

**City of Manistee**  
**Zoning Board of Appeals**  
City Hall  
70 Maple Street  
Manistee, Michigan

There will be a meeting of the City of Manistee Zoning Board of Appeals to be held on Thursday, January 9, 2003 at 5:30 p.m. in the Council Chambers, 70 Maple Street, Manistee, Michigan

**AGENDA**

- I Roll Call
  
- II Public Hearing:
  - 1. Manistee Inn & Marina
  - 2.
  
- III Business Session:
  - A. Approval of Minutes (11/26/02)
  - B. Unfinished Business:
    - 1. Manistee Inn & Marina
    - 2.
  - C. Other Business:
    - 1. By- Law Review
    - 2. Election of Officers
  
- IV Questions, Concerns of Citizens in Attendance
  
- V Adjournment

cc: Zoning Board of Appeals Members  
Bruce Gockerman, City Attorney  
Mark W. Niesen, Building Inspector  
Mitch Deisch, City Manager  
Julie Beardslee, City Assessor

# MEMORANDUM

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TO: Zoning Board of Appeals Members

FROM: Mark W. Niesen  
Building Inspector M.W.N.

DATE: December 27, 2002

RE: Zoning Board of Appeals Meeting, January 9, 2003

The Zoning Board of Appeals will be meeting on Thursday, January 9, 2003 at 5:30 p.m. for the following request:

1. Manistee Inn and Marina, 378 River Street. The Manistee Inn and Marina would like to construct porches/decks on the rear of their building overlooking the River. This would require a variance to the waterfront set-back from 50 feet to 39 feet. The building is currently 46 feet from the water (4 feet into the set-back), the porches/decks would be approximately 6 feet out from the building.

This project is located in the Historic Overlay District and final design plans are subject to Historic Approval. A copy of the request is enclosed for your review.

2. By-Laws. Enclosed is a "clean" copy of the By-Law update. If the new By-Laws are adopted at this meeting it will impact the election of Officers by electing a Chair, Vice Chair, and Secretary. If the By-Laws are not adopted at this meeting we will operate under the current By-Laws and elect a Chair and Vice Chair/Secretary.
3. Election of Officers. The Election of Officers is scheduled for the first meeting of the year. At this time the meeting will be turned over to Mark Niesen who will take nominations for the Election of Officers.

After doing a Staff review of the proposed sign for The Hitching Post, 84 Cypress Street it was discovered that by installing a pole sign instead of a ground mount sign no variance would be necessary. The owner decided to proceed with the pole sign - no variance is necessary.

If you have any questions, please call me at 723-2558.

MWN:djb

REQUEST FOR APPEAL

CITY OF MANISTEE  
ZONING BOARD OF APPEALS

Manistee Inn & Marina

Name

378 River St

Address

Manistee, MI 49660

City, State and Zip Code

Phone Numbers (Work) 231-723-4000

(Home) 231-723-4000

FOR OFFICE USE ONLY

Appeal Number \_\_\_\_\_

Date Received 12-17-02

Tax Parcel Number 452-702-01

Fee Received (Amt & Date) 250.00 12-17-02

Receipt Number 1768

Hearing Date 1-9-03

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

**II. PROPERTY INFORMATION:**

A. Legal description of property affected by this appeal: \_\_\_\_\_

Tax Roll Parcel Code #: \_\_\_\_\_

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: Shreekrishna Motel Inc. 378 River St, Manistee, MI 49660  
First Eagle National Bank, 1040 W. Lake St, Hanover Park, IL 60133

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

E. Present use of property is: Hotel and Marina

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

- 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: N/A Action Requested: N/A  
Decision ( approved/  denied) other: N/A

### III. DETAILED REQUEST AND JUSTIFICATION

#### A. Interpretation of Zoning Ordinance or Map

1. 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 checked="" 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. Small porches to be put on all five view rooms. Porches will be 6 feet out from building. Using driveway space. 39' for set back building is 46' from water
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). \_\_\_\_\_

*N/A*

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 \_\_\_\_\_ 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? We see no negative impacts to the surrounding area or to neighbors. Actually, we'll be able to make our building more like our neighbors (both have decks). Porches will make the river area more appealing.
- B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? We would like to have the city and our neighbors to give us their opinions on this improvement. We are willing to work with anyone who sees this as being a negative impact. We see no negative impacts.

