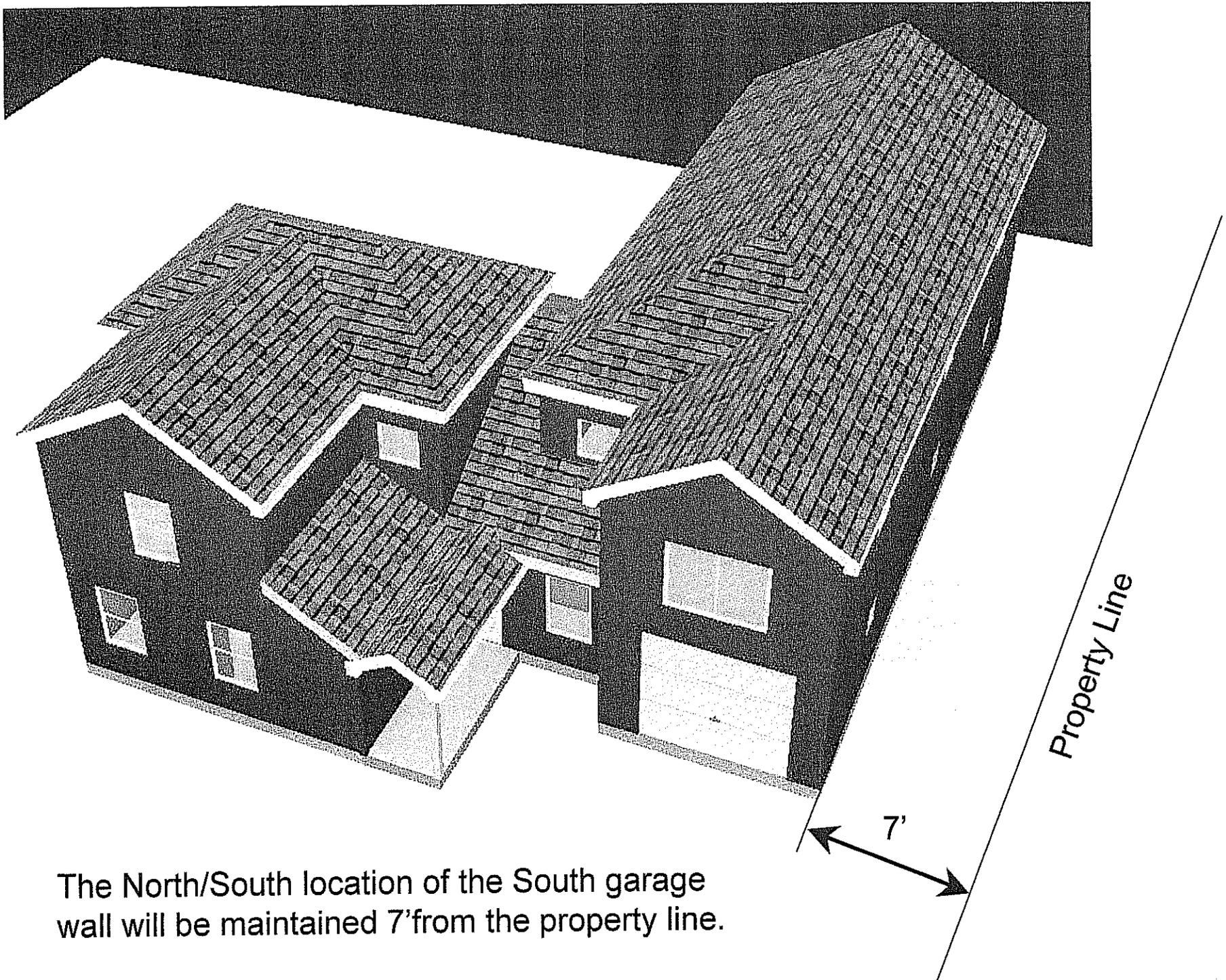
Reason for Requesting Variance:

Code requires that I maintain 10' from the neighboring property line if I'm attaching a garage to the existing home. This brings up two types of requests (1) *Appeal from Administrative Decision* - Is the garage currently attached to the home seeing that a roof connects the home and the garage? If so, does this mean I am able to replace the existing garage if I maintain the 7' distance from the property line? (2) *Variance Request* - if the garage is not considered attached, I need a variance to rebuild the garage 7' from the property line for the following reasons:

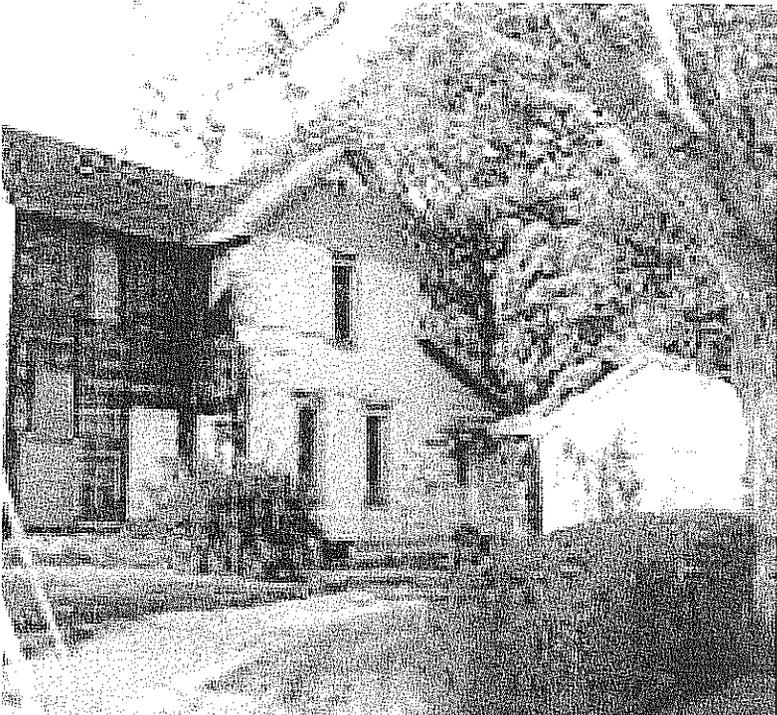
1. Be able to enter the mechanical room of the existing house (6' high 12'x12' basement and crawl space) through a small basement inside the home that would subsist between the existing home and garage. I need to shelf along the existing home foundation such that I do not disturb the structure other than to improve the ancient supports. Shelving this area leaves less than 8' for a stair case and hallway to reach this room so equipment can be moved in and out as required. (see attached print)
2. Shelving along the home foundation requires that I maintain the garage in its current position to maintain a 13.5' garage stall. Adding the area between the garage and home requires that I maintain the current garage position.
3. Convert the area above the enlarged garage to living space. This would be done by removing the existing garage and replacing it with a bigger structure (see graphics on following pages). The garage currently lies 7' from the property line (measured 18" off side walk, plus the sum of neighboring properties to determine property line). With the new construction, I only plan on extending the length of this wall, and not change its current North/South position in relation to the property line (maintain the 7'). If I was to move the garage 10' from the property line, I could not get the roof lines to match or be functional, use the area above the garage as living space, or maintain the aesthetic characteristics of the existing home. Part of this is due to the height difference between the home and garage floor and small stall space.



