



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

November 16, 2022

ZBA Members
Onekama Township
5435 Main St
Onekama, MI 49675

Dear ZBA Members,

Mr. & Mrs. Vanecek are applying for two variances for the property parcel # 51-11-370-103-00, addressed as 8793 Portage Point Dr. Onekama, MI 49675. The property is located in Resort Residential (RR-2) Zoning District.

Background:

Mr. and Mrs. Vanecek applied for an after-the-fact permit for fencing that was installed without a permit. The existing fencing is not in compliance with Section 1014. Fences, of the Onekama Township Zoning Ordinance. To bring into compliance, the fencing along the rear (north) property line must be reduced to be no taller than 36" or 3', and the fencing along the side (east) property line must be reduced to be no taller than 54" or 4' 6". In response to the after-the-fact permit, I received a variance request application from Mr. & Mrs. Vanecek. The first request is seeking a variance from Onekama Township Zoning Ordinance section 1014. Fences to preserve a constructed fence (address as a storm water prevention wall in the application) at existing height. The second request seeks a variance on the side privacy fence height from a required height 54" or 4' 6" to the existing height of 72" or 6' that lies outside of their building envelope.

1014. Fences:

1. Erection/construction of fences on any residential or commercial parcel may not commence without first obtaining a Land Use Permit.
2. IN RESIDENTIAL DISTRICTS (RR-1, RR-2, RR-3, RR-4, SUR): Berms or fences not over 36 inches in height are permitted on the front side of residential parcels. Except as permitted in "4" of this Article, fences on side or rear yards shall not exceed four and one-half (4 ½) feet in height. All height calculations are measured using the existing, normal ground level prior to any excavation or fill.
3. On parcels with water frontage, berms or fences not over 36 inches in height are permitted on what is defined as the rear of such parcels (which is the non-waterfront yard or roadside yard).
4. Privacy fences not exceeding eight (8) feet in height may be erected in a side or rear yard that lies within the building envelope. Privacy fences may be erected in a waterfront yard – only within the building envelope - providing the required forty (40) foot setback from the

water is met.

5. Fencing materials must be those commonly used as fencing.

6. IN RESIDENTIAL DISTRICTS (RR-1, RR-2, RR-3, RR-4, SUR) fencing shall be installed with the finished side out, facing the adjacent parcels, with posts and purlins on the inside surface of the fencing.

[Annotation: Modified by amendment effective January 5, 2021]

7. Winter erection of temporary protective or snow fencing or similar fencing used as garden protection is excluded from the requirements of this section, as are similar fencing materials used to protect trees and landscape plants.

8. Fences are specifically exempted from setback requirements mandated elsewhere by this Ordinance, excepting those that apply to the waterside on waterfront parcels.

9. IN COMMERCIAL OR AGRICULTURAL DISTRICTS (CR-1, AG-1, and AG-2), fences not exceeding ten (10) feet in height may be erected as required for the purpose intended.

10. Barbed wire or electrified fences shall be allowed only in Agricultural districts (AG-1 & AG- 2)

The Vanecek's are requesting a variance to allow for their fence that spans twenty-seven (27) feet on the rear (north) property line to have a finished height of eight (8) feet. The applicant is also requesting a variance to allow for a privacy fence that spans forty (40) feet along their side (east) parcel line to have a finished height of six (6) feet.

Granting of the first variance request would allow for a rear privacy fence of eight (8) feet to remain at existing height and length on the back parcel line.

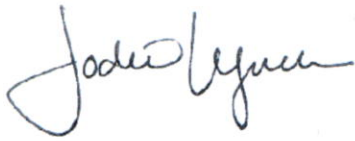
Granting of the second variance request would allow for a six (6) foot tall privacy fence built along the side parcel line to remain at the existing height.

Please review the following information:

- Mr. & Mrs. Vanecek's "Requests for Appeals" Application
- Google Earth Map, Circa October 2022
- Map of Property with Parcel Lines, Circa 2021
- Site Plan
- A Narrative Mr. & Mrs. Vanecek Have Provided
- Cost Estimate for Repairs Due to Flood Damage
- Photos of Water Damage Before Repairs
- Grading Sketch
- Drain Commissioner, Gary R. Schwaiger's, Review of the Storm Water Issue
- Series of Before and After Photos Taken of the Vanacek's and the Neighboring Garage
- Drawing Shows the Foot Traffic Down to the River
- 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,

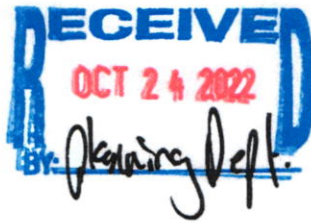
A handwritten signature in black ink, appearing to read "Jodie Lynch". The signature is fluid and cursive, with the first name "Jodie" and last name "Lynch" clearly distinguishable.

