

**ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, NOVEMBER 17, 2021
7:00 P.M.
LESLIE CITY HALL**

AGENDA

1. Meeting called to order.
Roll call.
Pledge of Allegiance.
2. Motion to elect a Chair for the Leslie Zoning Board of Appeals.
3. Motion to elect a Vice-Chair for the Leslie Zoning Board of Appeals.
4. Approval of the agenda.
5. Approval of the October 5, 2015 minutes.
6. PUBLIC HEARING:

Case No. 2021-ZBA-1: Matthew & Kimberly Cole
Request: Special exception be made to enable them to use a recreational vehicle as a temporary structure during the construction of their home, permitted under 98-84 (e).

Property Location: 551 Kirby
Tax Parcel I.D.: 33-17-14-21-429-009
Legal Description: COM. AT THE E1/4 COR SEC 21 -S ON E SEC LN 167.64 FT TO C/L KIRBY RD -S63D10'10"W ON C/L 251.79' TO THE POB -S08D19 '57"W 637.18 FT -N89D30'18"W 341.81 FT TO THE E LN OF A 100 FT RR R/W -N29D26'50"E ON E R/W LN 655.66 FT -N63D10'10"E ON C/L OF KIRBY RD 125.28 FT TO THE POB SEC 21 T1NR1W CITY OF LESLIE 3.0 AC. M/L

THIS NOTICE IS SENT TO ALL PROPERTY OWNERS OF RECORD FOR PROPERTY WITHIN 300 FEET OF ANY PORTION OF THE APPLICANT'S PROPERTY.

Case No. 2021-ZBA-2: Megan Cowing
Request: Non-Conforming use to be classified as Class "A" non-conforming with a statement from the ZBA that rebuilding as a Class A non-conforming use would be permitted under 98-109 (2) so long as 98-109 (3) is complied with.

Property Location: 307 Searle
Tax Parcel I.D.: 33-17-14-21-477-005
Legal Description: LSV-636 LOT 5 BLOCK 5 EXC THE SOUTH 4 FT THEREOF
WOODWORTH AND DWIGHT'S ADDITION CITY OF LESLIE
*THIS NOTICE IS SENT TO ALL PROPERTY OWNERS OF RECORD FOR PROPERTY WITHIN
300 FEET OF ANY PORTION OF THE APPLICANT'S PROPERTY.*

Case No. 2021-ZBA-3: Rachelle Motes
Request: Non-Conforming use to be classified as Class "A" non-
conforming with a statement from the ZBA that rebuilding as
a Class A non-conforming use would be permitted under 98-
109 (2) so long as 98-109 (3) is complied with.

Property Location: 420 S. Main
Tax Parcel I.D.: 33-17-14-28-251-005
Legal Description: LSV-397-2D BEG @ A PT 133.5 FTN OF INT OF E LN
ARMSTRONG ST & W LN MAIN ST -N ALNG E LN
ARMSTRONG ST 88 FT -S76D21'E 85.7 FT TO W LN MAIN ST
-S 22D16'E ON W LN 88 FT -NW'LY TO POB SEC 28 T1NR1W
CITY OF LESLIE.13A
*THIS NOTICE IS SENT TO ALL PROPERTY OWNERS OF RECORD FOR PROPERTY WITHIN
300 FEET OF ANY PORTION OF THE APPLICANT'S PROPERTY.*

7. Motion to adjourn Meeting.

LESLIE CITY ZONING BOARD OF APPEALS

Minutes of the October 5, 2015 Meeting

A meeting of the Leslie City Zoning Board of Appeals was held at 6:00 PM on Monday, October 5, 2015 at Leslie City Hall, 107 E. Bellevue Street.

Present: Wayne Babin, Pamela Beegle, William Hinkle, and John Stewart.

Absent: None.

Also Present: City Manager Aaron Desentz, City Clerk Denae Davenport, James and Linda Hanson. Pledge of Allegiance.

1. Motion to elect a Chair for the Leslie City Zoning Board of Appeals.

Motion Stewart, second Beegle to elect Babin as Chair. All ayes. Motion carried.

2. Motion to elect a Vice-Chair for the Leslie City Zoning Board of Appeals.

Motion Beegle, second Stewart to elect Hinkle as Vice-Chair. All ayes. Motion carried.