Current North/South location of the south garage wall is 7' from the property line



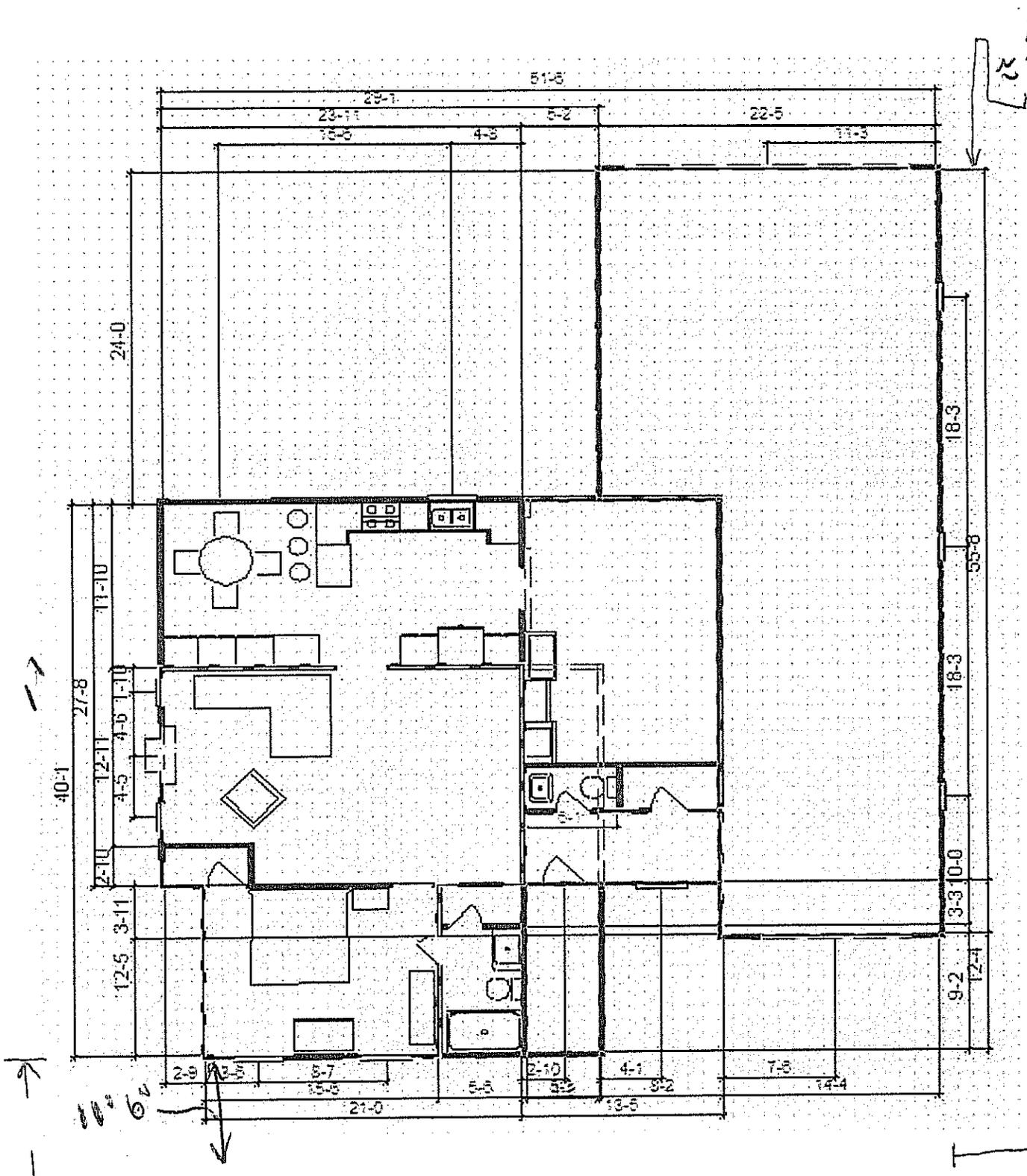
The North/South location of the South garage wall will be maintained 7' from the property line.



