

**CITY OF MANISTEE
ZONING BOARD OF APPEALS**

City Hall
70 Maple Street
Manistee, MI 49660

There will be a meeting of the City of Manistee Zoning Board of Appeals to be held on Tuesday, September 29, 1998 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call

- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1. Richard Pepera
 - 2.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III Business Session:
 - A. Approval of Minutes (9/15/98)
 - B. Unfinished Business:
 - 1. Richard Pepera
 - 2.
 - C. Other Business:
 - 1.
 - 2.

- IV. Work/Study Session:

- V. Adjournment

cc: Zoning Board of Appeals Members
Lori Donnan, Administrative Assistant
Jon R. Rose, Community Development Officer
Julie A. Beardslee, City Assessor
R. Ben Bifoss, City Manager
Bruce Gockerman, City Attorney

CITY OF MANISTEE

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Jon R. Rose 
Community Development Officer

DATE: September 17, 1998

RE: Zoning Board of Appeals Meeting Tuesday, September 29, 1998

We have scheduled a Zoning Board of Appeals Meeting on Tuesday, September 29, 1998 at 5:30 p.m. in the Council Chambers.

The Zoning Board of Appeals Meeting is being held in response to a request from Richard Pepera, 160 Quincy Street. Mr. Pepera is requesting a variance to the side-yard set-back from the existing 3 feet to 2 feet 2 inches to install a bow window. Enclosed is a copy of Mr. Pepera's application.

We are pleased to welcome new member John Pershbacher and new alternate Mark Wittlief. At this time we have full membership on the Zoning Board of Appeals and are pleased to welcome our new members.

If you are unable to make the meeting or have any questions, please call me at 723-2558. See you there!

JRR:djm

Enclosures

REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

Name RICK PEPERA

Appeal Number 9815

Date Received 9-15-98

Tax Parcel Number 51-51-146-705-17

Fee Received (Amt & Date) \$150.00 9-15-98

Receipt Number 2114

Hearing Date 9-28-98

Board of Appeals Action _____

Address 160 QUINCY ST

City, State and Zip Code MANISTEE, MI. 49660

Phone Numbers (Work) (616) 723-5271

(Home) (616) 723-8344

FEE FOR APPEAL \$150.00

PLEASE NOTE: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. ACTION REQUESTED:

I. (We), the undersign request a hearing before the Manistee City Zoning Board of Appeals for the purpose indicated below:

- Ordinance or Map Interpretation
- Appeal from Administrative Decision
- Variance
- Other Authorized Review

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: SEE ATTACHED

Tax Roll Parcel Code #: 51-51-146-705-17

B. List of all deed restrictions (attach additional sheets if necessary): NONE

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: _____

D. This area is: Not platted, Platted, Will be Platted.
If Platted, Name of Plat: ENGLEMAN'S ADDITION

E. Present use of property is: RESIDENT

F. Present zoning district classification of the property is: R4

G. A previous appeal (has/has not) been made with respect to these premises in the last _____ years. If a previous appeal, re-zoning or special use permit application was made, state the date, nature of action requested and the decision:

Date: _____ Action Requested: None

Decision (approved/ denied) other: _____

III. DETAILED REQUEST AND JUSTIFICATION

A. Interpretation of Zoning Ordinance or Map

1. The appellant respectfully requests the Board of Appeals make an interpretation of:

- (A) The location of district boundaries on the _____ Zoning District map as applied to the property described in the application.
- (B) The provisions of article _____ Section _____ of the Manistee City Zoning Ordinance.
- (C) Other, (specify) _____

2. Please describe in detail the nature of the problem to be interpreted and the reason for the request: _____

B. Variance from the requirements of the Zoning Ordinance.

The appellant respectfully requests the Board of Appeals grant a variance on the above described property.

