



City Hall
208 North First Avenue
Alpena, Michigan 49707
www.alpena.mi.us

Planning & Development

AGENDA

ZONING BOARD OF APPEALS

January 27, 2021, 5:00 p.m.
Regular Meeting, Virtual

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CityofAlpena/zba-meeting>

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- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. ELECTION OF OFFICERS:**
- 4. PUBLIC HEARING:**

In Case Number PZ200023, Travis Kaiser, 1203 South 4th Ave, Alpena, MI 49707 has requested a variance from the Zoning Board of Appeals to construct a new home 9 feet from their rear property line where the current home to be demolished resides. The required setback in the R-2 zone is 25 feet per the City of Alpena Zoning Ordinance.

- 5. ACTION ON PUBLIC HEARING:**
Case Number PZ200023

- 6. NEW BUSINESS**

- a. Approve minutes of October 28, 2020 meeting.
 - b. Approve 2021 ZBA meeting schedule.

- 7. COMMUNICATIONS:**
- 8. PUBLIC COMMENT:**
- 9. ADJOURNMENT:**



MEMORANDUM

TO: Zoning Board of Appeals

FROM: Andrea Kares, Director of Planning, Development, & Zoning

SUBJECT: **PZ200023, 1203 S. Fourth Avenue** - Findings of fact

DATE: January 27, 2021

In ZBA Case PZ200023, Travis Kaiser, 1203 S. Fourth Avenue, Alpena, MI 49707. The new home is proposed to be built on the existing foundation and adhere to the same setbacks that the previous home did. The current foundation is located nine feet away from the rear property line. The Alpena City Zoning Ordinance, section 5.7.C.1, requires a rear setback of 20 feet. Building the home on the existing foundation would result in a setback reduction of 11 feet.

Property Address: 1203 S. Fourth Avenue

To authorize a variance, the Board shall find that all the following conditions are met:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
4. The need for the variance was not created by the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district and will not impair an adequate supply of light and

air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Alpena.

Staff evaluation of the five conditions relative to this petition is as follows:

1. The property currently has a foundation on it. Requiring the current foundation be abandoned, and a new one be constructed is cost prohibitive.
2. Strict compliance with the regulations could potentially be met by removing a portion of the current foundation and building in a different location on the lot than where the previous home was located. However, this route is cost prohibitive, and would cause further disturbance in the neighborhood.
3. The proposed request does appear to do substantial justice to the neighbors. The previous home was blighted, and an eyesore in the neighborhood. The construction of a new home will be a welcome addition and raise the property values of the surrounding homes.
4. The need for a variance was not created by the owner, or previous owners as the restriction was created by the Zoning Ordinance.
5. The proposed request will not create an adverse impact on the neighborhood. The proposed new construction will uplift the neighborhood and raise the property value of the surrounding homes.

In addition, two public comments were received for this project regarding some construction that has already taken place. The construction that has already taken place was the result of a misunderstanding between multiple staff members, and the homeowner. Staff have spoken to the homeowner about the miscommunication, and an understanding has been reached for any future projects.

Staff recommends that the variance be approved with no additional conditions attached as the variance is the result of the home not being properly addressed in the past. However, in granting a variance, the Board may attach conditions regarding the location, character, and other features of the proposed structure as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of said variance.

* Case # PZ200023
* Parcel # _____
* Date Rec'd _____
* Received by _____

Ceciinez@gmail.com

NOTE:
The applicant or his/her representative
must attend the meeting to respond to
questions the board may have.

APPLICATION FOR ACTION
BY ALPENA BOARD OF ZONING APPEALS

This application is to be completed by the applicant. City staff is available to answer any questions related to this application or the zoning process. The Zoning ordinance may be reviewed at the Alpena County Library. Copies may be purchased from the City Clerk. Please provide all information requested by typing or printing in ink. Answers should be clear and concise. If additional space is needed, number and attach additional pages. An application will not be accepted unless accompanied by proper fee. An additional charge to cover the cost of a public hearing must be paid before notices will be distributed. All information provided herein becomes public record upon submittal.

