

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

There will be a meeting of the City of Manistee Zoning Board of Appeals to be held on Thursday, December 16, 2004 at 5:30 p.m. in the **Conference Room, City Hall, 425 Sixth Street**, Manistee, Michigan.

**AGENDA**

- I Roll Call
- II Site Inspection:
  - 1.
- III Public Hearing:
  - 1. Barry Baumann & Karl Wagner, 554 Bryant Avenue
  - 2.
- IV Approval of Minutes:
  - 1. Approval of Minutes (9/15/04)
- V Business Session:
  - A. Action on Pending Case:
    - 1. Barry Baumann & Karl Wagner, 554 Bryant Avenue
    - 2.
  - B. Old Business:
    - 1.
  - C. Other Business of the Appeals Board:
    - 1.
- VI Questions, Concerns of Citizens in Attendance
- VII Adjournment

cc: Zoning Board of Appeals Members  
Bruce Gockerman, City Attorney  
Mitch Deisch, City Manager  
Julie Beardslee, City Assessor

# MEMORANDUM

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TO: Zoning Board of Appeals Members

FROM: Denise Blakeslee   
Administrative Assistant

DATE: December 2, 2004

RE: Zoning Board of Appeals Meeting, December 16, 2004

A Meeting has been scheduled for Thursday, December 16, 2004. This meeting will be held in the **Conference Room, City Hall, 425 Sixth Street.**

We have one item that will be on the Agenda.

1. Barry Baumann 552 Harvard Lane and Karl Wagner, 554 Bryant Avenue. We have received a request from Mr. Baumann and Mr. 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). Jon Rose has written a memo on the request enclosed.

There is a correction that will need to be made on the Minutes from the September 15, 2004 Meeting. Enclosed is a copy of page 13, Item #6 under finding of facts needs to be corrected as shown.

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

:djb

# MEMO

TO: Zoning Board of Appeals Members

FROM: Jon R. Rose   
Community Development Director

DATE: December 2, 2004

RE: Baumann and Wagner Request

Enclosed is a copy of a request from Barry Baumann and Karl Wagner for a reduction in the street frontage requirements from 100 feet to 66 feet for the property at 554 Bryant Avenue.

In September the Zoning Board of Appeals denied a request from Karl Wagner for four variances. The request in September would have created two substandard lots and a third building site.

At the September meeting neighbors in attendance spoke of the neighborhood and how almost all of the homes are on large lots. They felt that the creation of a third lot would adversely impact property values and would create a higher density than was appropriate to the neighborhood.

Mr. Baumann and Mr. Wagner have entered into a purchase agreement that would allow Mr. Baumann to purchase the rental property contingent upon the reconfiguration of the diagonal properties into **TWO** North South properties.

The City of Manistee would like to see the reconfiguration of the parcels to eliminate the diagonal situation which currently exists. I would recommend approval of this request with conditions to honor the neighborhood concerns expressed at the last hearing.

MOTION to approve the request for a reduction in street frontage from 100 feet to 66 feet for parcel #51-51-340-709-01 (554 Bryant Avenue) 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.

**REQUEST FOR APPEAL**  
**CITY OF MANISTEE**  
**ZONING BOARD OF APPEALS**

Name: BARRY N BAUMANN / KARL WAGNER  
Address: 552 HARVARD LANE / 554 BRYANT AVE.  
City, State, Zip Code: MANISTEE, MI. 49660  
Phone Numbers: BARRY (723-7012) / KARL (723-5736)  
Agent Name & Phone Number if applicable: \_\_\_\_\_

**FEE FOR APPEAL \$250.00**

OFFICE USE ONLY	
Appeal Number: <u>ZBA-2004-10</u>	Date Received: <u>11-29-04</u>
Receipt Number/Fee Amt: <u>250.00</u>	Hearing Date: <u>12-16-04</u>
Zoning District for Property: <u>R-3</u>	Parcel Code Number: <u>SI-SI-340-709-01</u>
Type of Request:	
<input checked="" type="checkbox"/> Variance Request	
<input type="checkbox"/> Ordinance or Map Interpretation	
<input type="checkbox"/> Appeal from Administrative Decision	
<input type="checkbox"/> Other Authorized Review	

**PLEASE NOTE:** All questions must be answered. Incomplete applications will be returned to be completed before processing. If additional space is needed, number and attach additional sheets.

State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Board of Appeals:

REMOVE LOT 1 FROM PARCEL SI-SI-340-709-01  
AND ADD IT TO PARCEL SI-SI-340-709-03.

REMOVE LOT 2 FROM PARCEL SI-SI-340-709-03  
AND ADD IT TO PARCEL SI-SI-340-709-01

THIS IS NECESSARY TO STRIGHTEN OUT THE ANKWARD  
DIAGONAL SHAPE OF BOTH PARCELS.

**PROPERTY INFORMATION:**

Tax Roll Parcel Code #51-51- 340 - 709 - 01

Property Address: 554 BRYANT AVE.

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land.  
NONE

Present use of parcel: RESIDENTIAL

List of all deed restrictions (attache additional sheets if necessary): NONE

Has a previous appeal been made with respect to this property?  Yes  No

If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: SEPT 15, 2004. REQUESTED: DEMINISHED AREA ON PARCELS 340-709-01 & 340-709-03, REDUCED STREET FRONTAGE ON PARCEL 340-709-01, REDUCED SET BACK ON NEW PARCEL THAT WAS CREATED, ALL ACTIONS DENIED.

