



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

Planning & Development

AGENDA

ZONING BOARD OF APPEALS

April 28, 2021, 5:00 p.m.

Regular Meeting, Council Chambers and Virtual

You may access the meeting from your computer, tablet or smartphone by going to

<https://global.gotomeeting.com/join/870426677>

You can also dial in using your phone.

United States: +1 (872) 240-3311

Access Code: 870-426-677

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1. CALL TO ORDER:

2. ROLL CALL:

3. ELECTION OF OFFICERS:

4. PUBLIC HEARING:

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.

5. ACTION ON PUBLIC HEARING:

Case Number ZBA 21-02

6. NEW BUSINESS

- a. Approve minutes of March 31, 2021 meeting.

7. COMMUNICATIONS:

8. PUBLIC COMMENT:

9. ADJOURNMENT:

MEMORANDUM

TO: Zoning Board of Appeals

FROM: Andrea Kares, Director of Planning, Development, & Zoning

SUBJECT: **ZBA 21-02, 415 South First Ave** - Findings of fact

DATE: April 28th, 2021

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 South First Ave

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. Both of the adjacent properties are owned by the applicant, 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 comments 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.

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. However, 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.

* Case # _____
* Parcel # _____
* Date Rec'd _____
* Received by _____

Original

BY: JON L. BROERS-OWNER
DATE: 4-5-21
ORIGINAL
FILE COPY

NOTE:

The applicant or his/her representative must attend the meeting to respond to questions the board may have.

APPLICATION FOR ACTION
BY ALPENA BOARD OF ZONING APPEALS

This application is to be completed by the applicant. City staff is available to answer any questions related to this application or the zoning process. The Zoning ordinance may be reviewed at the Alpena County Library. Copies may be purchased from the City Clerk. Please provide all information requested by typing or printing in ink. Answers should be clear and concise. If additional space is needed, number and attach additional pages. An application will not be accepted unless accompanied by proper fee. An additional charge to cover the cost of a public hearing must be paid before notices will be distributed. All information provided herein becomes public record upon submittal.

Applicant/Appellant Information

Keith Titus
Applicant's/Appellant's Name

415 S FIRST AVE 49707
Address Zip
989-340-0315
Telephone (home and business)

Owner(s) of property affected by this action/appeal if different than applicant/appellant. (If more than one attach a list of names and addresses)

Address Zip
Telephone (home and business)

Action Requested

A hearing before the Alpena Zoning Board of Appeals is requested for the purpose checked below:

Administrative Review: Appeal an interpretation or action of the building inspector and City staff, and/or clarify ordinance language and intent. (Per Section 2302 and 2304)

Variance from strict application of ordinance provisions. (Per Section 2304)

Property Information

A. Legal description of property affected by this appeal: City of Alpena Northeastly 35 feet of lots

1 and 12 and lot 2 except Northwestly 3 feet of lot 2 also, except the Northeastly
78 feet of lot 2 all a part of Block 16 of Hitchcocks first addition to village

Address of property: 415 S FIRST AVE ALPENA MI 49707

(Now City) together with an easement for ingress + egress over and across the Southwestly 15 feet of the Northwestly 18 feet of Northeastly 78 feet of Said lot 2

B. List all deed restrictions (attach additional pages if needed) : _____

DATE: _____

LIFE COPY
ORIGINAL

C. Present use of property: _____

Residence

D. Present zoning classification of the property: _____

Residence

E. Attach to this application a scaled drawing on 8 ½ x 11 inch or larger, which indicates the following (Place the applicant's signature on the drawing):

- Boundary lines of lot.
- Location of all existing structures on lot.
- Location of all proposed structures or additions.
- Location of all buildings on adjacent lots that are within 5 feet from the Applicant's property line.

Detail of Request (Complete Section A or B)

A. If requested hearing is for Administrative Review, Appeal or Interpretation:

1. Zoning Ordinance provision(s) related to this appeal is (are): Set off from

front sidewalk

2. Describe the alleged error, decision or refusal which has resulted in this appeal. Give specific relevant facts such as dates, names, places, dimensions, etc. _____

3. Complete the specific wording of the desired action by the Board of Zoning Appeals. "The Board hereby approves I need an additional 3 ft extension

of the proposed front deck in order
for me to turn with wheelchair to use ramp on N. Side of building

4. Why is the desired action the best action in this matter? What alternatives have been considered?

See above

5. How will the desired action affect adjoining properties, congestion in public streets, surrounding property values and public health, safety, comfort, morals and welfare? (Section 2304.2)

Will not affect since property owner all
3 lots

B. If requested hearing is for Variance:

1. Check the Ordinance requirement(s) which is (are) the subject of the variance request.

setback

loading space

off street parking

lot coverage

obscuring wall/fence

height

signs

area requirements

other (specify) _____

2. Check and describe the characteristics of the property which require the granting of a variance (include dimensional information).

too narrow

elevation

soil

too small

slope

subsurface

too shallow

shape

other (specify) _____

3. Specifically state what is intended to be done on, or with, the property which necessitates a variance.

Give specific relevant facts such as dimensions, materials, dates, etc. This modification

consists of a 31" x 9' deck leading to an aluminum ramp
on N. side of home

4. Reasoning and Impact.

- a. Can the property be used in a manner permitted by the Zoning Ordinance if a variance is not granted? Yes ☐ No ☒ If no, explain why not. _____

- b. Is this property unique? Yes ☒ No ☐ If yes, explain the unique conditions.

