



Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

September 28, 2022

ZBA Members
Onkama Township
5435 Main St
Onkama, MI 49675

Dear ZBA Members,

Mr. & Mrs. Garbrecht are applying for a variance for their property parcel # 51-11-033-001-05, addressed as 1985 2nd street Onkama, MI 49675.

Background:

I received a variance request form from Mr. & Mrs. Garbrecht. The request is to enclose their existing front deck to create an enclosed porch. The parcel resides within RR-3 Zoning District. The current deck is located in two front yards and exists as a grandfathered nonconformity. Currently three feet of the westside of the deck and home are within the front yard setback, four feet including the eaves of the home. The steps to their deck extend an additional five feet into the front yard setback. The Resort Residential - RR3 regulations are:

Article 42 Resort Residential – RR3

4204. Regulations:

Minimums:

- A. Minimum parcel: Fifteen thousand (15,000) square feet.
- B. Minimum parcel width: One hundred (100) feet running along road frontage.
[Annotation: Modified by amendment effective January 12, 1997.]
- C. Minimum setback, including all accessory buildings:
 - 1. Front: Twenty-five (25) feet from the road right-of-way or front property line, whichever is the greater distance.
 - 2. Rear: Twenty-five (25) feet.
 - 3. Side: Ten (10) feet.
- D. Minimum floor area: Eight hundred (800) square feet.
- E. Minimum dwelling width across any front, side length, or rear measurement: 20 feet.

The proposed enclosure would follow the existing westside roof line and eaves and would extend four feet into the front yard setback. The steps to the new enclosed porch would be shortened by one foot but would remain an additional four feet into the front yard setback. The

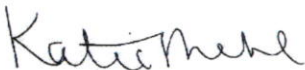
variance request satisfies nearly all requirements listed except 4204.C.1. Front setback. The variance request is to reduce the front yard setback. Granting of the variance would allow for the enclosure of an existing porch resulting in a 12' x 28' or 336 sq. ft. enclosed porch with a 17' front setback. If a variance is granted a land use permit will still be required and all other Zoning Ordinance requirements will have to be met.

Please review the following information:

- Mr. & Mrs. Garbrecht's "Request for Appeal" Application
- Site plan
- Property Survey
- Map of property with parcel lines, circa 2021
- Three Photos taken August 2022 that show the current parcel conditions
- A narrative Mr. & Mrs. Garbrecht's have provided that explains why a variance should be granted
- Notice of Meeting/Public Hearing for Newspaper
- Letters that were sent to Parcel owners and occupants per Planning and Enabling Act 2008
- Motions Memo

If you have any questions or concerns, feel free to reach out to me via email or phone.

Regards,

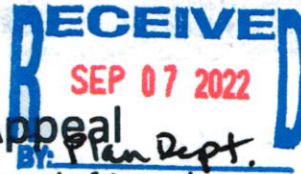


Katie Mehl
Planning and Zoning Administrator
Manistee County
231.398.3525
kmehl@manisteecountymi.gov

Manistee County

Planning Department





Request for Appeal

Onkama Township Zoning Board of Appeals
Please Print

Submission of Application		
After receipt of a complete application a public hearing will be scheduled. You will receive written notice from the Township indicating the date and time. Applicant or Applicant's representative should be present at the hearing to explain the request to the Board and to answer any questions that they may have. After the hearing, the Board of Appeals will make a decision to approve, approve with conditions, or deny your request. Applicant will receive written notice of their decision. Each application shall be accompanied by the payment of a fee \$750.00 in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.		
Applicant Information		
Name of Owner: ALLEN L. + BONNIE S. GARBRECHT		
Address: 1985 2 ND ST. DO BOX 86 ONEKAMA MI 49675		
Phone #: 231-889-7134	Cell#: 269-370-5287	e-mail: garbrecht@9mail.com
Name of Agent (if applicable): — 269-832-5492		
Address:		
Phone #:	Cell#:	e-mail:
Property Information		
Address: 1985 2 ND ST ONEKAMA TOWNSHIP Parcel # 51-11-033-001-05		
Present/proposed Land Use: PRIMARY RESIDENCE		
Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land: ALLEN L. GARBRECHT + BONNIE S. GARBRECHT 1985 2 ND ST DO BOX 86 ONEKAMA MI 49675		
List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary: —		
Has a previous appeal been made with respect to this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Narrative of Request		
State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals. Please use another page and address "Specific Variance" section. SEE ATTACHED		



