

**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 Monday, September 25, 1996 at 7:00 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. William & Joyce Potton
 - 2. Ambar Chemical, Inc.
 - 3. Steve Mellott & Kay Wagner
 - 4.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.

- IV. Business Session:
 - A. Approval of Minutes (August 26, 1996)
 - B. Unfinished Business:
 - 1.
 - C. Other Communications:
 - 1.
 - D. Reports:
 - 1.
 - E. New Business:
 - 1.

- V. Work/Study Session:

- VI. Adjournment

cc: Zoning Board of Appeals Members
Jon R. Rose, Code Administrator
Julie A. Beardslee, City Assessor
R. Ben Bifoss, City Manager

9-23-96

City of Manistee

616-723-2558
FAX 616-723-1546

70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

September 12, 1996

Dear Zoning Board of Appeals Member:

The City of Manistee Zoning Board of Appeals will hold a meeting on Monday, September 23, 1996 at 7:00 p.m. in the Council Room of City Hall, 70 Maple Street, Manistee, Michigan. The purpose of this hearing is to consider a request from:

NAME: William & Joyce Potton

ADDRESS: 540 Ninth Street
Manistee, MI 49660

LOCATION OF REQUEST: 540 Ninth Street

ACTION REQUESTED: Variance to reduce the side-yard set-back from ten feet to seven feet to build attached garage.

Please advise this office at least five days prior to the date of the meeting if you will be unable to attend, so an alternate member can be notified to attend in your place. Any relevant materials are enclosed for your review if available.

Sincerely,

CITY OF MANISTEE



Jon R. Rose
Code Administrator

JRR:djm

Enclosure

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

In the Matter of: William & Joyce Potton
540 Ninth Street
Manistee, MI 49660

Appeal Docket: 9605
Parcel Number: 51-51-358-717-01
Property Address: 540 Ninth Street

Action Requested: Variance to reduce the side-yard set-back from ten feet to seven feet to build attached garage.

Findings of Fact:

1. Do 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 Land Use District?
 YES NO
2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?
 YES NO
3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?
 YES NO
4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?
 YES NO

NOTE: IN ORDER TO COMPLY WITH STANDARDS AS ESTABLISHED IN MICHIGAN COURTS AND THE REQUIREMENTS OF THE ORDINANCE, ALL OF THE ABOVE ITEMS MUST BE ANSWERED 'YES', OTHERWISE NO VARIANCE CAN BE ISSUED.

(OVER)

5. Do the reasons set forth in the application justifying the variance and is the requested variance the minimum variance that will make possible the reasonable use of the land, building or structure?
 YES NO

6. Does the requested variance include the allowance for a use which is not permitted in the Land Use District in question?
 YES NO [If Yes, the variance CANNOT be granted]

7. Are there any conditions, safeguards or guarantees, in conformity with the Ordinance, that the Board feels are necessary if a variance is granted?
 YES NO

If yes, the required conditions, safeguards and/or guarantees shall be (including reasons for the requirement):

8. Other pertinent facts concerning the matter:

9. Motion on the request, which includes a restatement of all of the above facts and final action of the Board:

Motion by:

Supported by:

MOTION WAS APPROVED UNANIMOUSLY

MOTION WAS APPROVED BY ___ to ___ VOTE
 SUPPORTING MOTION:
 OPPOSED TO MOTION:

MOTION WAS DENIED BY ___ to ___ VOTE
 SUPPORTING MOTION:
 OPPOSED TO MOTION:

CITY OF MANISTEE

Michigan

COUNCIL GOVERNMENT
CITY MANAGER PLAN
P.O. BOX 358
MANISTEE, MICHIGAN 49660

DEMAND FOR APPEAL

TO: MANISTEE CITY ZONING BOARD OF APPEALS

BY: WILLIAM E JOICE POTTON
NAME OF APPLICANT

540 9th St
ADDRESS OF APPLICANT

MANISTEE MICH 49660
CITY, STATE AND ZIP CODE

723-8879
TELEPHONE NUMBER - HOME AND BUSINESS

FOR OFFICE USE ONLY	
APPEAL NUMBER	<u>9605</u>
DATE RECEIVED	<u>9-9-96</u>
TAX PARCEL NUMBER	<u>51-51-358-71701</u>
FEE RECEIVED (AMOUNT & DATE)	<u>150.00</u>
RECEIPT NUMBER	<u>1076</u>
HEARING DATE	<u>9.23.96</u>
BOARD OF APPEALS ACTION	_____
DATE	_____
FILE NO'S OF PREVIOUS ACTIONS	_____

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: JEFFERSON ADD LOTS 87 & 96

TAX ROLL PARCEL DATA PROCESS NUMBER: 51 - 51 - 358 - 717 - 01

ADDRESS OF PROPERTY: 540 9th St

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

(CONTINUED)