Existing structures

Proposed Finished Product



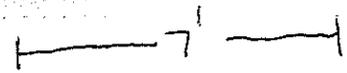


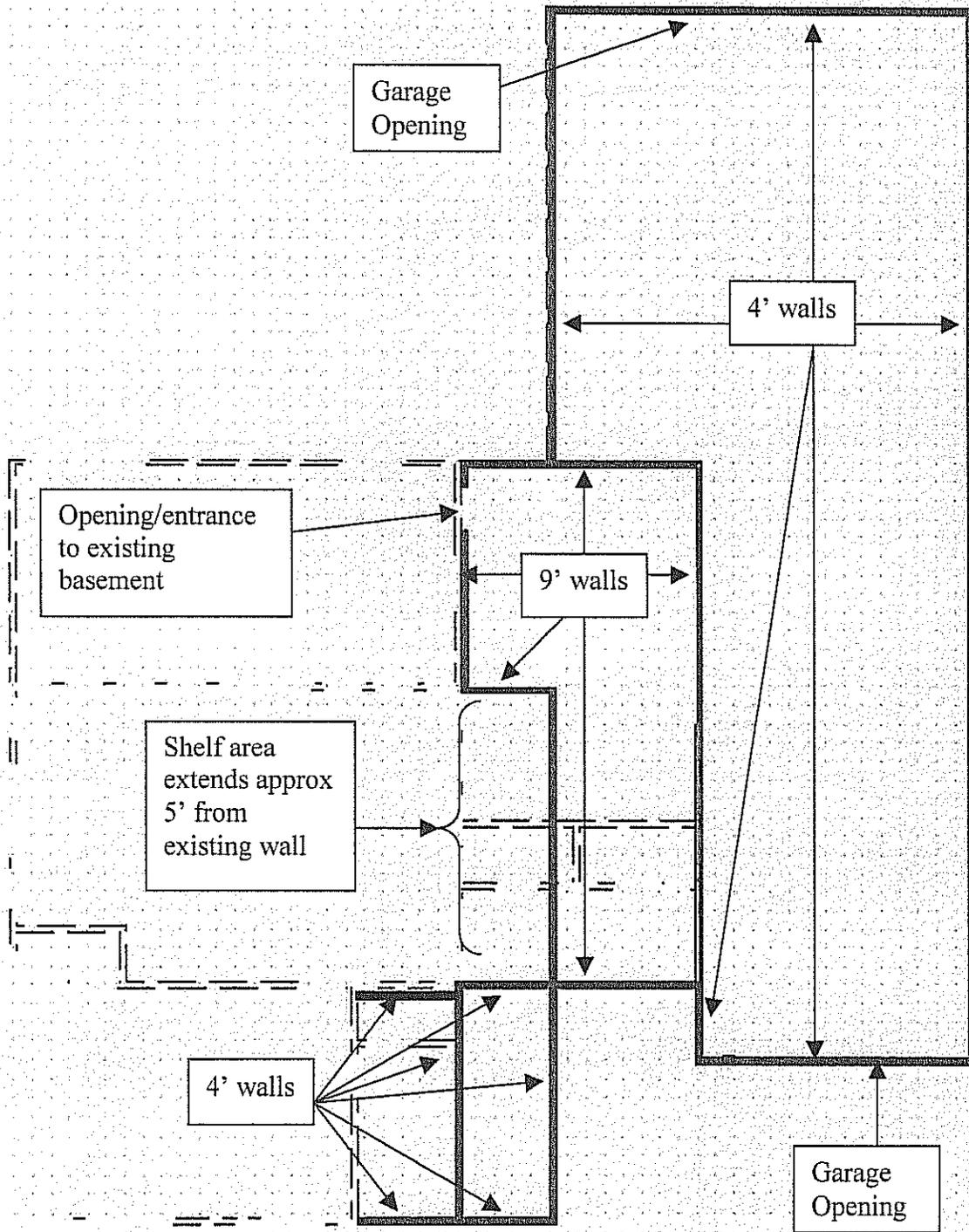
Use this print for dimensions

253'

17

00 04





All Dark solid lines represent the new foundation. The 4' walls represent the walls that need to be as low as the frost line.

Final result