Manistee County Planning Department
395 Third St.
Manistee, MI 49660
231-723-6041
planning@manisteecountymi.gov

Parcel # 01-11-033-001-05
SS05 5 0 732

Onekama Township Request for Appeal (Variance) Zoning Board of Appeals A Step-By-Step Guide

- 1** **Introductory Meeting with Planning Staff** - Staff will assist the applicant by explaining the Zoning Ordinance Regulations/Standards. Staff review of a request usually indicates that a site plan proposed by the applicant does not meet the standards of the ordinance. If the applicant feels that they are unable to modify their plan to meet the requirements of the ordinance or if the applicant feels the Zoning Administrator is mistaken in their interpretation of the ordinance, they have the right to request an appeal from the Zoning Board of Appeals. The applicant is encouraged to contact adjoining and nearby property owners and occupants to discuss their project prior to the Public Hearing. A copy of the mailing information for the 300 feet notification can be obtained from Staff upon request.
- 2** **Submission of Application** - Applicant will submit their request to the Zoning Administrator who will review it to make sure they have supplied all the necessary information including a site plan. If no **Additional Information** is needed the Zoning Administrator will then schedule a meeting within 30 days. *Fee must be received before any requests are processed.*
- 3** **Public Hearing Notification** - Staff will prepare Notice of Public Hearing (Ad in Newspaper, posted on Township Web Page, Township Facebook Page, Township Hall, mailing to all owners/occupants within 300 feet of property). Noticing must be at least 15 days prior to meeting date.
- 4** **Public Hearing** - Applicant shall present their case to the Zoning Board of Appeals along with any correspondence in support of their request. Staff will give their report, the public is invited to speak on the request, and correspondence will be read into the record. Public Hearing will be closed.
- 5** **Meeting** - The Zoning Board of Appeals will begin their deliberation on the request. If the Board determines that no additional information is needed they will deliberate/take action on the request. The will act to either approve or deny the request. If the Board determines that additional information is needed they will postpone their determination until a specified date and schedule another meeting.
- 6** **Permit** - If approved, Staff will schedule a meeting to certify the minutes. This is typically scheduled for the following week. Once minutes are certified staff will issue a Land Use Permit that states a variance was obtained and specify the variance granted.

**Average time depending on Staff availability, complete application and Meeting Schedules approx. 30-45 days*

Detailed Request and Justification			
	Identify each requested variance	Required by Zoning	Requested by Appellant
<input checked="" type="checkbox"/>	Front Yard Set Back	From 25'	To 21'
<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"/>	Lot Coverage	From	To
<input type="checkbox"/>	Off Street Parking	From	To
<input type="checkbox"/>	Other:	From	To
Please Mark all characteristics of your property which require the granting of a variance			
<input checked="" type="checkbox"/>	Too Narrow	Explain: AVE E 25' SETBACK CURRENTLY ENCLOSED ON	
<input type="checkbox"/>	Too Small	Explain: MY HOUSE & DECK BY 3-4 FEET	
<input type="checkbox"/>	Too Shallow	Explain:	
<input type="checkbox"/>	Elevation (height)	Explain:	
<input type="checkbox"/>	Slope	Explain:	
<input type="checkbox"/>	Shape	Explain:	
<input type="checkbox"/>	Soil	Explain:	
<input type="checkbox"/>	Other:	Explain:	
Specific Variance			
The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as parcel area and width regulations, building height regulations, yard and depth regulations. The Board of Appeals shall hear and decide such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by statute.			
The following is for ZBA Members Only. It is shown so the applicant knows what is being looked at when determining if their variance will be granted. The written narrative should address Section A. questions 1-5.			
A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:			
A. A written application for a variance is submitted with a detailed narrative demonstrating the following conditions:			<input type="checkbox"/> yes <input type="checkbox"/> no
1. That 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 district.			<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:			
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.			<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:			
3. That the special conditions and circumstances do not result from the actions of the applicant.			<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:			
4. That granting the variance will not alter the essential character of the area.			<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:			
5. That no nonconforming use of neighboring lands, structures, or buildings, in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.			<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:			

B. The Board of Appeals shall make findings that the requirements of this Ordinance have been met by the applicant for a variance.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
C. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
D. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance and including requirements for buffering between uses by landscaping, fencing, vegetation or other similar methods. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 9803 of this Ordinance.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	

Site Plan Requirements (For Applicant)

The applicant is responsible to provide a survey and legal description unless waived by Zoning Administrator. The following are the minimums required for variance request, but addition requirements can be requested, depending on type of development. If the development is a Special Use, Planned Unit Development or Phased Project contact the Zoning Administrator for additional requirements.

