

**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 Thursday, December 14, 2000 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

**AGENDA**

- I. Roll Call
  - II. Public Hearing:
    - 1. Stacey's Flowers and Gifts
    - 2.
  - III. Business Session:
    - A. Approval of Minutes (11/29/00)
    - B. Unfinished Business:
      - 1. Stacey's Flowers and Gifts
      - 2.
    - C. Other Business:
  - IV. Questions, Concerns of Citizens in Attendance
  - V. Adjournment
- cc: Zoning Board of Appeals Members  
Bruce Gockerman, City Attorney  
Jon R. Rose, Community Development  
Mark W. Niesen, Building/Zoning  
R. Ben Bifoss, City Manager  
Julie Beardslee, City Assessor

## MEMORANDUM

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TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen   
Building/Zoning

DATE: December 8, 2000

RE: Zoning Board of Appeals Meeting, December 14, 2000

We have a correction on the information mailed to you on December 6, 2000. The request from Stacey's Flowers and Gifts is for a 42 square foot sign not 25 square foot sign. We apologize for the error.

If you are unable to make the meeting please call Denise at 723-2558. See you there!!

REQUEST FOR APPEAL

CITY OF MANISTEE  
ZONING BOARD OF APPEALS

STACEY'S FLOWERS & GIFTS

Name

301 FIRST STREET

Address

MANISTEE MI 49660

City, State and Zip Code

Phone Numbers (Work) 231-723-1087

(Home) \_\_\_\_\_

FOR OFFICE USE ONLY

Appeal Number 20012

Date Received 250

Tax Parcel Number 5151.568-70101

Fee Received (Amt & Date) 250.00 12.5.00

Receipt Number 4815

Hearing Date 12.14.00

Board of Appeals Action \_\_\_\_\_

**FEE FOR APPEAL \$250.00**

**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: \_\_\_\_\_

Tax Roll Parcel Code #: \_\_\_\_\_

B. List of all deed restrictions (attach additional sheets if necessary): \_\_\_\_\_

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: \_\_\_\_\_

E. Present use of property is: COMMERCIAL - BUSINESS

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

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: \_\_\_\_\_

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) INCREASING THE SQUARE FOOTAGE FOR NEW PROPOSED SIGN FOR MORE AREA THAN WHAT IS ALLOWED CURRENTLY UNDER ZONING
2. Please describe in detail the nature of the problem to be interpreted and the reason for the request: SIGN FOR BUSINESS IS HIDDEN FROM VIEW BY NEIGHBORING BUSINESS.

#### 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 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 checked="" 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. TO INCREASE SQUARE FOOTAGE OF NEW SIGN SO THAT CUSTOMERS CAN SEE IT AND KNOW THAT THIS TYPE OF BUSINESS IS HERE. TO KEEP THIS BUSINESS A VIABLE SOURCE OF INCOME FOR

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

- |                                      |                                    |   |
|--------------------------------------|------------------------------------|---|
| <input 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 checked="" type="checkbox"/> Other (Specify) |

BUSINESS SIGN CURRENTLY IN USE IS NOT VIEWABLE BECAUSE IT IS HIDDEN BY PRECEDING (IN FRONT OF) ANOTHER BUSINESS SIGN. SEVERAL OTHER BUSINESSES IN SAME LOCATION HAVE SIGNS THAT ARE LARGER AND VIEWABLE.

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? BUT IF NOT GRANTED WILL CREATE A HARDSHIP TO KEEP THIS BUSINESS A MORE VIABLE ASSET
- 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 THE SIGN OF NEIGHBORING BUSINESS IS BLOCKING VIEW OF THIS BUSINESS. THEREFORE, IT DOES NOT LET THE CONSUMER <sup>KNOW</sup> WHAT IS AT THIS LOCATION.
- 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? RESTRICTS CONSUMER AWARENESS OF WHAT IS AT THIS LOCATION. NEED A MORE VIEWABLE AND VIABLE AND APPEALING FORM OF ADVERTISING
- 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 SIGNAGE IS NOT VIEWABLE. HIDDEN BY NEIGHBORING BUSINESS SIGN. AREA IS NOT READILY ACCESSIBLE FOR BUSINESS TRAFFIC
- f. Would granting the variance change the essential character of the area?  yes  no. If yes, how? BUT IT WOULD BE A FACE LIFT FOR THIS AREA OF BUSINESSES.
- 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. THE GRANTING WOULD ADD A QUALITY SIGN AND INCREASE THE BETTERMENT FOR OUTWARD APPEARANCE. DOING THIS WILL BENEFIT THE CLIENT AND SURROUNDING AREA.

✓ 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**

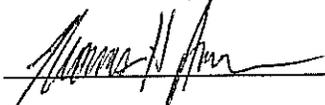
If your request is granted:

A. What are likely to be the positive and negative impacts of this decision on the surrounding land and neighbors? NO

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? NONE

**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 

Date 12/1/00

Signature \_\_\_\_\_

Date \_\_\_\_\_

GRIPFLEX PAINT

475 SM PURPLE

325 GOLDEN YELLOW

585 FLAME RED

725 SM GREEN



Located above visual line  
created by First Street Tavern sign

*25 SQ. FT.  
ALLOWED 16 SQ. FT.*

**NOT FOR  
PRODUCTION**

MATERIALS / SUBSTRATES:

COLOR BREAKDOWN:

INTERIOR PAINT LACRYL COLORS

**STACEY'S**