Applicant/Appellant Information

TRAVIS KAISER 7644 SPRUCE RD. ALPENA, MI 49707
Applicant's/Appellant's Name Address Zip
989-464-4952
Telephone (home and business)

Owner(s) of property affected by this action/appeal
if different than applicant/appellant. (If more than
one attach a list of names and addresses) Address Zip
Telephone (home and business)

Action Requested

A hearing before the Alpena Zoning Board of Appeals is requested for the purpose checked below:
Administrative Review: Appeal an interpretation or action of the building inspector and City staff, and/or clarify ordinance language and intent. (Per Section 2302 and 2304)
Variance from strict application of ordinance provisions. (Per Section 2304)

Property Information

A. Legal description of property affected by this appeal: LOT 1, BLOCK 12 OF SOUTH
SIDE ADDITION TO THE CITY OF ALPENA, A SUBDIVISION RECORDED IN
LIBER 2 OF PLATS, PAGE 41

Address of property: 1203 S. HILL AVE. ALPENA, MI 49707

B. List all deed restrictions (attach additional pages if needed) : _____

C. Present use of property: SINGLE FAMILY HOME

D. Present zoning classification of the property: RESIDENTIAL

E. Attach to this application a scaled drawing on 8 ½ x 11 inch or larger, which indicates the following (Place the applicant's signature on the drawing):

- Boundary lines of lot.
- ☒ Location of all existing structures on lot.
- Location of all proposed structures or additions.
- Location of all buildings on adjacent lots that are within 5 feet from the Applicant's property line.

Detail of Request (Complete Section A or B)

A. If requested hearing is for Administrative Review, Appeal or Interpretation:

1. Zoning Ordinance provision(s) related to this appeal is (are): _____

2. Describe the alleged error, decision or refusal which has resulted in this appeal. Give specific relevant facts such as dates, names, places, dimensions, etc. _____

3. Complete the specific wording of the desired action by the Board of Zoning Appeals. "The Board hereby approves _____

4. Why is the desired action the best action in this matter? What alternatives have been considered? _____

5. How will the desired action affect adjoining properties, congestion in public streets, surrounding property values and public health, safety, comfort, morals and welfare? (Section 2304.2) _____

B. If requested hearing is for Variance:

1. Check the Ordinance requirement(s) which is (are) the subject of the variance request.

<input checked="" type="checkbox"/> setback	loading space	off street parking
lot coverage	obscuring wall/fence	height
signs	area requirements	other (specify) _____

2. Check and describe the characteristics of the property which require the granting of a variance (include dimensional information).

<input checked="" type="checkbox"/> too narrow	elevation	soil
too small	slope	subsurface
too shallow	shape	other (specify) _____

3. Specifically state what is intended to be done on, or with, the property which necessitates a variance. Give specific relevant facts such as dimensions, materials, dates, etc. _____

REMOVAL OF DILAPIDATED HOME DOWN TO FOUNDATION AND
REBUILD NEW HOME (AGAIN ON EXISTING FOUNDATION)

4. Reasoning and Impact.

- a. Can the property be used in a manner permitted by the Zoning Ordinance if a variance is not granted? Yes ☒ No If no, explain why not. _____

FOUNDATION IN PLACE

- b. Is this property unique? Yes ☒ No If yes, explain the unique conditions. _____

- c. If granted, how would the action permitted by this variance affect the character of the neighborhood? _____

WOULD ALLOW FOR NEW HOME TO
BE ERECTED AND UPLIFT NEIGHBORHOOD. NEW HOME
FACING ELIA WHITE SCHOOL.

- d. Are the characteristics described in b. (above) the result of past construction or use of the property by its present or past owners/tenants? ☒ Yes No If no, what action created the property's non-compliant characteristics? _____

Impact on Surrounding Lands

If this request is granted:

- A. What are likely to be the positive and negative impacts of this decision on surrounding land and neighbors?

Positive: AN UPLIFT TO NEIGHBORHOOD AND TO LOT
FACING SCHOOL.

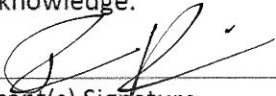
Negative: NONE

B. How do you propose to minimize any potential negative impacts that the approval of this request may cause?

NO NEGATIVE IMPACTS!

Signature

The undersigned affirm that they accept the responsibility of this application and pledge to comply with City zoning regulations. The undersigned also affirm that information herewith submitted is true and correct to the best of their knowledge.