	The property, identified by parcel lines and location and size.
	Name and address of the property owner(s), developers), and designers), and their interest in said properties.
	The scale, north point.
	Natural features such as woodlots, waterbodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
	The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings, square footage of floor space and set-backs.
	The proposed driveway, if any.
	Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines.
	Surface and subsurface storm water drainage and retention systems for paved, roof, and other impermeable surfaces on the site.
	Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and snow storage areas.
	Any proposed alterations to the topography and other natural features shall be indicated.
	Any proposed location of connections to existing utilities and proposed extensions thereof.
	A description of the proposed development.
	A vicinity map showing the location of the site in relation to the surrounding street system.

Rules – The following rules shall be applied in the granting of variances

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.

9604. Voiding of and Reapplication for Variance The following provisions shall apply:

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

1. The construction authorized by such variance or permit has begun within three hundred sixty-five (365) days after the granting of such variance and pursued diligently to completion; or
2. The occupancy of land or buildings authorized by such variance has taken place within three hundred sixty-five (365) days after the granting of such variance.

B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

9605. Interpretation of Ordinance Text:

A. **Interpretation** - Pursuant to the requirements of Michigan Zoning Enabling Act, P.A. 110 of 2006, (MCL 125.3101 et seq.), nothing contained herein shall be construed as prohibiting the Zoning Board of Appeals from interpreting the text of this ordinance in such a fashion that will allow in a land use district buildings, uses and structures which are sufficiently similar to the specifically delineated permitted or special uses in that land use district, under the same permitted or special use regulations. Such interpretation shall not have the effect of granting a variance but rather shall be deemed only to be an interpretation of the ordinance text.

B. **Standards** - In determining whether a proposed building, use or structure is sufficiently similar to a specifically delineated permitted or special use, the Zoning Board of Appeals shall consider the relevant policies for the Land Use District in question, the nature, use and purpose of the proposed building, use or structure and whether or not the proposed building, use or structure is a permitted or special use in any other Land Use District in the Township.

C. **Precedent** - An earlier determination under this section shall be considered a precedent for other applications proposing an identical building, use or structure in the same Land Use District, provided the earlier determination was made with respect to a building, use or structure sufficiently similar to a specifically delineated permitted use in the Land Use District and not with respect to a specifically delineated special use. An earlier determination with respect to an identical, sufficiently similar special use shall be considered as a precedent only to the extent that such sufficiently similar special use shall be considered as a candidate for a special use permit in that Land Use District, but shall otherwise be subject to all requirements of this Ordinance.

9606. Appeals to the Board of Appeals The following provisions shall apply:

A. **Appeals, How Taken** - Appeal from the ruling of the Zoning Administrator concerning the enforcement, administration, and interpretation of this Ordinance, text and map, may be made to the Board of Appeals. The demand for appeal is filed with the Zoning Administrator specifying the grounds thereof within thirty (30) days of the date of a decision received by the appellant. Date of receipt shall be presumed to be five (5) days after the date shown on the decision. The demand for appeal shall be on a form prepared by the Township for that purpose and shall also include a site plan. The Zoning Administrator shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

B. **Who May Appeal** - Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, County, or State.

C. **Fee for Appeal** - A fee prescribed by the Township Board shall be paid to the Zoning Administrator at the time of filing the demand for appeal. If the Township Board finds an applicant to be indigent, the fee may be waived by the Township Board.

D. **Effect of Appeal: Restraining Order** - An appeal stops all proceedings and construction on the action appealed. The Board of Appeals may allow continuance of certain activities if it is shown such actions are necessary to prevent imminent peril to life or property.

E. **Hearing By the Board of Appeals: Request, Notice, Hearing** - When a request for appeal has been filed in proper form with the Board of Appeals, the Zoning Administrator shall immediately place the said request for appeal upon the calendar for hearing, and cause notice to interested parties, stating the time, date, place, and object of the hearing to be served personally or by certified return receipt mail if necessary.

F. Representation at Hearing - Upon the hearing, any party or parties may appear in person or by their agent or an attorney.