Jodie Lynch
Planning and Zoning Administrator
231-398-3587
jlynch@manisteecountymi.gov

Manistee County
Planning Department



Mr. and Mrs. Vanecek's "Request for Appeals"
Application



Zoning Board of Appeals/Planning & Zoning
395 Third Street
Manistee, MI 49660
231.723.6041 (phone)
231.398.3526 (fax)

Request for Appeal

Onkama Township Zoning Board of Appeals
Please Print

| Submission of Application | | |
|--|----------------------------|------------------------------------|
| After receipt of a complete application a public 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: <u>Paula Vanecet Trust</u> | | |
| Address: <u>8793 Portage Point Drive</u> | | |
| Phone #: | Cell#: <u>810-397-5671</u> | e-mail: <u>deVanecet@gmail.com</u> |
| Name of Agent (if applicable): | | |
| Address: | | |
| Phone #: | Cell#: | e-mail: |
| Property Information | | |
| Address: <u>8793 Portage Pt. Dr.</u> | | Parcel # <u>51-11-370-103-00</u> |
| Present/proposed Land Use: | | |
| Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land: <div style="text-align: right;">NA</div> | | |
| List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary: <div style="text-align: right;">NA</div> | | |
| Has a previous appeal been made with respect to this property? <input checked="" type="checkbox"/> Yes <input 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: <u>Appeal of legal building permit.</u> | | |
| 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. <u>Be able to leave storm water prevention wall in place at existing height. leave privacy fence 40'-0" long in place at existing height.</u> | | |

| Detailed Request and Justification | | | |
|---|----------------------------------|---|--|
| | 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 3'-6" | To 8'-0" |
| <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 type="checkbox"/> | Too Narrow | Explain: | |
| <input type="checkbox"/> | Too Small | Explain: | |
| <input type="checkbox"/> | Too Shallow | Explain: | |
| <input checked="" type="checkbox"/> | Elevation (height) | Explain: Property to w/ th slopes 5'-0" | |
| <input checked="" type="checkbox"/> | Slope | Explain: in 70' 0 feet + run D/F | |
| <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: | | | |

Privacy fence 6'

| | | |
|---|--|--|
| 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 980 of this Ordinance. | | |
| 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: | | |
| <div style="text-align: center;"> Site Plan Requirements (For Applicant) </div> <div style="text-align: right; font-size: 1.5em; font-family: cursive;"> See Sketch </div> | | |
| 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: _____

Date: _____

Signature: _____

Date: _____

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

Office Use Only

Fee: ☐ \$750.00

Receipt #

Date Received:

Hearing Date:

ZBA-

Google Earth Image
Circa May 2022



Google Earth Image, Circa 2022

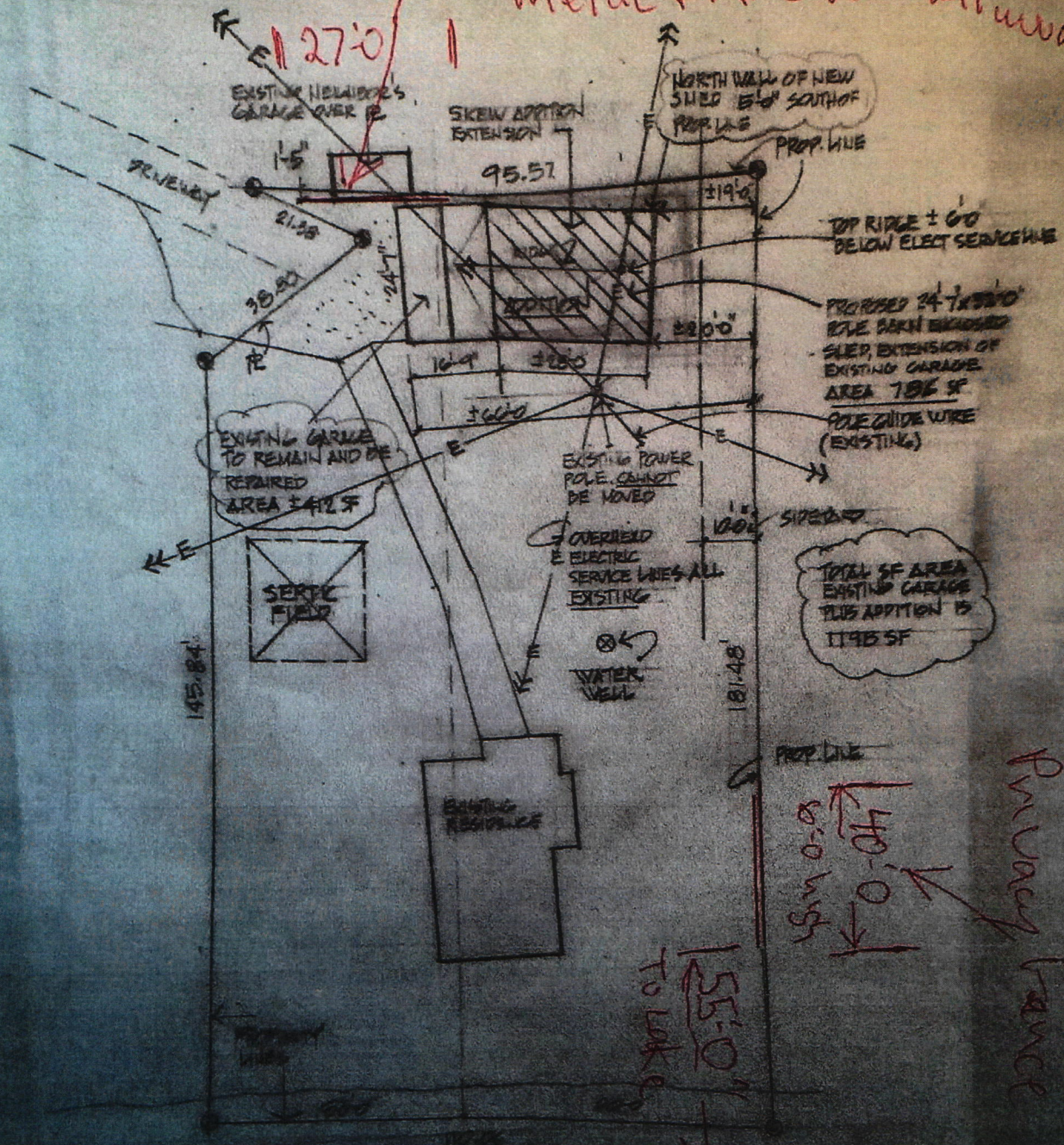
Map of Property with Parcel Lines
Circa 2021



