



City Hall  
208 North First Avenue  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)

## *Planning & Development*

### AGENDA

#### ZONING BOARD OF APPEALS

September 25, 2019, 5:00 p.m.

Council Chambers, City Hall

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PUBLIC HEARING:**

1. **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
2. **In Case ZBA 19-04, Cheryl Wekwert**, 140 E Bosley Street, Alpena, MI 49707, is requesting a variance to construct a 10 wide covered porch on the front of her home, which will extend 10 feet into a required front setback, five more feet than allowed. Article 3.31E and 5.7C1
3. **In Case ZBA 19-05, Mary Lewandowski**, 235 E Campbell, Alpena, MI 49707, is requesting a use variance for the property at 239 E Campbell in the R-2 One Family Residence District to allow the use of a second residential unit located within the home. Article 5.7B
4. **In Case ZBA 19-06, TIMM Construction**, PO Box 307, Alpena, MI 49707, is requesting a variance on behalf of Paul Baker and Mark Spencer Trust to construct an attached garage, located at 167 S State Avenue, with a 0 foot side yard setback in an R-2 One Family Residence District, 6 feet less than allowed. Article 5.7C1
5. **In Case ZBA 19-07, CDA Pizza Inc.**, PO Box 564, Escanaba, MI 49829, is requesting a variance to allow the existing building, located at 650 N Ripley, to operate a restaurant with on premises consumption of food to operate with 15 parking stalls, 4 fewer than required, and utilize a drive up window with three stacking spaces, two fewer than required. Article 3.30.E.13

4. **NEW BUSINESS**
  - a. Approve minutes of July 31, 2019 meeting.

5. **COMMUNICATIONS:**
7. **PUBLIC COMMENT:**
8. **ADJOURNMENT**



## MEMORANDUM

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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

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**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

## MEMORANDUM

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TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: ZBA 19-04, Cheryl Wekwert, 140 E Bosley Street, Alpena, MI 49707  
Findings of fact

DATE: August 26, 2019

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**In Case ZBA 19-04, Cheryl Wekwert**, 140 E Bosley Street, Alpena, MI 49707, is requesting a variance to construct a 10 wide covered porch on the front of her home, which will extend 10 feet into a required front setback, five more feet than allowed. Article 3.31E and 5.7C1

**Property Address: 140 E Bosley**

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 lot the house sits on is a unique shape and the house is constructed closer to Bosley than would currently be allowed. The area is unique as there would appear to be several other homes with similar setback covered porches.
2. Strict compliance would allow for the construction of an open porch, but would not allow for a covered porch to cover the whole porch. The porch could be constructed to be a five-foot porch, but that would not fulfill the needs of the applicant. The applicant also has a small rear yard, so constructing a deck would not appear to be an option.
3. The proposed request would appear to do substantial justice to the neighbors and the applicant. The proposed covered porch would appear to match the setback of her closest neighbor, and several other surrounding properties have a covered porch closer to the front property line.
4. The need for a variance was not created by the owner. The lot is a unique shape and very shallow.
5. The proposed request would not appear to alter the character of the neighborhood. The covered porch would meet the setback of other porches in the area.

