

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday January 6, 2005
7:00 p.m. - Manistee Middle School - Library, 550 Maple Street

AGENDA

- I Roll Call
- II Public Hearing
 - 1. Denise Burns - Zoning Amendment - WITHDRAWN
 - 2. Michael Gorbach - Zoning Amendment
 - 3. Mrs. Connie Fenner - Special Use Permit
- III Approval of Minutes
 - Planning Commission Meeting (12/2/04)
- IV New Business
 - 1. Michael Gorbach - Zoning Amendment
 - 2. Mrs. Connie Fenner - Special Use Permit
 - 3. Barry Baumann and Karl Wagner - Parcel Split and Combination
 - 5. Committee Appointments
 - 6. Charter Township of Filer - Land Use Map Amendment
 - 7.
 - .
- V Unfinished Business
 - None
- VI Other Communications
 - 1. Report from Subdivision Committee
 - 2. Report from Non-Motorized Transportation Committee
 - 3.
- VII Citizen Questions, Concerns and Consideration
(Public Comment Procedures on the Reverse Side)
- VIII Work/Study Session
 - 1.
 - 2.
- IX. Adjournment

Public Comment Procedures

The City of Manistee Planning Commission welcomes public comment in support of its decision-making process. To assure an orderly, fair and balanced process, the Planning Commission asks that participants at all public hearings and during the Public Comment portion of the meeting observe the following rule of procedure:

1. The Chairperson will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
2. Each speaker shall state their name and address for the record and may present written comments for the record.
3. Speakers shall address all comments and questions to the Planning Commission.
4. Unless waived by the Planning Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for the collective comments of the group as presented by that speaker.
5. The Chairperson may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
6. The Chairperson may establish additional rules of procedure for particular hearings as he/she determines appropriate.
7. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior is not helpful to the decision-making process and may result in removal from the hearing or an adjournment.

Thank you for your interest in the work of the City of Manistee Planning Commission and for your cooperation with these rules of procedure.

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee *DB*
Administrative Assistant - Community Development Department

DATE: December 23, 2004

RE: January Meeting

The January Planning Commission Meeting will be held on Thursday, January 6, 2005 at 7:00 p.m. in the Middle School Library. Packets are being forwarded to you early because I will be out of the office next week.

We have the following Items on the Agenda:

1. Denise Burns - Zoning Amendment - WITHDRAWN. A request was received from Denise Burns to Re-zone Parcel #51-51-748-753-02 from I2 - Industrial to TR - Transition. This re-zoning request is being made to allow a residential parcel in the Industrial District to be split a combined with two adjoining substandard parcels in the Transition District.

A notice was placed in the newspaper and sent to all parcels within 300 feet. Jon Rose received a phone call from Ms. Burns who asked to withdraw the request. Planning Commission will take no action on this request.

2. Michael J. Gorbach - Zoning Amendment. A request has been received from Michael Gorbach to Re-zone the East half of Parcel #51-51-670-723-01 from C-1 Commercial to R-4 Residential. This property is a vacant piece of property west of Cypress Street and South of Eleventh Street (undeveloped). The West half of the Parcel is currently zoned R-4 Residential.

**At this time the City of Manistee Planning Commission can take action:
*that the request to Re-zone the East half of Parcel #51-51-670-723-01 from C-1 Commercial to R-4 Residential be forwarded to City Council with a recommendation for approval.***

3. Mrs. Connie Fenner - Special Use Permit. A request has been received from Connie Fenner for a Special Use Permit for a Beauty Shop. Mrs. Fenner has made an offer to purchase the building at 306 Sibben Street. The building is currently vacant and was last use as a Church. Previous uses of the building include restaurant church, and beauty shop. This property meets the requirements for a Special Use in the Transition District. Mrs. Fenner has also enclosed a site plan that shows that the building has handicap access and sufficient parking.