ZONING BOARD OF APPEALS
DEMAND FOR APPEAL

- D. THIS AREA IS: UNPLATTED, PLATTED, WILL BE PLATTED.
IF PLATTED, NAME OF PLAT JEFFERSON ADDITION
- E. ATTACH A SITE PLAN DRAWN TO THE SCALE OF ONE (1) INCH EQUALS TEN (10) FEET, SHOWING ALL EXISTING STRUCTURES ON THE PROPERTY. ALL PROPOSED STRUCTURES AND MARKING THOSE STRUCTURES THAT WILL BE REMOVED OR RAZED. ALSO THE GENERAL SHAPE, SIZE AND LOCATION OF ALL EXISTING STRUCTURES WITHIN 100 FEET OF THE PROPERTY ALONG WITH THEIR USES SHALL ALSO BE DEPICTED ON THE SITE PLAN, ALONG WITH ALL ABUTTING ROADS, STREETS, ALLEYS OR EASEMENTS.
- F. PRESENT USE OF THE PROPERTY IS RESIDENTIAL
- G. PRESENT ZONING DISTRICT CLASSIFICATION OF THE PROPERTY IS: R3
- H. A PREVIOUS APPEAL (~~IS~~ / HAS NOT) BEEN MADE WITH RESPECT TO THESE PREMISES IN THE LAST 8 YEARS. IF A PREVIOUS APPEAL, REZONING 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 BOUNDRIES 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 checked="" type="checkbox"/> SIDEYARD	<input type="checkbox"/> OFFSTREET 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. PROPOSE TO ADD 16' X 22' ADDITION TO NORTH SIDE OF EXISTING GARAGE.

3. DESCRIBE THE CHARACTERISTICS OF YOUR PROPERTY WHICH REQUIRE THE GRANTING OF A VARIANCE (INCLUDE DIMENSIONAL INFORMATION)

- TOO NARROW ELEVATION SOIL
- TOO SMALL SLOPE SUBSURFACE
- TOO SHALLOW SHAPE OTHER (SPECIFY)

PROPERTY IS 68'7" WIDE NORTH SIDE OF GARAGE
IS 23' FROM LOT LINE.

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? IT MEANS EITHER A VEHICLE OR
A BOAT WILL BE PARKED IN FRONT ALL THE TIME.

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 IT IS REASONABLY ADAPTED?

YES NO. IF YES, HOW?

E. IS THE VARIANCE APPLIED FOR DUE TO UNIQUE CIRCUMSTANCES PRESENT 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 MOST HOMES IN THE
AREA ARE ON DOUBLE LOTS OVER 1/2 OTHERS ARE ON LOTS LESS THAN
70 FT
WIDE

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 NOT TO MY KNOWLEDGE

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 SEE SEPARATE SHEET

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 NO. _____ 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 NEGATIVE IMPACTS. POSITIVE IMPACTS ARE WE CAN PROTECT OUR INVESTMENT ON VEHICLE & BOATS AND I THINK THE NEIGHBORS WOULD PREFER NOT TO SEE A BOAT IN THE FRONT YARD.

B. HOW DO YOU PROPOSE TO MINIMIZE ANY POTENTIAL NEGATIVE IMPACTS WHICH YOUR PROPOSED ACTIVITY MAY CAUSE? THERE ARE NONE TO MY KNOWLEDGE

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.

DATE 9/9/96 SIGNATURE(S) William Patten

ITEM 4.I. ADDITIONAL NOTES FOR VARIANCE
REQUEST FOR 540 9TH ST.

PRIOR TO BUYING THE HOUSE 8 YRS AGO I TALKED TO JERRY SUPERCYNSKI AND HE ADVISED THE SET BACK WAS 7 FT AND IT MAY BE POSSIBLE TO GET A VARIANCE. IT HAS BEEN CHANGED TO 10 FT SINCE THAT TIME.

WE DO OWN THE LOT AT BACK OF US BUT IT IS NOT PRACTICAL TO BUILD ON AS THERE IS A SWAMP ON 9TH ST APPROX 150 FT WEST OF TAMARACK.

OUR BACK LOT IS NOT ACCESSIBLE FROM APPROX MID NOV TO MID MAY.

THE CITY WORKERS HAVE BEEN STUCK IN THIS AREA WHILE TRYING TO CUT THE WEEDS IN JUNE. THIS CAN BE CONFIRMED BY HOMER RAMSDALL.

IN OUR AREA THERE IS A GARAGE THAT IS WITHIN 6 FT OF LOT LINE ON CEDAR LOTS 67468.

I UNDERSTAND A VARIANCE WAS APPROVED AT 395 2ND ST TO WITHIN 6 FT OF LOT LINE.

