

**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, April 2, 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. Von & Gayle Moriarty
    - 2.
  - B. Questions, Concerns of Citizens in Attendance:
    - 1.
    - 2.
  
- III. Business Session:
  - A. Approval of Minutes (1/12/98)
  - B. Unfinished Business:
    - 1. Von & Gayle Moriarty
    - 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: Board of Appeals Members

FROM: Jon R. Rose   
Community Development Officer

DATE: March 23, 1998

RE: Zoning Board of Appeals Meeting Thursday, April 2, 1998

We will be having a Zoning Board of Appeals Meeting on Thursday, April 2, 1998 at 5:30 p.m. in the Council Chambers. We have received a request from Von & Gayle Moriarty who would like to build a home on the vacant lot North of 523 Spruce Street. The home they plan to build would require a variance to reduce the North side-yard set-back from 10 feet to 7 feet. Enclosed is a copy of the application.

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

JRR:djm

Enclosures

REQUEST FOR APPEAL

CITY OF MANISTEE  
ZONING BOARD OF APPEALS

Von & Gayle Moriarty  
Name

515 Maple St Apt 1  
Address

Manistee MI 49660  
City, State and Zip Code

Phone Numbers (Work) 616 723 9905 (Gayle)  
(Home) 616 399 9147

FOR OFFICE USE ONLY

Appeal Number 9803  
Date Received 3.17.98  
Tax Parcel Number 51.51.311.400.14  
Fee Received (Amt & Date) \_\_\_\_\_  
Receipt Number 1440  
Hearing Date 4.2.98  
Board of Appeals Action Approved

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
- Variance
- Appeal from Administrative Decision
- Other Authorized Review

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: Spruce St

Tax Roll Parcel Code #: 51 51 311 400 14

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. 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 be depicted on the site plan, along with all abutting roads, streets, alleys or easements.

- F. Present use of property is: vacant
- G. Present zoning district classification of the property is: \_\_\_\_\_
- H. A previous appeal (has/has not) been made with respect to these premises in the last 1 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) \_\_\_\_\_
2. Please describe in detail the nature of the problem to be interpreted and the reason for the request: We are asking for 3FT VARIANCE ON NORTH side of lot to meet 10 FT CODE (10 FT FROM PROPERTY LINE)
- 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. Building A home
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) |
- lot is 49.29 X 137.75'. The home we would to build is 50' wide X 54'

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? \_\_\_\_\_

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? \_\_\_\_\_

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 Way H. Moriarty

Date 3-17-98

Signature Janet D. Moriarty

Date 3-17-98

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? Home size is too wide to meet

Building code of 10' front lot lines on side

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 \_\_\_\_\_

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. We have spoke to several of residents/neighbors & they have no objections in the variance & welcome the idea of a home being built.

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? Home size is too wide to meet

Building code of 10' front lot lines on side

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 \_\_\_\_\_

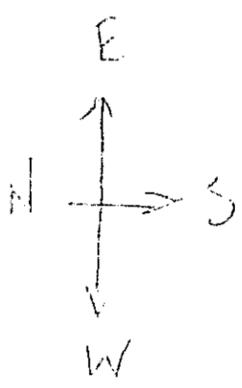
f. Would granting the variance change the essential character of the area?  yes  no. If yes, how? \_\_\_\_\_