At this time the City of Manistee Planning Commission can take action: *that request from Mrs. Connie Fenner for a Special Use Permit to use the existing Commercial Building at 306 Sibben Street located in the Transition District for a Beauty Shop be approved.*

4. Barry Baumann and Karl Wagner - Parcel Split and Combination. Karl Wagner owns two properties on Bryant Avenue. Mr. Wagner lives in the home at 554 Bryant Avenue and the building at 552 Bryant Avenue is used as a rental. Barry Bauman has entered into a purchase agreement with Karl Wagner to purchase the house at 552 Bryant Avenue. The properties currently have a diagonal configuration that Mr. Baumann and Mr. Wagner would like to realign into north/south parcels. The Zoning Board of Appeals approved a variance to reduce the street frontage requirement for 554 Bryant Avenue from 100 feet to 66 feet 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.

With the variance from the Zoning Board of Appeals the request meets the requirements of the Zoning Ordinance.

At this time the City of Manistee Planning Commission can take action: *to recommend to City Council that the request from Barry Baumann and Karl Wagner to split and combine parcel #51-51-340-709-01 and 51-51-340-709-03 be approved 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

5. Committee Appointments. At the regularly scheduled January meeting the Chairman of the Planning Commission makes committee appointments. Chairman Yoder will appoint members of the Planning Commission to the following Committees:

NON-MOTORIZED TRANSPORTATION COMMITTEE - *Citizen Committee formed to develop recommendations for non-motorized transportation routes through the City of Manistee.*

Citizen Committee with up to four appointed members of the Planning Commission.

HISTORIC OVERLAY/SITE PLAN REVIEW COMMITTEE - *5 member committee including DDA Representative and Museum Representative to oversee building modifications in the Historic Overlay District (Downtown) - Site Plan Review Committee assists the Zoning Administrator with Site Plan Reviews.*

Appointment of three Planning Commissioners and one alternate - Meetings are held as needed at 4:00 p.m. at the Museum, 425 River Street, Manistee for Historic Overlay. Site Plan Review Committee Meetings are held as needed at City Hall.

JOINT CITY ORDINANCE REVIEW COMMITTEE - *Members of the Executive Committee of the Planning Commission who review Ordinance Amendments with members of the City Council.*

Executive Committee Members serve on this Committee , 2005 members will be Chairman Roger Yoder, Vice-Chair Ray Fortier and Secretary Cyndy Fuller.

MASTER PLAN REVIEW COMMITTEE *Members of this committee will be responsible to keep current with new trends/changes that are going on in the community that could impact the Master Plan. An example would be the "Hotel Chippewa Fire". The vacant property created by this fire would not necessary require a change in the plan, but should be noted for review during the annual review that will be done during the first meeting in January. This Committee will meet as they feel it is necessary.*

Up to four appointed members of the Planning Commission serve on this sub-committee.

ORDINANCE RE-WRITE COMMITTEE *Members of this committee will assist in reviewing the Zoning Ordinance for areas that need to be changed and/or updated. They will also consider changes to the ordinance i.e. view corridors, non-conforming uses (set-backs). The committee will also review copies of the variance requests that the Zoning Board of Appeals has voted on over the past several years for needed changes to the ordinance.*

Up to four appointed members of the Planning Commission serves on this sub-committee.

SUBDIVISION COMMITTEE *This committee is required under section 1242.03 of the Code of Ordinances.*

Three members of the Planning Commission serves on this sub-committee.

ZONING BOARD OF APPEALS *One member of the Planning Commission also serves on the Zoning Board of Appeals*

One appointed member of the Planning Commission serves on the Zoning Board of Appeals. Meetings are held as needed, meeting time is 5:30 p.m., at City Hall.

6. Charter Township of Filer - Land Use Map Amendment. We have received correspondence from Jennifer Williams, Chair of the Charter Township of Filer regarding notification of a proposed amendment to their Land Use Map. Under the Municipal Planning Act 285 of 1931, as amended adjoining municipalities are noticed when changes are made to the plan. Planning Commissioners are asked to review the information forwarded from Filer and comments will be forwarded to their Planning Commission Chairperson. *A copy of the Charter Township of Filer Master plan is available in the office if anyone wants to look at it, I will also bring it to the meeting.*

OTHER COMMUNICATIONS:

1. Report from Subdivision Committee. Members of the Subdivision Committee met to review the preliminary plat for the 55 acres on the corner of Cherry and Merkey Roads. This proposed development is referenced as "Two Brothers Plat Phase I". Members of the Committee will report their review to the Planning Commissioners.
2. Report from Non-Motorized Transportation Committee. Christa Johnson-Ross, Chair of the Non-Motorized Transportation Committee will give an update on the Committee. This committee has been working on the development of a Bike route through the City, plans to purchase and install bike racks at public locations, develop signage for bike lanes, etc. The committee has been working on a Master Plan for Non-Motorized Transportation for the City of Manistee and a draft of the plan is enclosed for your review.