G. Decisions of the Board of Appeals and Appeals to the Circuit Court - The Board of Appeals shall decide upon all matters appealed within sixty (60) days of the receipt of a demand for appeal, unless mutually agreed by both parties to extend the time. The Board of Appeals:

1. May reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed;
2. Shall make such order, requirement, decision or determination;
3. Shall have all the powers of the Zoning Administrator for administration and enforcement of this Ordinance;
4. Shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case.

H. The decision of the board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided in the Michigan Zoning Enabling Act of 2006, MCL 125.3606.

Authorization

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 Township of Onkama 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: Allen J. Harbuck Date: Sept 7, 2022

Signature: Bonnie S. Durbuck Date: Sept 7, 2022

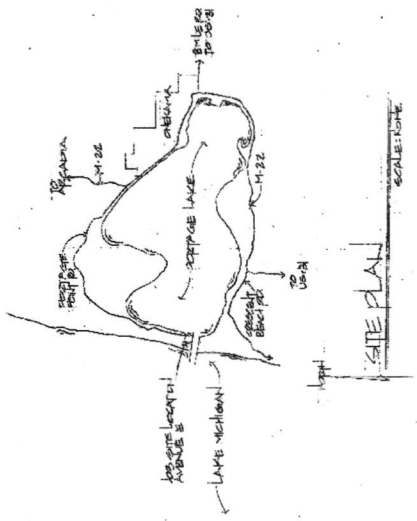
☐ Fee of \$750.00 enclosed and Site Plan for project attached (request cannot be issued without site plan).

Office Use Only

Fee: <input type="checkbox"/> \$750.00		Receipt #
Date Received:	Hearing Date:	ZBA-

Site plan

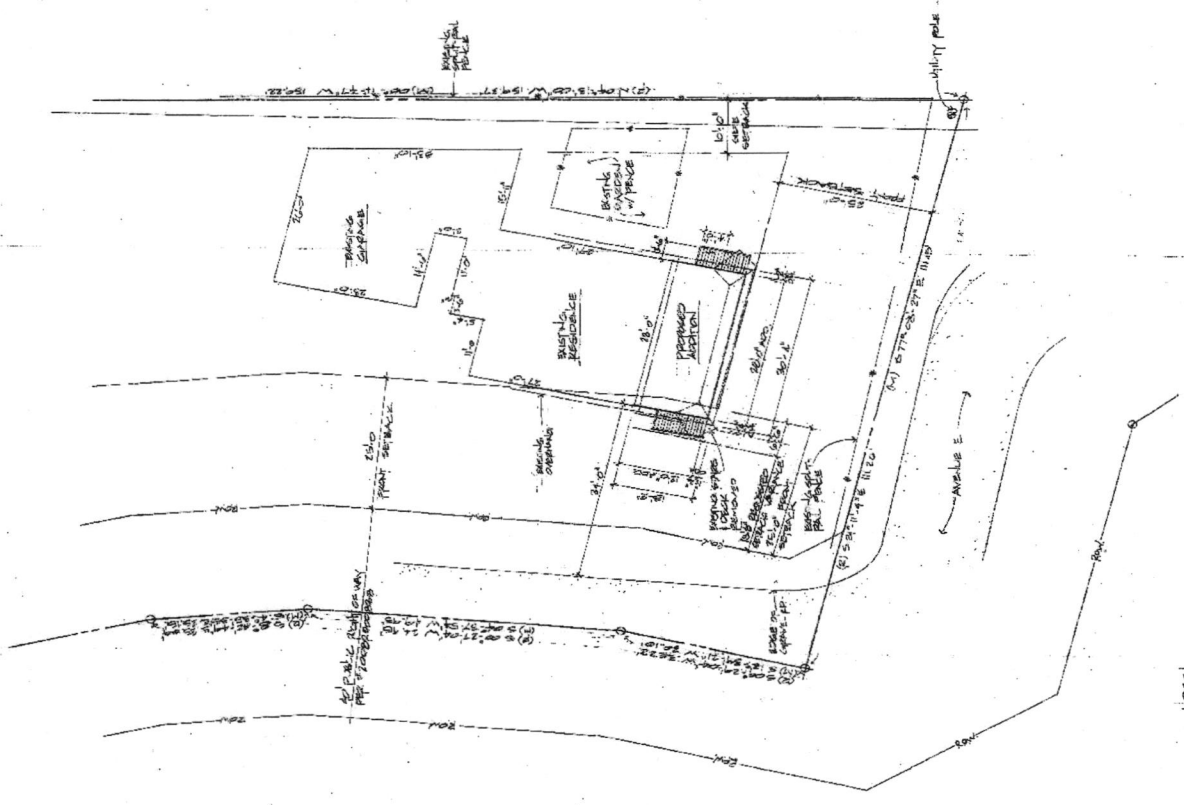
4/6/22



- ADDITION COVER TO**
- 1. SUPPLY PROVIDED BY: [illegible]
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SITE PLAN

