

MINUTES
ZONING BOARD OF APPEALS

April 28, 2021
COUNCIL CHAMBERS, CITY HALL

CALL TO ORDER:

Member Lewis called the Zoning Board of Appeals to order at 5:08 p.m.

ROLL CALL:

Present: Bray, Broers, Guest, Lewis

Absent: Keller

STAFF:

Donald Gilmet (Contractual Staff), Kathleen Sauve (Recording Secretary)

Staff member Donald Gilmet stated that Michael Lamble has resigned from the board.

Member Lewis suggested they postpone the election of officers until the next meeting.

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

Public Hearing of Case ZBA 21-02

Donald Gilmet, Staff, presented the variance as follows: **In Case ZBA 21-02, Keith Titus**, 415 South First Ave, Alpena, MI 49707. The applicant has applied for a variance to extend their deck to within 7 feet of their front property line and construct an aluminum ramp that will extend 3 feet, 9 inches into an easement located on the neighboring property located at 409 South First Ave, Alpena, MI 49707.

Property Address: 415 S. First Ave.

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 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. Due to the narrow shape of the lot a variance is necessary to allow the owner of the home proper access to and from the subject residence.
2. The property in its current state unreasonably prevents the owner from entering and exiting the residence due to mobility issues. The addition of a deck, and access ramp are necessary to allow the owner to enter and exit the residence.
3. The proposed request does appear to do substantial justice to the neighbors. One of the adjacent properties are owned by the applicant's daughter, and the granting of variance will not negatively impact the other neighbors.
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 applicant simply wishes to extend the existing deck and add a ramp so he may enter and exit the residence without the assistance of outside sources.

Staff did receive two other comments via mail and email regarding the proposed variance. The first comment was in support of the project, with a neighbor stating that they have seen the difficulty the applicant has with accessibility and that the variance is much needed and far overdo. The second comment received was in opposition to the variance. The commenter stated that granting the variance will, "not fit into the balance of the street." In addition, the second comment also stated that the sides, and rear of the home present a viable option, and that they are not in agreement with the proposed construction.

In granting a variance, the Board may attach conditions regarding the location, character, and other features of the proposed project 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:

Staff recommends that the variance be approved with conditions. The condition that is recommend by staff is that the easement be granted and recorded before the construction may begin.

DISCUSSION BY BOARD MEMBERS:

Member Broers (also hired contractor to complete the work) stated that the front enclosed porch is only 4 feet by 4 feet, which then leads into the house with a rise of 7 5/8 inches, which is impossible to pass with Mr. Titus' electric wheelchair. He further explains that is the reason for the elevation increase of the current enclosed porch.

Member Guest questions the removal of the front stairs, and if they are removed, will they be replaced. Broers states that for now it will just be the ramp in place for access to the home; however, at some point when the ramp is removed, there will be stairs built facing toward the rear of the home in the same location.

PUBLIC COMMENT:

Sara Bode, of 401 South Sixth Ave., is the granddaughter and one of the current caregivers of Mr. Titus and is appearing to represent the applicant. She states it is impossible to get her grandfather out of the house without ambulance assistance. She believes it is a necessity to be able to get him out of the house to his appointments and to get fresh air at this stage in his life in his current condition. She states that it would mean a lot to Mr. Titus, his family and his

caregivers to be able have a sense of freedom and life and to be able to get out of his home more easily.

With no further comments, Member Lewis closed the public hearing.

Before the vote, Member Broers addressed the board. He explained that because he is there representing the applicant as well as being the contractor hired for the work to be done, he recuses himself from voting, as there is a conflict of interest.

Member Lewis states that Broers will not be voting, and it will be up to the rest of the board members.

Member Bray made a motion to grant the variance with the condition as stated by Staff.

Member Guest seconded the motion.

Roll:

Ayes: Bray, Guest, Lewis

Nays: none

Motion passed: 3-0

The variance to construct a deck with a wheelchair ramp was granted.

NEW BUSINESS:

Member Guest made a motion to approve the minutes from the March 31, 2021 meeting as printed.

Member Bray seconded the motion.

Ayes: All in favor to approve the minutes as printed.

The minutes from the March 31, 2021 meeting were approved.

COMMUNICATIONS:

There were no communications.

ADJOURNMENT:

Motion to adjourn made by Lewis.

Motion seconded by Bray.

With no other business to discuss, Staff member Gilmet adjourned the meeting at 5:32 p.m.

Alan Guest, Secretary

Chairman