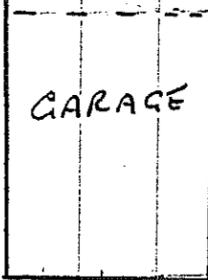
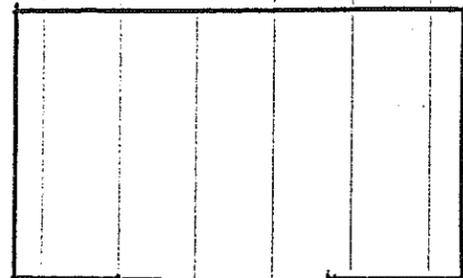
THERE APPEARS TO BE ~~BE~~ A NEW GARAGE AT 8TH ST AND ROBINSON WITH MIN SET BACK.

WE DO HAVE THE APPROVAL OF OUR CLOSEST NEIGHBOR, AND I FEEL THERE WOULD BE NO HARDSHIP TO ANYONE IF THE VARIANCE IS GRANTED, IT WOULD ALSO ALLOW US TO MAXIMIZE THE USE OF THE PROPERTY IN WHICH WE HAVE INVESTED.

M. Patton.

W. POTTON.
540. 9th ST.

LOT 87.

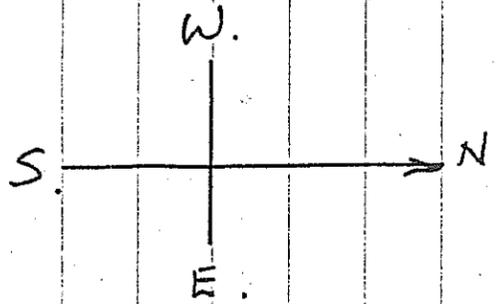


23'

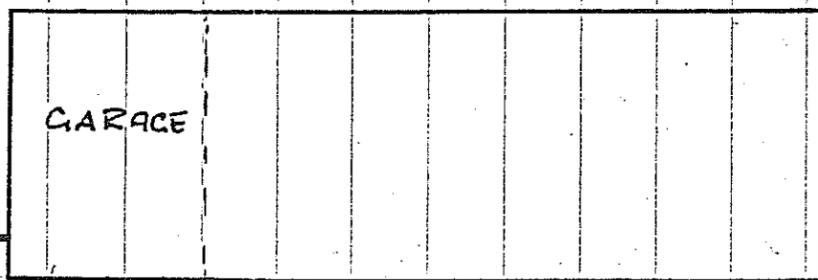
SET BACK 42'
TO EDGE OF RD

40'

SET BACK 42'



LOTS. 88 & 89.



LOT
90.

LOT
16.

SET BACK
APPROX 38'

SET BACK
APPROX 25'

Z-Z-I-I-N-L-ADH-H-O-R-J-X

W-G-E-H-N-L

TAMARACK

01.23.96



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

616-723-2558
FAX 616-723-1546

September 12, 1996

Dear Zoning Board of Appeals Member:

The City of Manistee Zoning Board of Appeals will hold a meeting on Monday, September 23, 1996 at 7:00 p.m. in the Council Room of City Hall, 70 Maple Street, Manistee, Michigan. The purpose of this hearing is to consider a request from:

NAME: Ambar, Inc.

ADDRESS: 221 Rue Dejean
Suite 301
P.O. Box 51271
Lafayette, LA 70505

LOCATION OF REQUEST: 1501 Main Street

ACTION REQUESTED: Variance to 30 foot height limitation to construct a 103 foot high building for Calcium Chloride manufacturing.

Please advise this office at least five days prior to the date of the meeting if you will be unable to attend, so an alternate member can be notified to attend in your place. Any relevant materials are enclosed for your review if available.

Sincerely,

CITY OF MANISTEE

A handwritten signature in black ink, appearing to read 'Jon R. Rose', is written over the typed name.

Jon R. Rose
Code Administrator

JRR:djm

Enclosure

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

In the Matter of: Ambar, Inc.
221 Rue Dejean, Suite 301
P.O. Box 51271
Lafayette, LA 70505

Appeal Docket: 9567
Parcel Number: 51-51- 712-475-04
Property Address: 1501 Main Street

Action Requested: Variance to 30 foot height limitation to construct a 103 foot high building for Calcium Chloride manufacturing.

Findings of Fact:

1. Do 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 Land Use District?
 YES NO
2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?
 YES NO
3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?
 YES NO
4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?
 YES NO

NOTE: IN ORDER TO COMPLY WITH STANDARDS AS ESTABLISHED IN MICHIGAN COURTS AND THE REQUIREMENTS OF THE ORDINANCE, ALL OF THE ABOVE ITEMS MUST BE ANSWERED 'YES', OTHERWISE NO VARIANCE CAN BE ISSUED.