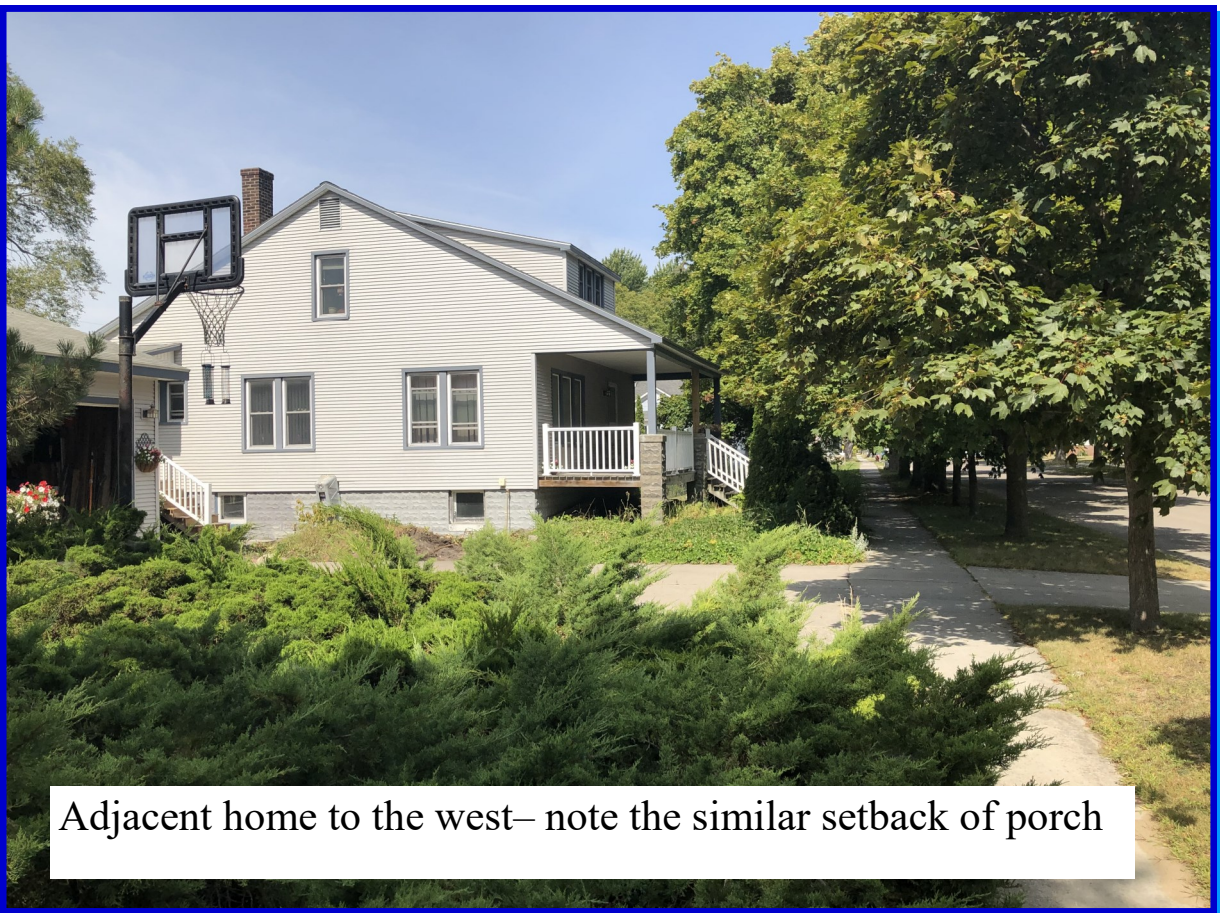
In granting a variance, the Board may attach conditions regarding the location, character and other features of the proposed structure as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting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



## Case No. ZBA 19-04



Front of 140 E Bosley– note new porch



Adjacent home to the west– note the similar setback of porch



**Case No. ZBA 19-04**



## MEMORANDUM

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TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: **ZBA 19-05, Mary Lewandowski**, 235 E Campbell, Alpena, MI 49707  
Findings of fact

DATE: August 26, 2019

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**In Case ZBA 19-05, Mary Lewandowski**, 235 E Campbell, Alpena, MI 49707, is requesting a use variance for the property at 239 E Campbell in the R-2 One Family Residence District to allow the use of a second residential unit located within the home. Article 5.7B

**Property Address: 235 E Campbell**

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 existing home appears to have been constructed as a duplex. Access to the rear unit above the garage is in the rear and the space above the garage would appear to be 1200 SF. The front portion of the home appears to be roughly 2000 SF between two floors. The house also has a very small yard and would not be able to be constructed today due to lot coverage restrictions.



2. The request is unique. The house was constructed as a duplex, it was then converted to a single-family home. Usually these situations are the opposite with a single-family home being divided, but the garage and rear unit were constructed to be a separate unit.
3. The proposed addition of a unit would not appear to alter the character of the neighborhood. There is plenty of off-street parking and plenty of square footage for both units. The house already appears as a duplex.
4. The hardship does not appear to be self-created. The house was originally constructed as a duplex and was converted to a large single family home.