Have a wonderful holiday. If you are unable to attend the meeting **please call** me at 723-2558.

MEMO

TO: Planning Commissioners

FROM: Jon R. Rose 
Community Development Director

DATE: December 13, 2004

RE: Michael Gorbach - Petition for Zoning Amendment

A request has been made from Michael Gorbach to re-zone the east half of Parcel #51-51-670-723-01. Vacant parcel West of Cypress Street and South of Eleventh Street (undeveloped). The east half of this parcel is Zoned C-1 Commercial while the west half of the parcel is Zoned R-4.

Mr. Gorbach has a purchase agreement with property owner Laverne Miehkle. Mr. Gorbach would like to purchase the East half of the parcel to construct a duplex. Duplex's are a permitted use in the R-4 Residential District. While duplex's are not either a permitted or special use in the C-1 Commercial District. There are duplex's on the property south of this parcel owned by the Housing Commission.

Two Zoning Districts under one parcel is not a good Zoning Practice and I see no reason to deny the request to Re-Zone this entire parcel R-4 Residential. Mr. Gorbach and Mr. Miehkle will have to apply for a Parcel Split at the March Meeting because the Zoning Amendment requires two readings by Council and ten day publication notice.

JRR:djb



Petition for Zoning Amendment

Michael J. Gorbach
Applicant
317 5th Ave #2
Address
Manistee MI 49660
City, State, Zip Code
Phone Numbers (Work) 231 754 9198 / Cell
(Home) 231 723-7524

FOR OFFICE USE ONLY:

Case number PC-2005-01
Date Received 11-25-04
Fee Received \$250.00
Receipt Number 7548
Hearing Date 1-6-05

FEE \$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 undersigned to hereby request that the City of Manistee approve the following petition for Zoning Amendment:

A. Text Amendment: Amend Article _____ Section _____ to (delete, supplement or clarify) the Manistee City Zoning Ordinance by making the following change(s): (Attach additional sheets if necessary - state proposed ordinance language) _____

B. Re-zone from C1 to R4 the property(s) described in II Property Information (below), for the following purpose: (State proposed use of the land) _____

A previous application for a variance, special use permit or re-zoning on this land has ~~has not~~ been made with respect to these premises in the last _____ years. If a previous appeal, re-zoning or special use permit was made, state the action requested: _____
Decision: approved denied

II. PROPERTY INFORMATION:

A. Legal Description of Property affected: 723-01L described as
Stansell + Benedette Addition Lot #1

Tax Roll Parcel Code Number: 51-51- 670 723 01

Address of Property: _____

B. List all deed restrictions - cite Liber & Page where found and attach: _____

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. Basco Machine, 363 Eleventh St.
Manistee, MI 49660

D. This area is un-platted, platted, will be platted.
If platted, name of plat _____

E. Attach a site plan drawn to the scale of one (1) inch equals (10) feet, showing all existing structures on the property, all proposed structures and marking those structures that will be removed or razed. Also, the general shape, size and location of all existing structures within 100 feet of the property along with their uses shall be depicted on the site plan, along with all abutting roads, streets alleys or easements.

F. Present use of the property is: Vacant

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

A. State specifically the reason for this Amendment request at this time Rezone from
C1 to R4 for the purpose of constructing
a duplex

B. If the Amendment is a propose re-zoning, please answer the following questions.

1. Will this re-zoning be in conformance with all adopted development plans of the City of Manistee? yes no and Manistee County? yes no

2. If the proposed zone does not conform to the(se) plan(s), why should the change be made? Please be specific, brief and attach any supporting documentation which substantiates your claim. This could include an allegation that the existing zoning is in error which would be corrected by the proposed change, or that specific changes or changing conditions in the immediate area make the re-zoning necessary to promotion of public health, safety and general welfare.