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 *John M. Manistee* (authorized agent for owner) Date 12/16/02

Signature \_\_\_\_\_ Date \_\_\_\_\_

2" PIPE GUANO  
RAIL 3'-6" HIGH  
ON TOP OF YARD  
BY OWNER

EXIST.  
RIVER EDGE

4" H. CURB

4" H. FLEC

↑  
North

REMOVE 1  
EXISTING POOT  
PATCH TO  
EXIST. SURF.

REMOVE WOOD  
LOADING DOCK

REMOVE CONC.  
PAD & DRIVE

ADD CONC.  
CURB @ ENDS of  
PATH ASPHALT AS REQ'D

FIRST FLOOR 100'-2" = 607.0  
LOWER FLOOR 57'-9" = 595.0

ALLEY 16' WIDE  
S. 2° 12' 45" E

Manistee Inn  
378 River Street

REMOVE  
EXIST. DRIVE

ADJACENT  
BUILDING

TOP OF EXIST.  
CONC. (HAS BEEN  
REMOVED)

BUILD  
OF 10  
SURV

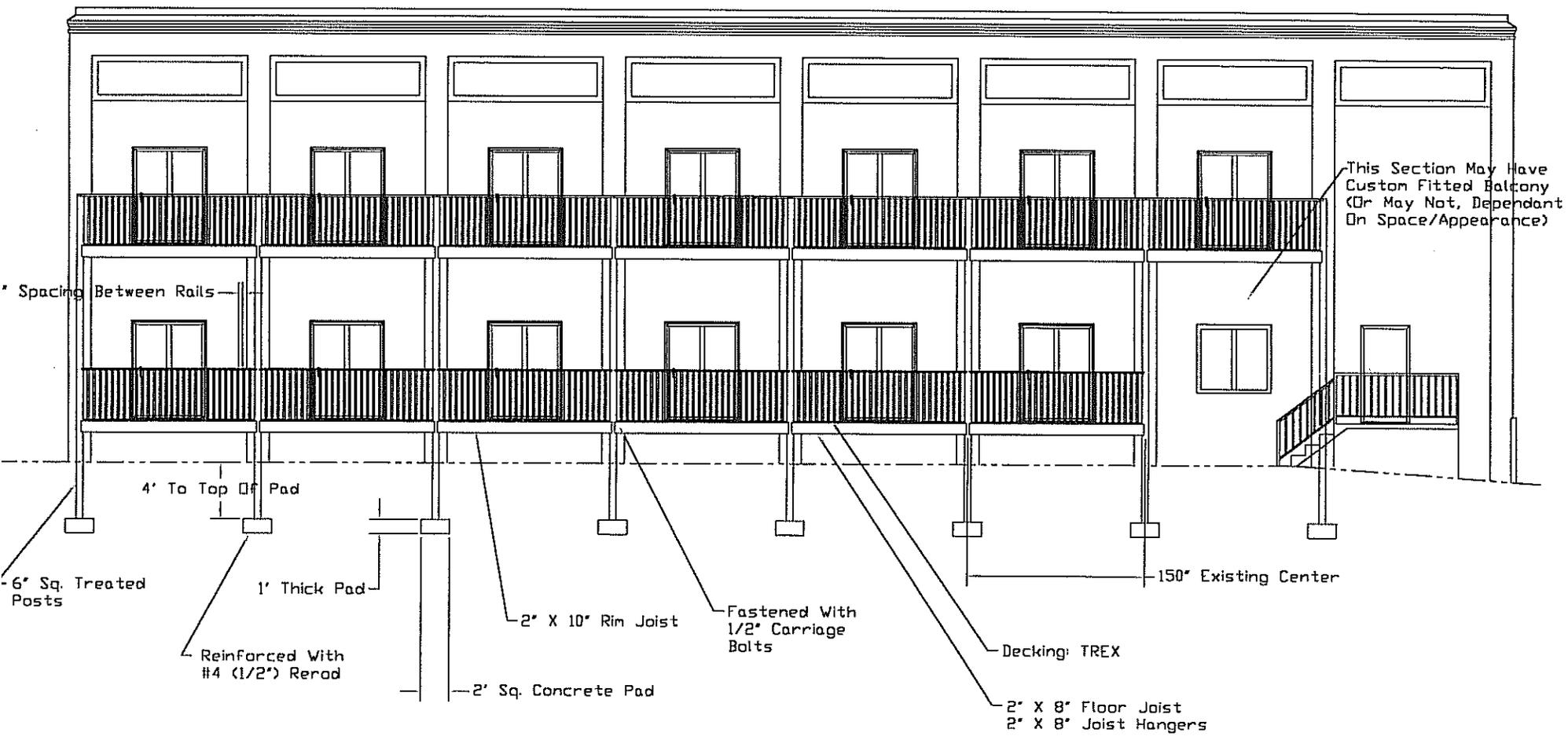
EXIST. DRIVE

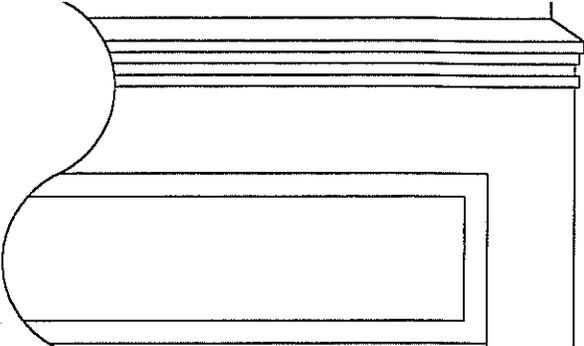
EXIST. CURB & GUTTER

SEE NOTE 5

RIVER STREET

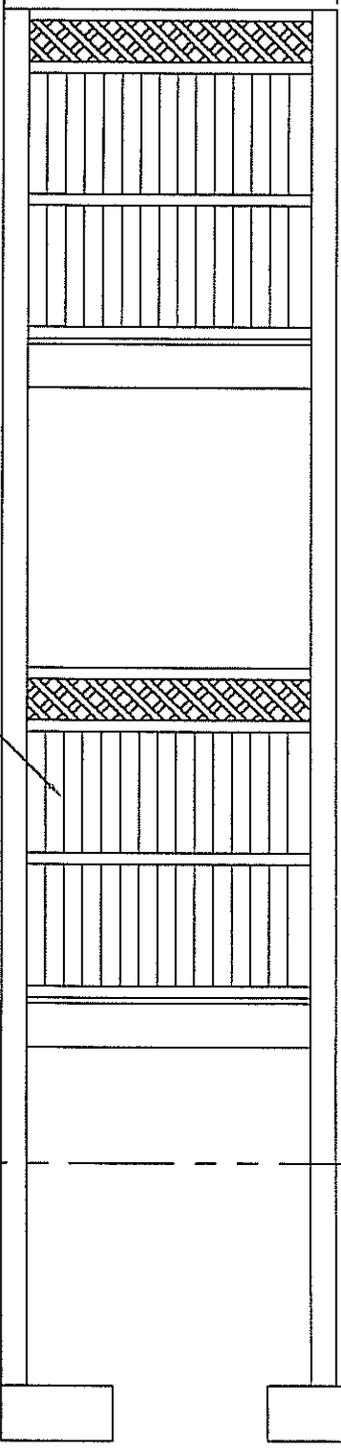
LOTS 10, 11, 12, 13  
AND PART OF LOT





6' From Existing Wall

6' Decorative Privacy Fence



4" To Top of Pad

## **CITY OF MANISTEE ZONING BOARD OF APPEALS BY LAWS AND RULES OF PROCEDURE**

### **Section 1.0 Purpose**

The following rules of procedure are hereby adopted by the City of Manistee Zoning Board of Appeals (hereinafter known as Appeals Board) to facilitate the performance of its duties as outlined in the Manistee City Zoning Ordinance.