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 19-05**







235 E Campbell sideview

## MEMORANDUM

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TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: ZBA 19-06, **167 S State Avenue**- Findings of fact

DATE: September 23, 2019

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**In Case ZBA 19-06, TIMM Construction**, PO Box 307, Alpena, MI 49707, is requesting a variance on behalf of Paul Baker and Mark Spencer Trust to construct an attached garage, located at 167 S State Avenue, with a 0 foot side yard setback in an R-2 One Family Residence District, 6 feet less than allowed. Article 5.7C1

**Property Address: 167 S State Ave**

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

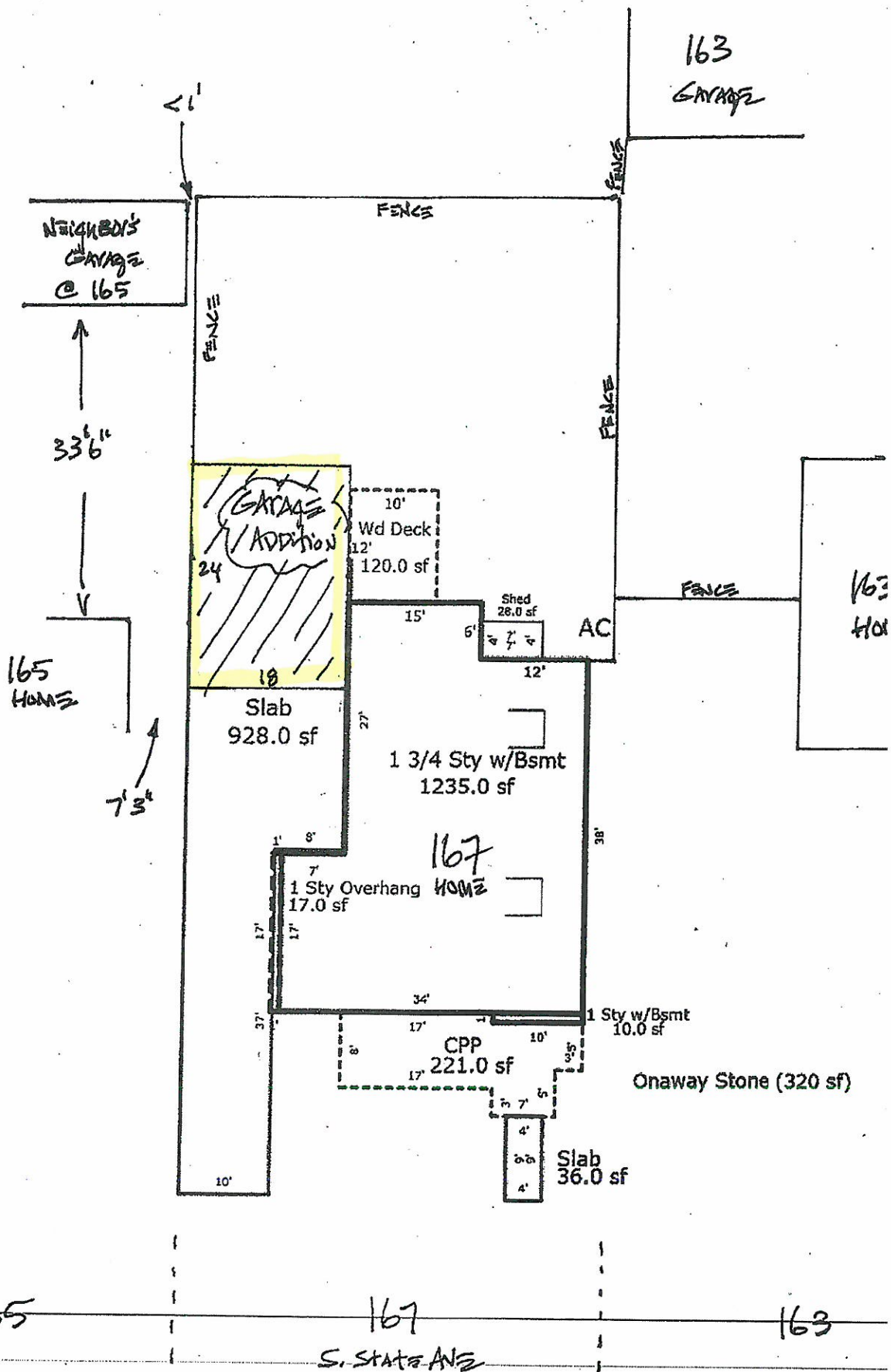
1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
2. Strict compliance with the regulations governing area, 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 property in question is unique as the lot is much smaller than a standard lot and measures 45 feet wide by 107.5 feet long. It is much narrower than the surrounding lots which are 64' wide and 82.5 feet wide. The house is 34 feet wide and that leaves 18' along this section of side yard.
2. Strict compliance with the regulations could potentially be met by moving the garage to the rear of the property, but the garage, in order to meet setbacks would take up additional space and not allow for other uses of the rear yard. The applicant could construct a 6-foot narrower garage in the proposed location but the useable space of the garage would appear to be less than 10 feet wide which is about as wide as a typical parking space.
3. The proposed request would appear to do substantial justice to the neighbors and the applicant. There are many other houses and garages in the neighborhood with similar setbacks, with the most affected neighbor at 165 S State having a garage that would appear to have a one-foot side yard setback.
4. The need for a variance was not created by the owner. Houses along State Avenue were generally constructed long before the City was zoned.
5. The proposed request would not appear to alter the character of the neighborhood. There are several houses and accessory structures with similar setbacks in 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.



