



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

Planning & Development

AGENDA

ZONING BOARD OF APPEALS

July 31, 2019, 5:00 p.m.
Council Chambers, City Hall

1. CALL TO ORDER:

2. ROLL CALL:

3. PUBLIC HEARING:

- 1. In Case ZBA 19-01, Frederick Rouleau, 208 Hitchcock Street, Alpena, MI 49707, is requesting a variance in the R-2 One Family Residence District to replace an existing attached garage located two feet from the side property line with a home addition and storage area, also located two feet from the side property line in the same footprint as the existing garage. Article 5.7C and 3.32E**
- 2. In Case ZBA 19-02, Gary Rucinski, 216 Beebe Street, Alpena, MI 49707, is requesting a variance in the R-2 One Family Residence District to construct a shed two feet from the side property line, 4 feet closer than permitted. Article 3.11C3**
- 3. In Case ZBA 19-03, Eric Swenson, 826 S State Avenue, Alpena, MI 49707, is requesting a use variance for the property at 826 S State Avenue in the R-2 One Family Residence District to allow the construction of a second residential unit within an existing attached garage. Article 5.7B**

4. NEW BUSINESS

- a. Approve minutes of November 28, 2018 meeting.

5. COMMUNICATIONS:

7. PUBLIC COMMENT:

8. ADJOURNMENT



MEMORANDUM

TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: ZBA 19-01, Frederick Rouleau, 208 Hitchcock Street, Alpena, MI 49707
Findings of fact

DATE: June 20, 2019

In Case ZBA 19-01, Frederick Rouleau, 208 Hitchcock Street, Alpena, MI 49707, is requesting a variance in the R-2 One Family Residence District to replace an existing attached garage located two feet from the side property line with a home addition and storage area, also located two feet from the side property line in the same footprint as the existing garage. Article 5.7C and 3.32E

Property Address: 208 Hitchcock Street

To authorize a variance, the Board shall find that all of 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 that 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 existing home at 208 Hitchcock Street is unique in that it has a legal non-conforming 18' x 20' attached garage on the rear of the home. The applicant would like to knock down the garage to install a home addition in the same footprint of the existing garage with the same 2' setback from the side property line.

The applicant would also need a variance for lot coverage as after the new addition is complete the applicant will be covering 39% of the lot 4% more than allowed. Currently the same amount of the lot is covered by the garage and the lot coverage is considered legal non-conforming.

2. Strict compliance would not allow the applicant to build an attached addition unless it 6' from the side property line and no larger than 185 square feet. That size and setback would not appear to meet the applicant needs. The lot is a half lot only 39' wide, significantly narrower than most standard lots.
3. The proposed request would appear to do substantial justice to the neighbors and the applicant. The proposed addition will be constructed the same footprint as the existing garage and would not appear to have any more impact than the existing garage.
4. The need for a variance was not created by the owner. The lot is only 39' wide and the existing house and garage were constructed 2' from the side property line.
5. The proposed request would not appear to alter the character of the neighborhood. There is an existing garage there now, and removing the garage and building a similar sized home addition would not appear to have a negative impact on the area.

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 No. ZBA 19-01



Case No. ZBA 19-01



MEMORANDUM

TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: ZBA 19-02, **Gary Rucinski**, 216 Beebe Street, Alpena, MI 49707 Findings of fact

DATE: July 29, 2019

In Case ZBA 19-02, Gary Rucinski, 216 Beebe Street, Alpena, MI 49707, is requesting a variance in the R-2 One Family Residence District to construct a shed four feet from the side property line, 42 feet closer than permitted. Article 3.11C3

Property Address: 216 Beebe Street

To authorize a variance, the Board shall find that all of 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 that 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 additional shed would appear to march the setback of the existing garage and shed. Well a shed could be built to the proper setback in other portions of the rear yard, it would impact other uses of the yard.
2. Strict compliance to the ordinance would negatively impact the owner's property. While the shed could be constructed to meet setback requirements, it would require the owner to move several other features of his rear yard.
3. The proposed request would appear to do substantial justice to the neighbors and the applicant. The addition of the shed would like up with the existing garage and would be screened by an existing privacy fence.
4. The need for a variance was not created by the owner. The existing garage was constructed prior to the zoning setback standards for accessory structures. This request would match the setback of the garage and shed.
5. The proposed request would not appear to alter the character of the neighborhood. There is an existing garage and shed with the same setback. The proposed shed would match the setback and be screened by a privacy fence.

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 No. ZBA 19-02



MEMORANDUM

TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: **ZBA 19-03, Eric Swenson**, 826 S State Avenue, Alpena, MI 49707 Findings of fact

DATE: July 29, 2019

In Case ZBA 19-03, Eric Swenson, 826 S State Avenue, Alpena, MI 49707, is requesting a use variance for the property at 826 S State Avenue in the R-2 One Family Residence District to allow the construction of a second residential unit within an existing attached garage. Article 5.7B

Property Address: 216 Beebe Street

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

1. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
2. 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.
3. The proposed use will not alter the essential character of the neighborhood.
4. The immediate hardship causing the need for the use variance was not created by the property owner or previous property owners (self-created).

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

1. The conversion of the existing attached garage to a separate living unit could be completed via a special permit process if the building owner is living in one of the units when the other unit is being rented. The applicants have noted that they will reside in the new unit for 4 months per year and rent the existing home out the rest of the time.

They have indicated they do not intend to rent the new unit out, but a variance would not prevent it from being rented out in the future.

2. The need for the variance is due to the applicant only residing in Alpena for 4 months of the year and wanting to reside in the newly created unit that time. The applicant would then be able to rent the existing residence. The applicant has indicated that they do not plan to rent the proposed new unit when they are not present.
3. The proposed addition of a unit would not appear to alter the character of the neighborhood. Parking could potentially be an issue but there would appear to be enough onsite parking for 3 vehicles.
4. The immediate hardship could be considered self-created as the applicant could reside in the home for 4 months per year as they had and could leave the house vacant the rest of the time.

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 No. ZBA 19-03



Case No. ZBA 19-03



View of setback on to neighboring property