

**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, August 3, 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:
 - 1. Manistee Golf & Country Club
 - 2.
 - B. Questions, Concerns of Citizens in Attendance:
 - 1.
 - 2.

 - III. Business Session:
 - A. Approval of Minutes (6/29/00)
 - B. Unfinished Business:
 - 1. Manistee Golf & Country Club
 - 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 *M.W.N.*
Building/Zoning

DATE: July 27, 2000

RE: Zoning Board of Appeals Meeting

We have scheduled a Zoning Board of Appeals meeting for Thursday, August 3, 2000 at 5:30 p.m.,

A request has been received from the Manistee Golf & Country Club. The request is to reverse the Zoning Administrator's interpretation which resulted in the denial of a Land Use Permit for removal of sand from the golf course. If reversed, sand would be trucked out using City streets.

A copy of the request is enclosed along with a letter from Jon Rose dated July 25, 2000.

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

MANISTEE GOLF & COUNTRY CLUB
Name

500 CHERRY
Address

MANISTEE MI 49665
City, State and Zip Code

Phone Numbers (Work) 733-2500
(Home) _____

FOR OFFICE USE ONLY

Appeal Number 20000
Date Received 7-25-00
Tax Parcel Number 51-51-310-400-01
Fee Received (Amt & Date) 250.00 7-24-00
Receipt Number 4373
Hearing Date August 3, 2000
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:

- | | |
|---|--|
| <input type="checkbox"/> Ordinance or Map Interpretation | <input type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Appeal from Administrative Decision | <input type="checkbox"/> Other Authorized Review |

II. PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: _____

Tax Roll Parcel Code #: 515131040001

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: MANISTEE GOLF & COUNTRY CLUB

D. This area is: Not platted, Platted, Will be Platted

If Platted, Name of Plat: HARBOR VIEW SUBDIVISION

E. Present use of property is: RECREATION GOLF COURSE

F. Present zoning district classification of the property is: R1

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: NO PREVIOUS APPEAL

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: _____

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 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. _____

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 type="checkbox"/> Other (Specify) |

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? _____
- 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. _____

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 see letter dated 7-25-00. It is alleged the Zoning Administrator erred in (the interpretation of article R-1 section / his order/his requirement/ his decision/his determination) regarding the issuance of a LAND USE permit and that (reversal/modification) of said decision should be granted because REMOVAL OF THE SAND HAS RECENTLY BECOME A CRUCIAL MAINTENANCE ISSUE TO PRESERVE THE NO. 16 FAIRWAY AND GREEN

Specify decision sought: REMOVAL OF SOME SAND FROM HILL NEXT TO NO. 16 GREEN TO PREVENT GREEN FROM BEING CHIPPED OFF BY THE BLOWING SAND AND BUNK RUINED

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 IMPACT

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 [Handwritten Signature]

Date 7-21-00

Signature William Wahlquist

Date 7-21-00



231-723-255
FAX 231-723-154

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

July 25, 2000

Manistee Golf & Country Club Board
c/o Bill Dalquist
944 W. Preuss Road
Manistee, MI 49660

Good Morning!

This letter is to inform you that as the Zoning Administrator for the City of Manistee it is my interpretation of the Zoning Ordinance that the removal of sand from the sand dune at the Country Club would be classified as a Sand Mining Operation. Sand Mining is not a permitted use in the R-1 Zoning District.

If you wish to proceed with your project you can make an appeal to the Zoning Board of Appeals. If you have any questions, please call me at 723-2558.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community development

JRR:djm