3. Motion to approve the agenda.

Motion Beegle, second Stewart to approved the agenda. All ayes. Motion carried.

4. Motion to approve the minutes of the last meeting, Feb. 10, 2010.

Motion Stewart, second Beegle to approve the minutes of the February 10, 2010. All ayes. Motion carried.

5. PUBLIC HEARING:

Chair Babin Opened the Public Hearing 6:05 PM

Case No. 2015-ZBA-1:	James Hanson
Request:	Non-Conforming use to be classified as Class "A" to allow a roof extension to be built over existing foundation.
Property Location:	201 Washington
Tax Parcel I.D.:	33-17-14-28-178-004
Legal Description:	Lot 1, Block 1 Hahn's Addition, City of Leslie

Clerk Davenport noted that this notice was sent to all property owners of record for properties within 300 feet of the applicant's property. There have been no comments received at the office regarding this application. Consider Action on Case No. 2015-ZBA-1.

Chair Babin Closed the Public Hearing at 6:10.

6. Consider Action on Case No. 2015-ZBA-1

Motion Beegle, second Stewart to approve Permit 2015-ZBA-1. All ayes. Motion carried.

7. Other Business. None.

8. Motion to adjourn this Meeting.

Motion Hinkle, second Beegle to adjourn the meeting. All ayes. Motion carried.

Respectfully submitted,

Denae Davenport
Leslie City Clerk

Sec. 98-84. - Duties and powers.

- (e) **Special exceptions.** When, in its judgment, the public welfare will be served and the use of neighboring property will not be injured thereby, the board may, in a specific case, after due notice and public hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this chapter in harmony with the general character of the district and the intent and purposes of this chapter. The granting of a special exception shall in no way constitute a change in the basic uses permitted in the district affected nor on the property wherein the exception is permitted. The board may issue either temporary or conditional permits as special exceptions for the following land and structure uses:
- (1) *Temporary permits.* For temporary structures for dwelling purposes, including trailer coaches, subject to the following procedures and limitations:
 - a. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the board on a special form used exclusively for that purpose.
 - b. The board shall give due notice to the applicant and to all property owners within 300 feet of the property affected at least five days before the hearing will be held on such application.
 - c. A temporary permit shall not be granted unless the board finds adequate evidence that the proposed location of use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the county health department.
 - d. The board may impose any reasonable conditions, including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
 - e. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed six months. No permit shall be transferable to any other owner or occupant.

Note: Copies of all previously submitted forms, information and determinations regarding this case shall be attached to this application.

Appeal Number 2021-ZBA-1 Date 9/30/21

Appellant Matthew + Kimberly Cole

**Notice of Appeal to the
City of Leslie- Zoning Board of Appeals
Ingham County , MI**

Appellant Matthew & Kimberly Cole

Address 551 Kirby Road

Owner Matthew & Kimberly Cole

Address 551 Kirby Road Parcel #33-17-14-21-429-009 Phone 517-977-6416 or 517-977-6413

Location of Property located just past the railroad tracks on Kirby to the east of Adams

Instruction to Appellant: Fill in appropriate section 1,2,3 OR 4.

Do Not fill in more than one of these sections. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided on this form is inadequate.

The following is an appeal from a determination made by the zoning ordinance enforcing officer on the following date 6/28, 2021.

Section 1 - Review

The appellant respectfully petitions that the following request be approved:

This request was disapproved by the Zoning Administrator on _____, 20____.
For the following reasons:

Section 2 Interpretation

The appellant respectfully requests that an interpretation be made by the Board of Appeals of Article _____ Article _____ of _____ zoning ordinance.

An appeal is made for an interpretation of the zoning map _____.
An interpretation is requested for the following reason:

Section 3 Variance

The appellant respectfully requests that a variance of the terms of the zoning ordinance be made in the case of the property for following peculiar or unusual conditions are present which justify a variance :

The following hardship will result if the variance is not made:

Section 4 Special Exception

The appellant respectfully requests that the following special exception be made to enable him/her to use his/her property in the following manner:

Please see attached document

Article 98 Section 84(e) of the zoning ordinance authorizes the Board of Appeals to make the special exception requested.