3. What do you anticipate the impacts of the proposed zone change on the adjacent property to be? What steps do you propose to take to mitigate any negative impacts associated with the proposed change?

None

IV. AFFIDAVIT

The undersigned affirms that he/she or they is (are) the (owner, lessee, authorized agent of owner) involved in the petition and that the answers and statements herein contained and the information submitted are in all respects true and correct to the best of his, her or their knowledge and belief.

Signature (s) of Applicant (s):

[Handwritten Signature]

Dated 11.24.04

By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

Preliminary Purchase Agreement
October 13, 2004

Michael J. Gorbach and Rosalie Gorbach (Husband & Wife, Purchaser) desire to purchase from Laverne Miehke (Seller) a parcel of property located on Cypress St. between 11th & 12th St. designated by the City of Manistee as parcel 723-01 L. *Further described as Ramsdell & Benedict's Add. Lot # 1.*

This sale is contingent upon the following actions being completed.

1. The parcel being transferred zoning being amended to R-4 from C-1. This petition for amendment to be presented to the City of Manistee in October 2004. This action to be completed by Michael Gorbach

51 St 670 723 01

2. The parcel being transferred be split from parcel ~~723-01~~. This action to be completed by Laverne Miehke as soon as possible following the zoning amendment being completed.

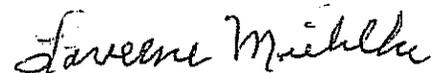
Purchaser herewith tenders \$500.00 in the form of check to be retained by the seller as a good faith deposit. Deposit to be returned to purchaser if the sale cannot be consummated due to contingencies not being satisfactorily completed or any other action or deficiency of seller.

Purchase price of property is to be , less good faith deposit.

All parties acknowledge this is a Time of Essence Agreement and will endeavor to complete this transaction as soon as possible


Michael J. Gorbach


Rosalie Gorbach


Laverne Miehke

MEMO

TO: Planning Commissioners

FROM: Jon R. Rose 
Community Development Director

DATE: December 17, 2004

RE: Mrs. Connie Fenner Request

Mrs. Connie Fenner is requesting a Special Use Permit to allow an existing Commercial Structure in the Transition District to be used as a Beauty Shop. I have reviewed this request and it meets the Special Use Permit requirements of the Transition District. Beauty Shops are S.I.C. code 7231.

This use does not have specific parking requirements. Section 1054.b states "... where no specific requirement is designated... adequacy of parking shall be based upon the anticipated intensity of use..." I believe four off street spaces is appropriate for the proposed use. While the site plan shows only three off street parking spaces, I recommend four spaces be required.

JRR:djb



Planning Commission

SPECIAL USE PERMIT APPLICATION

MRS. CORNIE FEJNER
Applicant
WASHINGTON ST
Address
MANISTEE, MI 49660
City, State, Zip Code
Phone Numbers (Work)

(Home) 231-723-8514

FOR OFFICE USE ONLY:
Case number PC-2005-03
Date Received 12-17-04
Fee Received \$250.00
Receipt Number 7543
Hearing Date 1-6-04
Action Taken
Expiration Date of Permit

FEE FOR SPECIAL USE PERMIT \$250.00

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: BEAUTY SHOP

II. PROPERTY INFORMATION:

- A. Address of Property: 307 SIBBEN ST., MANISTEE, MI
Tax Roll Parcel Code Number: 51-51-572-705-04
B. List all deed restrictions - cite Liber & Page where found and attach: NONE
C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. JAMES ATWOOD PO BOX 437 BEAR LAKE, MI 49619
PRESENT OWNER THAT I WILL PURCHASE PROPERTY FROM
D. Zoning District: ARTICLE 29 - TRANSITION DISTRICT
E. Present use of the property: VACANT - LAST USE WAS CHURCH
F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached).
G. Is a Property survey attached? [] Yes [X] No.
H. Estimated completion date of construction (if applicable):

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

- A. State specifically the reason for this Special Use Permit request at this time I would like to purchase this building and remodel it into a 4 station Beauty Salon.
-
- B. Statement of support for the request. Please justify your request for a Special Use Permit below. The justification should address the following concerns: (Attach additional sheets if necessary)
1. The relationship of the Special Use Permit conditions (Article 86, Section 8610 and if applicable, Article 16) to the particular Special Use proposed. Do they pose any unusual problems for compliance?
 2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee.
 3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following:
 - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood?
 - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood?