Site Plan

STOWN

8'-0" high water prevention + Fire
Metal + Fire retardant wall



A Narrative Mr. & Mrs. Vanecek's Have Provided

Vanecek's Narrative:

Storm Water Prevention Wall

Our old garage needed to be replaced due to water damage caused by run off from the property to the north. The damage included concrete floor, north foundation, and the north wall of my garage. It flooded after heavy rains and caused mold and rust to items stored in garage. I have had to store my classic car at Onkama marine to keep it from rusting at a cost of \$300.00 a year for the years 2007-2022. Enclosed is a cost breakout for repairs due to water damage from my builder. Enclosed is a site map showing the land to the north slopes 5 feet from high point at portage point road to the bottom of storm water wall in the distance of 70-0 feet going North to South towards my new garage. The shed that is only 1-4 away from new garage does not have any gutters or any other means to stop water from pouring off roof and flooding into the north side of the building and landing in the middle of first garage door and apron of new garage. We have spent a lot of money to build a nice new building and do not want any water damage in the future. As of now no water has been able to penetrate the storm water wall that also acts as a 2-hour fire wall due to close location of shed to north that is only approx. 1' -4: inches away from new garage.

Side Privacy Fence

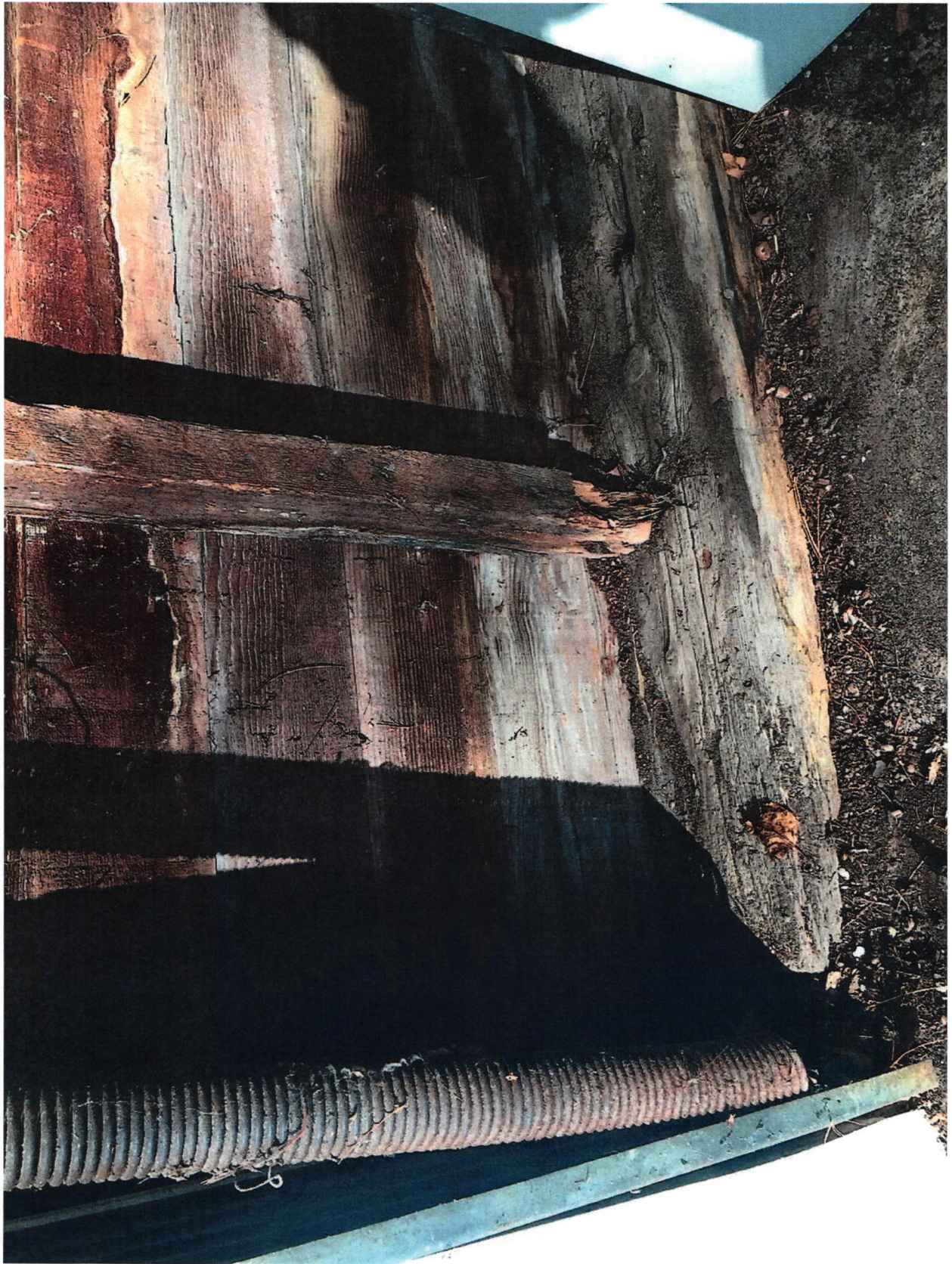
My wife and I erected a 40-0 long 6-0 high wood fence to provide some privacy to our bathroom, bedroom, and living room from the 30-40 people that gather on small 10-0 patch of lake front beach next to our house. They come from the 4 rentals to the north that do not own any lake front property. The submitted drawing shows the foot traffic down to the river, which is represented as keyholing, or funneling. These back parcels do not have riparian rights to do so. Which causes overcrowding and noise and trespassing on my beach front. The traffic is nonstop going to and from cottages on the back lots. When the area is full, they spill over to our property which is what the fence is used for. And this activity goes on till 1:00 or 2:00 AM affecting our sleeping. The fence also helps keep the off-leash dogs out of my yard.