SCALE: 1"=10'



Property Survey

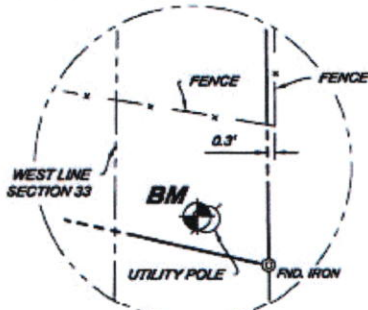
Spicer Group, Inc.
302 River Street
Manistee, MI 49660
TEL (231) 794-5620
FAX (231) 510-2944
www.SpicerGroup.com



SCALE: 1" = 60'

LEGEND

- ⊙ - FOUND SURVEY CORNER
- - SET 1/2" Ø IRON ROD WITH CAP No. 47944



DETAIL
SCALE: 1" = 5'



NOTE: BEARINGS ARE BASED ON
GPS OBSERVATION OF
GOVERNMENT CORNERS.

BENCHMARK

BM - SET 60D NAIL IN W. FACE OF UTILITY POLE, POLE
LYING 40' S. AND 30' E. OF SE CORNER OF HOUSE #1985
NAVD88 EL. 590.15

SURVEY FOR: Allen & Bonnie Garbrecht
P.O. Box 86
Onkama, MI 49675

DATE: 07-20-22

SURVEY OF:

FOR LEGAL DESCRIPTIONS, SEE SHEET 2 OF 2.

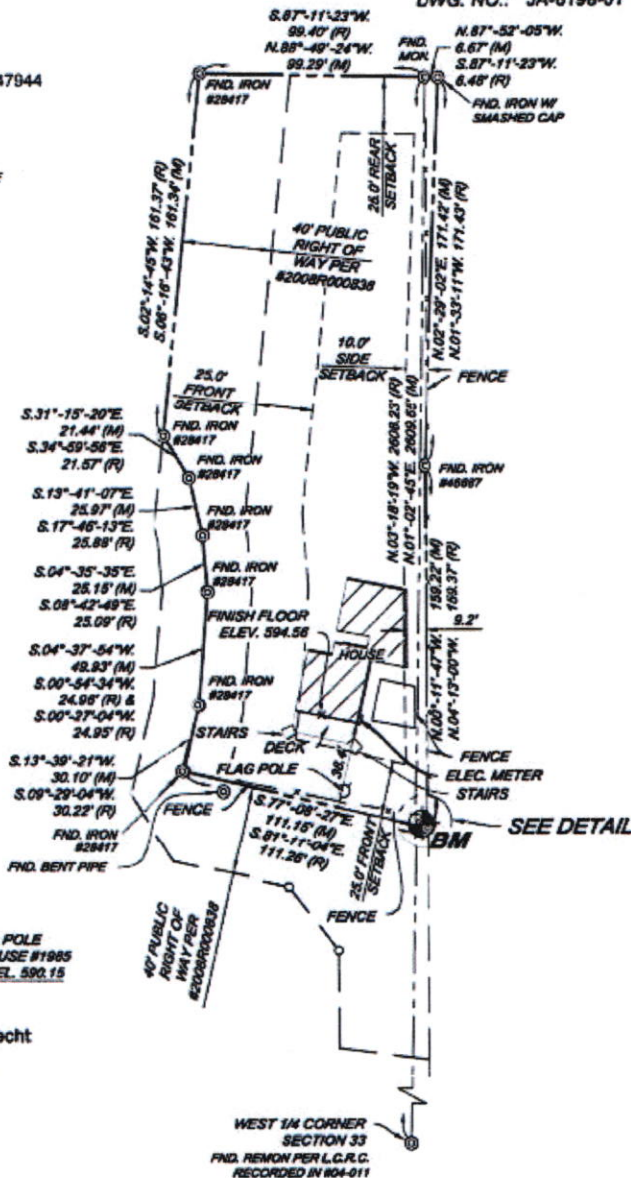


I hereby certify that I have surveyed the parcel of land hereon shown and
described within the limits accepted by the practice of Professional Surveying.

