



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

Planning, Development, & Zoning

City of Alpena Zoning Board of Appeals

Regular Meeting

Wednesday March 29, 2023, @ 5:00 p.m.

This meeting will be held in Council Chambers as well as virtually.

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

<https://www.gotomeet.me/CityofAlpena/zoning-board-of-appeals>

You can also dial in using your phone:

United States: +1 (571) 317-3122

Access Code: 788-887-717

AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Meeting December 21, 2022

PUBLIC HEARING AND ZBA ACTION:

Case # ZBA23-0001 – 205 Helen St – Dimensional Variances – Fence and Garage

BUSINESS:

UNFINISHED: none

NEW: none

COMMUNICATIONS OR REPORTS: Marijuana ordinance update

CONTINUING EDUCATION: none

PUBLIC COMMENT:

MEMBERS COMMENTS:

ADJOURNMENT:

MINUTES
City of Alpena Zoning Board of Appeals
Regular Meeting (Council Chambers and Virtual)
December 21, 2022

CALL TO ORDER:

The regular meeting of the Zoning Board of Appeals was called to order at 5:00 pm by Chairman Bray.

ROLL CALL: ZONING BOARD OF APPEALS

PRESENT: Bray, Guest, Lewis, Kostelic

ABSENT: Broers, Keller

STAFF: Montiel Birmingham (Planning, Development and Zoning Director), Donald Gilmet (Contractual Staff appeared at 5:10pm), Kathleen Sauve (Recording Secretary)

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: The Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting August 31, 2022, minutes were approved as printed.

PUBLIC HEARING AND BOARD ACTION: **Case # ZBA 22-08** – Barbara and Arthur Romel, property owners of 139 West Baldwin Street, are requesting a dimensional variance for a reduced setback for a carport and a lot coverage variance to construct an open covered porch.

Birmingham presented the Finding of Fact Dimensional Variance report.

FAVOR: Property owners were present, however did not wish to speak at this time.

OPPOSITION: Roger Sims, adjacent property owner, is concerned that it is packing a lot of stuff in a very small area and the runoff from the carport lean-to onto his property. He is concerned about where the snow and water will be going and the height of the structures. He also stated that he is concerned about the value of his home, and he does not want them to have any additional setback from his property allowed.

Birmingham stated that Gilmet did a site visit and explained to the property owners that if the setback variance were to be granted, the car port will be required to be constructed of metal due to it being closer than six feet from the property line.

Board members had discussion about the dimensions. Gilmet asked if it was going to be a premanufactured carport or if it was being built. Romel stated that she had a quote from

Fitzpatrick's Hardware to have it built. Guest asked what the dimensions are for a comfortable parking spot. Gilmet stated a typical parking spot in a parking lot is either 9'X18', or 10'X 20'. Guest suggested that the carport be shortened to ten feet, making it four feet from the property line. Guest suggested changing the dimensions to 10'X 22'. Lewis suggested 11' wide to provide 4 feet from the property line for snow buildup. Bray asked about the property line and Mrs. Romel explained that the house is parallel to the road and the side property line is on an angle. Discussion amongst members about dimensions and property line setbacks. Gilmet stated that the homeowner may, at their expense, need to remove the snow if there is significant buildup. The Romels agreed. Neighbor, Sims, addressed the board again, asking what the dimensions will be for the proposed covered porch area. Mrs. Romel stated that it would not be backed up to the property line and also that the dimensions could be altered to be even further away from the property line. Gilmet reminded everyone in attendance, that anything within five feet of a property line must be either one hour protected from both sides (this could be achieved by using two layers of drywall over a 4"X4" post) or be constructed from non-combustible material such as a metal carport.

Public hearing closed for deliberation at 5:38 pm by Chairman Bray.

Lewis ***motioned*** to approve the carport and the covered porch as proposed except that no part of the structures can be closer than four feet from the property line and they must adhere to the building code for purposes of fire safety.

Guest ***seconded*** the motion.

Motion ***approved*** by unanimous vote.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

COMMUNICATIONS OR REPORTS: 2023 MEETING SCHEDULE

Due to scheduling conflicts for several members, the summer meeting dates in June, July and August were discussed and agreed to be changed.

Lewis ***motioned*** to accept the schedule with the following amendments –
Wednesday June 21, 2022, will be changed to Tuesday June 20, 2022
Wednesday July 26, 2022, will be changed to Tuesday July 25, 2022
Wednesday August 30, 2022, will be changed to Tuesday August 29, 2022

Bray ***seconded*** the motion to approve the schedule with the three modifications.

Motion ***approved*** by unanimous vote to approve the 2023 meeting schedule with the three amendments as stated above.