Cost Estimate for Repairs Due to Flood Damage

[illegible]

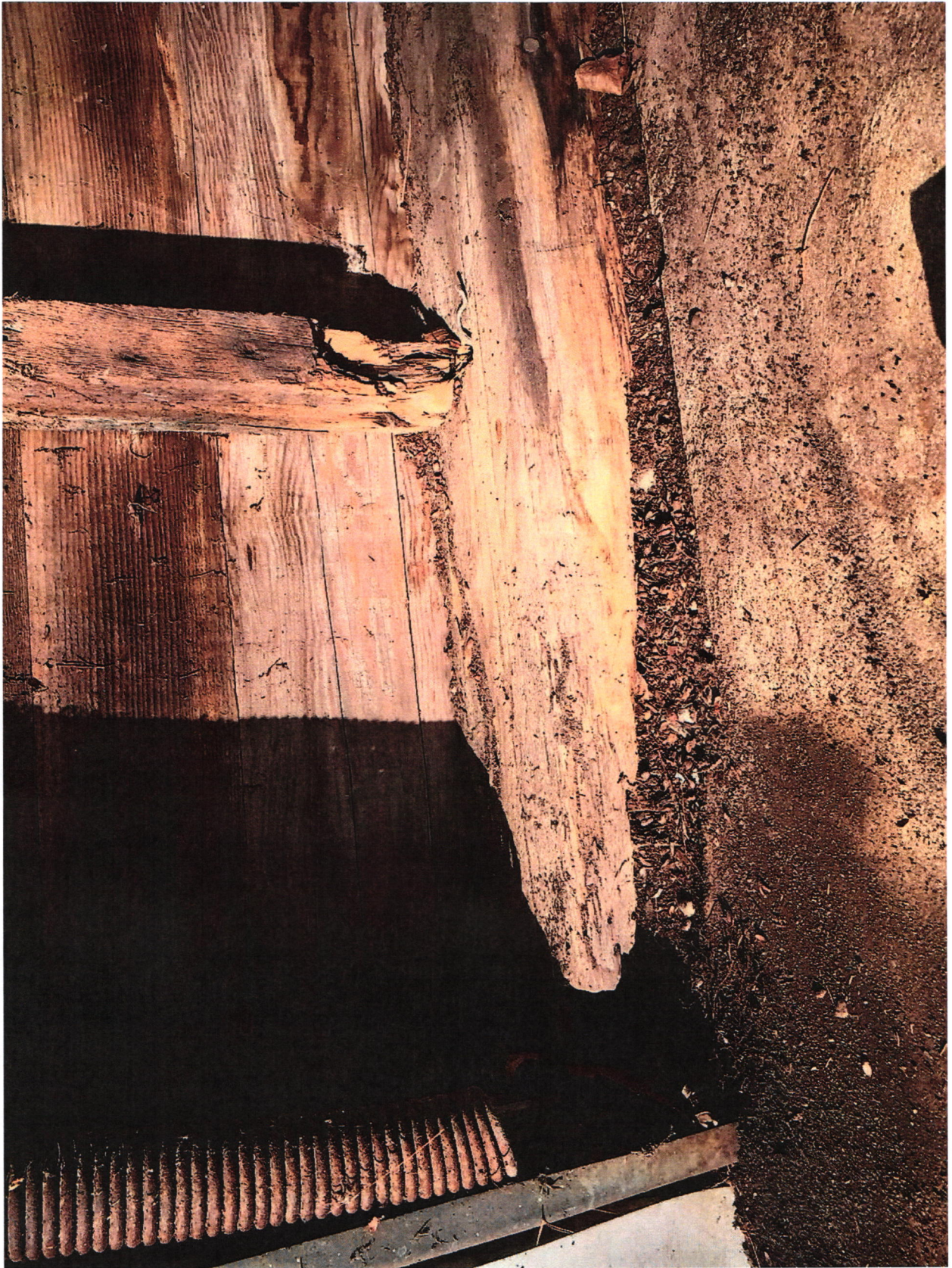
Photos of Water Damage Before Repairs











Grading Sketch

244 3000

storm water
run off

Grade

Grade

Difference 5'-1"

75'-0"

run off
storm water

140 ±

garage
TO
North
of
mine

my
07850502

iron

storm
water
wall

Drain Commissioner, Gary R. Schwaiger's, Review of
the Storm Water Issue

January 22, 2021

Mr. George V. Saylor
Mika Meyers PLC
414 Water Street
Manistee, MI 49660

Re: Storm Water Runoff

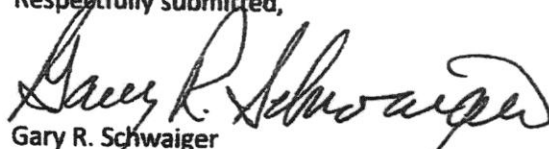
Dear Mr. Saylor,

On December 12, 2020 I inspected the property located at 8793 Portage Point Drive, Onkema, MI 49675, owned by Mr. David Vanecek. The property adjoining property to Mr. Vanecek is causing storm water from this adjoining parcel to be dumped on Mr. Vanecek property.

As the Drain Commissioner, the neighbor, located at 8831 Portage Point Drive, Onkema, MI 49675, owned by Linda Ann Ray and James Robert Stokes, is required to retain storm water that is running off the roof of your garage/storage building from being deposited/dumped on the adjoining property, your neighbor's property.