Kevin Ceele 9-28-21
Signature of Applicant Date

Decision

The appeal was: Granted Denied

For the following reasons:

by the Zoning Board of Appeals and that the previous decision of the enforcing officer be:

Confirmed Reversed

City of Leslie Zoning Board of Appeals

_____, Michigan

By: _____ Date: _____

To the Zoning Board of Appeals for City of Leslie,

I am writing you this letter today to request a temporary exemption (section 4 of attached form).

We would first like to inform you that the long-delayed process of securing financing for our build was closed on 9-30-2021 and set to break ground soon after that date. Our goal is to have the structure up by December. We request a special exception to use our property in the following manner-

-Continue the use of our recreational vehicle as a temporary structure during the duration of our build with the contract deadline of 9-30-2022. As we are the general contractors overseeing the project it would be vital that we continue to be on-site to bring this deadline sooner.

-We will continue to maintain proper sanitation and yard maintenance during time of construction.

We would like to apologize for the delay in the project. Due to covid, it kept us from making more progress. We are just as eager to be in our home as you are in seeing it completed.

Thank you for your time.

Sincerely, Matt and Kim Cole



CITY OF LESLIE

602 W. Bellevue • P.O. Box 496 • Leslie, MI 49251-0496
Phone: 517-589-8236 • Fax: 517-878-6868 • Web Site: www.cityofleslie.org

TO: Leslie Zoning Board of Appeals
FROM: Susan Montenegro, City Manager / Zoning Administrator
DATE: 10/26/2021
RE: Zoning Board of Appeals Meeting for October 28, 2021

Request for special exception for 551 Kirby Street to be allow the use of their recreational vehicle as a temporary structure during the construction of their home.

The Zoning Board of Appeals is requested to consider approval of a special exception (Section 98-84(e) of the City of Leslie Code of Ordinances) for the property at 551 Kirby Street. The special exception allows a recreational vehicle to be used as a temporary structure during the construction of a home if approved by ZBA. Anticipated completion date is 9-20-2022.

The property owner will be at the Zoning Board of Appeals meeting on October 28, 2021 to answer any questions the Zoning Board of Appeals may have. If you have any questions of me, please feel free to contact me at the City Offices or via email.

Requested: A motion to approve the special exception for the applicant to use their recreational vehicle as a temporary structure as allowed under Section 98-84(e) of the Leslie Code of Ordinances with a completion date of 9-30-2022.

551 Kirby



NOTICE LESLIE CITY RESIDENTS

PUBLIC HEARING

PLEASE BE NOTIFIED, there will be a meeting of the Leslie City Zoning Board of Appeals:

Location: Leslie City Hall, 602W Bellevue St, Leslie, MI 49251

Date: Wednesday, November 17, 2021

Time: 7:00 P.M.

The following application will be considered:

Case No. 2021-ZBA-1: Matthew & Kimberly Cole

Request: Special exception be made to enable them to use their recreational vehicle as a temporary structure during the construction of their home.

Property Location: 551 Kirby

Tax Parcel I.D.: 33-17-14-21-429--009

Legal Description: COM. AT THE E1/4 COR SEC 21 -S ON E SEC LN 167.64 FT TO C/L KIRBY RD -S63D10'10"W ON C/L 251.79' TO THE POB -S08D19 '57"W 637.18 FT - N89D30'18"W 341.81 FT TO THE E LN OF A 100 FT RR R/W -N29D26'50"E ON E R/W LN 655.66 FT -N63D10'10"E ON C/L OF KIRBY RD 125.28 FT TO THE POB SEC 21 T1NR1W CITY OF LESLIE 3.0 AC. M/L

Tentative text, details, and zoning map are available for public review at Leslie City Offices, 602 W Bellevue Street, during regular business hours: 8:00 am - 4:30 pm, Monday - Friday.

Public comment regarding this Zoning Board of Appeals application will be accepted at the meeting held at **7:00 pm Wednesday, November 17, 2021**. Written comments received at Leslie City Offices, PO Box 496, Leslie MI 49251 prior to November 17, 2021 will also be considered at this meeting.