By: Patrick G. Bentley
Patrick G. Bentley
Professional Surveyor No. 4001047944

Date: 8-2-22

DWG. NO.: JA-6198-01



DRAWN BY: MLW
CHECKED BY: PGB

PLOT DATE: 07-20-22
SHEET 1 OF 2

JOB#: 132983SG2022
DWG#: JA-6198-01

Map of property with parcel lines, circa 2021



Three Photos taken August 2022 that show the current
parcel conditions







A narrative Mr. & Mrs. Garbrecht's have provided that explains why a variance should be granted

Our home at 1985 2nd Street, Onekama Township, was built in 1990. Avenue E was established by a Quiet Title Judgment in 2009. The actual road was constructed a few years later.

We currently have a deck across the front of our home which faces south toward what now is the Avenue E road end at the channel.

We would like to build an enclosed porch where the deck currently is which will provide us with more shade and more privacy as the road end is a parking area for people using the pier.

The current deck along the front of our house measures 10X28 feet. The proposed porch would be 12X28. A variance is not needed to increase the deck width two feet toward the south.

However, a variance is needed for the west side of our house. We learned after Spicer Group surveyed our property that with the construction of Avenue E, three feet of our house and deck (four feet if you include the eaves on the house) already lie within the 25 feet setback from the road which runs along the west side of our house. The current steps from the porch extend an additional five feet toward Avenue E. (For your information, the actual roadway is 34 feet from the house.)

The west wall of the proposed porch would continue south along the same line as the house and existing deck and the eaves would mirror the house eaves as well. A doorway on the west side would lead to a 42 inch landing and steps then going down north/south.

Our request is for a variance along the west side of the proposed porch which will not extend any further than the current deck and house eaves. We are also requesting an additional variance for steps which would be one foot less than the steps currently in place.

Allen L. Garbrecht



Bonnie S. Garbrecht



1985 2nd Street
Onekama Township
Manistee County, Michigan

garbrechtb@gmail.com

269-832-5992 (cell)

Notice of Meeting/Public Hearing for Newspaper

NOTICE OF SPECIAL MEETING / PUBLIC HEARING

The Onekama Township Zoning Board of Appeals will hold a Special Meeting and two Public Hearings starting at 1:00 PM, on Wednesday, October 19, 2022, at the Onekama Township Hall, 5435 Main St. Onekama, MI 49675, phone: (231) 889-3308. This special meeting will be held to consider a proposed variance request for the first hearing and a request for interpretation as well as a request for appeal of enforcement action for the second hearing.

The First Public Hearing is for the property addressed as parcel ID # 51-11-033-001-05, commonly known as 1985 2nd St. Onekama, MI 49675. The property owner is seeking a variance from the Onekama Township Zoning Ordinance, section 4204 C.1. which requires a minimum front setback, including all accessory buildings of twenty-five (25) feet from the road right-of-way or front property line, whichever is the greater distance. The parcel resides within the RR-3 Zoning District. Granting of the variance would allow for the enclosure of an existing porch resulting in a 12' x 28' or 336 sq. ft. enclosed porch with a 17' front setback.

The Second Public Hearing is for the property addressed as parcel ID # 51-11-370-103-00, commonly known as 8793 Portage Point Dr. Onekama, MI 49675. The Applicant is seeking an appeal of zoning enforcement action on an approved land use permit for this property. The parcel resides within the RR-3 Zoning District. Applicant is also seeking an interpretation of the Onekama Township Zoning Ordinance section 8003 A: Expansion or alteration of any non-conformity shall require a variance, unless all setbacks can be met, and it does not expand the non-conformity. The Onekama Township Zoning Board of Appeals proceedings will act on the interpretation and zoning enforcement action.

The public meeting details and supporting documents can be found on the Onekama Township Website www.onekamatwp.org or by visiting the Onekama Township Hall during their regular business hours.

Correspondence can be sent by mail, or hand delivered to the Onekama Township Hall, 5435 Main St., P.O. Box 458, Onekama, MI. 49675. Please, mark it ATTN: Zoning Board of Appeals. All correspondence must be received by end of business day, prior to the day of the meeting.

