

**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, December 13, 2001 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan.

**AGENDA**

- I. Roll Call
  
- II Public Hearing:
  - 1. Portia Smith, 337 First Avenue
  - 2.
  
- III Business Session:
  - A. Approval of Minutes (11/19/01)
  - B. Unfinished Business:
    - 1. Portia Smith, 337 First Avenue
    - 2.
  
  - C. Other Business:
  
- IV Questions, Concerns of Citizens in Attendance
  
- V. Adjournment

cc: Zoning Board of Appeals Members  
Bruce Gockerman, City Attorney  
Jon R. Rose, Community Development  
Mark W. Niesen, Building/Zoning  
Mitch Deisch, City Manager  
Julie Beardslee, City Assessor

## MEMORANDUM

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TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen  
Building/Zoning

DATE: November 29, 2001

RE: Zoning Board of Appeals Meeting, December 13, 2001

We will hold a Zoning Board of Appeals Meeting on Thursday, December 13, 2001 at 5:30 p.m. in the Council Chambers. The meeting is being held in response to the following request:

1. Portia Smith, 337 First Avenue. Ms. Smith is requesting a variance to reduce the front-yard set-back from 58 feet from the centerline of the street to 37 feet from the centerline of the street to construct a porch.

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

MWN:djm

### REQUEST FOR APPEAL

## CITY OF MANISTEE ZONING BOARD OF APPEALS

PORTIA A. SMITH

Name

1876 WEDGEFIELD

Address

JACKSON, MI 49201

City, State and Zip Code

Phone Numbers (Work)

(Home) (517) 783-6951

#### FOR OFFICE USE ONLY

Appeal Number 21013

Date Received 11-20-01

Tax Parcel Number 51-51-274-704-17

Fee Received (Amt & Date) 11-20-01 \$250.00

Receipt Number 0983

Hearing Date 12-13-01

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
- Variance
- Appeal from Administrative Decision
- Other Authorized Review

#### PROPERTY INFORMATION:

A. Legal description of property affected by this appeal: THORP'S ADDITION LOTS 9+10  
Block C ADDRESS: 337 FIRST AVE

Tax Roll Parcel Code #: 51-51-274-704-17

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: THORP'S ADDITION TO THE CITY OF MANISTEE

E. Present use of property is: UNINHABITABLE - MAJOR REMODEL  
IN PROGRESS

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

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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: \_\_\_\_\_

III. DETAILED REQUEST AND JUSTIFICATION

A. Interpretation of Zoning Ordinance or Map

- 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 \_\_\_\_\_ Article \_\_\_\_\_ Section \_\_\_\_\_ of the Manistee City Zoning Ordinance.
  - (C) Other, (specify) \_\_\_\_\_

2. Please describe in detail the nature of the property 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 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 A 5' FRONT PORCH THE LENGTH OF THE NORTH SIDE 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) |

EXISTING HOUSE IS 42' TO CENTER.  
ADDING A 5' PORCH MAKES IT 37' TO CENTER.

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? INABILITY TO ADD A DECORATIVE FRONT PORCH TO BLEND W/THE NEIGHBORHOOD

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). THE HOUSE IS CLOSE TO 100 YRS OLD & BUILT VERY CLOSE TO THE ROAD.

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? THE HOUSE HAS OLDER HOMES TO ITS EAST & A HARBOR VILLAGE COTTAGE ON THE WEST. THE PLAN IS TO REMODEL THE HOME TO BLEND W/BOTH NEIGHBORHOODS. A PORCH WILL DO THAT.

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 THE HOUSE WAS ORIGINALLY BUILT BEFORE CURRENT ORDINANCES WERE IN EFFECT.

f. Would granting the variance change the essential character of the area?  yes  no. If yes, how? ALL THE HOMES IN THE ADJOINING OLD NEIGHBORHOOD ARE CLOSE TO STREET.

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. MAXIMIZE CURB APPEAL. ENHANCE NEIGHBORHOOD.