Chelsea Cox
Leslie City Clerk

Nonconformities in zoning is the source of much confusion

Mary Reilly, [Michigan State University Extension](#) - December 13, 2019

Updated from an original article written by Kurt H. Schindler, Michigan State University Extension.

Zoning cannot be retroactive and has to grandfather existing land uses. Those are called nonconformities which take on many characteristics and are different than zoning violations.

Maybe one of the most confusing parts of zoning and the source of misunderstanding are zoning nonconformities. Many have heard the complaint; person “A” is able to do something on their land, but person “B” could not get a permit for the same thing. The story then goes on to talk about that being unfair, or a community playing favorites.

A fundamental part of zoning in Michigan is that a zoning ordinance cannot be made retroactive. Zoning cannot be used to go back and stop someone from doing something they have already been doing. Those legal pre-existing land use activities are “grandfathered” and get to continue. This concept is one of the basic private property protection tenants in Michigan zoning law.

The proper term for this “grandfathering” is called “nonconforming uses.” If the activity, parcel, or use was legally being done on the date of the adoption of a zoning ordinance, or amendment to a zoning ordinance, then it must be allowed to continue. (It is redundant to say “legal nonconforming use,” if it was not legal it cannot be nonconforming.)



Screen capture of the Carolina Beach, NC., parcel map showing nonconforming (too small) parcels in the R-3 zoning district.

The [Michigan Zoning Enabling Act](#) (MCL 125.3101 *et seq*) says:

“If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment ... The legislative body may ... for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance.”

--MCL 125.3208(1) and (2).

There are only two ways a nonconformity comes to an end or stops. The first is if the local government purchases the nonconformity from the property owner. That can be done on a willing seller-buyer basis or might be done with adverse condemnation ([MCL 213.21 *et seq.*](#)). The second is if the property owner chooses on their own volition to stop the nonconformity.

The passage of time is not enough to establish a property owner has stopped the nonconformity. There are zoning ordinances which will have a statement such as “after one year of disuse, the nonconformity is considered to be abandoned.” That does not work, no matter how much time has passed. To consider a nonconformity to be stopped one has to consider many different factors. It is a determination based on the preponderance of the factors considered.

The zoning ordinance can prohibit or limit the amount of growth of a nonconformity. But such limitation cannot create a situation where the inability to expand the nonconformity would result in violation of another law. For example, if the building expansion is needed so it meets barrier-free requirements, that expansion would have to be allowed to happen, even if zoning does not allow expansion.

A nonconformity can take on a number of different forms:

- It might be a nonconforming parcel. That is the parcel may be too small, or not wide enough, or deep enough, or lacks required access to a public road. But if the parcel was legal when it was created, even though the zoning requirements have since changed, it gets to continue to be used as though it is a conforming parcel.
- It might be a nonconforming building. That is the building may be too small, or large, or tall, or short. It may be the building sits within one or more of the required setbacks. But if the building was legal when it was built, even though the zoning requirements have since changed, it gets to continue to be used as though it is a conforming building.
- It might be a nonconforming land use. That is the activity taking place is a type of land use that is not otherwise allowed in the respective zoning district. But if the land use was legal when it was first started, even though zoning requirements have changed, it gets to continue to be used as though the land use is conforming.
- It might be other dimensional problems. That is the site is such that there are not enough parking spaces, does not have a required buffering or vegetation belt, as well as other measurable/countable site requirements of the zoning ordinance. But if the dimensional problem was legal when it was first started, even though zoning requirements have changed, it gets to continue to be used as though it is conforming.

If in any of the above, the parcel, building, land use, or site requirements, were not legal when it was first started, even though zoning requirements have changed, it is not nonconformity; it is a zoning violation and should be handled with enforcement measures.

Finally, any nonconformity – like any zoning permit, variance, or decision – travels with the land. That means the owner of a nonconformity can sell it, and the new owner continues to have all the rights and ability to continue use of the nonconformity. The owner can also rent, lease, or otherwise allow another to continue to pursue the nonconformity.

One person may properly be able to continue an activity on their land, while another in the same zoning district is not able to start up the same activity. It is not a result of being unfair or playing favorites. It is a result of protecting someone's property rights and their ability to continue doing what they were doing before new or change zoning regulations were adopted.