IV. INFORMATION REQUIRED IN APPLICATION:

- A. An Application for Special Use shall include:
1. A detailed Site Plan, as spelled out in Section 9406 of this ordinance, a copy of which is attached.
 2. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8609 (as follows).
 - a. *Is the use reasonable and designed to protect the health, safety and welfare of the community,*
 - b. *Is the use consistent with the intent and purpose of the Land Use District,*
 - c. *Is the use compatible with adjacent land uses,*
 - d. *Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and*
 - e. *Does the use comply with all applicable regulations of this Ordinance.*
 - f. *Does the use comply with all specific standards found in the respective Land Use District, Section 1601 et. seq., and Section 101 et. seq. of this Ordinance.*

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

B. In Addition, the applicant may be required to furnish:

1. Elevations on all buildings, including accessory buildings.
2. An Environmental assessment.
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

V. CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the owner, leasee, owner's representative, contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

The undersigned, by signing the Application, agrees to pay any and all fees incurred by the City or the Planning Commission, associated with the Application or the processing of the Application, in addition to the minimum \$250.00 base fee, including but not limited to: fees and costs of special consultants, engineers, planners, attorneys, air & water quality technicians and consultants, economists and/or financial analysis. The Application shall not be deemed complete nor will it be processed without such costs being fully paid for or provided for in advance.

Signature (s) of Applicant (s):

Courtney Tenner

Dated

12-17-04

By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

TO:

Jon R. Rose Community Development
City Of Manistee
P.O. Box 358
Manistee, Mi.

RE:

Special Use Application
Beauty Salon
307 Sibben St.
Manistee, Mi.

PLANNING COMMISSION:

My name is Connie Fenner and I'm a life long resident of Manistee. I've been a hair care professional for over eight years and would like to open my own beauty salon at 307 Sibben St., Manistee, Mi.

I believe this use consistent with the area because with-in two blocks there is a book store, a barber shop, a candy store, and a flower business.

The impact to the area would be very minor. My shop size is such that there would only be two beauticians on duty at one time so customer traffic will be minimal.

I won't be open for business late at night so there will not be any activity to bother nearby residents.