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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: 21' VARIANCE - REDUCE SET BACK FROM 58' to 37'

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? BLENDING INTO THE NEIGHBORHOOD - BRIDGE OLD NEIGHBORHOOD WITH NEW (HARBOR VILLAGE)

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

V. AFFIDAVIT

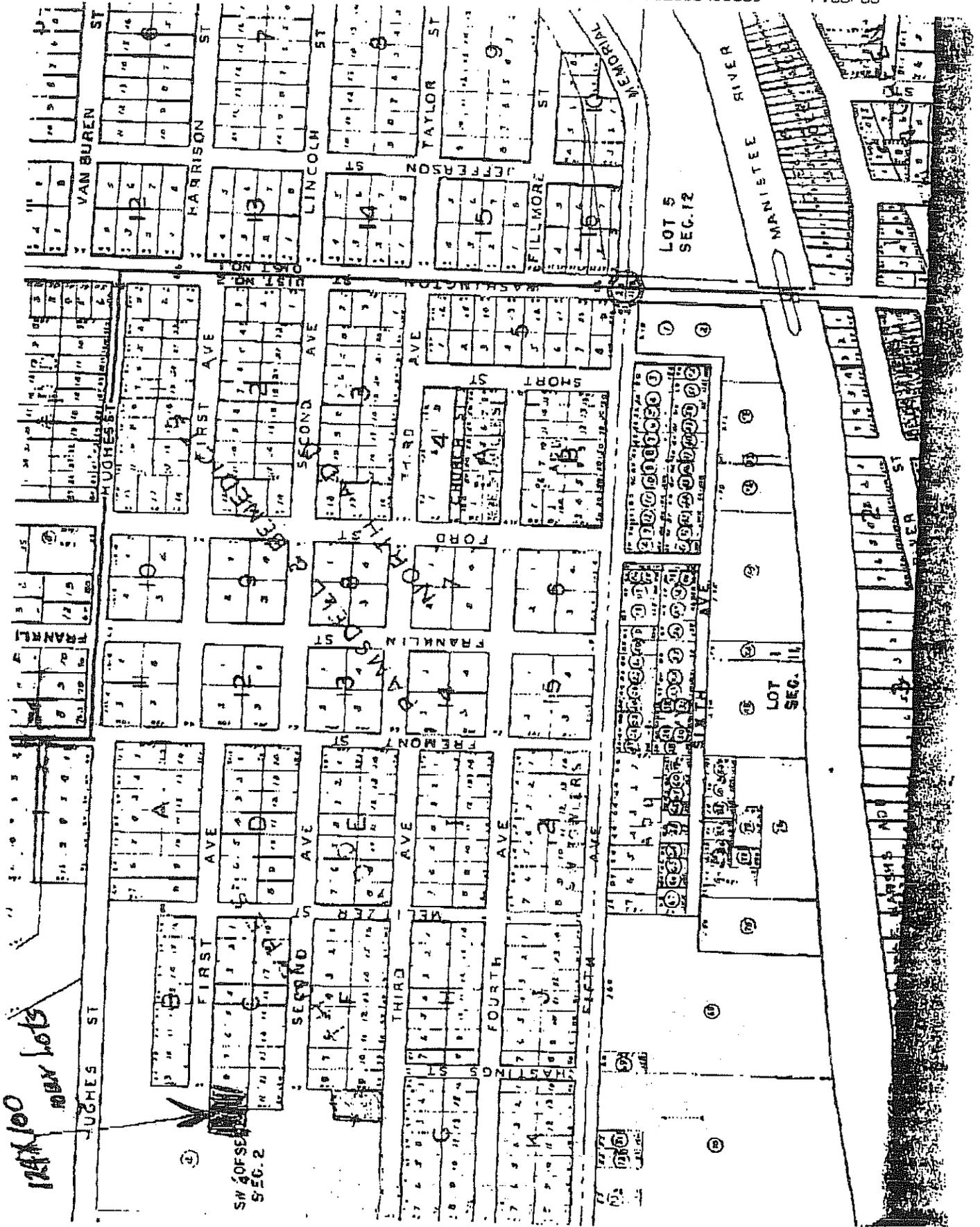
The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms 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 11-15-01