Those in [Michigan State University Extension](#) that focus on [land use](#) provide various training programs on planning and zoning, which are available to be presented in your county. Contact your [local land use educator](#) for more information.

This article was published by [Michigan State University Extension](#). For more information, visit <https://extension.msu.edu>. To have a digest of information delivered straight to your email inbox, visit <https://extension.msu.edu/newsletters>. To contact an expert in your area, visit <https://extension.msu.edu/experts>, or call 888-MSUE4MI (888-678-3464).

Sec. 98-106. - Procedures for obtaining class A designation.

- (a) Any application for a class A designation for a nonconforming use permit for any land or structural use permitted under this article shall be submitted and processed under the following procedures:
 - (1) A written application shall be filed with the zoning board of appeals setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the board of appeals to make a determination of the matter.
 - (2) The zoning board of appeals may require the furnishing of such additional information as it considers necessary.
 - (3) A notice of hearing and subsequent hearing procedures shall be given in accordance with the procedures outlined in section 98-82.
- (b) Before an application of class A designation for nonconforming use can be processed the zoning board of appeals shall review each application to insure, beyond a reasonable doubt, that the following standards are met:
 - (1) That the continuance of the use would not be contrary to the public health, safety or welfare, or the spirit of this chapter.
 - (2) That the use or structure does not and is not likely to significantly decrease the value of nearby properties.
 - (3) That the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.

Sec. 98-107. - Approval of class A designation.

The zoning board of appeals shall approve class A designation for nonconforming uses that comply with the standards and procedures of this article. The decision of the board of appeals shall be in writing and shall set forth the findings and reasons on which it is based. The board of appeals shall attach conditions, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this chapter. In addition, no vested interest shall arise out of a class A designation.

Sec. 98-109. - Regulations pertaining to class A nonconforming uses and structures.

A class A nonconforming use or structure shall not be repaired, restored, extended, enlarged or substituted for except in accord with the following requirements:

- (1) This chapter shall not prohibit the repair, improvement or modernization of a class A nonconforming structure to correct deterioration, obsolescence, depreciation and wear, provided that such repair does not exceed an aggregate cost of 50 percent of the structure's replacement cost. Repairs, improvements or modernization in excess of 50 percent of the structure replacement cost may be permitted by the zoning board of appeals provided the structure will still meet the qualifications of a class A nonconforming use or structure.
- (2) Any class A nonconforming use or structure damaged by fire, explosion, flood, erosion or other means, may be restored, rebuilt or repaired, provided that such restoration does not exceed 50 percent of the structure's pre-catastrophe replacement cost as determined by a qualified appraiser. Restoration of a class A nonconforming use or structure damaged in excess of 50 percent of the structure's pre-catastrophe replacement cost may be permitted by the zoning board of appeals provided the restored structure would still meet the qualification of a class A nonconforming use or structure. However, no class A nonconforming structure damaged in a floodplain, shoreland erosion area or other areas of recurring natural hazards in excess of 50

Case No. 2021-ZBA-2 related ordinance language

percent of the structure's pre-catastrophe replacement shall be rebuilt except in full compliance with this chapter.

- (3) Structural changes including enlargement or extension of a class A nonconforming structure or use may be permitted by the zoning board of appeals except when such extension for enlargement would be incompatible with surrounding land uses or when the structural change would be inconsistent with the intent of this chapter. No extension or enlargement of a class A nonconforming use or structure shall be approved if approval would result in violation of the setback, side yard or bulk requirements of this chapter.
- (4) A class A nonconforming use may be substituted for a similar nonconforming use or structure when the zoning board of appeals determines that the substitution would improve the property, would not increase the structure or use's nonconformity, or when the substitution would not be contrary to the intent of this chapter.