Applicant(s) Signature

11-28-20
Date(s)

Applicant(s) is (are):

Owner

Tenant

Authorized Representative of Owner

Additional Comments

For Office Use Only

Date notice published: _____

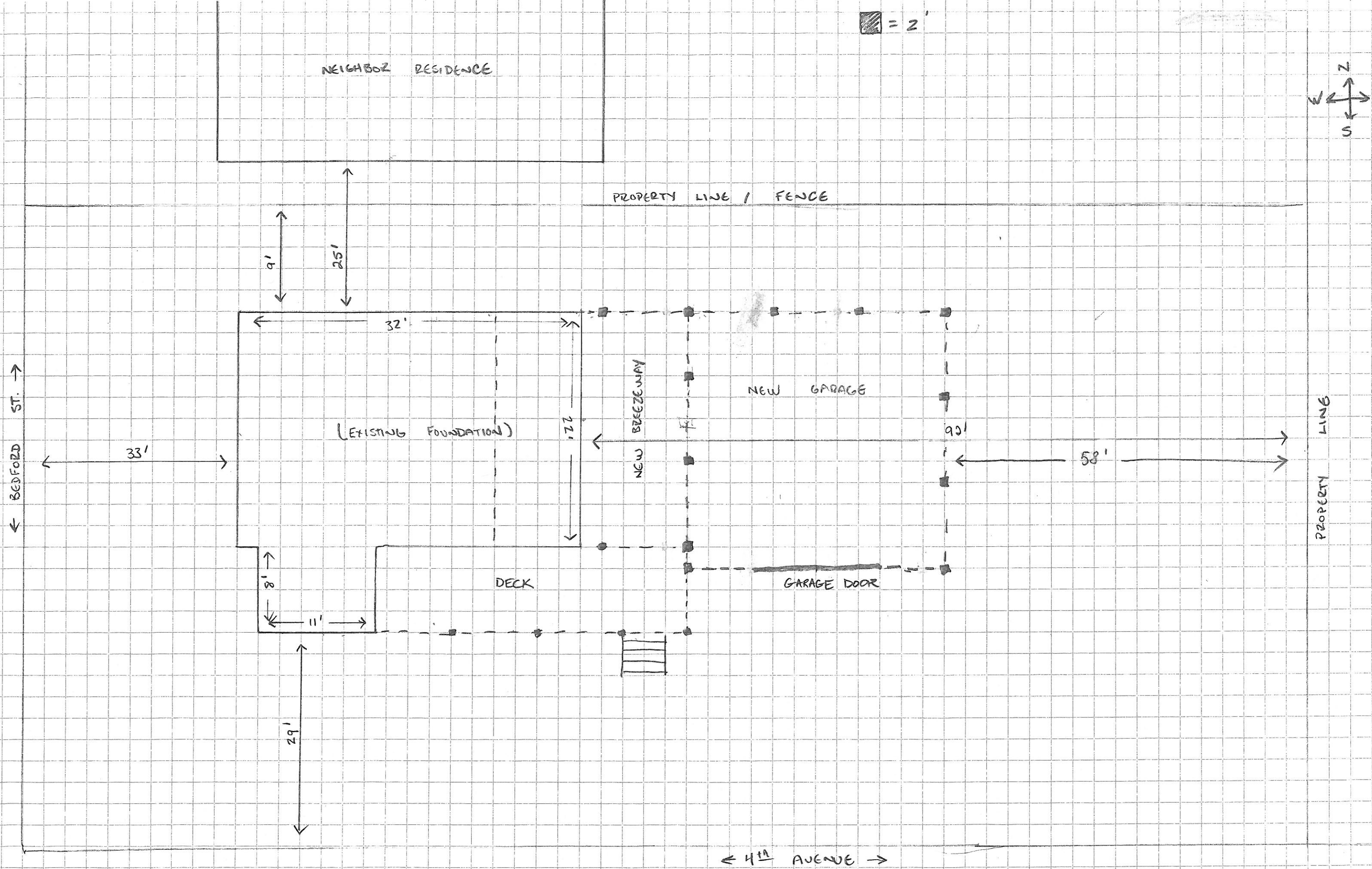
Date notices sent: _____

Date of hearing: _____

Date action taken: _____

Action taken: _____

Date confirmation sent to appellant: _____



J.V.

MINUTES
ZONING BOARD OF APPEALS

October 28, 2020
COUNCIL CHAMBERS, CITY HALL

CALL TO ORDER:

Chairman Elwood Anderson called the Zoning Board of Appeals to order at 5:00 p.m.