Birmingham informed the Zoning Board of the two new Planning Commission members, Chris Moses and Greg Sundin.

CONTINUING EDUCATION: None.

PUBLIC COMMENT: None.

MEMBERS COMMENTS: None.

ADJOURNMENT: With no other business to discuss, Chairman Bray adjourned the meeting at 5:48 pm.

Alan Guest, Secretary

Dennis Bray, Chairman

FINDINGS OF FACT
DIMENSIONAL VARIANCE REPORT

APPLICANT: SARA AND MICHAEL BOOTH
REQUEST: DIMENSIONAL VARIANCE – SETBACK
AND VISIBILITY TRIANGLE
LOCATION: 206 HELEN ST
DISTRICT: R-2
REVIEW DATE: 3/7/2023
REPORT: ZBA23-0001



Summary of Request: Applicant requests a reduced side setback along 3rd Avenue to 15' for an attached garage and reduced visibility triangle for 4' high aluminum fence setback 2' from sidewalk.

The Zoning Ordinance currently states the following for *attached* accessory structures and lot coverage:

- **ATTACHED ACCESSORY BUILDINGS/STRUCTURES:** Where any accessory building or structure is attached to a principal building, such accessory building or structure shall be considered part of the principal building and shall be subject to and must conform to all regulations of this Ordinance applicable to the main building regardless of whether the accessory building was constructed as a detached building and then attached.
 - Corner Lot Rear Setback: 25' (setback met)
 - Corner Lot Side Setback: 20' (requesting 15')
- **MAXIMUM LOT COVERAGE:** 35% (based on an 8,400 sq ft lot) – applicant is within lot coverage requirements with proposed 30x30 garage
- **VISIBILITY TRIANGLE:** 25' for street right-of-way, 8' for driveways, unobstructed vision area between 3'-10' high – triangle is measured from inside sidewalk. Fence is 4' high.

VARIANCE STANDARDS: SECTION 8.5

DIMENSIONAL VARIANCE STANDARDS: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

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;

ZA Response: The property is bordered by three streets, requiring additional setbacks on the side, as well as having two visibility triangles to consider.

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;

ZA Response: Property owner could still use the property; current garage size to fit today's vehicles is too small. New garage could be shortened to 25' wide, but would need to consider adequate space for

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accessory items (i.e., mower, snowblower, etc.) to eliminate exterior storage. Options for fence become very limiting or awkward due to the 25' visibility triangle with 3' max height requirements.

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;

ZA Response: There is no anticipated effect regarding relief or injustice.

4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

ZA Response: Requested variance is based on requested garage size and fence layout.

5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of 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

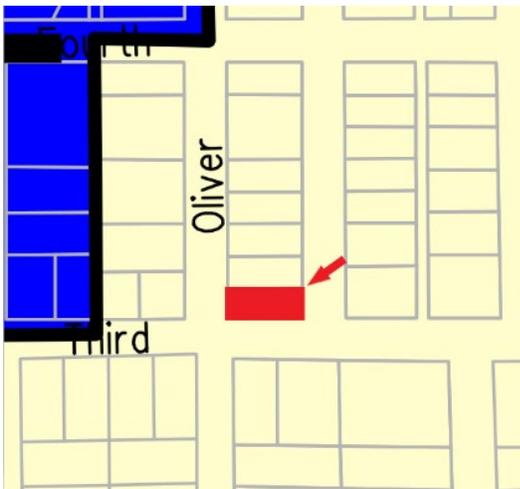
ZA Response: Consider if the additional 5' into the side setback conflicts with setback continuity on the street. The sidewalk on 3rd is a path from Ella White for walking Elementary students. Fence proposed is very open and provides visual sightlines through fence and safety features for children and pets on a very busy street.