### **Section 2.0 Officers**

- 2.1 **Selection.** At the first scheduled meeting of each year, the Appeals Board shall select from its membership a Chairman, Vice Chairman, and Secretary. All officers are eligible for reelection.
- 2.2 **Tenure.** The Chairman, Vice Chairman, and Secretary shall take office at the next meeting after their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- 2.3 **Duties.** The Chairman shall preside at all meetings, and perform such other duties as may be ordered by the Appeals Board. Appoint an acting Secretary for a meeting at which the Secretary is absent.
- 2.4 **Duties.** The Vice Chairman shall act in the full capacity of the Chairman in the absence of the Chairman and in the event the office of the Chairman becomes vacant, the Vice-Chairman shall succeed to this office for the unexpired term and the Appeals Board shall select a successor to the office of Vice-Chairman for the unexpired term.
- 2.5 **Duties.** The Secretary shall execute formal documents in the name of the Appeals Board. The Secretary or his or her designee shall perform the duties hereinafter listed and shall perform such other duties as the Appeals Board may determine. The Secretary shall be responsible for the record and minutes of each meeting. The Secretary shall be responsible for copies of the minutes being distributed to each member of the Appeals Board, prepare an Agenda for each meeting, be responsible for all communications, petitions and reports addressed to the Appeals Board. The Secretary shall keep attendance records and shall notify the City council whenever any member of the Appeals Board is absent from three consecutive regularly scheduled meetings so the City Council can take further action pursuant to Section 4.2 of these rules of procedure and by laws.

### **Section 3.0 Notice of Appeal**

- 3.1 **Filing.** Any interested person, or the person's authorized agent, may appeal or seek a variance in writing on a form provided by the Zoning Administrator at any time, and upon payment of a fee as may be established from time to time by the governing body. A meeting will be scheduled within 30 days of receipt of the appeal.

3.2 Notification.

A. The Secretary or his or her designee shall schedule a meeting date with the Zoning Administrator and the members of the Appeals Board. Members of the Appeals Board will be mailed a notice no later than five (5) days before the scheduled meeting date. The Secretary or his or her designee shall prepare copies of the following for inclusion in the package sent to Appeals Board members:

- (1) copies of the Notice of Appeal or request for a variance form;
- (2) relevant contents of the Zoning Administrator's file, and/or other file(s) on the case;
- (3) other relevant correspondence, permits by other applicable enforcement agencies;
- (4) previous zoning permits and record of appeals board actions concerning the property in question; and
- (5) anything else which is relevant.

B. Notice of such meeting shall be delivered in person or by first class mail to:

- (1) the Manistee City Manager's office,
- (2) any other interested persons,
- (3) the landowner,
- (4) adjacent landowners and occupants,
- (5) and a notice sent by first class mail to the person and/or agent seeking the appeal or variance.

3.3 Deadline for Action. The above notwithstanding, the Appeals Board shall hear the case and render and file its decision with a statement of reasons for the decision with the Zoning Administrator not more than 30 days after receipt of the case, unless a longer period of time is mutually agreed upon by the petitioner and Appeals Board.

3.4 Site Inspection. The Appeals Board, if the chairman considers it necessary, may conduct a site inspection at the site at issue. In such instance, the site inspection shall be posted as part of the public meeting/hearing. A quorum of the Appeals Board shall not ride in the same vehicle to or from a site inspection or to or from a meeting. The site inspection, if posted as part of the same meeting/hearing shall always be held the same day and as the part of the same meeting as the start of the public hearing on the case. Nothing in this paragraph shall prevent members of the Appeals Board from individually and separately visiting a site in question at their own expense and time. A quorum of the Appeals Board shall not make site inspections or otherwise discuss a Notice of Appeal except during posted open meetings of the Appeals Board.

3.5 Notice of Decision. The Secretary, or his or her designate, shall cause to have notices of the Appeals Board decision delivered in person or by first class mail to the Zoning Administrator; and to anyone else requesting a copy in writing. Further, notice of the decision to the petitioner, or his agent, filing the case shall be sent by first class mail.