Signature \_\_\_\_\_

Date \_\_\_\_\_



12x100  
box lots

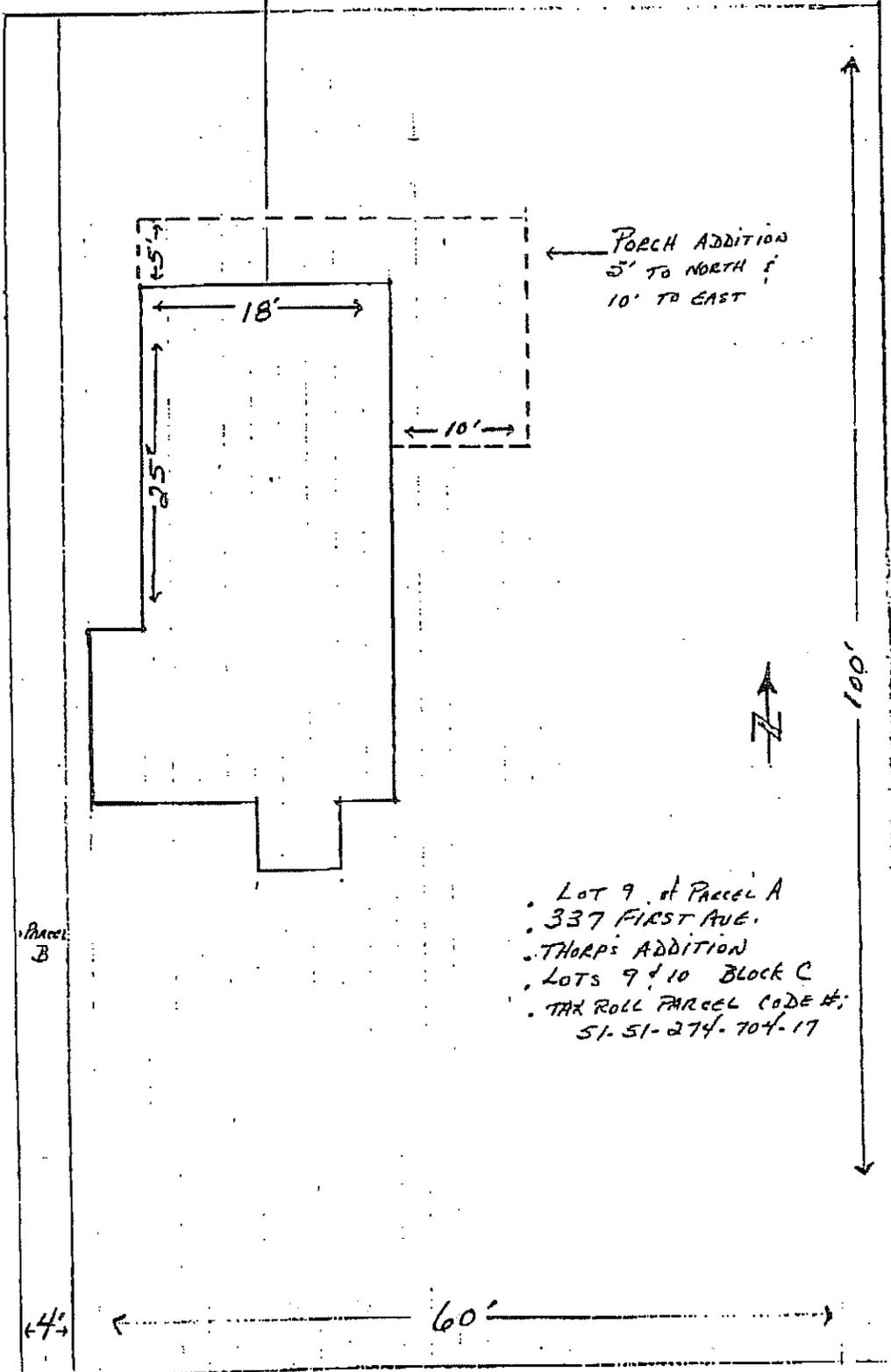
SW 1/4 SEC. 2  
SEC. 2

LOT 5  
SEC. 12

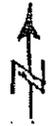
LOT  
SEC. 11

First Avenue

42' TO CENTER



← PORCH ADDITION  
5' TO NORTH &  
10' TO EAST



Parcel B

- LOT 9 of Parcel A
- 337 FIRST AVE.
- THORP'S ADDITION
- LOTS 9 & 10 BLOCK C
- TAX ROLL PARCEL CODE #:  
51-51-274-704-17

← 4' →

← 60' →

100'