Paul S. Baker, 8/28/19



S. FIRST AVENUE

HITCHCOCK STREET

S. STATE AVENUE

NORTH



1" = 100'

093-417-000-258-00

42.9'

6

82.5'

46.2'

82.5'

7

49.5'

30'

8

32.5'

123.5'

10

231'

11

82.5'

45'

5

4

5

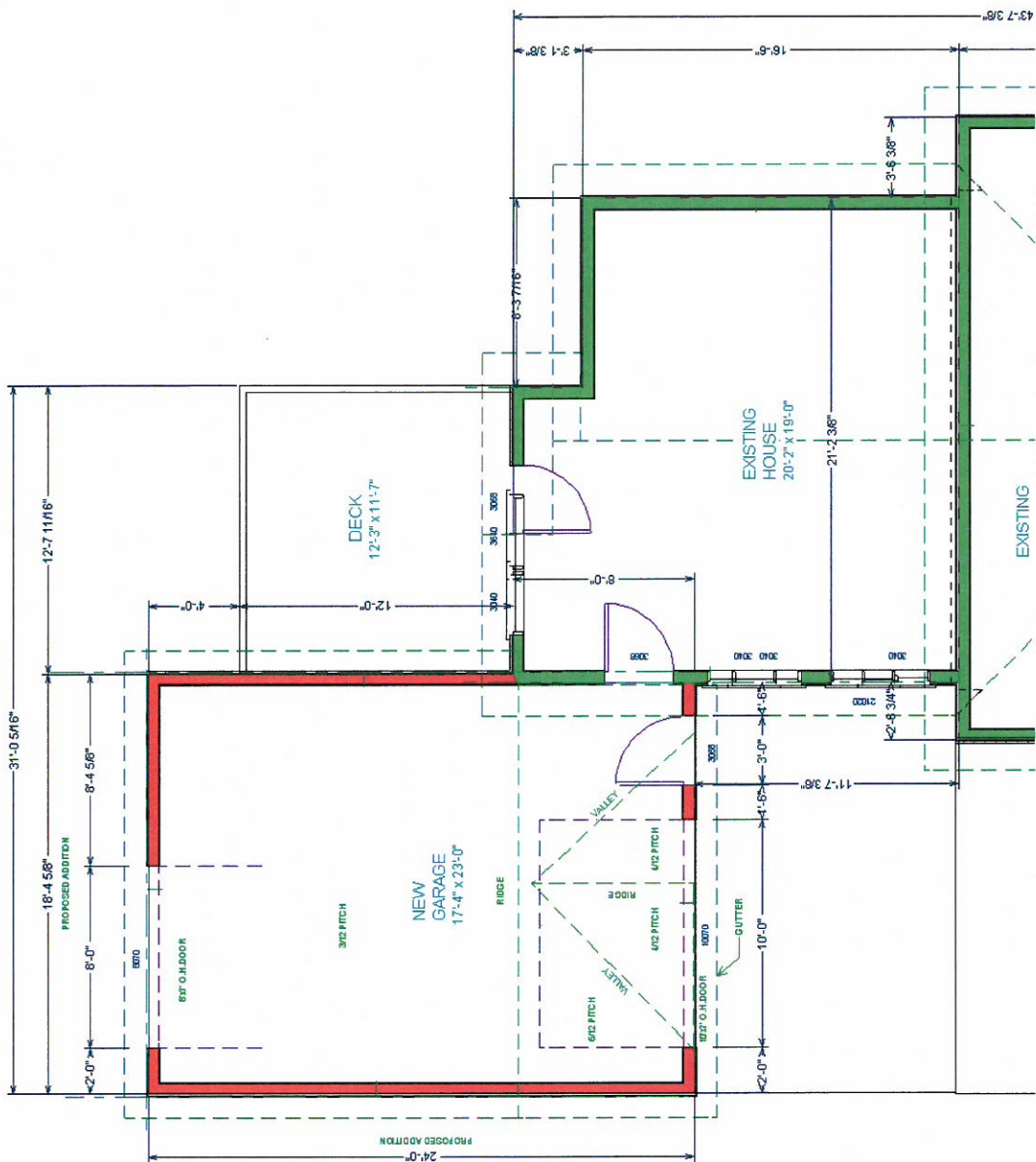
107.5'