ROLL CALL:

Present: Anderson, Bray, Broers, Guest, Lewis
Cary Keller arrived at 5:07 p.m.

Absent: Lamble

Chairman Anderson opened the public hearing and explained the procedures for the hearing.

Chairman Anderson made an announcement that this will be his last official meeting as Chairman of the Zoning Board of Appeals. He said he has been with the Zoning Board of Appeals for 28 years.

Chairman Anderson said he would like to call for the election of officers. He asked if there were any suggestions. The board suggested electing Mike Lamble to Chairman because he is the Vice-Chairman. Donald Gilmet, Building Official, asked if anyone had spoken to Mike Lamble if he would be willing to be the Chairman. Don Gilmet said you do not want to elect someone that is not here at the meeting.

Chairman Anderson suggested they postpone the election of officers until the next meeting.

Member Lewis made a motion to postpone the election of officers.

Member Guest seconded the motion.

Ayes: All to table the election of officers until the next meeting.

Chairman Anderson said he is only stepping down from the Chairman position but will continue to serve on the board.

Public Hearing of Case ZBA20-02

Andrea Kares, Zoning Director presented the variance as follows: Craig Barton, 1104 S. Third Avenue, Alpena, MI 49707 is requesting a variance in the R-2 One Family Residence District to install a 10' x 12' shed in the street side yard. The shed will be three feet from the house and eight feet from the street side property line. The Alpena City Zoning Ordinance, Section 3.11.C.2, requires a six-foot separation from the house and Section 3.11.C.5.a, requires a ten-foot separation from the street side property line.

Property Address: 1104 S. Third Avenue

Notices were sent to all adjoining property owners within 300 feet of the subject property.

To authorize a variance, the board shall find that all the following conditions are met:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners. It is not a self-created problem.
5. That the requested variance will not cause an adverse impact on the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Alpena.

CONDITIONS: The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in Section 9.9.

FINDING OF FACT: In granting or denying a variance, the board shall state in a written statement of findings of fact, which you can do verbally, the grounds upon which it justifies the granting of the variance.

Staff evaluation of the five conditions relative to this petition is as follows:

1. The lot is small with the home currently built to the setback lines. The lot has no space to build horizontally and meet the regulations put forth in the zoning ordinance.
2. Strict compliance with the regulations could potentially be met by building a second story onto the home, but this route is cost prohibitive and is not likely to meet the current need of the homeowner.
3. The proposed request does not appear to do substantial justice to the neighbors. The building would be constructed on a corner and would likely be the focal point of the intersection. Many lots in the neighborhood are of similar size and density. The granting of a lesser variance (i.e. attaching the shed to the home, shed and home façade matching, and making the shed more rectangular in shape) would give substantial relief to the property owner and be more consistent with justice to other property owners.
4. The need for a variance was not created by the owner or previous owners as the restriction was created by the Zoning Ordinance.
5. The proposed request would not appear to alter the character of the neighborhood. However, due to the location of the home and the size of the lot, the shed would be very noticeable.

One public comment was received for this project that stated “I object to this case for the following reasons:

- 1) This zoning rule was put in place to protect the community from projects such as this and should be followed.
- 2) The project would be noticed and questioned.
- 3) The project would devalue the neighborhood.
- 4) Granting this request would open the door as a reason people could use to approve future requests.”

In granting a variance, the board may attach conditions regarding the location, character, and other features of the proposed structure as it may deem reasonable in furtherance of the purpose of this ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of said variance.

Staff observations:

The property in question is small, with the home being built to or over the required setback lines. The property owner does not have any space on the lot to build a shed in the desired size. However, the proposed location and proximity of the shed to the sidewalk does cause some concern.

Therefore, staff recommends that this proposal be **approved with conditions**. Some recommended conditions include attaching the shed to the home, matching the façade of the home, and shed, and changing the shape of the shed to better resemble a rectangle to reduce the total encroachment.

PUBLIC COMMENT:

Mr. Barton, owner, of 1104 S. Third Avenue addressed the board. He would like to install a shed. He does a lot of work and has a lot of tools, and he needs the shed for storage of those tools. If he had a bigger lot, he would put it in a different place. He plans on getting a nice looking shed and try to match the house in color. It keeps him from leaving things out in the yard, and he likes to keep a clean yard. He said it would help him a lot to get this shed.