#### Section 4.0 Meetings.

- 4.1 Regular Meetings. Meetings of the Appeals Board will be called as needed in response to receipt of a Notice of Appeal, so long as the meeting is scheduled within 30 days of the Notice of Appeal. The meeting can be called by the Zoning Administrator of the City of Manistee, the Chairman of the Appeals Board, or, in his absence, the Vice-Chairman.
- 4.2 Attendance.
- A. If any member of the Appeals Board has unapproved absences from three consecutive meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove any member of the Appeals Board for nonperformance of duty or misconduct of office, or both.
  - B. When a petitioner or their agent fails to appear at a properly scheduled meeting of the Board of Appeals, the Chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the chair shall rule. In cases which are dismissed for want of prosecution, the petitioner will be furnished written notice of the action by the Secretary of the Board or his or her designee.
- 4.3 Other meetings. Meetings shall be called by delivering meeting notice by first class mail or by personal delivery to members of the Appeals Board at least five days prior to such meeting and shall state the purpose, time, location of the meeting and shall be posted at the City Hall not more than fifteen (15) days/not less than five (5) days prior to such meeting.
- 4.4 Public. All meetings, hearings, records and accounts shall be open to the public, and posted in compliance with P. A. 267 of 1976, being the Michigan Open Meetings Act.
- 4.5 Quorum. Three (3) members shall constitute a quorum for the transaction of business and the taking of official action for all matters. Whenever a quorum is not present at a meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting when a quorum is present by acting to approve the minutes of the meeting at which the quorum is not present.
- 4.6 Order of Business. Agenda. The Secretary or his designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:
- A. Call to order and roll call.
  - B. Site inspection, then recess (optional, if the meeting is posted to include a site inspection).
  - C. Reconvene and roll call (if following a site inspection).
  - D. Election of officers, if necessary.
  - E. Public Hearings.
  - F. Recess to another night as provided in Section 4.9 of these rules of procedure (optional).
  - G. Approval of Minutes

- H. Business Session.
    - (1) Action on pending case
    - (2) Old Business
    - (3) Other business of the Appeals Board.
  - I. Adjournment.
- 4.7 Speaking at Meetings. The following order shall be followed for speaking during meetings:
- A. The petitioner --through himself, his agent, his lawyer-- may present his case, including presenting witnesses on his behalf. No time limit will be imposed on the petitioner.
  - B. Members of the Appeals Board shall report on their site inspection and any conversations with the petitioner they may have had.
  - C. Members of the public who support the petitioner speak and correspondence is read. At the chairman's option he may:
    - (1) may recess the meeting for a short time to allow those in support to caucus in order to have one speak on their behalf for an unlimited period of time if there are a large number of people present on an issue.
    - (2) may allow many to speak in favor of the petitioner and can impose a time limit for the speaker that is three (3) minutes or more per speaker.
  - D. Members of the public who oppose the petitioner speak and correspondence is read. At the chairman's option he may:
    - (1) may recess the meeting for a short time to allow those in opposition to caucus in order to have one speak on their behalf for an unlimited period of time if there are a large number of people present on an issue.
    - (2) may allow many to speak in opposition of the petitioner and can impose a time limit for the speaker that is three (3) minutes or more per speaker.
  - E. Rebuttal. Any member of the public may ask the Chairman questions on presentations or speeches given at this hearing. The Chairman will seek an answer to the question. Answers shall be given to the Chairman. No discussion, questioning or answering shall take place between any two or more members of the public except between the Chairman and the individual who has the floor.
- 4.8 Comments Out of Order. The chairman shall rule out of order any irrelevant remarks; remarks which are personal, about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or any other remarks which are not about land use.
- 4.9 Recesses. The Chairman may recess a public hearing and/or meeting to another time if the meeting (not including site inspections) has been in session over three hours, or for other reasons. In order for a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess. If a meeting and/or public hearing reconvenes over 36 hours after the action to recess, the reconvened meeting shall be posted at least 18 hours before the time of the reconvened meeting, to comply with Section 4.4 of these rules of procedure. Upon reconvening, a roll call vote shall be taken as the first order of business.