This notice is posted in compliance with PA267 of 1976 as amended (Open Meetings Act), MCLA 41.72 (2) (3) and the Americans with Disabilities Act (ADA) Note: Individuals with disabilities requiring auxiliary aids or services should contact the Onekama Township Board by writing or calling the following: Shelli Johnson, Clerk – 5435 Main St. P.O. Box 458 Onekama, MI 49675. Phone (231) 889-3308 Ext: 201.

Letters that were sent to Parcel owners and occupants
per Planning and Enabling Act 2008



Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

September 28, 2022

Dear Occupant,

You are receiving this letter because you own or reside at a property which is within 300 feet of a property being considered for a variance. The Onkama Township Zoning Board of Appeals will hold a Special Meeting and two Public Hearings starting at 1:00 PM, on Wednesday, October 19, 2022, at the Onkama Township Hall, 5435 Main St. Onkama, MI 49675, phone: (231) 889-3308. This special meeting will be held to consider a proposed variance request for the first hearing and a request for interpretation as well as a request for appeal of enforcement action for the second hearing.

The First Public Hearing is for the property addressed as parcel ID # 51-11-033-001-05, commonly known as 1985 2nd St. Onkama, MI 49675. The property owner is seeking a variance from the Onkama Township Zoning Ordinance, section 4204 C.1. which requires a minimum front setback, including all accessory buildings of twenty-five (25) feet from the road right-of-way or front property line, whichever is the greater distance. The parcel resides within the RR-3 Zoning District. Granting of the variance would allow for the enclosure of an existing porch resulting in a 12' x 28' or 336 sq. ft. enclosed porch with a 17' front setback.

The Second Public Hearing is for the property addressed as parcel ID # 51-11-370-103-00, commonly known as 8793 Portage Point Dr. Onkama, MI 49675. The Applicant is seeking an appeal of zoning enforcement action on an approved land use permit for this property. The parcel resides within the RR-3 Zoning District. Applicant is also seeking an interpretation of the Onkama Township Zoning Ordinance section 8003 A: Expansion or alteration of any non-conformity shall require a variance, unless all setbacks can be met, and it does not expand the non-conformity. The Onkama Township Zoning Board of Appeals proceedings will act on the interpretation and zoning enforcement action.

The public meeting details and supporting documents can be found on the Onkama Township Website www.onekamatwp.org or by visiting the Onkama Township Hall during their regular business hours.

Correspondence can be sent by mail, or hand delivered to the Onkama Township Hall, 5435 Main St., P.O. Box 458, Onkama, MI. 49675. Please, mark it ATTN: Zoning Board of Appeals. All correspondence must be received by end of business day, prior to the day of the meeting.

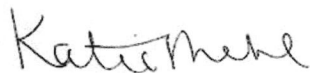
This notice is posted in compliance with PA267 of 1976 as amended (Open Meetings Act), MCLA 41.72 (2) (3) and the Americans with Disabilities Act (ADA) Note: Individuals with disabilities requiring auxiliary aids or services should contact the Onkama Township Board by writing or calling the following: Shelli Johnson, Clerk – 5435 Main St. P.O. Box 458 Onkama,

MI 49675. Phone (231) 889-3308 Ext: 201.

Per Planning and Enabling Act of 2008 you must be notified if you own property or live within 300 feet of the property requesting a variance. Below you will find a listing of addresses and parcel owners that have been notified of this variance request.

