



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

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## *Planning, Development, & Zoning*

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### City of Alpena Zoning Board of Appeals

Regular Meeting

Wednesday December 21, 2022, @ 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](tel:+15713173122)

Access Code: 788-887-717

### AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Meeting August 31, 2022

PUBLIC HEARING AND ZBA ACTION:

Case # ZBA 22-08 – 139 W Baldwin St – Dimensional Variance – Setback and Lot Coverage

BUSINESS:

UNFINISHED: none

NEW: none

COMMUNICATIONS OR REPORTS:

1) 2023 ZBA Schedule Review

2) New Planning Commission Members: Chris Moses & Greg Sundin, one open seat remains

CONTINUING EDUCATION: none

PUBLIC COMMENT:

MEMBERS COMMENTS:

ADJOURNMENT:

MINUTES  
City of Alpena Zoning Board of Appeals  
Regular Meeting (Council Chambers and Virtual)  
August 31, 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, Keller, Broers

ABSENT: Lewis, Kostelic

STAFF: Montiel Birmingham (Planning, Development and Zoning Director), Kathleen Sauve (Recording Secretary)

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

Agenda was approved as printed.

APPROVAL OF MINUTES:

Minutes were approved as printed.

Chairman Bray reviewed the Zoning Board of Appeals purpose and intent.

PUBLIC HEARING AND BOARD ACTION: Case #ZBA-22-04 – Matt Waligora, applicant on behalf of homeowner and Sunrise Fencing, would like a variance to complete the construction of a six-foot privacy fence on the side yard of 223 South Third Avenue. Construction began with an approved fence permit; however, after construction began staff realized the ordinance was misinterpreted from both a setback and lot type perspective by both staff and Sunrise Fencing. Sunrise Fencing has stopped work until the final decision is made by the board; existing fencing will give the board and neighbors an opportunity to see what the fence would look like if approved. Applicant requests to fence in the yard as much as possible to allow their two young children to play in a safe environment that is aesthetically pleasing. Proposed is a 6' high solid fence setback 2' from the sidewalk; additionally, owners request to waive the 8' visibility triangle requirement at the driveway; property owner will install mirrors at entrance if suggested/required by board to help see anyone on the sidewalk as they exit.

Birmingham presented the board with the Finding of Fact report.

FAVOR: Matt Waligora, owner of Sunrise Fencing, explained the unique situation of several of the neighbors not having driveways, and it is a residential corner lot surrounded by offices and buildings around the neighborhood. He said that even once the Jackson's exit the driveway, there is ten feet before the road. He explained that he understood the concern if anyone was coming down the sidewalk.

Opposition: None

Public hearing closed for deliberation at 5:23 pm.

Members discussed the required 8-foot visibility triangle and different possible solutions for exiting the driveway safely.

Guest ***motioned*** to approve the dimensional variance for the 6-foot privacy fence along the sidewalk with the stipulation that the 8-foot visibility triangle is required to exit the driveway.

Bray ***seconded*** the motion to approve.

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

Case #ZBA-22-05 – Omega Electric & Sign Company, on behalf of Presque Isle Farm Cider, requests a dimensional variance to construct a sign at 205 West Chisholm Street. Proposed sign is 2.5 feet high x 8.7 feet long with a total square footage of 21.75 square feet. Sign extends above the wall face.

Birmingham presented the Finding of Fact report.

FAVOR: Ryan Fairchild, on behalf of Omega Electric & Sign Company, explained the design of the sign, the lightweight material that it is made of, and the way it will be fastened to prevent the wind from catching it.

Adam Poll, Alpena Chamber of Commerce, indicated his support for the variance. He stated that the building is currently a legal non-conforming building. He stated that there are other signs that have been approved in the past that do extend above the roof line such as the Holiday Inn Express. He did not feel that this request is out of the ordinary and it will be a good use and beneficial for the downtown.

Public hearing closed for deliberation at 5:30 pm.

Keller ***motioned*** to approve the dimensional variance to allow the sign to extend above the wall face.

Guest ***seconded*** the motion to approve.