All storm water originating from the property located at 8831 Portage Point Drive needs to be retained on said property.

Respectfully submitted,



Gary R. Schwaiger
Manistee County Drain Commissioner

Series of Before and After Photos Taken of the
Vanacek's and the Neighboring Garage



Dave Vanecek <dcvanecek@gmail.com>

(no subject)

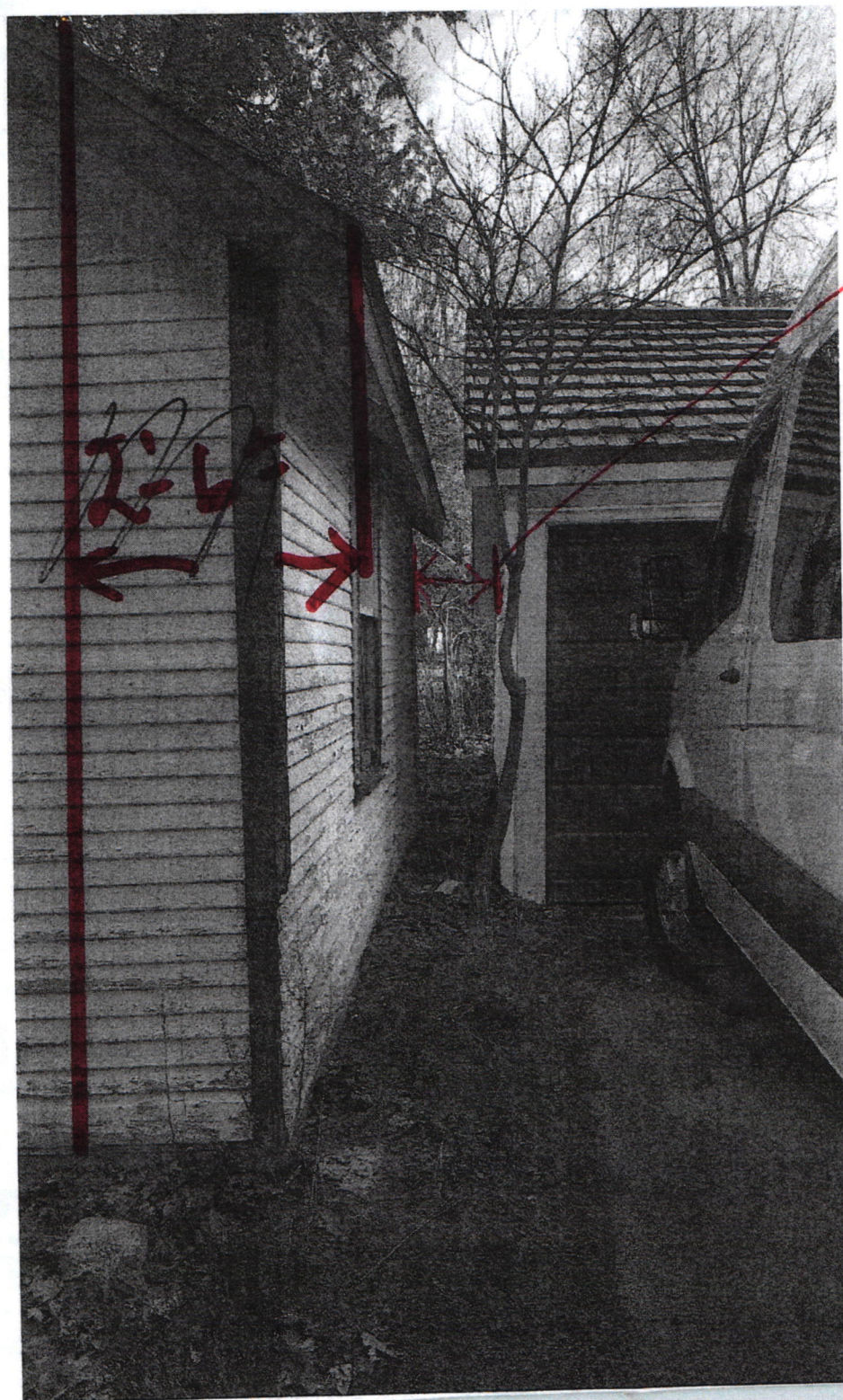
1 message

Dave Vanecek <dcvanecek@gmail.com>

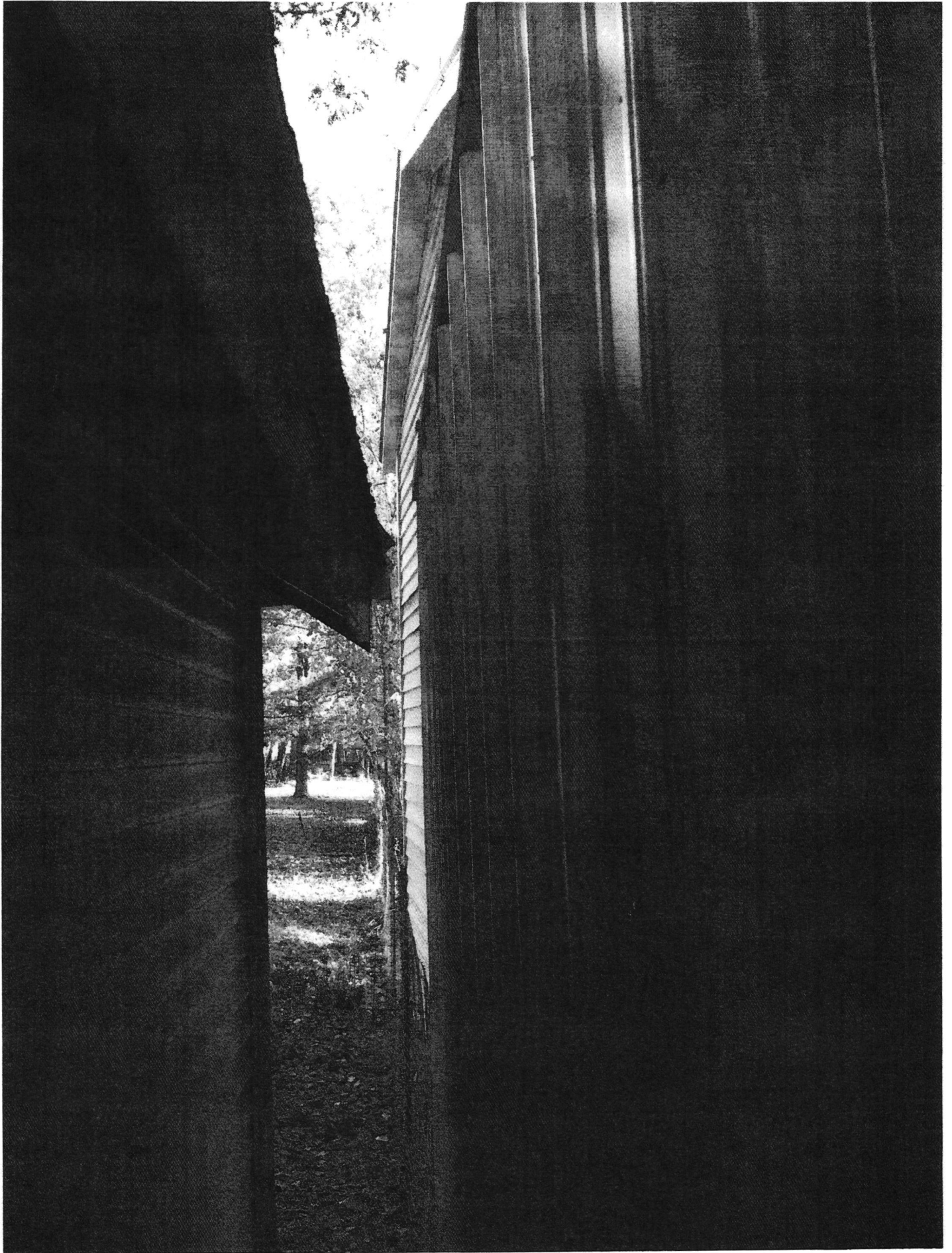
Mon, Jul 11, 2022 at 6:31 PM

To: dcvanecek@gmail.com

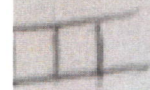








Drawing Shows the Foot Traffic Down to the Water



AirBnB 6

AirBnB 3

AirBnB 2

AirBnB 1

AirBnB 5

AirBnB 4

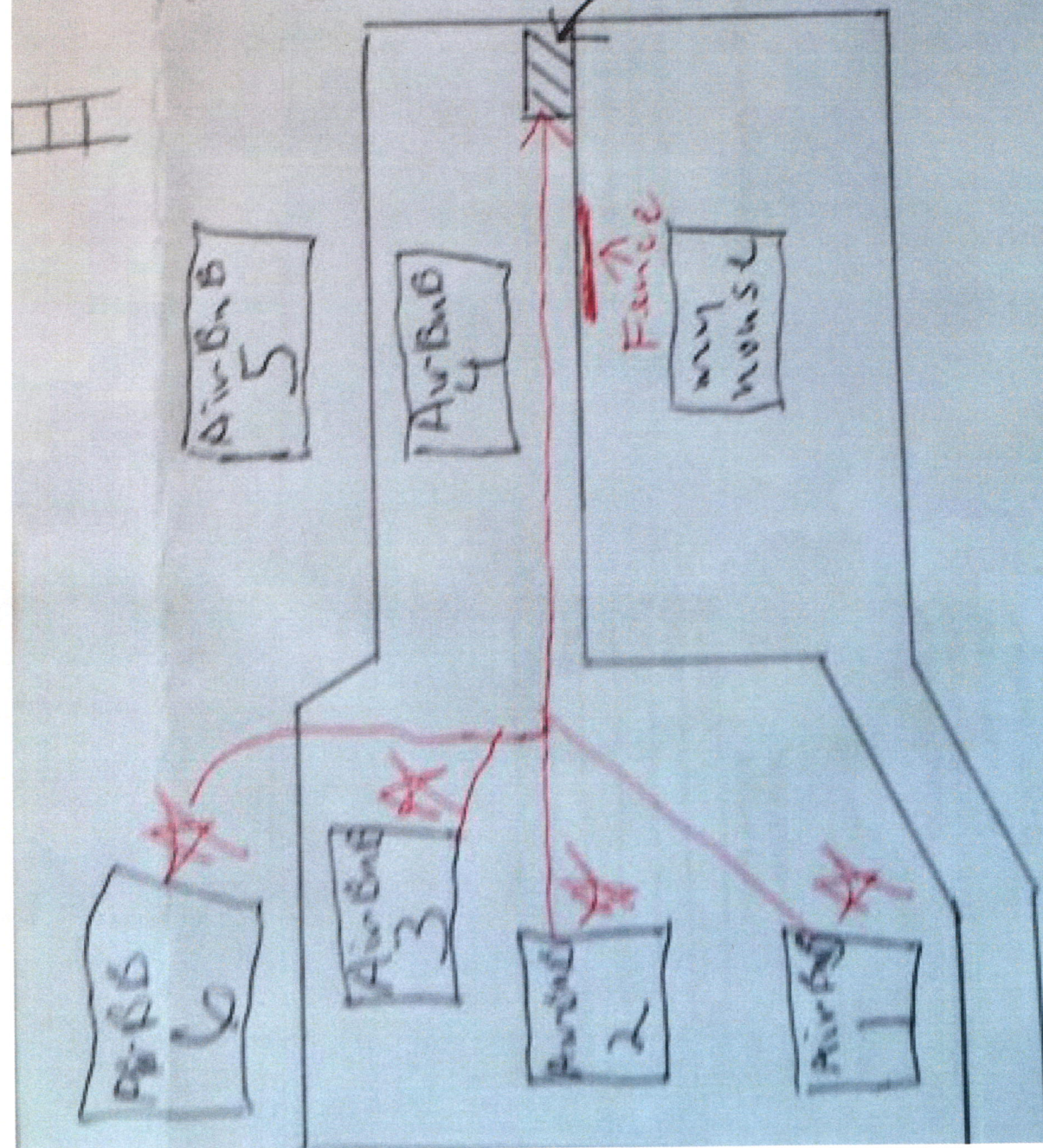
my
house

Fence

Lake

3 rentals
use this
small beach

Lake



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

November 16, 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 Onekama Township Zoning Board of Appeals will hold a Special Meeting / Public Hearing at 9am on Wednesday, December 7, 2022, at the Onekama Township Hall, 5435 Main St. Onekama, MI 49675, phone: (231) 889-3308. The special meeting will be held to consider a proposed variance request.

For the property addressed as Parcel ID # 51-11-370-103-00, commonly known as 8793 Portage Point Dr, Onekama, MI 49675, the property owner is seeking two variances from the Onekama Township Zoning Ordinance, specifically section 1014. Fences, on two separate fences on their property. The parcel resides within the RR-2 Resort Residential Zoning District.

The applicant is requesting a variance to allow for their fence that spans twenty-seven (27) feet on the rear property line to have a finished height of eight (8) feet. The applicant is also requesting a variance to allow for a privacy fence that spans forty (40) feet along their side parcel line to have a finished height of six (6) feet.