Member Keller asked Mr. Barton why he could not put the shed back by the fence. Mr. Barton said if he put it back there, it would have to have fire-rated walls.

Donald Gilmet, Building Official told the board that anything that gets within five feet of a property line, it does not matter whether it needs a building permit or not, it has to be one-hour rated from both sides. Don said there is not enough room to put it back there anyway to get the six-foot setbacks. That is why Mr. Barton decided to put the shed in the side yard. That is the variance he is asking for.

Mr. Gilmet said the person that was opposing this variance lives about a block and a half away on another street. It is not a neighbor that is in any site line of Mr. Barton's property.

Since no one else wished to speak either for or against this variance. Chairman Anderson closed the public comment portion of the meeting to deliberate for case ZBA20-02.

DISCUSSION BY BOARD MEMBERS:

Chairman Anderson said he visited the site, and the applicant meets the criteria. He said the backyard is unique. He said where the applicant wants to put the building would be environmentally friendly as to the location and size. Chairman Anderson said he is in favor of it.

Member Guest said that if you were to look down Crapo Street, it appears all the houses on Crapo have a similar setback. If you were to put this shed in the side yard, it would stick out relative to the other structures on that street.

Considering your comments Mr. Chair, what do you think about the city's suggestion about the conditions to attaching the shed to the home and matching the façade of the home and shed and changing the shape of the shed to reduce the total encroachment.

Member Broers said he can comment on that. Mr. Broers said it would be twice as expensive to do that kind of thing. You would get into all the building codes; you would have to have proper wiring. It would cost maybe three times more.

Mr. Gilmet said you do not have to literally attach it to the house. You can set it tight to the house, so it looks like it is almost attached to the house.

Further discussion ensued about the placement of the shed.

Member Lewis asked Mr. Barton if these premanufactured sheds come in all kinds of sizes. Mr. Barton said yes. Member Lewis asked if he could do an eight-foot wide shed. Mr. Barton said he could, but he was really hoping for the 10' x 12' shed.

Chairman Anderson asked if anyone is willing to make a motion that it be accepted with conditions.

Member Broers made a motion to approve the shed variance as is. As it was submitted by the applicant.

Member Bray seconded the motion.

ROLL:

Ayes: Bray, Broers

Nays: Anderson, Guest, Keller, Lewis

Motion to approve the variance for the shed as submitted by the applicant was denied.

Motion made by Member Guest to allow the owner to put the shed as close to the house as he wants to, with the size being 8 foot wide and up to a maximum of 16 feet deep with matching siding to the house.

Member Lewis seconded the motion.

ROLL:

Ayes: Anderson, Broers reluctantly yes, Guest, Keller, Lewis

Nays: Bray

The variance to construct a shed within the street side property line area has been approved with conditions. The conditions are the shed can be constructed no larger than 8 feet wide up to a maximum of 16 feet deep and the siding on the shed must match the house in color. The shed must be placed at least ten feet from the street side property line and can be within two feet of the house.

OLD BUSINESS:

There was not any old business.

NEW BUSINESS:

Member Guest made a motion to approve the minutes.

Member Lewis seconded the motion.

Ayes: All

The minutes from the September 30, 2020 meeting were approved.

COMMUNICATIONS:

There were no communications.

ADJOURNMENT:

With no other business to discuss, Chairman Elwood Anderson adjourned the meeting.

Alan Guest, Secretary

Elwood Anderson, Chairman

MEMORANDUM

TO: Zoning Board of Appeal Members

FROM: Andrea Kares, Planning, Zoning, and Development Director

SUBJECT: Meeting Schedule, ZBA

DATE: January 27, 2021

MEETING DATE

January 27, 2021

February 24, 2021

March 31, 2021

April 28, 2021

May 26, 2021

June 30, 2021

July 28, 2021

August 25, 2021

September 29, 2021

October 27, 2021

November 24, 2021

December 15, 2021

January 26, 2022

FILING DATE

January 6, 2021

February 3, 2021

March 10, 2021

April 7, 2021

May 5, 2021

June 9, 2021

July 7, 2021

August 4, 2021

September 8, 2021

October 6, 2021

November 3, 2021

November 22, 2021

January 5, 2022