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

Case #ZBA-22-06 – Omega Electric & Sign Company, on behalf of Northeast Michigan Community Mental Health Authority, requested a dimensional variance to construct a sign at 400 Johnson Street. Proposed sign is 9.85 feet high x 9 feet long with a total square footage of 88.65 sq ft; total planned height for the entire structure is 11.9 feet. Square footage of sign does NOT include the brick support structure. Current sign will be removed, and new sign will be placed in same location. Proposed sign includes an Electronic Message Board. Maximum square footage allowed based on ordinance (base square footage + road frontage factor) is 63.3 square feet. Maximum height allowed based on ordinance (base height + sign square footage factor) is 8 feet. Note that the maximum square footage for a sign in any district is 80 square feet, regardless of road frontage.

Birmingham presented the Finding of Fact report.

FAVOR: Ryan Fairchild, on behalf of Omega Electric & Sign Company, explained the footing will be a Caisson style footing with a spread footing around that for the mason to lay the brick on. Fairchild explained that the sign size that they are proposing is due to distance from the road and traffic speed; the sign is around \$50,000 and they want people to be able to view it. He said that he does not design signs with square footage in mind, he designs according to what would be effective first and go from there.

Adam Poll, Chamber of Commerce, spoke about the signs that the hospital has and that they had the same issues that needed several variances due to the speed in which vehicles travel that road and the size of the property. This was his recollection from his time spent as City Planner in years past.

Public hearing closed at 5:49 pm for deliberation.

Bray ***motioned*** to approve the dimensional variance as presented, for the sign to exceed maximum square footage.

Keller ***seconded*** the motion to approve.

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

Case #ZBA-22-07 – Omega Electric & Sign Company, on behalf of Neighborhood Provisions, requested a dimensional variance to alter a non-conforming sign located at 909 West Washington Avenue, by replacing the current pylon sign face (40 sq ft) and adding illumination; current pole and foundation to remain. Proposed sign is a six-foot circle with a total square footage of approximately 28.3 square feet. Total planned height for the entire structure is 15 feet 5 inches. No excess road frontage factors apply, so maximum square footage allowed based on ordinance is 40 square feet. Maximum height allowed based on ordinance is 6 feet.

Birmingham presented the Finding of Fact report.

FAVOR: Ryan Fairchild, on behalf of Omega Electric & Sign Company, addressed the board and told them that the sign they are proposing is actually smaller in size than the current sign and would be less non-conforming than it is currently. They strategically placed it where it is for best viewing – they wanted to get it above the driveway high enough so people could see under it to back out of the parking lot safely, and high enough so the people at the intersection and other side of the railroad tracks could see it.

Guest asked Birmingham what prevents the applicant from just changing the face of the sign to their brand, rather than changing the shape. Birmingham said that they could do that, and it would not require a variance, but they are also adding illumination which would require a variance. She explained that any addition of illumination or alteration such as change of shape would require a variance. Just changing the face of the sign would not require a variance. Neighborhood Provisions would like the sign to be circle to match their brand.

Kevin Currier, owner and operator of Neighborhood Provisions, explained that he is aware, after speaking with Birmingham, that they had too much going on at the property in terms of signage and advertisement. He said that they moved the Model-A car with advertising on it, took down an off-premise wall sign at a neighboring business, and took down a feather sign from being too close to the road. He said that they want to be compliant with the City, want to do what is right and not ruffle any feathers. He would like to modernize the sign and make it to fit their branding and fit what they feel like the City is becoming. Fairchild added that they would like to preserve the thousands of dollars buried in the ground with electrical and structural steel there currently and the new sign will be utilizing that, making the new sign essentially the same exact height, but about ten square feet less than what is there now. He explained that the illumination will be just enough to glow the sign but will not cast light on the ground.

Public hearing closed at 6:06 pm for deliberation.

Guest ***motioned*** to approve the variance as presented.

Broers ***seconded*** the motion to approve.

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

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

COMMUNICATIONS: Birmingham informed the board that she has met with Denise Cline, NEMCOG, and they are going to be looking at and reviewing the Zoning Ordinance, with the section on Signs being a topic of discussion and how they can improve some of the regulations that the City currently has.

REPORTS: None.

PUBLIC COMMENT: None.

MEMBERS COMMENTS: None.