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 \_\_\_\_\_

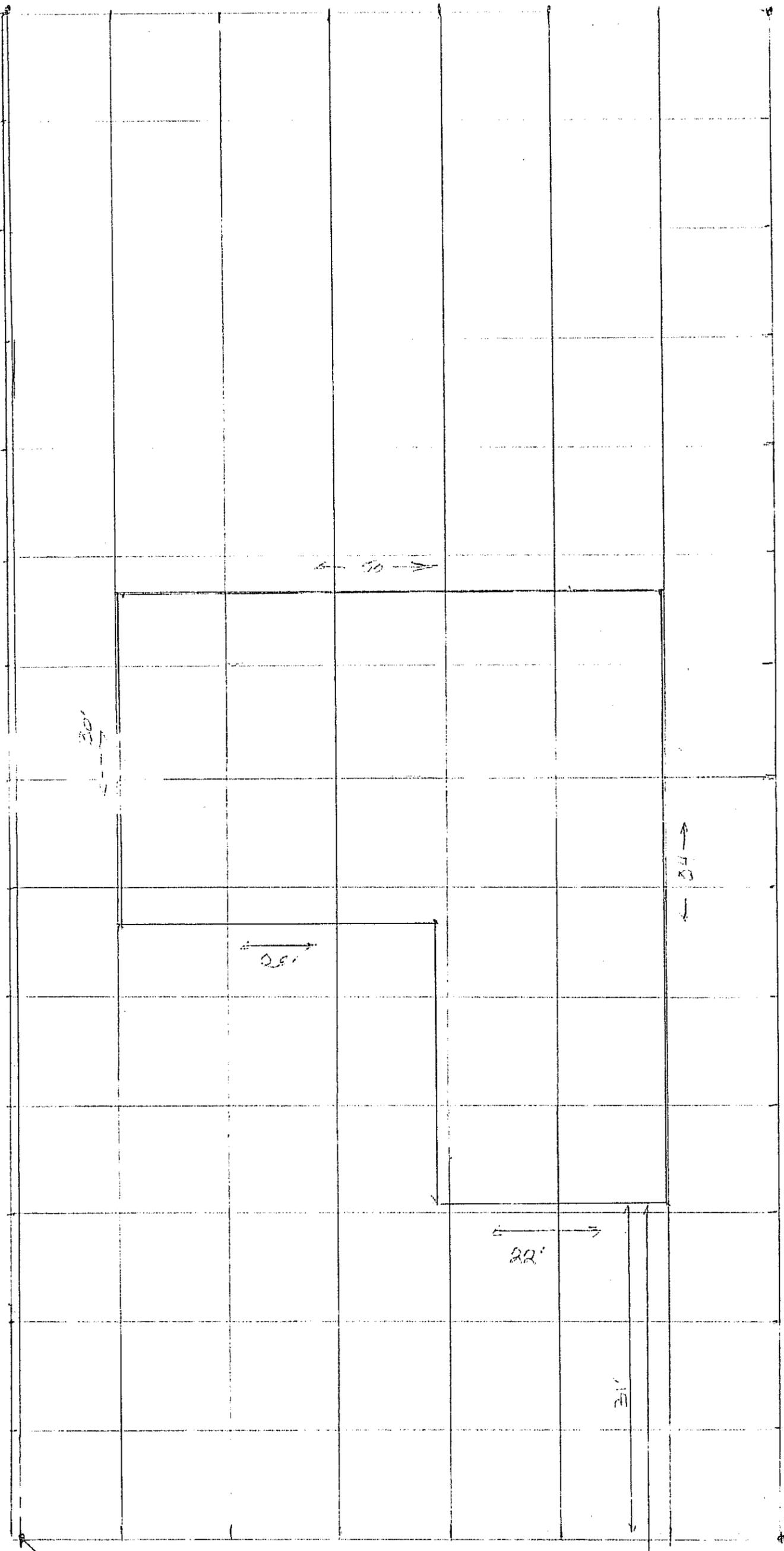
i. Other Comments in support of the application. We have spoke to several of residents/neighbors & they have no objections in the variance & welcome the idea of a home being built.

1" = 10'



137.75'

68.29'



137.75'

68.29'

SPRUCE ST  
PARCEL # 5151 311 400 14

21'

FROM THE DESK OF

RANDY SKJERA  
2189 CHERRY RD.  
MANISTEE, MI 49660  
723-6404

3/18/98

TO JON ROSE AND ZONING BOARD

REGARDING MR. & MRS. VON MORIARTY

They have choosen 515 Spruce St.as their new location to live in Manistee but they need a zoning variance for the size of their new home and I am aware of this so please go ahead and give them what they need so we can proceed with the sale of this lot.

PROPERTY CODE 51-51-311-400-14

I would also like to thank you for making me aware of this activity.

*Sincerely*

*Randy Skjera*

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as Parcel Number 51 51 311 40014

We have no objections of this request of variance.

Sign William C. Fustard date 3-15-98  
Address 512 PINE ST.

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as PARCEL Number 51 51 311 40014

We have no objections of this request of variance.

Sign Linda Smalley date 3-15-98  
Address 520 2nd St

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as PARCEL Number 51 51 311 40014

We have no objections of this request of variance.

Sign Von & Gayle Moriarty date 3/16/98  
Address 471 Fifth St, Manistee, MI 49660

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as PARCEL NUMBER 51 51 311 40014

We have no objections of this request of variance.

Sign Don 3 Reimund date 3-16-98  
Address 432 Spruce St Marquette MI

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as PARCEL NUMBER 51 51 311 40014

We have no objections of this request of variance.

Sign Robert Turner date 2.2.98  
Address 516 Pine St

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as Parcel Number 51 51 311 40014

We have no objections of this request of variance.

Sign Michelle J. Harrod date 3-2-98  
Address 461 1/2 Fifth St Manchester, N.H. 03103

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as Parcel Number 51 51 311 40014

We have no objections of this request of variance.

Sign Beth A. Shively date 3-2-98  
Address 523 Spruce St

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as Parcel Number 51 51 311 40014

We have no objections of this request of variance.

Sign Mrs. Anne Weckert date 3-15-98  
Address 518 Pine St. Manitowish

To Whom It May Concern:

This is regarding Von & Gayle Moriarty, requesting a variance for property located on Spruce St, also known as Parcel Number 51 51 311 40014

We have no objections of this request of variance.

Sign Harold Mitschke date 3-15-98  
Address 481 Bryant Ave Manitowish