

MANISTEE CITY ZONING BOARD OF APPEALS

425 Sixth Street, P.O. Box 358

Manistee, MI 49660

MEETING MINUTES

December 16, 2004

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, December 16, 2004 at 5:30 p.m. in the Conference Room, City Hall, 425 Sixth Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Mark Hoffman, Marlene McBride and John Perschbacher

MEMBER ABSENT: Bill Kracht

ALTERNATE PRESENT: Craig Schindlbeck

ALTERNATE ABSENT: Linda Albee

OTHERS PRESENT: Karl Wagner (554 Bryant Avenue), Barry Bauman (552 Harvard Lane), Denise Blakeslee (Administrative Assistant) and others

The meeting was called to order at 5:30 p.m. by Chairman Perschbacher

PUBLIC HEARING:

Barry Baumann and Karl Wagner - 554 Bryant Avenue

John Perschbacher read a memo from Jon Rose regarding the request.

Barry Baumann presented the request on behalf of himself and Karl Wagner for a variance to reduce the street frontage requirement from 100 feet to 66 feet on Mr. Wagner's property at 554 Bryant Avenue. Mr. Baumann has a purchase agreement with Mr. Wagner for the sale of the rental unit at 552 Bryant Avenue. Mr. Baumann has a condition on the purchase of the property that the diagonal properties be reconfigured into north/south lots. Mr. Baumann wishes to purchase Lot 1 and Lot 12 from Mr. Wagner. Mr. Wagner would retain Lot 11 and Lot 2 (his home is located on Lot 11).

Mr. Baumann said that he had been approached by Mr. Wagner if he was still interested in the rental property. Mr. Baumann had previously expressed interest to Mr. Wagner in the property. They discussed the terms of the purchase which included the realignment of the parcels into two north/south lots. Mr. Baumann would allow Mr. Wagner to continue to use the accessory building on Lot 1 for storage and as his workshop as long as Mr. Wagner wishes. There would be no third lot created by this request.

Marlene McBride asked if Mr. Wagner's family is aware of the situation. Mr. Baumann said that before the purchase agreement was signed he waited one day to allow Mr. Wagner to discuss with his family. Mr. Wagner said that he is the owner of the property and that he can sell it if he wishes.

John Perschbacher read correspondence received in response to the request:

Note from Ron Gardin in opposition to request (attached).

Memo from Jon Rose regarding a phone conversation with Russell Jouppi in favor of the request (attached).

There being no further discussion the Public Hearing Closed at 5:53 p.m.

BUSINESS SESSION:

Approval of Minutes, September 15, 2004

MOTION by Ray Fortier, supported by Mark Hoffman that the minutes from the September 15, 2004 be approved with a correction on page 13.

MOTION APPROVED UNANIMOUSLY

Barry Baumann and Karl Wagner - 554 Bryant Avenue

A Public Hearing was held earlier in response to a request from Barry Baumann and Karl Wagner. For a variance to reduce the Street Frontage requirement from 100 feet to 66 feet to allow diagonal properties to be reconfigured.

Members of the Zoning Board of Appeals reviewed and discussed the Findings of Fact for this request.

Findings of Fact:

1. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Land Use District?
5 - Yes Fortier, McBride, Hoffman, Schindlbeck, Perschbacher
0 - No
2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?
5 - Yes McBride, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No
3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?
5 - Yes McBride, Hoffman, Schindlbeck, Fortier, Perschbacher
0 - No

4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?
5 - Yes Hoffman, Schindlbeck, Fortier, McBride, Perschbacher
0 - No
5. Do the reasons set forth in the application justify the variance and is the requested variance the minimum variance that will make possible the reasonable use of the land, building or structure?
5 - Yes Schindlbeck, Fortier, McBride, Hoffman, Perschbacher
0 - No
6. Does the requested variance include the allowance for a use which is not permitted in the Land Use District in question? [If Yes, the variance CANNOT be granted]
0 - Yes
5 - No Schindlbeck, Fortier, McBride, Hoffman, Perschbacher
7. Are there any conditions, safeguards or guarantees, in conformity with the Ordinance, that the Board feels are necessary if a variance is granted?
5 - Yes Fortier, McBride, Hoffman, Schindlbeck, Perschbacher
0 - No

CONDITIONS:

That approval is received from the City of Manistee Planning Commission and City Council for a parcel split and combination as follows:

Parcel #51-51-340-709-01 (554 Bryant Avenue) will be reconfigured into Lot 2 & Lot 11

Parcel #51-51-340-709-03 (552 Bryant Avenue) will be reconfigured into Lot 1 & Lot 12

That the proposed sale of parcel #51-51-340-709-03 (552 Bryant Avenue - Lot 1 & Lot 12) to Mr. Baumann is executed

MOTION by Fay Fortier, seconded by Mark Hoffman that the request for a reduction in street frontage from 100 feet to 66 feet for parcel #51-51-340-709-01 (554 Bryant Avenue) be approved with the following conditions:

That approval is received from the City of Manistee Planning Commission and City Council for a parcel split and combination as follows:

Parcel #51-51-340-709-01 (554 Bryant Avenue) will be reconfigured into Lot 2 & Lot 11

Parcel #51-51-340-709-03 (552 Bryant Avenue) will be reconfigured into Lot 1 & Lot 12

That the proposed sale of parcel #51-51-340-709-03 (552 Bryant Avenue - Lot 1 & Lot 12) to Mr. Baumann is executed.

5 - Yes Fortier, Hoffman, Schindlbeck, McBride, Perschbacher
0 - No

MOTION PASSED UNANIMOUSLY

OTHER BUSINESS:

Communications:

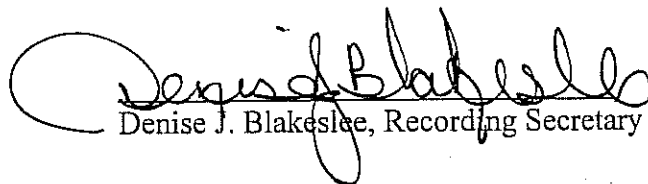
Congratulations to the members of the ZBA who just completed their Citizen Planner Training. Mark Hoffman, Bill Kracht, Linda Albee and Craig Schindlbeck. At this time the entire ZBA has been Certified as Citizen Planners.

John Perschbacher wished the members present and absent Happy Christmas and cautioned discussion of variances/requests with citizens outside of the meeting.

ADJOURNMENT:


There being no further business meeting motion by Ray Fortier, seconded by Mark Hoffman that the meeting be adjourned. Meeting adjourned at 6:20 p.m.

Respectfully Submitted


Denise J. Blakeslee, Recording Secretary

MEMO

TO: Zoning Board of Appeals

FROM: Jon R. Rose 

DATE: December 15, 2004

RE: Baumann/Wagner ZBA Request

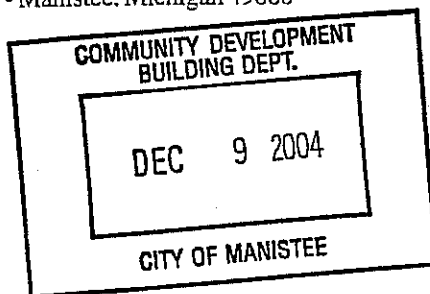
I received a phone call from Russell Jouppi who is unable to attend the meeting on Thursday, because he recently had surgery. Mr. Jouppi expressed his support of the request from Mr. Baumann & Mr. Wagner.



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

231-723-2558
FAX 231-723-1546

December 2, 2004



TO WHOM IT MAY CONCERN:

The City of Manistee Zoning Board of Appeals will hold a Public Hearing in the **Conference Room, City Hall, 425 Sixth Street, Manistee, Michigan (Old Middle School)** to consider a request from:

NAME:	Barry N. Baumann	Karl Wagner
	552 Harvard Lane	554 Bryant Avenue
	Manistee, MI 49660	Manistee, MI 49660

LOCATION OF REQUEST: 554 Bryant Avenue

ACTION REQUESTED: Variance to reduce the Street Frontage requirement from 100 feet to 66 feet to allow diagonal properties to be reconfigured.

DATE/TIME OF HEARING: Thursday, December 16, 2004 5:30 p.m.

Interested parties are welcome to attend the hearing, or can comment in writing to: Jon R. Rose, City of Manistee, P.O. Box 358, Manistee, MI 49660, (231) 723-2558.

Sincerely,

Jon R. Rose
Community Development Director

JRR:djb

Mr Rose:
I oppose the proposed variance.
Ronald Garden
435 Tomerock
Manistee