- 4.10 Parliamentary Procedure. Meetings shall be conducted in a formal manner, and parliamentary procedure shall be governed by Roberts Rules of Order if not specifically dealt with in these rules of procedure.
- 4.11 Motions. Motions shall be reiterated by the Chairman before a vote is taken.
- 4.12 Voting. Voting shall be by voice or shall be by roll call and each vote recorded in the minutes. Roll call votes shall only be done upon request of a member or by ruling of the Chairman. A quorum of three (3) regular or alternate members, with a maximum of five (5) members, must be present to take any action. A Motion is only adopted if three or more of the members of the Appeal Board casts their votes in favor of the motion. Members must be present to cast a vote.
- 4.13 Conflict of Interest. As used here a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
- A. A member of the Appeals Board issuing, deliberating, voting or reviewing a case where he/she is:
    - (1) an applicant, or
    - (2) has a direct interest in the case, or
    - (3) chooses to intervene in a case and is done in such a manner that the appeals member feels, in his/her judgement, that his/her job, scope of duties and/or position may be a risk, pending the outcome of the permitting process.
  - B. A member of the Appeals Board issuing, deliberating, voting or reviewing a case:
    - (1) involving a corporation, company, partnership, or other entity in which he is a part owner, or any other relationship where he may stand to have a financial gain or loss, or
    - (2) which is an action which results in a pecuniary benefit to himself, or
    - (3) concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household.
  - C. The Planning Commission Representative to the Appeals Board will abstain from any case where as a member of the Planning Commission he or she made a decision which resulted in the appeal.
  - D. When a member of the Appeals Board determines a conflict of interest exists he or she shall do the following immediately:
    - (1) notify staff and Chair to allow opportunity to contact an alternate member, and
    - (2) declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up so such declaration is recorded in the minutes, and
    - (3) refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
    - (4) refrain from casting a vote on any motion having to do with the case.

## Section 5.0 Records

- 5.1 Preparation. A record of each meeting, including hearings and site inspections, shall be prepared by the Secretary, or his or her designate.
- 5.2 Content/Retention.
- A. The original minutes from the meeting shall be kept on file by the City Clerk.
  - B. The following items will be placed into the property record file in the City Assessors office:
    - (1) The original request for a variance or notice of appeal, whichever is applicable, including any maps drawings, site plans or other information submitted by the applicant
    - (2) A copy of the meeting posting
    - (3) A copy of the notice of publication to the newspaper
    - (4) A copy of the mailing list, and Affidavit of Mailing
    - (5) Copy of the minutes from the meeting
    - (6) Copy of any correspondence received or sent in regard to the case.
    - (7) A copy of any follow-up correspondence to or from the petitioner regarding the decision.
  - C. The following items will be placed on file in the Zoning Administrators Office:
    - (1) A copy of the meeting agenda
    - (2) A copy of the meeting minutes
    - (3) A copy of the memo sent to the members of the Appeals Board
    - (4) A copy of the variance or notice of appeal, whichever is applicable, including any maps drawings, site plans or other information submitted by the applicant
  - D. Copies of the minutes shall be distributed to each member of the Appeals Board prior to their next meeting.
  - E. A copy of the minutes shall be available to the public within seven days of the meeting by posting a copy in the lobby of City Hall.

## Section 6.0 Per Diem and Mileage

Mileage and per diem may be paid to members of the Appeals Board at rates established by the Manistee City Council for attending Appeals Board meetings, and other authorized meetings and trips, if those members submit a bill for the same. Only mileage may be paid for attendance at site inspection meetings, if those members submit a bill for the same. No mileage or per diem is paid to any members unless authorized and budgeted by the Manistee City Council.

## Section 7.0 Other Duties

The Appeals Board may also formulate and provide advice and may advise policy to the planning commission or any committee thereof, on issues dealing with administration, text, map and enforcement of the zoning ordinance.

**Section 8.0 Adoption and Repeal**

Upon adoption of these rules of procedure by the Appeals Board all previous rules of procedure, as amended, shall be repealed.

**Section 9.0 Amendments**

These rules may be amended at any regular or special meeting by a majority vote of the total members of the Appeals Board, so long as such amendment does not result in a conflict with state law, zoning ordinance or court decision.

**ADOPTED BY CITY OF MANISTEE ZONING BOARD OF APPEALS  
AUGUST 7, 1990.**