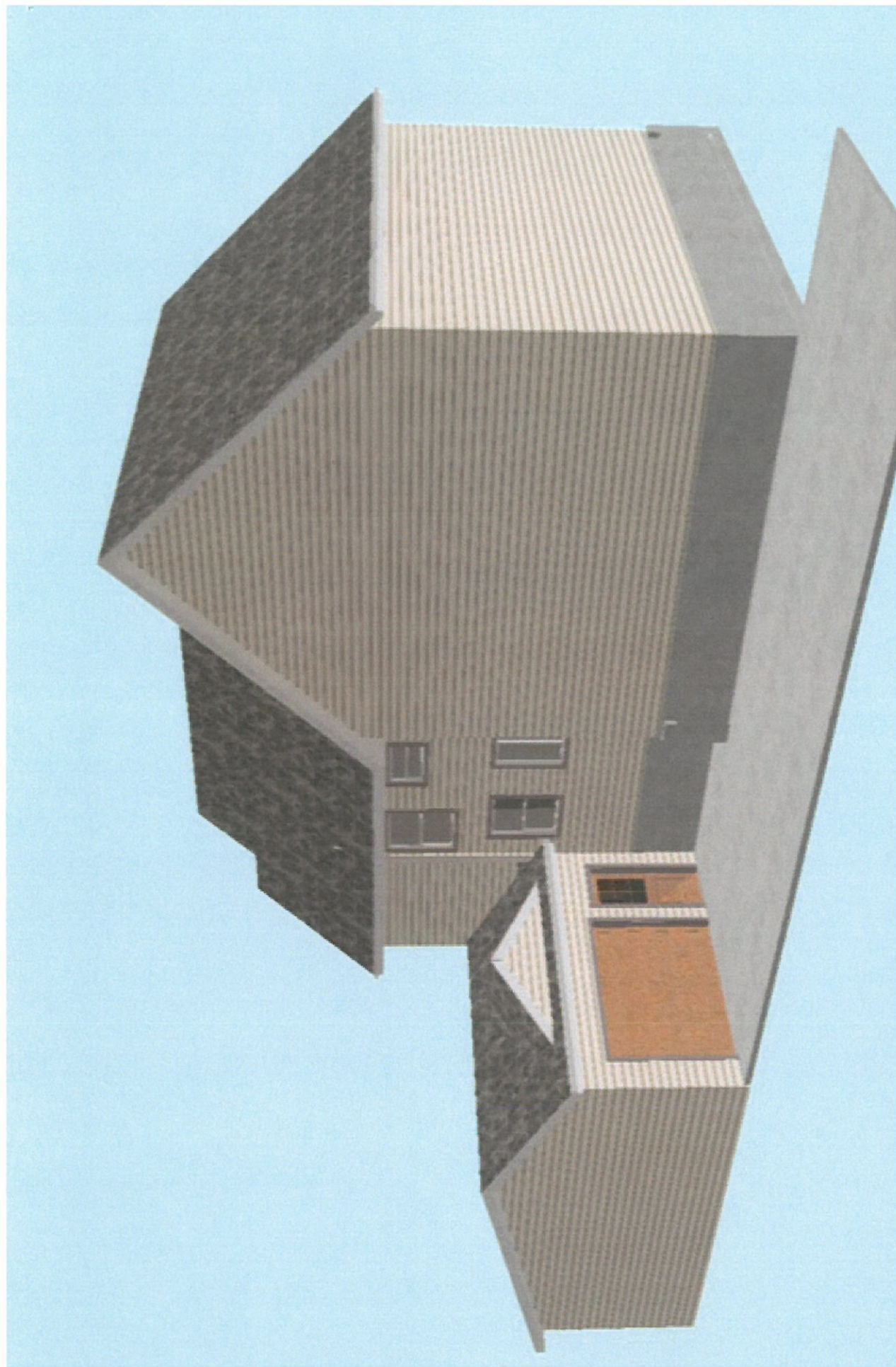
107.5'