Parcel Number	Property Owner	Property Street	Property City	Property State	Additional Owner's Name	Owner's Street	Owner's City	Owner's State	Owner's Zipcode
11-033-004-20	BROOKS STEVEN NATHAN &	1931 SECOND ST	ONEKAMA	MI	BROOKS CAROLYN MARIE	1931 SECOND ST	ONEKAMA	MI	49675
11-410-122-00	NEEB SUE A	2035 SECOND ST				PO BOX 239	ORLAND	IN	46776
11-410-120-00	FERNANDEZ THOMAS & PATRICIA	PORTAGE POINT DR	ONEKAMA	MI		74 SOUTH SHAW LANE	FORT THOMAS	KY	41075
11-420-001-00	BOREK TODD & JENNINGS KARL E	2036 SECOND ST				PO BOX 735	HAMBURG	MI	48139
11-410-120-05	FERNANDEZ THOMAS & PATRICIA	PORTAGE POINT DR	ONEKAMA	MI		74 SOUTH SHAW LANE	FORT THOMAS	KY	41075
11-410-123-00	NEEB SUE A	2031 SECOND ST	ONEKAMA	MI		PO BOX 239	ORLAND	IN	46776
11-420-002-00	WHITACRE NANCY & ANDREW	2040 SECOND ST				90 N LAZY LN	THE WOODLANDS	TX	77380
11-033-003-60	BROOKS WENDELL M & KARIN	1971 SECOND ST	ONEKAMA	MI		3124 MILLS CT	ANN ARBOR	MI	48104
11-033-001-05	GARBRECHT ALLEN & BONNIE TRUST	1985 SECOND ST	ONEKAMA	MI		PO BOX 86	ONEKAMA	MI	49675
11-410-120-10	WHITACRE NANCY					90 N LAZY LN	THE WOODLANDS	TX	77380
		1926 Second St	ONEKAMA	MI					49675
11-033-004-10	BROOKS ALEXANDER	1961 SECOND ST	ONEKAMA	MI		1961 SECOND ST	ONEKAMA	MI	49675
11-033-004-10	BROOKS ALEXANDER	1961 SECOND ST	ONEKAMA	MI		1961 SECOND ST	ONEKAMA	MI	49675
11-033-004-25	BROOKS BRUCE ALEXANDER & SUSAN ANNE	1961 SECOND ST	ONEKAMA	MI		1961 SECOND ST	ONEKAMA	MI	49675

Regards,



Katie Mehl
Manistee County Planner
Onkama Township Zoning Administrator

Motions Memo



Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

October 6, 2021

ZBA Members
Onkama Township
5435 Main St
Onkama, MI 49675

Dear ZBA Members,

Mr. & Mrs. Garbrecht are applying for a variance for their property parcel # 51-11-033-001-05, addressed as 1985 2nd street Onkama, MI 49675.

The request is for an enclosure of an existing porch resulting in a 12' x 28' or 336 sq. ft. enclosed porch with a 17' front setback. The parcel resides within RR-3 Zoning District and front yard setbacks are required to be Twenty-five (25) feet from the road right-of-way or front property line, whichever is the greater distance.

Article 42 Resort Residential – RR3

4204. Regulations:

Minimums:

A. Minimum parcel: Fifteen thousand (15,000) square feet.

B. Minimum parcel width: One hundred (100) feet running along road frontage.

[Annotation: Modified by amendment effective January 12, 1997.]

C. Minimum setback, including all accessory buildings:

1. Front: Twenty-five (25) feet from the road right-of-way or front property line, whichever is the greater distance.

2. Rear: Twenty-five (25) feet.

3. Side: Ten (10) feet.

D. Minimum floor area: Eight hundred (800) square feet.

E. Minimum dwelling width across any front, side length, or rear measurement: 20 feet.

The proposed enclosure would follow the existing westside roof line and eaves and would extend four feet into the front yard setback. The steps to the new enclosed porch would be shortened by one foot but would remain an additional four feet into the front yard setback. The variance request satisfies nearly all requirements listed except 4204.C.1. Front setback. The variance request is to reduce the front yard setback. Granting of the variance would allow for

the enclosure of an existing deck resulting in a 12' x 28' or 336 sq. ft. enclosed deck with a 17' front setback. If a variance is granted a land use permit will still be required and all other Zoning Ordinance requirements will have to be met.

This memo is to act as a starting point for actions for this variance request. The following can be followed completely, partially, or not at all. They are simply to help the ZBA members have a starting point for discussion.

Option A: Deny the variance request. The variance request fails to pass the majority vote needed. The variance needed has been caused or somewhat caused by the parcel owner, and/or hardship has not been shown to exist.

Option B: Allow the variance as requested. Granting of the variance would allow for the construction of a 12' x 28' or 336 sq. ft. enclosed porch with a 17' front setback, in the exact area defined on the Site Plan. All other aspects of the Onekama Township Zoning Ordinance would be met.

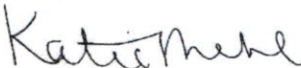
Option C: The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

Recommendation:

The Planning Department request that if a variance is granted, that it be contingent on pulling of a land use permit, and issuing of all other local, state, and federal requirements prior to building. While this is usually covered under land use permitting, outright stating it within the variance recommendation, if passed, is always preferable. Also stating that this does not relieve the applicant from any other requirements of the Onekama Township Zoning Ordinance is desirable by staff.

If you have any other questions or concerns, feel free to reach out to me.

Regards,



Katie Mehl
Planning and Zoning Administrator
Manistee County
231.398.3525