ADJOURNMENT:

With no other business to discuss, Chairman Bray adjourned the meeting at 6:11 pm.

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Alan Guest, Secretary

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Dennis Bray, Chairman

## FINDINGS OF FACT DIMENSIONAL VARIANCE REPORT

**APPLICANT:** BARBARA & ARTHUR ROMEL  
**REQUEST:** DIMENSIONAL VARIANCE –  
SETBACK AND LOT COVERAGE  
**LOCATION:** 139 W BALDWIN  
**DISTRICT:** R-2  
**REVIEW DATE:** 11/23/2022  
**REPORT:** ZBA 22-08



**Summary of Request:** Applicant requests a dimensional variance for a reduced setback for a carport and a lot coverage variance to construct an open covered porch.

**Carport:** Attached to rear of house. Setback requested along driveway is approximately 2' from property line. Carport to sit at edge of concrete driveway. Material proposed is metal due to being within 6' of property line and building code requirements. Dimensions: 12' wide, 24' long, 8' high at roofline sloping to 7' high at outside edge.

**Open Covered Porch:** Attached to rear of house. Extends from principal structure to fence abutting neighbor. Material proposed is metal due to being within 6' of property line and building code requirements. Dimensions: 18' wide, 17' long, 10' high at roofline sloping to 8' high at outside edge.

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: 20'
- **MAXIMUM LOT COVERAGE:** 35% (based on an 8,400 sq ft lot) – applicant's lot is 4,100 square feet. Current lot coverage is 45% (1,829 square feet - lot coverage does not include driveways and patios). If both requests were approved, lot coverage increases to 59% (2423 sq ft).

## VARIANCE STANDARDS: SECTION 8.5

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**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 a polygon shaped corner lot with a narrow and angled rear yard. It is less than half the square footage of the lot size outlined in the zoning ordinance.

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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:** The required 20' setback could not be physically met anywhere in the rear yard and the primary structure itself as it sits today does not meet this standard. Property could be used for the permitted purpose without the proposed modifications, although it would not be able to be utilized as the current owner would like.

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:** The attached garage that was on the property was converted into living space by a previous owner, essentially splitting the garage in half. Drive area coming off Baldwin already exists and was used for parking previously based on Google images. Current owner has concerns with snow removal in the winter in the parking area off Baldwin. Patio area in rear yard already exists, but is not covered.

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:** No negative impact is anticipated based on the above criteria.

## **ADDITIONAL NOTES**

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### **Objections Received:**

No objections to the variance request have been received. Two inquiries were made by nearby residents that were concerned with the modifications, but no formal statements were provided.

Alternative options to carport: use the parking area off Baldwin that already exists; or convert garage back into a full garage.

Photos:







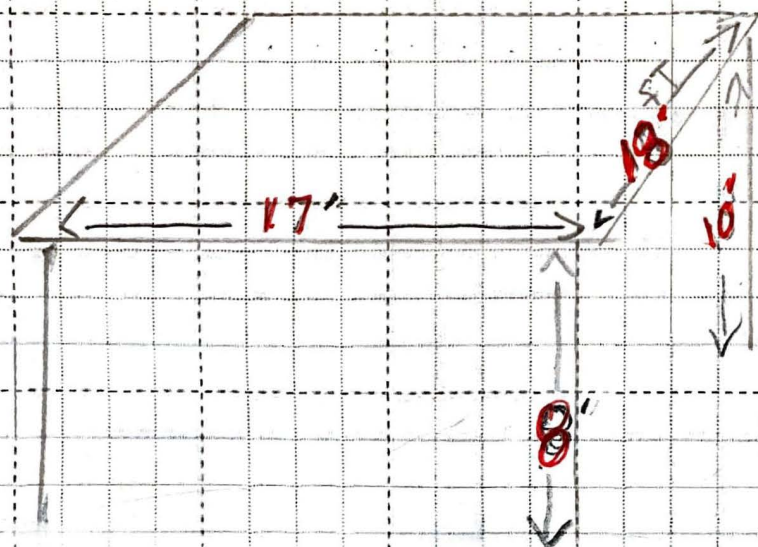
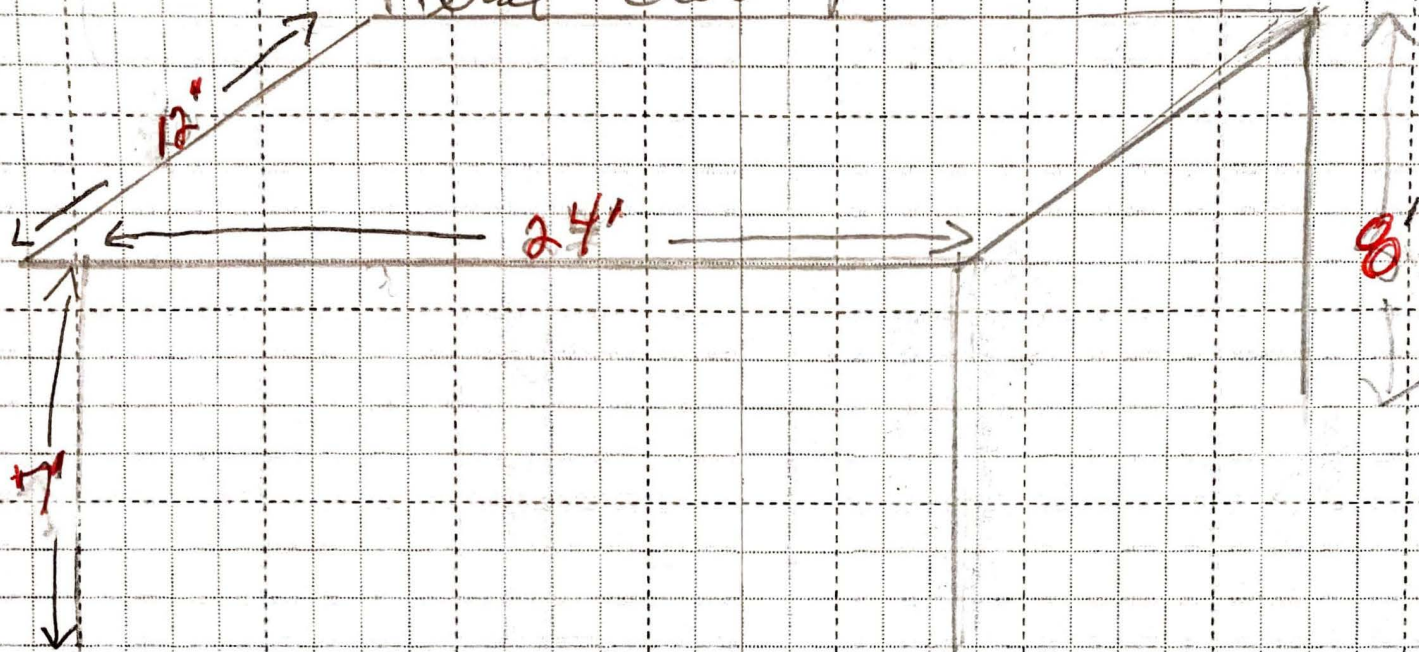