37.5'

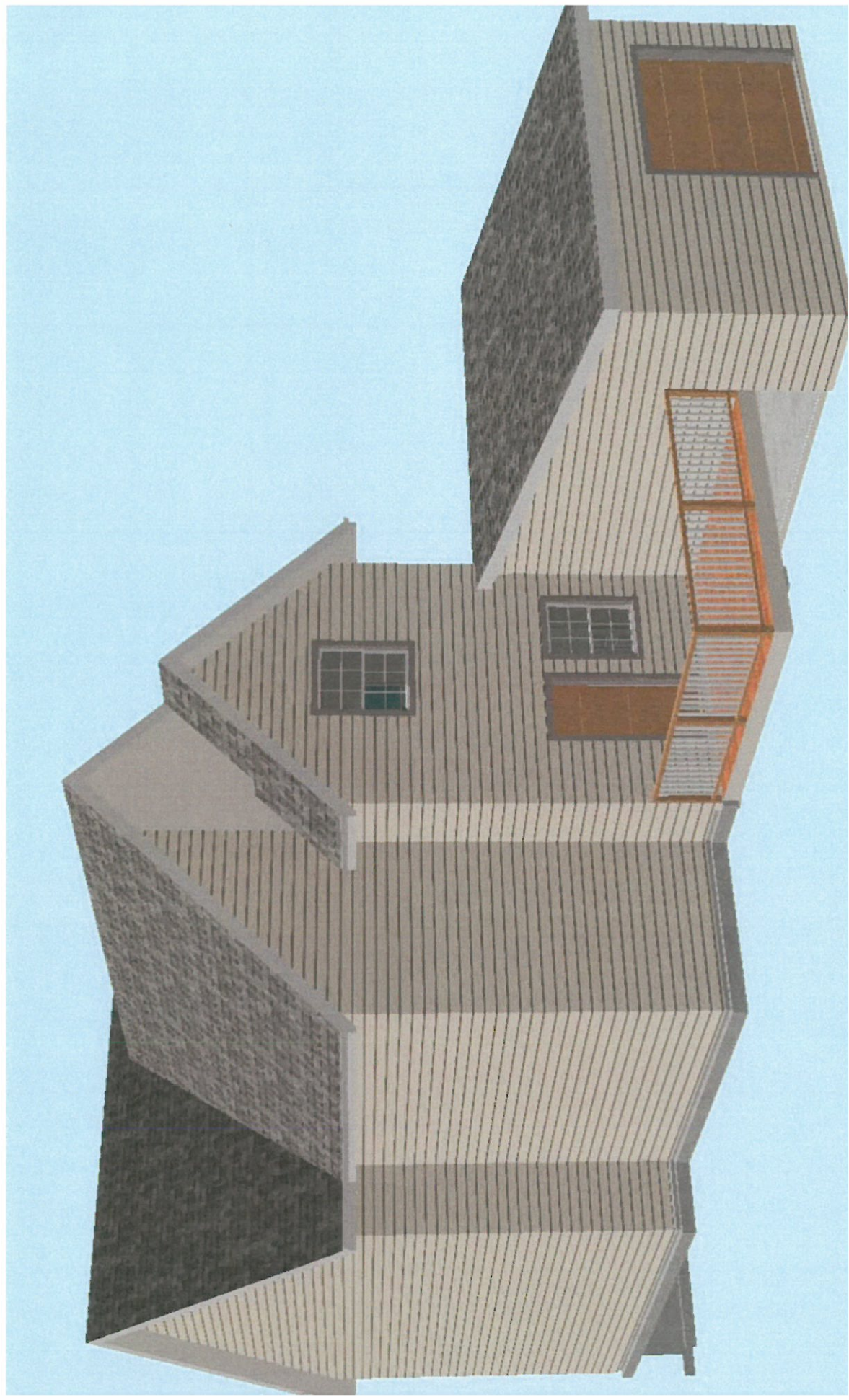
22.5'



