(OVER)

5. Do the reasons set forth in the application justifying the variance and is the requested variance the minimum variance that will make possible the reasonable use of the land, building or structure?
 YES NO

6. Does the requested variance include the allowance for a use which is not permitted in the Land Use District in question?
 YES NO [If Yes, the variance CANNOT be granted]

7. Are there any conditions, safeguards or guarantees, in conformity with the Ordinance, that the Board feels are necessary if a variance is granted?
 YES NO

If yes, the required conditions, safeguards and/or guarantees shall be (including reasons for the requirement):

8. Other pertinent facts concerning the matter:

9. Motion on the request, which includes a restatement of all of the above facts and final action of the Board:

Motion by:

Supported by:

MOTION WAS APPROVED UNANIMOUSLY

MOTION WAS APPROVED BY ___ to ___ VOTE

SUPPORTING MOTION:

OPPOSED TO MOTION:

MOTION WAS DENIED BY ___ to ___ VOTE

SUPPORTING MOTION:

OPPOSED TO MOTION:

CITY OF MANISTEE

Michigan

COUNCIL GOVERNMENT
CITY MANAGER PLAN
P.O. BOX 358
MANISTEE, MICHIGAN 49660

DEMAND FOR APPEAL

TO: MANISTEE CITY ZONING BOARD OF APPEALS

BY: Ambar Inc.
NAME OF APPLICANT

221 Rve Dajeau, Suite 301 (P.O. Box 51271)
ADDRESS OF APPLICANT

Lafayette LA 70505
CITY, STATE AND ZIP CODE

1-318-237-5300
TELEPHONE NUMBER - HOME AND BUSINESS

FOR OFFICE USE ONLY	
APPEAL NUMBER	<u>0107</u>
DATE RECEIVED	<u>9-11-96</u>
TAX PARCEL NUMBER	<u>51-51-712-475-04</u>
FEE RECEIVED (AMOUNT & DATE)	<u>\$150.00 9-11-96</u>
RECEIPT NUMBER	<u>10779</u>
HEARING DATE	<u>9-23-96</u>
BOARD OF APPEALS ACTION	_____
DATE	_____
FILE NO'S OF PREVIOUS ACTIONS	_____

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: (Refer to Attached property survey)

TAX ROLL PARCEL DATA PROCESS NUMBER: 51 - 51 - 712 - 475 - 04

ADDRESS OF PROPERTY: 1501 MAIN Street Manistee, Michigan

B. LIST OF ALL DEED RESTRICTIONS (ATTACH ADDITIONAL SHEETS IF NECESSARY) Refer to attached Property Survey

C. NAMES AND ADDRESSES OF ALL OTHER PERSONS, FIRMS OR CORPORATIONS HAVING A LEGAL OR EQUITABLE INTEREST IN THE LAND:

None

(CONTINUED)

ZONING BOARD OF APPEALS
DEMAND FOR APPEAL

- D. THIS AREA IS: UNPLATTED, PLATTED, WILL BE PLATTED.
IF PLATTED, NAME OF PLAT Marvill Town Addition 6 Parts of Gov't Lts 7 Sec 18, Lot 4 Sec 13
- E. ATTACH A SITE PLAN DRAWN TO THE SCALE OF ONE (1) INCH EQUALS TEN (10) FEET, SHOWING ALL EXISTING STRUCTURES ON THE PROPERTY, ALL PROPOSED STRUCTURES AND MARKING THOSE STRUCTURES THAT WILL BE REMOVED OR RAZED. ALSO THE GENERAL SHAPE, SIZE AND LOCATIO OF ALL EXISTING STRUCTURES WITHIN 100 FEET OF THE PROPERTY ALONG WITH THEIR USES SHALL ALSO BE DEPICTED ON THE SITE PLAN, ALONG WITH ALL ABUTTING ROADS, STREETS, ALLEYS OR EASEMENTS. Refer to 1"=60' property Survey
- F. PRESENT USE OF THE PROPERTY IS Industrial
- G. PRESENT ZONING DISTRICT CLASSIFICATION OF THE PROPERTY IS: I-2
- H. A PREVIOUS APPEAL (HAS / HAS NOT) BEEN MADE WITH RESPECT TO THESE PREMISES IN THE LAST _____ YEARS. IF A PREVIOUS APPEAL, REZONING 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 N/A
 - 1. THE APPELLANT RESPECTFULLY REQUESTS THE BOARD OF APPEALS MAKE AN INTERPRETATION OF:
 - (A) THE LOCATION OF DISTRICT BOUNDRIES 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 type="checkbox"/> SETBACK	<input type="checkbox"/> SIDEYARD	<input type="checkbox"/> OFFSTREET PARKING
<input type="checkbox"/> LOT COVERAGE	<input type="checkbox"/> PLACEMENT	<input checked="" 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.

