

City of Manistee
Zoning Board of Appeals
City Hall
70 Maple Street
Manistee, Michigan

There will be a meeting of the City of Manistee Zoning Board of Appeals to be held on Tuesday, November 26, 2002 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan

AGENDA

- I Roll Call

- II Public Hearing:
 - 1. Sharon Anderson, 604 Pine Street
 - 2.

- III Business Session:
 - A. Approval of Minutes (10/20/02)
 - B. Unfinished Business:
 - 1. Sharon Anderson, 604 Pine Street
 - 2.
 - C. Other Business:
 - 1.

- IV Questions, Concerns of Citizens in Attendance

- V Adjournment

cc: Zoning Board of Appeals Members
Bruce Gockerman, City Attorney
Mark W. Niesen, Building Inspector
Mitch Deisch, City Manager
Julie Beardslee, City Assessor

MEMORANDUM

TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen
Building Inspector

DATE: November 14, 2002

RE: Zoning Board of Appeals Meeting, November 26, 2002

Due to publishing deadlines we were unable to add this request to the agenda of the November 20th meeting.

The Zoning Board of Appeals will be meeting on Tuesday, November 26, 2002 at 5:30 p.m. for the following request:

1. Sharon Anderson, 604 Pine Street. Ms. Anderson would like to construct a sunroom on the back of her home. Her house encroaches 6 inches into the side-yard set-back. Ms. Anderson is asking for a *variance to the side-yard set-back from 10 feet to 9 feet 6 inches to construct a sunroom in line with the existing residence*. A copy of the request is enclosed for your review.

If you have any questions, please call me at 723-2558.

MWN:djb

-

REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

Sharon A. Anderson

FOR OFFICE USE ONLY

Name

Appeal Number 2002-12

604 Pine St.

Date Received 11-12-02

Address

Tax Parcel Number 51-51-371-705-03

Manistee, MI 49660

Fee Received (Amt & Date) 250.00 11/12/02

City, State and Zip Code

Receipt Number 1816

Hearing Date 11-26-02

Board of Appeals Action _____

Phone Numbers (Work) _____

(Home) 231-723-4031

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
- Variance
- Appeal from Administrative Decision
- Other Authorized Review

II. **PROPERTY INFORMATION:**

A. Legal description of property affected by this appeal: Lot 2 Block 3 of

George W. Robinson's Addition to the City of Manistee

Tax Roll Parcel Code #: 51-51-371-705-03

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: G. W. Robinson

E. Present use of property is: Residential

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

G. A previous appeal (has/has not) been made with respect to these premises in the last 20 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 applicant respectfully requests the Board of Appeals make an interpretation of:

- (A) The _____ of district boundaries on the _____ Zoning District map as applied to the property described in the application.
- (B) The provision 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 checked="" 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. 12 x 16 Sunroom addition

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

- | | | |
|--------------------------------------|------------------------------------|---|
| <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) |

Protr to line addition with side of house.

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? would like to continue

existing line of home.

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). _____

House was constructed within setback

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? would not allow addition to be
constructed with current line of the home.

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 Home currently sits

in side yard setback.

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? *James and Cathy Nelson's property is directly north of my property. I showed them my sunroom addition plans and they do not object to my building or my*
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? *getting a variance*

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 *Sharon A. Anderson*

Date *Nov. 17, 2002*

Signature _____

Date _____

PINE STREET



EXIST.
NEW

BEDROOM

BEDROOM

BATH

SUNROOM

9'6"

12'6"

16'0"

SUNROOM ADDITION FOR S. ANDERSON

LOT LINE