Lean to  
Metal car port

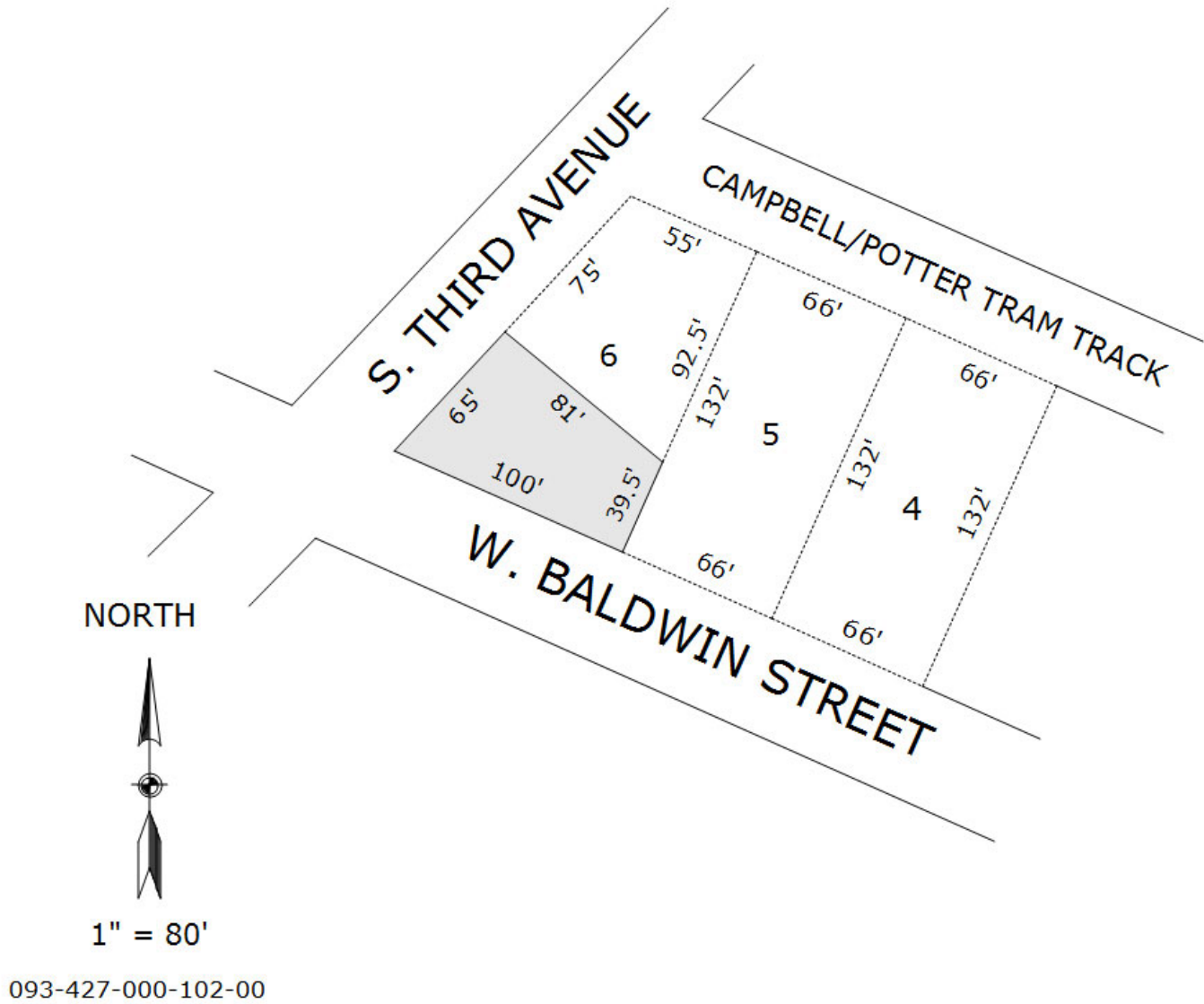
off BACK attached  
of House



off of BACK Mud Room  
attached

Lean to Metal Deck Roof

Arthur + Barbara  
RomeL  
139 W Baldwin St



Sketch by Apex Sketch

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*



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### CITY OF ALPENA ZONING BOARD OF APPEALS

#### 2023 Schedule

Regular meetings of the ZBA are held the last Wednesday of each month at 5:00 P.M. in Council Chambers at City Hall, unless otherwise indicated (\*).

MEETING DATE	COMPLETE APPLICATION DEADLINE	NEWSPAPER PUBLICATION DEADLINE
Wednesday January 25	Thursday December 22	Tuesday January 10
Wednesday February 22	Monday January 23	Tuesday February 7
Wednesday March 29	Monday February 27	Tuesday March 14
Wednesday April 26	Monday March 27	Tuesday April 11
Wednesday May 31	Monday May 1	Tuesday May 16
Wednesday June 28	Monday May 29	Tuesday June 13
Wednesday July 26	Monday June 26	Tuesday July 11
Wednesday August 30	Monday July 31	Tuesday August 15
Wednesday September 27	Monday August 28	Tuesday September 12
Wednesday October 25	Monday September 25	Tuesday October 10
Wednesday November 29	Monday October 30	Tuesday November 14
Wednesday December 20*	Monday November 20	Tuesday December 5

Approved by the City of Alpena ZBA at its regular meeting on December 21<sup>st</sup>, 2022.



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Dennis Bray, Chairman