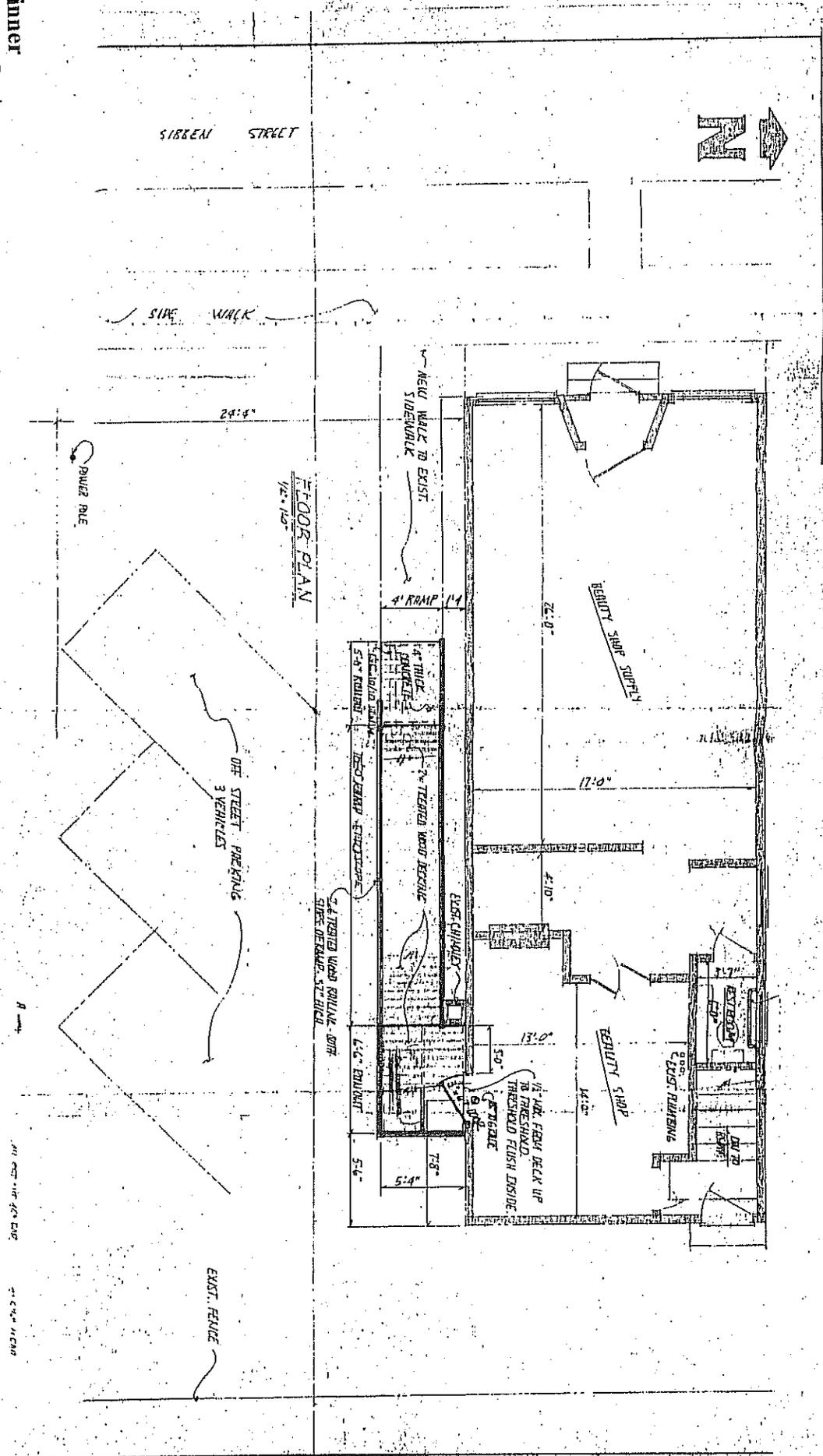
My supplies will be delivered by van once or twice a month. No large trucks.

The property is vacant now, but should you grant this permit we will not only remodel the inside but will make improvements to the outside of the building.

Thank you for your consideration.

CONNIE FENNER

Connie Finner
 Request for Special Use Permit
 77 Sibben Street
 Site Plan



MEMO

TO: Planning Commissioners

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

RE: Request from Ms. Connie Fenner

I received a call from Carol Guilliland, MSHDA Housing Director wanted to express her support of Ms. Fenner's request for a Special Use Permit for a Beauty Shop.

MEMO

TO: Planning Commissioners

FROM: Jon R. Rose 
Community Development Director

DATE: December 20, 2004

RE: Baumann/Wager - Parcel Split & Combination Request

We have received a request for a Parcel Split and Combination from Barry Baumann and Karl Wagner. Karl Wagner owns two properties on Bryant Avenue. Mr. Wagner lives in the home at 554 Bryant Avenue and the building at 552 Bryant Avenue is used as a rental. Barry Bauman has entered into a purchase agreement with Karl Wagner to purchase the house at 552 Bryant Avenue. The properties currently have a diagonal configuration that Mr. Baumann and Mr. Wagner would like to realign into north/south parcels.

The property at 554 did not meet the Street Frontage requirements of the Zoning Ordinance. The Zoning Board of Appeals granted a variance with conditions to allow a reduction in the street frontage requirement from 100 feet to 66 feet. With the variance from the Zoning Board of Appeals the request meets the requirements of the Zoning Ordinance.

JRR:djb

Request to Split a Parcel

Name and Address of Applicant: BARRY N BAUMANN
552 HARVARD LN.
MANISTEE, MI. 49660

Signature *Barry N Baumann*

Phone Numbers: Home 723-7012 Work _____

Name and Address of other parties who have an interest: _____

KARL WAGNER
554 BRYANT AVE. MANISTEE.

Signature *Karl Wagner*

Phone Numbers: Home 723-5736 Work _____

Parcel Identification Numbers for all parcels involved: 51-51-340-709-03

AND 51-51-340-709-01

Reason for request: TO REALIGN TWO AWKWARD SHAPED PARCELS,
BOTH CONSISTING OF TWO LOTS EACH WHICH JOIN ONLY
AT THEIR CORNERS FORMING A DIAGONAL, TO FORM
TWO RECTANGULAR PARCELS WHICH WOULD GIVE EACH
TWO LOT PARCEL CONTINUITY.