Granting of the first variance request would allow for a rear privacy fence of eight (8) feet to remain at existing height and length on the back parcel line.

Granting of the second variance request would allow for a six (6) foot tall privacy fence built along the side parcel line to remain at the existing height.

The variance request and application can be found for review on the Onekama Township Website (www.onekamatwp.org) or purchased by visiting the Onekama Township Hall during their regular business hours.

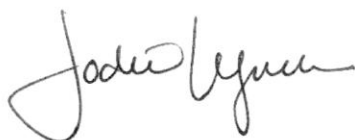
Correspondence can be sent by mail, or hand delivered to the Onekama Township Hall, 5435 Main St., Onekama, MI. 49675. Please, mark it ATTN: Zoning Board of Appeals. All correspondence must be received by end of business day, prior to the day of the meeting.

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.

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 |
|---------------|-------------------------------------|-----------------------|---------------|----------------|-------------------------|-------------------------|---------------|---------------|-----------------|
| 11-370-079-00 | 8816 PORTAGE POINT DRIVE LLC | 8816 PORTAGE POINT DR | ONEKAMA | MI | | 2907 FRENCH PL | AUSTIN | TX | 78722 |
| 11-370-080-00 | WEBB HUGH M TRUST | 8842 PORTAGE POINT DR | ONEKAMA | MI | | 8819 PORTAGE VIEW RD | ONEKAMA | MI | 49675 |
| 11-370-106-00 | BOYER WM TRUST | 8817 PORTAGE POINT DR | ONEKAMA | MI | | 3047 DIMPLE DELL CIRCLE | SANDY | UT | 84092 |
| 11-370-104-00 | RAY LINDA ANN & STOKES JAMES ROBERT | 8831 PORTAGE POINT DR | ONEKAMA | MI | | 1896 PALOMA CT | LAFAYETTE | IN | 47909 |