CITY OF LESLIE

602 W. Bellevue • P.O. Box 496 • Leslie, MI 49251-0496
Phone: 517-589-8236 • Fax: 517-878-6868 • Web Site: www.cityofleslie.org

TO: Leslie Zoning Board of Appeals
FROM: Susan Montenegro, City Manager / Zoning Administrator
DATE: 10/26/2021
RE: Zoning Board of Appeals Meeting for October 28, 2021

Request for 307 Searle Street to be designated as a Class A nonconforming use

The Zoning Board of Appeals is requested to consider approval of a Class A designation (Section 98-107 of the City of Leslie Code of Ordinances) for the property at 307 Searle Street, and that the property is able to be rebuilt on its current footprint in the event the property is damaged or destroyed beyond 50% of its value. The property is a single family structure set on a lot that is only 62' wide rather than the required 66' width. The residence does not meet the current setback standard of the zoning ordinance.

The request for a Class A designation and the ability to rebuild the property if damage exceeds 50% is because the homeowner is trying to refinance the home. Many federal home buying programs require that the house can be rebuilt in its current footprint if something were to happen.

The property owner will be at the Zoning Board of Appeals meeting on October 28, 2021 to answer any questions the Zoning Board of Appeals may have. If you have any questions of me, please feel free to contact me at the City Offices or via email.

Requested: A motion to designate the property at 307 Searle Street as a nonconforming Class A designation and allow the property to be rebuilt as a Class A nonconforming use as permitted under Section 980109 (2) so long as 98-109 (3) is complied with, i.e., the nonconforming (setback) is not extended or enlarged.

Case No. 2021-ZBA-2

Property Location: 307 Searle

Tax Parcel ID: 33-17-14-21-477-005

Class A Nonconforming Designation Standards

			Meets Standard	Does Not Meet Standard
1		That the continuance of the use would not be contrary to the public health, safety or welfare, or the spirit of this chapter.		
2		That the use or structure does not and is not likely to significantly decrease the value of nearby properties.		
3		That the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.		

Section 98-107. Approval of class A designation

The zoning board of appeals shall approve class A designation for nonconforming uses that comply with the standards and procedures of this article. The decision of the board of appeals shall be in writing and shall set forth the findings and reasons on which it is based. The board of appeals shall attach conditions, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this chapter. In addition, no vested interest shall arise out of a class A designation.

Decision

The appeal was: Granted _____ Denied _____

For the following reasons:

by the Zoning Board of Appeals and that the previous decision of the enforcing officer be:

Confirmed _____ Reversed _____

City of Leslie Zoning Board of Appeals Chairperson _____

Date: _____

Note: Copies of all previously submitted forms, information and determinations regarding this case shall be attached to this application.

Appeal Number 2021-ZBA-2 Date 10-4-21

Appellant Megan Cowing
33-11-14-21-477-005

Notice of Appeal to the
City of Leslie- Zoning Board of Appeals
Ingham County, MI

Appellant Megan Cowing

Address 307 Searle St

Owner Megan + David Cowing

Address 307 Searle St. Phone 517-937-3521

Location of Property 307 Searle St.

Instruction to Appellant: Fill in appropriate section 1,2,3 OR 4.
Do Not fill in more than one of these sections. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided on this form is inadequate.

The following is an appeal from a determination made by the zoning ordinance enforcing officer on the following date 9-21, 2021.

Section 1 - Review

The appellant respectfully petitions that the following request be approved:

This request was disapproved by the Zoning Administrator on _____, 20____.
For the following reasons:

Section 2 Interpretation

The appellant respectfully requests that an interpretation be made by the Board of Appeals of Article _____ Article _____ of _____ zoning ordinance.

An appeal is made for an interpretation of the zoning map _____.
An interpretation is requested for the following reason:

Section 3 Variance

The appellant respectfully requests that a variance of the terms of the zoning ordinance be made in the case of the property for following peculiar or unusual conditions are present which justify a variance :

~~I am trying to reference my home and the underwriter is requesting a document from the City of Leslie that states if my home were needing to be rebuilt being destroyed more than 50% that the city will allow me to rebuild due to the non-conforming lot size .~~

The following hardship will result if the variance is not made:

Section 4 Special Exception

The appellant respectfully requests that the following special exception be made to enable him/her to use his/her property in the following manner:

Article _____ Section _____ of the zoning ordinance authorizes the Board of Appeals to make the special exception requested.