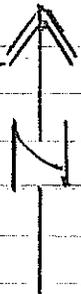
Attach a sketch or site plan of all parcels involved in the request. The sketch must include the location of buildings and/or structures, building set-backs, streets, street names and lot dimensions.

Fee: \$50.00 for first split + \$25.00 for each additional split.

Receipt # 7539

66' 64.17'

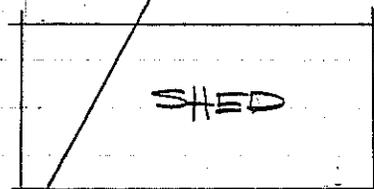
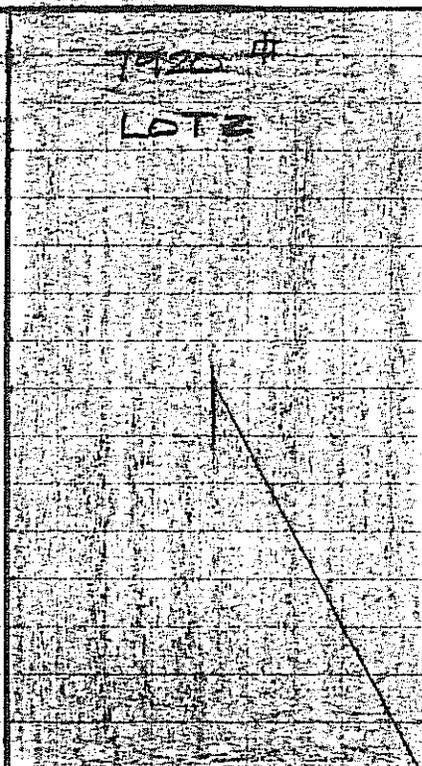
HARVARD LANE



7920 #
LOT 2

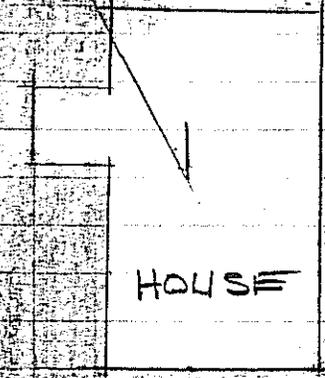
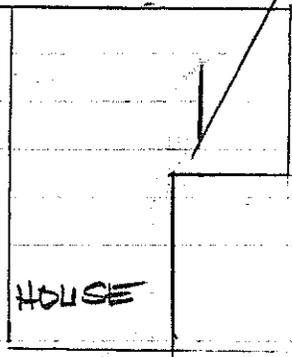
7700 #
LOT 1

120'



TAMARACK STREET

120'