| 11-410-001-00 | CAIRNS MICHAEL J TRUST & | 8741 PORTAGE POINT DR | ONEKAMA | MI | | 2 LITTLEBROOK DR | WILMINGTON | DE | 19807 |
| 11-410-024-00 | CAIRNS MICHAEL J & ELIZABETH C.V. | | | | | 2 LITTLEBROOK DR | WILMINGTON | DE | 19807 |
| 11-370-081-00 | MEADE JONATHAN D TRUST | | | | | 228 18TH AVE | SAN FRANCISCO | CA | 94121 |
| 11-370-122-00 | KEEPSAKE LLC | 8807 PORTAGE VIEW RD | ONEKAMA | MI | | 2142 GENEVA LN | MUSKEGON | MI | 49441 |
| 11-370-125-00 | WEBB GWENDOLYN PATRICIA & | 8819 PORTAGE VIEW RD | ONEKAMA | MI | WEBB HUGH | 19 TOP O HILL RD | DARIEN | CT | 06820-3231 |
| 11-370-123-00 | CAREY MARY & ETAL | 8811 PORTAGE VIEW RD | ONEKAMA | MI | | 2907 FRENCH PL | AUSTIN | TX | 78722 |
| 11-370-107-00 | ONEKAMA STARDUST LLC | | | | | 19 TOP O'HILL RD | DARIEN | CT | 06820-3231 |
| 11-370-076-00 | NICHOLSON WILLIAM & WING | | | | | 803 WOOD SORREL LN | PERRYSBURG | OH | 43551 |
| 11-370-077-00 | NORDLOH LEE C & LISA S | 8808 PORTAGE POINT DR | ONEKAMA | MI | | 733 INDIAN HILL RD | TERRACE PARK | OH | 45174-1011 |
| 11-370-103-00 | VANECEK PAULA M TRUST | 8793 PORTAGE POINT DR | ONEKAMA | MI | | 8793 PORTAGE POINT DR | ONEKAMA | MI | 49675 |
| 11-370-074-00 | CLEMAR COTTAGE LLC | 8805 NORWOOD AVE | ONEKAMA | MI | | 411 EAST 5TH AVE | LANCASTER | OH | 43130 |
| 11-370-102-00 | BROWN RUTH L TRUST | 8791 PORTAGE POINT DR | ONEKAMA | MI | | 86 W WASHINGTON ST | CHAGRIN FALLS | OH | 44022 |
| 11-370-108-10 | OAKES MARY JANE | | | | | ARKLES BAY | | | XXXXX |
| 11-370-100-00 | BAKER WINIFRED NELL | 8865 PORTAGE POINT DR | ONEKAMA | MI | | 8865 PORTAGE POINT DR | ONEKAMA | MI | 49675 |
| 11-370-108-00 | WHITE MARGARET & P BRIAN | LAKE/SLE AVE | ONEKAMA | MI | | 357 SHEARER ST | PALMER | MA | 1069 |
| | | 1926 Second St | ONEKAMA | MI | | | | | 49675 |