Construct a building to house a Calcium Chloride manufacturing Plant. The large size of the equipment to be installed requires a building height of 103.58'. Adjacent Roofs in the plant are 92'-0", 76'-0", 74'-7" & lower

3. DESCRIBE THE CHARACTERISTICS OF YOUR PROPERTY WHICH REQUIRE THE GRANTING OF A VARIANCE (INCLUDE DIMENSIONAL INFORMATION)

- TOO NARROW ELEVATION SOIL
- TOO SMALL SLOPE SUBSURFACE
- TOO SHALLOW SHAPE OTHER (SPECIFY)

The height allowed by the zoning ordinance is only 30' which is too short for the proposed building

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? With respect to this project only - Not granting the variance could completely stop the project.

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 IT IS REASONABLY ADAPTED?

- YES NO. IF YES, HOW? Almost all industrial applications in a chemical plant will require a variance in the 30' height limitation.

E. IS THE VARIANCE APPLIED FOR DUE TO UNIQUE CIRCUMSTANCES PRESENT 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 Unique, with respect to the manufacturing of chemicals - A height variance is required to allow a chemical plant to operate.

F. WOULD GRANTING THE VARIANCE CHANGE THE ESSENTIAL CHARACTER OF THE AREA?

- YES NO. IF YES, HOW? Note: the 103' height is only 11' taller than an existing adjacent Roof Peak

G. WOULD GRANTING THE VARIANCE BE CONTRARY TO ANY COUNTY DEVELOPMENT PLANS? YES NO. OR TO ANY LOCAL GOVERNMENT DEVELOPMENT PLANS?

YES NO. EXPLAIN Re-use of the former Akzo Plant by Amber Chemical is in compliance with the local governments development plans.

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 Applicant shall install fire protection as a condition of this variance.

C. APPEAL FROM ADMINISTRATIVE DECISION N/A

THE APPELLANT RESPECTFULLY REQUESTS THE BOARD OF APPEALS TO (REVERSE / MODIFY) THE ZONING ADMINISTRATOR'S DECISION (COPY ATTACHED) ON APPLICATION NO. _____ 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 N/A

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? Positive - Job Creation, re-use of abandoned industrial property. Negative - Increase in truck, rail & ship traffic, Increase in noise and a new exhaust stack.

B. HOW DO YOU PROPOSE TO MINIMIZE ANY POTENTIAL NEGATIVE IMPACTS WHICH YOUR PROPOSED ACTIVITY MAY CAUSE? 1) Main street is a designated truck route, adequate facilities exist for rail and ship traffic. 2) Increase in noise levels will be monitored and if a problem exists, the applicant will comply w/ any applicable ordinances. 3) MDR-A Air Quality Permit will monitor & control emissions in accordance with the permit guidelines.

