

**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, June 22, 2000 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. Jack Rutherford
 - 2.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes (5/31/00)
 - B. Unfinished Business:
 - 1. Jack Rutherford
 - 2.

 - C. Other Business:
 - 1.
 - 2.

- V. Work/Study Session:

- VI. Adjournment

cc: Zoning Board of Appeals Members
Mark W. Niesen, Building Inspector
Jon R. Rose, Community Development
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: Mark W. Niesen
Building/Zoning *M.W.N.*

DATE: June 8, 2000

RE: Zoning Board of Appeals Meeting

We have scheduled a Zoning Board of Appeals meeting for Thursday, June 22, 2000 at 5:30 p.m.,

A request has been received from Jack Rutherford, 303 Seventh Street. Mr. Rutherford would like to build a sunroom onto the rear of his home. This sunroom would be a continuation of the east wall of the house southward. The east wall of the home is currently 5 feet from the property line. Mr. Rutherford is asking for a reduction to the side-yard set-back from 10 feet to 5 feet to allow construction of this sunroom. A copy of the request is enclosed for your review.

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

MWN:djm

Enclosures

REQUEST FOR APPEAL

CITY OF MANISTEE
ZONING BOARD OF APPEALS

Jack Rutherford

Name

303 7th ST

Address

Manistee MI: 49660

City, State and Zip Code

Phone Numbers (Work) 723 6888

(Home) 723 6948

FOR OFFICE USE ONLY

Appeal Number 20004

Date Received 6-5-00

Tax Parcel Number 51.51.656-706-08

Fee Received (Amt & Date) \$250.00 6-5-00

Receipt Number 4173

Hearing Date 6-22-00

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: 303 7th ST W/ WINDY

Suburb walk lot 44 E 23 LOT 5 Blk 1

Tax Roll Parcel Code#: 656-706-08

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: None

D. This area is: Not platted, Platted, Will be Platted
If Platted, Name of Plat: _____

E. Present use of property is: Home

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 4 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: None Action Requested: _____

Decision (approved/ denied) other: N/A

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) allow Room addition to be less than 6' and not more than 3' from side line set back

2. Please describe in detail the nature of the problem to be interpreted and the reason for the request: To maintain side appearance line to continue we need set back changes to 4'

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 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. Add Sun Room to rear of house

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) |

Home built to close to lot line to add on rear must 5 feet set back

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? Building line will not look as it should
- 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? Building line would change look of subdivision
- 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. Homes built to 2' off set than ordinance changed to 5'
- 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. Home is 4' off side line

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. Set Back on side line is 10' home is 4' off line addition will be 5' off side line if approved

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? Value of home will increase also this addition will beautify area

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? There will be no negative impact

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.

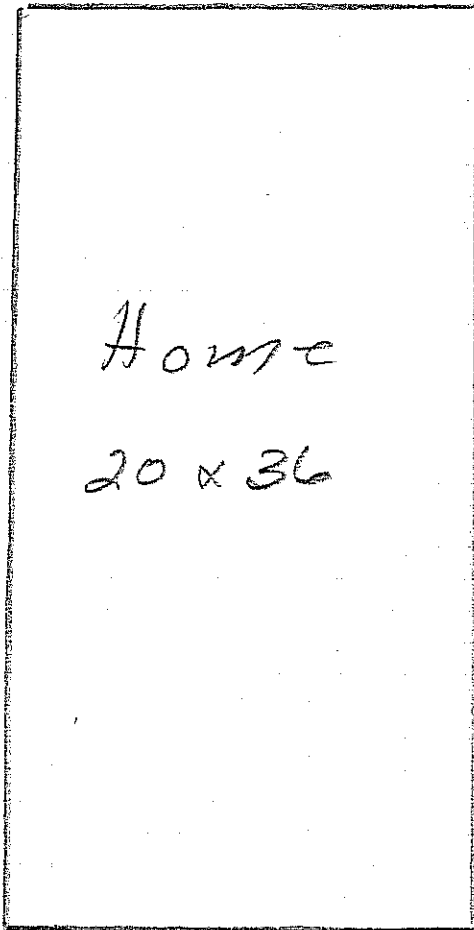
Signature *Jack Rutledge*
Signature _____

Date 6-5-00
Date _____

303 7th ST Monistoa

US 31

Driv



41'



Proposed shed
20' x 14'

5'

51'

32'