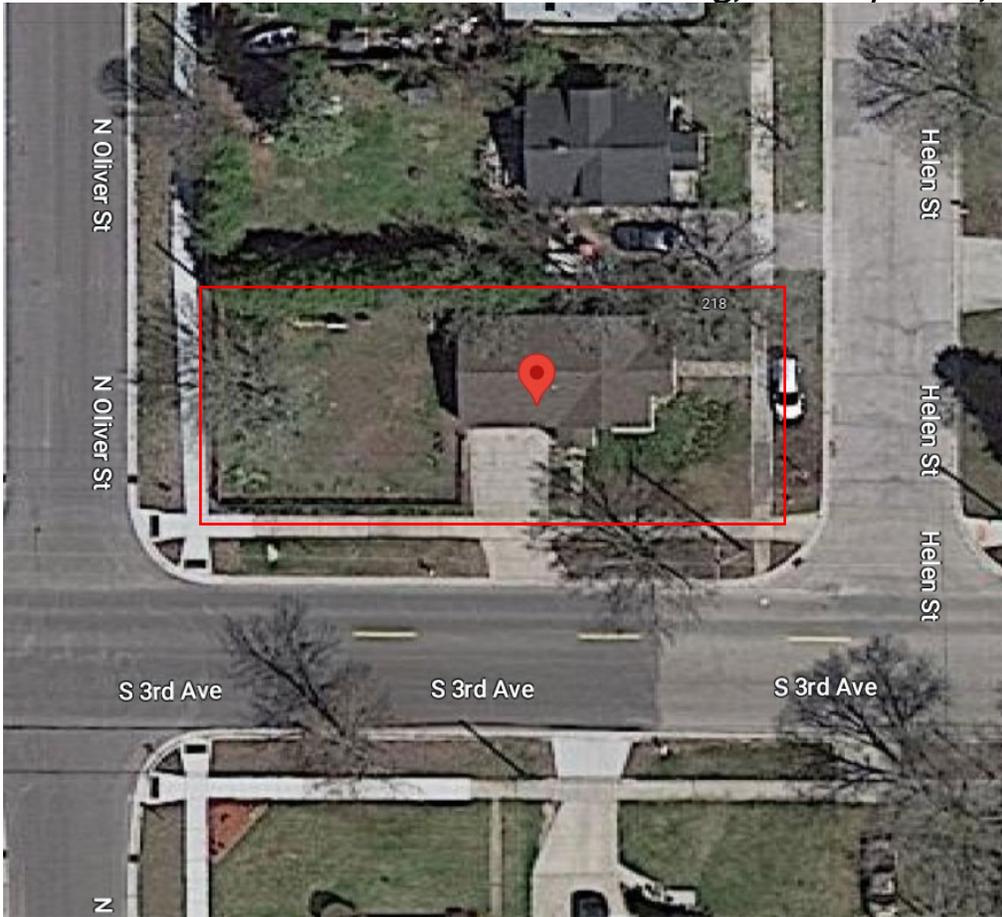
ADDITIONAL NOTES

Objections Received:

No objections to the variance request have been received.

Photos:





Red triangles signify approximate placement of 25' visibility triangle on property.





Curb Cut on 3rd that is proposed to be removed.



Current fence is 2' from property line – fence permit was approved in 2005







Picture above is an inspiration picture to show what roof lines would look like after adding a garage. Keep in mind our garage will have eave entry instead of gable entry as shown here. We would have a exterior entrance door and window on the gable end.



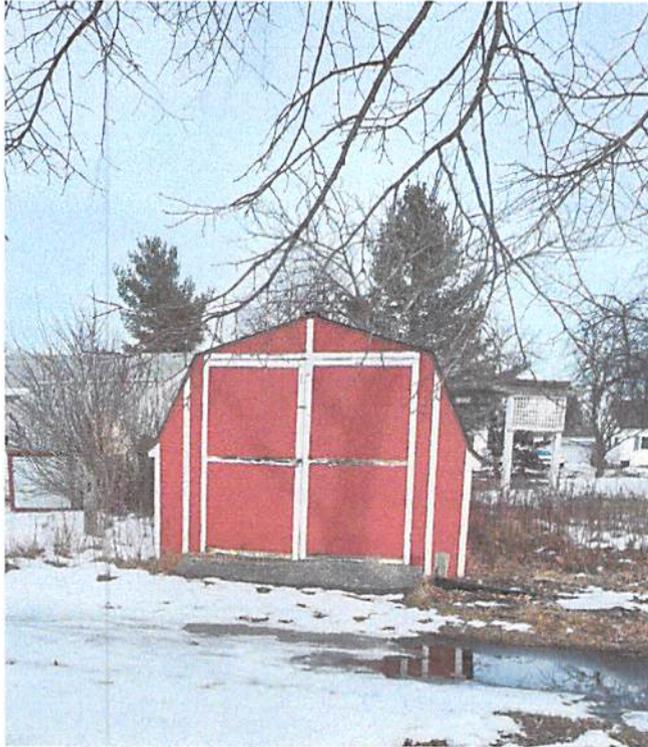
This is the fencing we would be installing. We installed it at our previous home on 1st ave. What you cannot see is the fence sits on a concrete base that is 8 inches wide. This provides a nice outline for the yard and makes moving much easier.



This is a house two doors down which shows a small setback from sidewalk for the house



Garage showing small setback from sidewalk (same property as house above).



Example of storage shed with small setback.



? 25 foot visibility triangle—



? 25 foot visibility triangle

Sara Booth ~~MBA~~

206 Helen Street

□ = 4ft.