**DETAILED REQUEST AND JUSTIFICATION:**

Please identify each requested variance:

	Required by Zoning	Requested by Appellant
<input type="checkbox"/> Front- Yard Set-Back	from _____	to _____
<input type="checkbox"/> Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Rear-Yard Set-Back	from _____	to _____
<input type="checkbox"/> Waterfront Set-Back	from _____	to _____
<input type="checkbox"/> Height	from _____	to _____
<input type="checkbox"/> Area Requirements	from _____	to _____
<input type="checkbox"/> Off-street Parking	from _____	to _____
<input checked="" type="checkbox"/> Other	<u>STREET FRONTAGE FROM 100'</u>	<u>TO 66'</u>

Please mark all characteristics of your property which require the granting of a variance.

Dimensional information

- Too Narrow \_\_\_\_\_
- Too Small \_\_\_\_\_
- Too Shallow \_\_\_\_\_
- Elevation (height) \_\_\_\_\_
- Slope \_\_\_\_\_
- Shape \_\_\_\_\_
- Soil \_\_\_\_\_
- Subsurface \_\_\_\_\_
- Other (Specify) STREET FRONTAGE IS 66'

Justification

The Zoning Board of Appeals must answer yes to the following four questions to grant an appeal. Please list your justification to each question for the Zoning Board of Appeals.

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?

YES. THE PARCELS INVOLVED HAVE THEIR BACK LOTS ON A DIAGONAL FROM THEM.

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?

YES. THE OWNER OF THESE PARCELS CAN NOT SELL EITHER PARCEL BECAUSE OF THEIR AWKWARD SHAPE

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?

YES

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?

YES

List any other comments in support of the application.

THE GRANTING OF THIS VARIANCE WOULD NOT CHANGE THE NEIGHBORHOOD IN ANY WAY. IT WOULD PROTECT IT FROM FUTURE DEVELOPMENT.

**IMPACT ON SURROUNDING LANDS**

If your request is granted what would the positive and/or negative impacts of this decision be on the surrounding land and neighbors?

NO NEGATIVE IMPACT BECAUSE NO STRUCTURES ARE BEING ADDED OR CHANGED. THE POSITIVE IMPACT WOULD BE THAT THE AREA STAYS OPEN AND LOW DENSITY

**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. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature *[Handwritten Signature]* Date 11-12-04

Signature *Karl H. Wagner* Date 11-26-04

**Representation at the Public Hearing by either the applicant or agent is encouraged.**

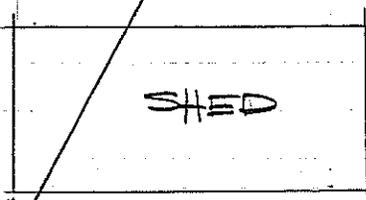
HARVARD LANE



7920 #  
LOT 2

7700 #  
LOT 1

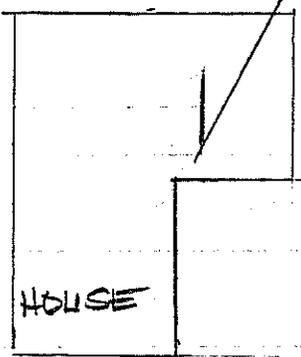
120'



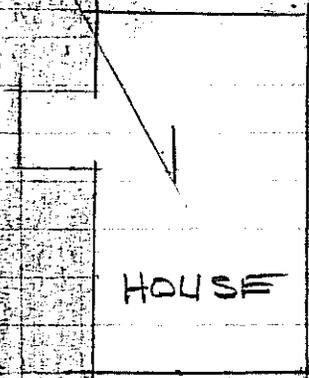
SHED

TAMARACK STREET

120'



HOUSE



HOUSE

7920 #  
LOT II

7700 #  
LOT I2

BRYANT AVENUE

SCALE - 1" = 30'

EXISTING

66'

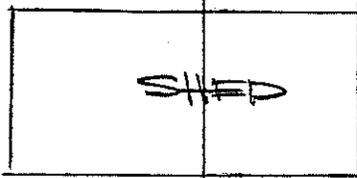
64.17'

HARVARD LANE

LOT 2

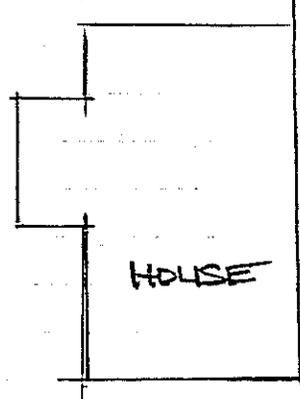
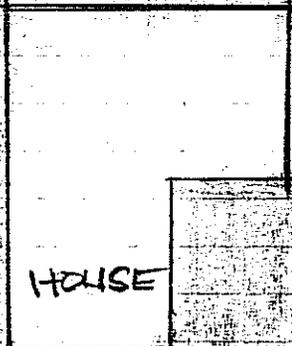
LOT 1

120'



TAMARAK STREET

120'



LOT 11

LOT 12

BRYANT AVENUE

SCALE - 1" = 30'

PROPOSED