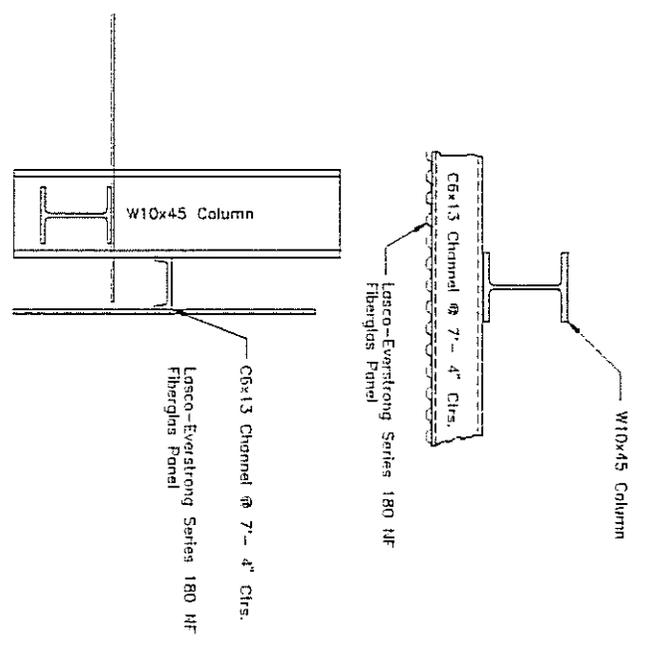
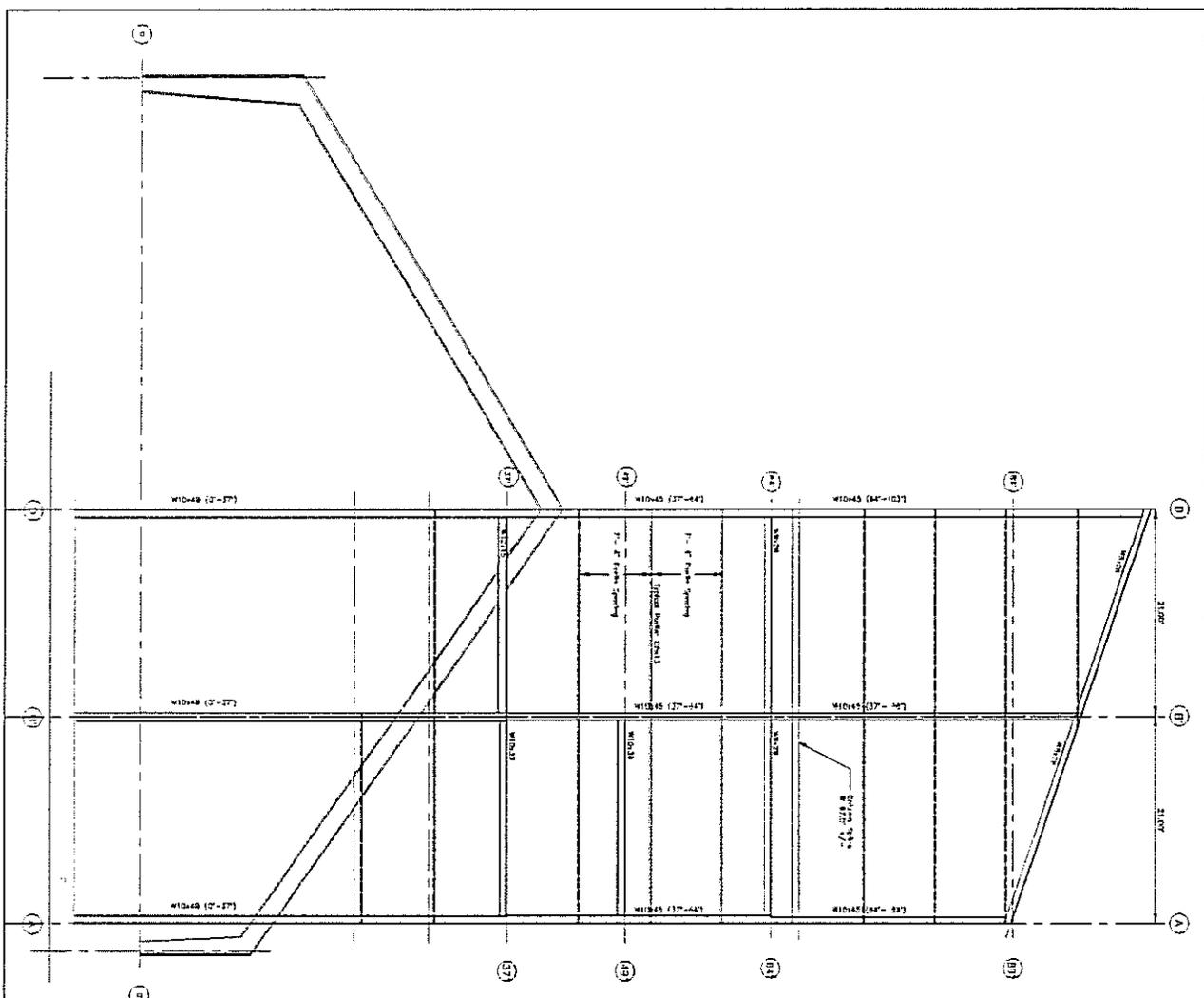
V. AFFIDAVIT

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.

DATE 9/11/96 SIGNATURE(S) [Signature]

AMBAR

West Elevation



INA Inland Northwest Engineering & Surveying 1000 N. 1st St. Spokane, WA 99201 (509) 325-1111 Fax: (509) 325-1112	RODRIGUEZ & ASSOCIATES, INC. 1000 N. 1st St. Spokane, WA 99201 (509) 325-1111 Fax: (509) 325-1112
PROJECT: Wood Elevation Dwg DATE: 4-22-06 DRAWN BY: JIM S. CHECKED BY: JIM S. SCALE: 1/8" = 1'-0"	CONTRACTOR: JAMES PARTNER PLUMB
PRELIMINARY ELEVATION FOR APPROVAL BY: JIM S. DATE: 9/7/96	DESCRIPTION W. ELEVATION DATE: 9/7/96
SHEET 9056-1	SHEET 8
DATE: 4-22-06	DATE: 9/7/96



616-723-2558
FAX 616-723-1546

70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

September 12, 1996

Dear Zoning Board of Appeals Member:

The City of Manistee Zoning Board of Appeals will hold a meeting on Monday, September 23, 1996 at 7:00 p.m. in the Council Room of City Hall, 70 Maple Street, Manistee, Michigan. The purpose of this hearing is to consider a request from:

NAME: Steve Mellott
Kay Wagner

ADDRESS: 506 Third Street
Manistee, MI 49660

LOCATION OF REQUEST: 523 Second Street

ACTION REQUESTED: Variance to side-yard set-back from ten feet to one foot nine inches to allow extension of existing line of house approximately four feet.