1. Indicated below are the Ordinance requirement(s) which are the subject of the variance request.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Setback | <input type="checkbox"/> Side Yard | <input type="checkbox"/> Off-street Parking |
| <input type="checkbox"/> Lot Coverage | <input type="checkbox"/> Placement | <input type="checkbox"/> Height |
| <input type="checkbox"/> Signs | <input type="checkbox"/> Area Requirements | <input type="checkbox"/> Other _____ |

2. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.

INSTALL BOW WINDOW
WEST SIDE OF HOUSE

3. Describe the characteristics of your property which require the granting of a variance (include dimensional information).

- | | | |
|--|------------------------------------|--|
| <input checked="" type="checkbox"/> Too Narrow | <input type="checkbox"/> Elevation | <input type="checkbox"/> Soil |
| <input type="checkbox"/> Too Small | <input type="checkbox"/> Slope | <input type="checkbox"/> Subsurface |
| <input type="checkbox"/> Too Shallow | <input type="checkbox"/> Shape | <input type="checkbox"/> Other (Specify) |

HOUSE IS TOO CLOSE TO PROPERTY
LINE FOR SET BACK ZONING

4. Justification for granting the requested variance. The appellant must show that strict application of the provisions of the Zoning Ordinance to his property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the ordinance. In order for the Board of Appeals to determine whether unnecessary hardship exists, the appellant should provide answers to each of the following questions:

a. Can the property in question be used in a manner permitted by the Zoning Ordinance if a variance is not granted? yes no
If no, what unnecessary hardship or practical difficulty will result if the variance is not made? _____

b. To the best of your knowledge, can you affirm that the hardship or practical difficulty described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance or applicable part thereof became law? yes no
If no, explain why the hardship or practical difficulty should not be regarded as self-imposed (Self-imposed hardships are not entitled to variances). _____

c. Are the conditions on your property the result of other man-made changes (such as relocation of a road or highway?) yes no
If yes, describe _____

d. Will strict application of the terms of the ordinance deny use of the property for any purpose to which its reasonably adapted? yes no
If yes, how? _____

e. Is the variance applied for due to unique circumstances presented on your property or to the general conditions in the area? yes no
If yes, explain any peculiar or unique conditions, and how many other properties in your area are similarly affected _____

MANY HOME WERE CONSTRUCTED CLOSE TO PROPERTY LINES

f. Would granting the variance change the essential character of the area? yes no. If yes, how? _____

g. Would granting the variance be contrary to any county development plans? yes no. or to any local government development plans?
 yes no. Explain _____

h. Would granting the variance be contrary to the intent and purpose of the Zoning Ordinance? yes no. If yes, explain _____

i. Other Comments in support of the application. _____

C. Appeal from Administrative decision.

The appellant respectfully requests the Board of Appeals to (reverse/modify) the Zoning Administrator's decision (copy attached) on application number _____ dated _____. It is alleged the Zoning Administrator erred in (the interpretation of article _____ section _____ / his order/his requirement/ his decision/ his determination) regarding the issuance of a _____ permit and that (reversal/modification) of said decision should be granted because _____

Specify decision sought: _____

D. Other authorized reviews

The appellant respectfully petitions the Board of Appeals to grant the following: _____

According to the conditions and provisions of article _____ section _____ granting this authority to the Board of Appeals. Specifically state the problem, decision sought and the justification for the request. _____

IV. IMPACT ON SURROUNDING LANDS

If your request is granted:

A. What are likely to be the positive and negative impacts of this decision on the surrounding land and neighbors? ONLY POSITIVE - TO ENHANCE THE REMODELING PROJECT UNDERWAY

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? NO NEGATIVE IMPACTS

V. 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.

Signature Rick Pyman

Date 9-15-98

Signature _____

Date _____

N ↑

162
QUINCY

14' 9"

12' 8"

9"

WINDOW

6'

PROPOSED
Bow WINDOW
10" OVERHANG

5'

ELECTRICAL
SERVICE

3'

6' 8"

porch
6' x 10'

SURVEY
MARKER

↑
PROPERTY
LINE

SIDEWALK

SIDEWALK