Regards,



Jodie Lynch
Manistee County Planner
Onekama Township Zoning Administrator

Motions Memo



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

November 16, 2022

ZBA Members
Onekama Township
5435 Main St
Onekama, MI 49675

Dear ZBA Members,

Mr. & Mrs. Vanecsek are applying for two variances for the property parcel # 51-11-370-103-00, addressed as 8793 Portage Point Dr. Onekama, MI 49675. The property is located in Resort Residential (RR-2) Zoning District.

The request is for a variance to allow for their fence that spans twenty-seven (27) feet on the rear (north) property line to have a finished height of eight (8) feet. The applicant is also requesting a variance to allow for a privacy fence that spans forty (40) feet along their side (east) parcel line to have a finished height of six (6) feet.

1014. Fences:

1. Erection/construction of fences on any residential or commercial parcel may not commence without first obtaining a Land Use Permit.
 2. IN RESIDENTIAL DISTRICTS (RR-1, RR-2, RR-3, RR-4, SUR): Berms or fences not over 36 inches in height are permitted on the front side of residential parcels. Except as permitted in "4" of this Article, fences on side or rear yards shall not exceed four and one-half (4 ½) feet in height. All height calculations are measured using the existing, normal ground level prior to any excavation or fill.
 3. On parcels with water frontage, berms or fences not over 36 inches in height are permitted on what is defined as the rear of such parcels (which is the non-waterfront yard or roadside yard).
 4. Privacy fences not exceeding eight (8) feet in height may be erected in a side or rear yard that lies within the building envelope. Privacy fences may be erected in a waterfront yard – only within the building envelope - providing the required forty (40) foot setback from the water is met.
 5. Fencing materials must be those commonly used as fencing.
 6. IN RESIDENTIAL DISTRICTS (RR-1, RR-2, RR-3, RR-4, SUR) fencing shall be installed with the finished side out, facing the adjacent parcels, with posts and purlins on the inside surface of the fencing.
- [Annotation: Modified by amendment effective January 5, 2021]
7. Winter erection of temporary protective or snow fencing or similar fencing used as garden protection is excluded from the requirements of this section, as are similar fencing materials used to protect trees and landscape plants.
 8. Fences are specifically exempted from setback requirements mandated elsewhere by this

Ordinance, excepting those that apply to the waterside on waterfront parcels.

9. IN COMMERCIAL OR AGRICULTURAL DISTRICTS (CR-1, AG-1, and AG-2), fences not exceeding ten (10) feet in height may be erected as required for the purpose intended.

10. Barbed wire or electrified fences shall be allowed only in Agricultural districts (AG-1 & AG- 2)

The applicant is requesting a variance to allow for a fence that spans twenty-seven (27) feet on the rear (north) property line to have a finished height of eight (8) feet. The applicant is also requesting a variance to allow for a privacy fence that spans forty (40) feet along their side (east) parcel line to have a finished height of six (6) feet.

Granting of the first variance request would allow for a rear privacy fence of eight (8) feet to remain at existing height and length on the back parcel line.

Granting of the second variance request would allow for a six (6) foot tall privacy fence built along the side parcel line to remain at the existing height.

This memo is to act as a starting point for actions for these variance requests. 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.

First Variance Request:

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 a rear privacy fence of eight (8) feet to remain at existing height and length on the back parcel line.

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.

Second Variance Request:

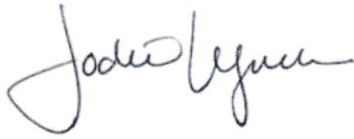
Option A: Deny the variance request. The variance request fails to pass the majority vote needed. The variance needed has been caused or somewhat caused by the parcel owner, and/or hardship has not been shown to exist.

Option B: Allow the variance as requested. Granting of the variance would allow for a six (6) foot tall privacy fence built along the side parcel line to remain at the existing height.

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.

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

Regards,

A handwritten signature in black ink, appearing to read "Jodie Lynch". The signature is fluid and cursive, with the first name "Jodie" being more prominent than the last name "Lynch".

Jodie Lynch
Planning and Zoning Administrator
231-398-3587
jlynch@manisteecountymi.gov

Manistee County
Planning Department