165

167

## MEMORANDUM

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TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: ZBA 19-07, **650 N Ripley**- Findings of fact

DATE: September 23, 2019

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**In Case ZBA 19-07, CDA Pizza Inc.**, PO Box 564, Escanaba, MI 49829, is requesting a variance to allow the existing building, located at 650 N Ripley, to operate a restaurant with on premises consumption of food to operate with 15 parking stalls, 4 fewer than required, and utilize a drive up window with three stacking spaces, two fewer than required. Article 3.30.E.13

**Property Address: 650 N Ripley**

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 property in question is unique as the lot is a very unusual shape due to the unique angle of Campbell Street. Due to this unique shape parking is limited. There is some unutilized space on the lot behind the residential, but it would not appear to be appropriate for parking or access purposes.

The variance to allow for a drive-up window for picking up previously placed orders of food is unique due to the placement on the building. The only other location on the building that could be utilized would be behind the building or the side closest to the residential uses which would be less than desirable.

2. Strict compliance with the regulations could potentially be met by eliminating the indoor dining area and having a carryout only establishment, but in this case the business model requires onsite dining. The shape of the lot does not allow for utilizing any additional sections of the lot for additional parking. Some additional parking may be gained if the drive-up window is not utilized.

Strict compliance with regulations could not be met without routing traffic behind existing residential uses.

3. Granting the variance to parking requirements would appear to do substantial justice to the applicant and other nearby owners. The building is sitting vacant and utilizing it for the proposed use would not appear to have a significant negative impact on the area.

Allowing the drive-up window could cause potential stacking issues. There would not appear to be a great deal of stacking space. The applicants have indicated that it would simply be a pickup window and orders would not be placed at the window which could alleviate some potential stacking issues as customers utilizing the window should not have to wait long for their food.

4. The need for a parking variance was not created by the owner, although eliminating the drive-up window may provide some limited additional parking.

The variance for the drive up window is created by the applicant as there is currently no window present now and the business could operate without a drive-up window.

5. The parking variance would not appear to be out of character with the neighborhood. The parking area is not proposed to change, although the existing parking area is not screened from adjoining residential as is currently required by the Zoning Ordinance. As a variance is needed, the ZBA could consider requiring a 6 foot tall privacy fence be added to screen the parking area from the nearby residences.

The variance for the drive up window could be adverse to the neighborhood if stacking for that window backs up onto Ripley Blvd. The applicants have indicated it would be for pick up only and that orders would not be placed at the window.

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.





Existing Vacant Building



Existing Parking area, note no screening to adjacent residence



## Case No. ZBA 19-07