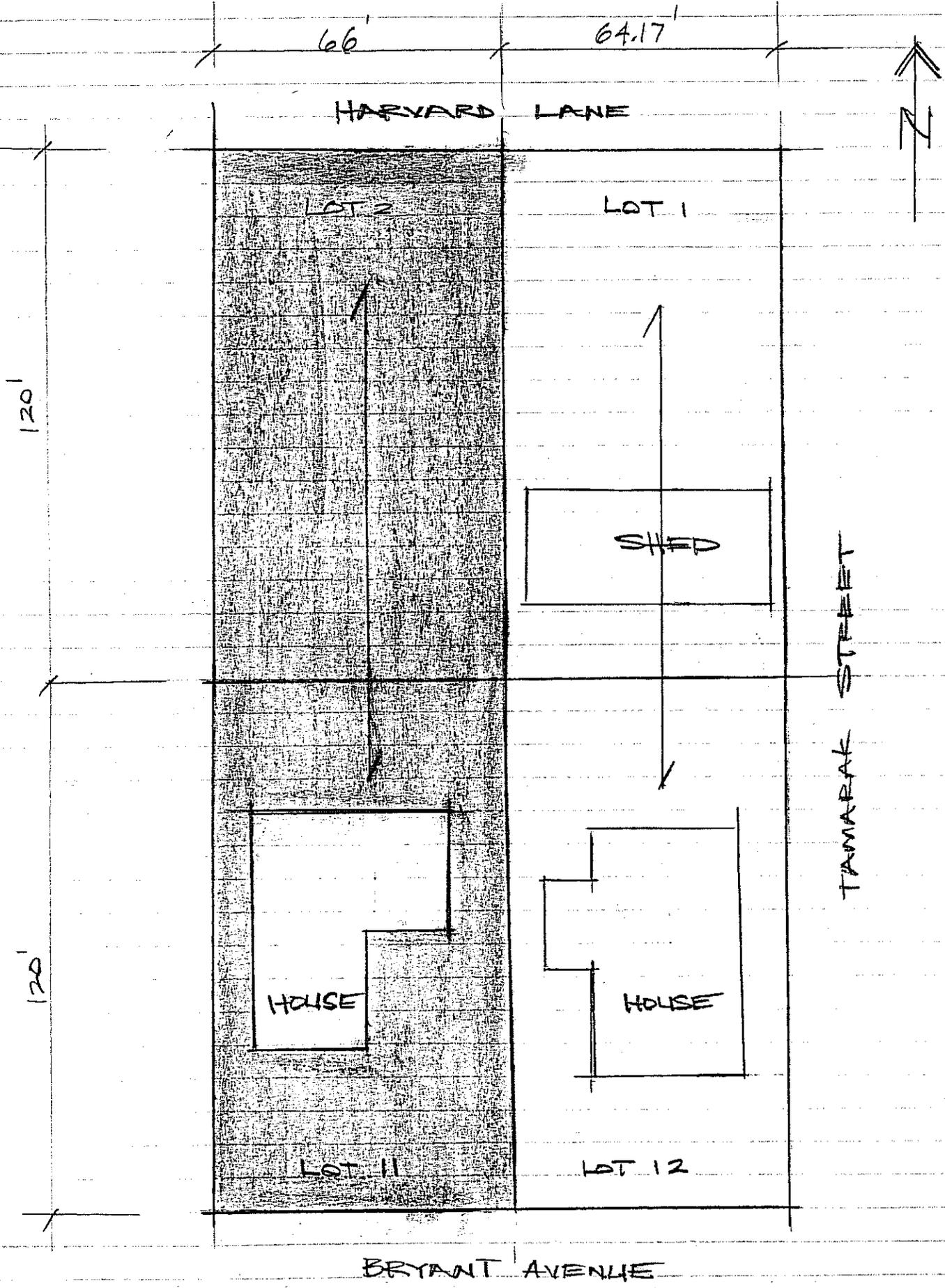
7920 #
LOT 11

7700 #
LOT 12

BRYANT AVENUE

SCALE - 1" = 30'

EXISTING



SCALE - 1" = 30'

PROPOSED

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: (~~516~~) 723-7012 (~~516~~) 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>12-10-04</u>
Zoning District for Property: <u>R-3</u>	Parcel Code Number: <u>51-51-340-709-0</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 51-51-340-709-01

AND ADD IT TO PARCEL 51-51-340-709-03.

REMOVE LOT 2 FROM PARCEL 51-51-340-709-03

AND ADD IT TO PARCEL 51-51-340-709-01

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 LOTS 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 [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.

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:

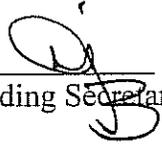
Congratulations to the members of the ZBA who just completed their Citizen Planner Training. Mark Hoffman, Bill Kracht, Linda Albee and Craig Schindlbeck. At this time the entire ZBA has been Certified as Citizen Planners.

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



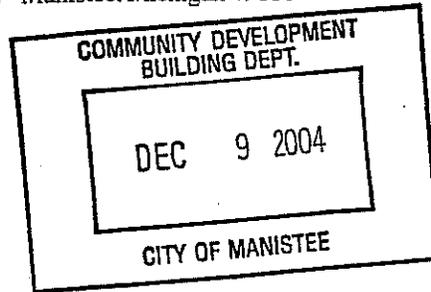
Denise J. Blakeslee, Recording Secretary



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
variances.
Ronald Gordon
435 Tamarack
Manistee

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.