Megan B. Cowing 10/4/21
Signature of Applicant Date

Decision

The appeal was: Granted _____ Denied _____

For the following reasons:

by the Zoning Board of Appeals and that the previous decision of the enforcing officer be:

Confirmed _____ Reversed _____

City of Leslie Zoning Board of Appeals

_____, Michigan

By: _____ Date: _____

307 Searle Street



NOTICE LESLIE CITY RESIDENTS

PUBLIC HEARING

PLEASE BE NOTIFIED, there will be a meeting of the Leslie City Zoning Board of Appeals:

Location: Leslie City Hall, 602W Bellevue St, Leslie, MI 49251

Date: Wednesday, November 17, 2021

Time: 7:00 P.M.

The following application will be considered:

Case No. 2021-ZBA-2: Megan Cowing

Request: Applicant requests the parcel below be designated as a Class A nonconforming use.

Property Location: 307 Searle

Tax Parcel I.D.: 33-17-14-21-477-005

Legal Description: LSV-636 LOT 5 BLOCK 5 EXC THE SOUTH 4 FT THEREOF WOODWORTH AND DWIGHT'S ADDITION CITY OF LESLIE

Tentative text, details, and zoning map are available for public review at Leslie City Offices, 602 W Bellevue Street, during regular business hours: 8:00 am - 4:30 pm, Monday - Friday.

Public comment regarding this Zoning Board of Appeals application will be accepted at the meeting held at **7:00 pm Wednesday, November 17, 2021**. Written comments received at Leslie City Offices, PO Box 496, Leslie MI 49251 prior to November 17, 2021 will also be considered at this meeting.

Susan Montenegro
Zoning Administrator



CITY OF LESLIE

602 W. Bellevue • P.O. Box 496 • Leslie, MI 49251-0496
Phone: 517-589-8236 • Fax: 517-878-6868 • Web Site: www.cityofleslie.org

MEMORANDUM

TO: Leslie Zoning Board of Appeals

FROM: Susan Montenegro, City Manager/Zoning Administrator

DATE: 11/10/2021

RE: Zoning Board of Appeals Meeting for November 17th, 2021

Request for 307 Searle Street to be designated as class A non-conforming use

The Zoning Board of Appeals is being requested to consider approval of class A designation (Sec. 98-107 of the City of Leslie Code of Ordinances) of the property at 307 Searle Street, and that the property is able to be rebuilt on its current footprint in the event the property is damaged or destroyed beyond 50% of its value. The property is a single family structure set on a small lot. The residence does not meet the current setback standards of the zoning ordinance. You can see in the attached picture below that the lot that the home sits on is much smaller than other lots.

The request to for a class A designation and the ability to rebuild the property if damage exceeds 50% is because the homeowner would like to sell the home. Many federal home buying programs require that the house can be built in its current footprint if something were to happen.

The property owner will be at the Zoning Board of Appeals meeting on November 17th to answer any questions the Zoning Board of Appeals may have. If you have any questions of me, please feel free to contact me at the City Offices or via email.

Requested: A motion to designate the property at 307 Searle Street as a nonconforming use class A designation and to allow the property to be rebuilt as a Class A non-conformity would be permitted under 98-109 (2) so long as 98-109 (3) is complied with i.e., the non-conformity (setback) is not extended or enlarged.

Case No. 2021-ZBA-3

Property Location: 420 S Main

Tax Parcel ID: 33-17-14-28-251-005

Class A Nonconforming Designation Standards			
Before an application of class A designation for nonconforming use can be processed the zoning board of appeals shall review each application to insure, beyond a reasonable doubt, that the following standards are met:		Meets Standard	Does Not Meet Standard
1	That the continuance of the use would not be contrary to the public health, safety or welfare, or the spirit of this chapter.		
2	That the use or structure does not and is not likely to significantly decrease the value of nearby properties.		
3	That the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.		
<p><i>Section 98-107. Approval of class A designation</i></p> <p>The zoning board of appeals shall approve class A designation for nonconforming uses that comply with the standards and procedures of this article. The decision of the board of appeals shall be in writing and shall set forth the findings and reasons on which it is based. The board of appeals shall attach conditions, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this chapter. In addition, no vested interest shall arise out of a class A designation.</p>			
<p>Decision</p> <p>The appeal was: Granted _____ Denied _____</p> <p>For the following reasons:</p> <p>_____</p> <p>_____</p> <p>by the Zoning Board of Appeals and that the previous decision of the enforcing officer be:</p> <p style="text-align: center;">Confirmed _____ Reversed _____</p> <p>City of Leslie Zoning Board of Appeals Chairperson _____</p> <p>Date: _____</p>			

Note: Copies of all previously submitted forms, information and determinations regarding this case shall be attached to this application.