Please advise this office at least five days prior to the date of the meeting if you will be unable to attend, so an alternate member can be notified to attend in your place. Any relevant materials are enclosed for your review if available.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Code Administrator

JRR:djm

Enclosure

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

In the Matter of: Steven Mellot / Kay Wagner
506 Third Street
Manistee MI 49660

Appeal Docket: 9606
Parcel Number: 51-51-364-714-02
Property Address: 523 Second Street

Action Requested: Variance to side-yard set-back from ten feet to one foot nine inches to allow extension of existing line of house approximately four feet.

Findings of Fact:

1. Do 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 Land Use District?
 YES NO
2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?
 YES NO
3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?
 YES NO
4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?
 YES NO

NOTE: IN ORDER TO COMPLY WITH STANDARDS AS ESTABLISHED IN MICHIGAN COURTS AND THE REQUIREMENTS OF THE ORDINANCE, ALL OF THE ABOVE ITEMS MUST BE ANSWERED 'YES', OTHERWISE NO VARIANCE CAN BE ISSUED.

(OVER)

5. Do the reasons set forth in the application justifying the variance and is the requested variance the minimum variance that will make possible the reasonable use of the land, building or structure?
 YES NO
6. Does the requested variance include the allowance for a use which is not permitted in the Land Use District in question?
 YES NO [If Yes, the variance CANNOT be granted]
7. Are there any conditions, safeguards or guarantees, in conformity with the Ordinance, that the Board feels are necessary if a variance is granted?
 YES NO

If yes, the required conditions, safeguards and/or guarantees shall be (including reasons for the requirement):

8. Other pertinent facts concerning the matter:
-
-
-
-
-

9. Motion on the request, which includes a restatement of all of the above facts and final action of the Board:

Motion by:

Supported by:

MOTION WAS APPROVED UNANIMOUSLY

MOTION WAS APPROVED BY ___ to ___ VOTE
 SUPPORTING MOTION:
 OPPOSED TO MOTION:

MOTION WAS DENIED BY ___ to ___ VOTE
 SUPPORTING MOTION:
 OPPOSED TO MOTION:

CITY OF MANISTEE
Michigan

COUNCIL GOVERNMENT
CITY MANAGER PLAN
P.O. BOX 358
MANISTEE, MICHIGAN 49660

DEMAND FOR APPEAL

TO: MANISTEE CITY ZONING BOARD OF APPEALS

BY: STEVEN MELLOR/KAY WAGNER
NAME OF APPLICANT

506 THIRD STREET
ADDRESS OF APPLICANT

MANISTEE MICHIGAN 49660
CITY, STATE AND ZIP CODE

723-4535
TELEPHONE NUMBER - HOME AND BUSINESS

FOR OFFICE USE ONLY	
APPEAL NUMBER	91006
DATE RECEIVED	9-10-96
TAX PARCEL NUMBER	51-51-364-714-02
FEE RECEIVED (AMOUNT & DATE)	fee-waived
RECEIPT NUMBER	n/a
HEARING DATE	9-23-96
BOARD OF APPEALS ACTION	
DATE	
FILE NO'S OF PREVIOUS ACTIONS	

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: W¹/₂ LOT 1 BLOCK 9 CLARA E. MARSH'S ADDITION TO THE CITY OF MANISTEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 OF DEEDS, PAGE 176 - ADDRESS 523 SECOND STREET

TAX ROLL PARCEL DATA PROCESS NUMBER: 51 - 51 - 364 - 714 - 02

ADDRESS OF PROPERTY: 523 SECOND STREET, MANISTEE

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

(CONTINUED)