Appeal Number 2021-ZBA-3

Date 10/26/21

Appellant Rachelle Motes
33-17-14-28-251-005

**Notice of Appeal to the
City of Leslie- Zoning Board of Appeals
Ingham County , MI**

Appellant Rachelle Motes

Address 420 S main st Leslie, MI 49251

Owner Rachelle Motes

Address 420 S main st Leslie, MI 49251 Phone 517-763-3103

Location of Property 420 S main st Leslie, MI 49251

Instruction to Appellant: Fill in appropriate section 1,2,3 OR 4.

Do Not fill in more than one of these sections. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided on this form is inadequate.

The following is an appeal from a determination made by the zoning ordinance enforcing officer on the following date _____, 20__.

Section 1 - Review

The appellant respectfully petitions that the following request be approved:

This request was disapproved by the Zoning Administrator on _____, 20__.
For the following reasons:

Section 2 Interpretation

The appellant respectfully requests that an interpretation be made by the Board of Appeals of Article _____ Article _____ of _____ zoning ordinance.

An appeal is made for an interpretation of the zoning map _____.
An interpretation is requested for the following reason:

Section 3 Variance

The appellant respectfully requests that a variance of the terms of the zoning ordinance be made in the case of the property for following peculiar or unusual conditions are present which justify a variance :

I am selling my house and I need a letter from the City of Leslie confirming that the subject property can be rebuilt if destroyed over 50% due to its legal non-conforming site size
The following hardship will result if the variance is not made:
This is holding up closing on the sale of my house

Section 4 Special Exception

The appellant respectfully requests that the following special exception be made to enable him/her to use his/her property in the following manner:

Article _____ Section _____ of the zoning ordinance authorizes the Board of Appeals to make the special exception requested.

Rachelle Motes
Signature of Applicant

10/26/2021
Date

Decision

The appeal was: Granted _____ Denied _____

For the following reasons:

by the Zoning Board of Appeals and that the previous decision of the enforcing officer be:
Confirmed _____ Reversed _____

City of Leslie Zoning Board of Appeals

_____, Michigan

By: _____

Date: _____

420 S. Main Street



NOTICE LESLIE CITY RESIDENTS

PUBLIC HEARING

PLEASE BE NOTIFIED, there will be a meeting of the Leslie City Zoning Board of Appeals:

Location: Leslie City Hall, 602W Bellevue St, Leslie, MI 49251

Date: Wednesday, November 17, 2021

Time: 7:00 P.M.

The following application will be considered:

Case No. 2021-ZBA-1: Matthew & Kimberly Cole

Request: Special exception be made to enable them to use their recreational vehicle as a temporary structure during the construction of their home.

Property Location: 551 Kirby

Tax Parcel I.D.: 33-17-14-21-429--009

Legal Description: COM. AT THE E1/4 COR SEC 21 -S ON E SEC LN 167.64 FT TO C/L KIRBY RD -S63D10'10"W ON C/L 251.79' TO THE POB -S08D19 '57"W 637.18 FT - N89D30'18"W 341.81 FT TO THE E LN OF A 100 FT RR R/W -N29D26'50"E ON E R/W LN 655.66 FT -N63D10'10"E ON C/L OF KIRBY RD 125.28 FT TO THE POB SEC 21 T1NR1W CITY OF LESLIE 3.0 AC. M/L

Tentative text, details, and zoning map are available for public review at Leslie City Offices, 602 W Bellevue Street, during regular business hours: 8:00 am - 4:30 pm, Monday - Friday.

Public comment regarding this Zoning Board of Appeals application will be accepted at the meeting held at **7:00 pm Wednesday, November 17, 2021**. Written comments received at Leslie City Offices, PO Box 496, Leslie MI 49251 prior to November 17, 2021 will also be considered at this meeting.

Chelsea Cox
Leslie City Clerk