- D. THIS AREA IS: UNPLATTED, PLATTED, WILL BE PLATTED.
IF PLATTED, NAME OF PLAT LOT 1 BLOCK 9 CLARA E. MARSH ADDITION TO THE CITY OF MANISTEE
- E. ATTACH A SITE PLAN DRAWN TO THE SCALE OF ONE (1) INCH EQUALS TEN (10) FEET, SHOWING ALL EXISTING STRUCTURES ON THE PROPERTY, ALL PROPOSED STRUCTURES AND MARKING THOSE STRUCTURES THAT WILL BE REMOVED OR RAZED. ALSO THE GENERAL SHAPE, SIZE AND LOCATIO OF ALL EXISTING STRUCTURES WITHIN 100 FEET OF THE PROPERTY ALONG WITH THEIR USES SHALL ALSO BE DEPICTED ON THE SITE PLAN, ALONG WITH ALL ABUTTING ROADS, STREETS, ALLEYS OR EASEMENTS.
- F. PRESENT USE OF THE PROPERTY IS SINGLE FAMILY - RESIDENTIAL
- G. PRESENT ZONING DISTRICT CLASSIFICATION OF THE PROPERTY IS: R-4
- H. A PREVIOUS APPEAL (HAS / ~~HAS NOT~~) BEEN MADE WITH RESPECT TO THESE PREMISES IN THE LAST ONE YEARS. IF A PREVIOUS APPEAL, REZONING OR SPECIAL USE PERMIT APPLICATION WAS MADE, STATE THE DATE, NATURE OF ACTION REQUESTED AND THE DECISION:
DATE 8-17-96 ACTION REQUESTED FOUR FOOT ADDITION TO WEST SIDE OF HOUSE FOR NEW STAIRWELL TO SECOND FLOOR
DECISION (APPROVED / ~~GRANTED~~) 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 BOUNDRIES ON THE _____ ZONING DISTRICT MAP AS APPLIED TO THE PROPERTY DESCRIBED IN THE APPLICATION.
 - (B) THE PROVISIONS OF ARTICLE 46 SECTION 4604 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 INADEQUATE STAIRWELL AND LANDING TO BASEMENT, CURRENTLY A SAFETY HAZARD IN VIOLATION OF BUILDING CODE

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"/> SIDEYARD	<input type="checkbox"/> OFFSTREET 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. ADDITION OF 3'-3" TO SOUTH (BACK) OF HOUSE FOR NEW EGRESS DOOR AND NEW LANDING AND STAIRS TO BASEMENT. THE EAST PROPERTY LINE IS 1'-9" FROM THIS REQUESTED ADDITION TO THE BUILDING.

3. DESCRIBE THE CHARACTERISTICS OF YOUR PROPERTY WHICH REQUIRE THE GRANTING OF A VARIANCE (INCLUDE DIMENSIONAL INFORMATION)

- TOO NARROW ELEVATION SOIL
- TOO SMALL SLOPE SUBSURFACE
- TOO SHALLOW SHAPE OTHER (SPECIFY)

THE LOT SIZE IS AVERAGED AT 33'-8" WIDE AND 130'-2" DEEP.
THE HOUSE ON THIS LOT IS CURRENTLY 20' WIDE WHICH MEANS IT
IS CLOSER TO SIDE PROPERTY LINES THAN ARTICLE 46 SECTION 4604
ALLOWS WITHOUT VARIANCE APPROVAL OF LOCAL ZONING ORDINANCE.

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? CURRENTLY IN VIOLATION OF BUILDING
CODE REQUIREMENTS

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 IT IS REASONABLY ADAPTED?

- YES NO. IF YES, HOW?

E. IS THE VARIANCE APPLIED FOR DUE TO UNIQUE CIRCUMSTANCES PRESENT 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 OLDER HOMES
THROUGHOUT COMMUNITY DO NOT MEET CURRENT CODE REQUIREMENTS

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 THE ZONING ORDINANCE REQUIRES A 10 FOOT SIDE YARD SETBACK UNDER NORMAL CIRCUMSTANCES

I. OTHER COMMENTS IN SUPPORT OF THE APPLICATION VARIANCE WOULD ALLOW PROPERTY OWNERS TO MEET BUILDING CODE REQUIREMENTS AND INCREASE THE SAFETY OF PERSONS WHO WOULD RESIDE IN THIS HOUSE.

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 NO. _____ 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? THE REMODELED HOUSE WILL BE VERY ATTRACTIVE COMPARED TO THE CONDEMNED CONDITION IT IS NOW IN.

B. HOW DO YOU PROPOSE TO MINIMIZE ANY POTENTIAL NEGATIVE IMPACTS WHICH YOUR PROPOSED ACTIVITY MAY CAUSE? DAILY CLEAN-UP OF CONSTRUCTION SITE. REGULAR COMMUNICATION WITH ADJACENT NEIGHBORS TO EXPLAIN WHAT ACTIVITIES WILL BE FORTHCOMING EACH WEEK DURING THE CONSTRUCTION PHASE.

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.

DATE 9-10-96 SIGNATURE(S) Ray E. Wagner

CEDAR STREET

PRINTED SCALE: 1"=10'-0"

521
SECOND
STREET

16'-6"

10'-7"

12'-4"

BACK ENTRY
MODIFICATION
REQUEST

(ONE STEP UP)

3'-8"

523
SECOND
STREET

(PREVIOUSLY
APPROVED
ADDITION TO
BUILDING - DATE
OF VARIANCE
HEARING WAS
AUGUST 19, 1996)

22'-0"

26'-0"

22'-6"

9'-0"
4'-0"
5'-0"

21'-0"

17'-0"

12'-0"

525
SECOND
STREET

27'-0"

(NOTE: THESE MEASUREMENTS
ARE TO THE SIDEWALK, NOT THE PROPERTY LINE)

SIDEWALK