See enclosed drawing

- c. If granted, how would the action permitted by this variance affect the character of the neighborhood? _____

Not at all

- d. Are the characteristics described in b. (above) the result of past construction or use of the property by its present or past owners/tenants? Yes ☐ No ☒ If no, what action created the property's non-compliant characteristics? _____

None

Impact on Surrounding Lands

If this request is granted:

- A. What are likely to be the positive and negative impacts of this decision on surrounding land and neighbors?

Positive: Handicapped Resident would be able

to leave home safely

Negative: _____

None

B. How do you propose to minimize any potential negative impacts that the approval of this request may cause?

No foreseeable issues

Signature

The undersigned affirm that they accept the responsibility of this application and pledge to comply with City zoning regulations. The undersigned also affirm that information herewith submitted is true and correct to the best of their knowledge.

☒ [Signature]
Applicant(s) Signature

3-20-21
Date(s)

Applicant(s) is (are):

Owner

Tenant

Authorized Representative of Owner

Witness - Dana Barbaud

Additional Comments

For Office Use Only

Date notice published: _____

Date notices sent: _____

Date of hearing: _____

Date action taken: _____

Action taken: _____

Date confirmation sent to appellant: _____

TOPS

4'10"

35'

72'

1

78'

Between Houses

Easment

39'

W

SHED

10-12
SHED

Garden

Dana
Barnhardt

415
S. FIRST
RAMP

409
S. FIRST

ORIGINAL
FILE COPY
DATE: My Copy
BY: JON L. BROERS-OWNER
4-05-21

Dumb bar

SIDEWALK

SIDEWALK

SIDEWALK

S. First Ave.

ALL 3 PROPERTIES OWNED BY KEITH + VIRGINIA JITUS

Project: Keith Titus
 Contractor: Broers of Alpena
 House

ORIGINAL
 FILE COPY
 DATE: 4/4/04
 BY: JON L. BROERS-OWNER
 405-21

Height = $39\frac{1}{8}"$
 Area of
 Railing
 by others

Plane of
 The Deck

H = $7\frac{9}{8}"$ Rise

layer 4'
 6' + on

gas
 water

2x8 Beam

Direction of 2x8 Joists
 @ 16" O.C.

5'0"

36"
 Railing @ 60" H

1x6 Skirt
 52" H @ 40"

Direction of 5/4 Decking

2x8 Rim 31'

5'6"

5'6"

4x4 Posts

7'0"

7'0"

4x4 Posts

BROERS OF ALPENA
 416 W. Washington Ave.
 Alpena, MI. 49797
 989-358-8667

989-657-9011

city sidewalk @ 415 S. First Ave $\frac{1}{4}" = 1'$

ORIGINAL
FILE COPY

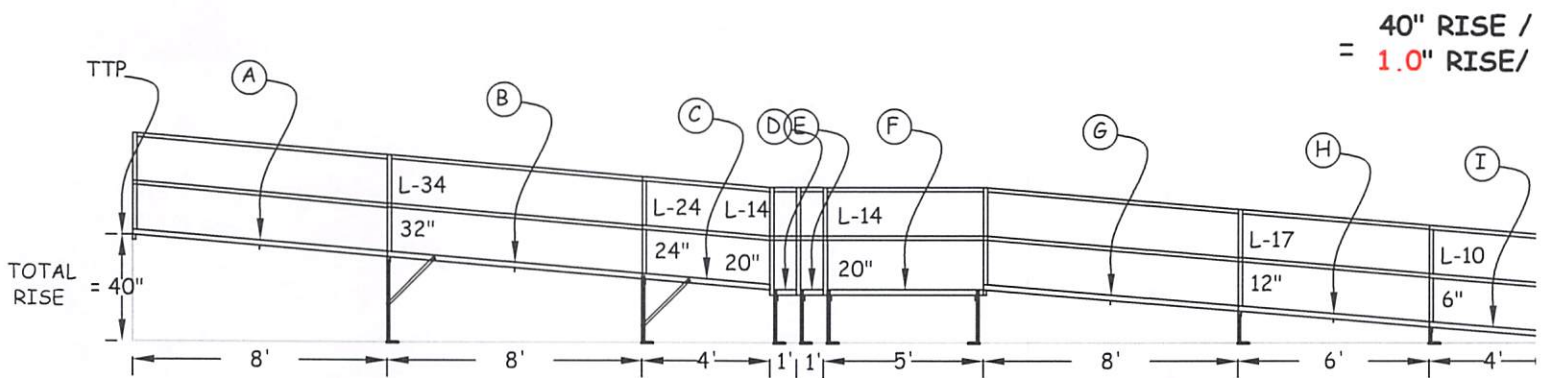
DATE:

BY: JON L. BROERS-OWNER

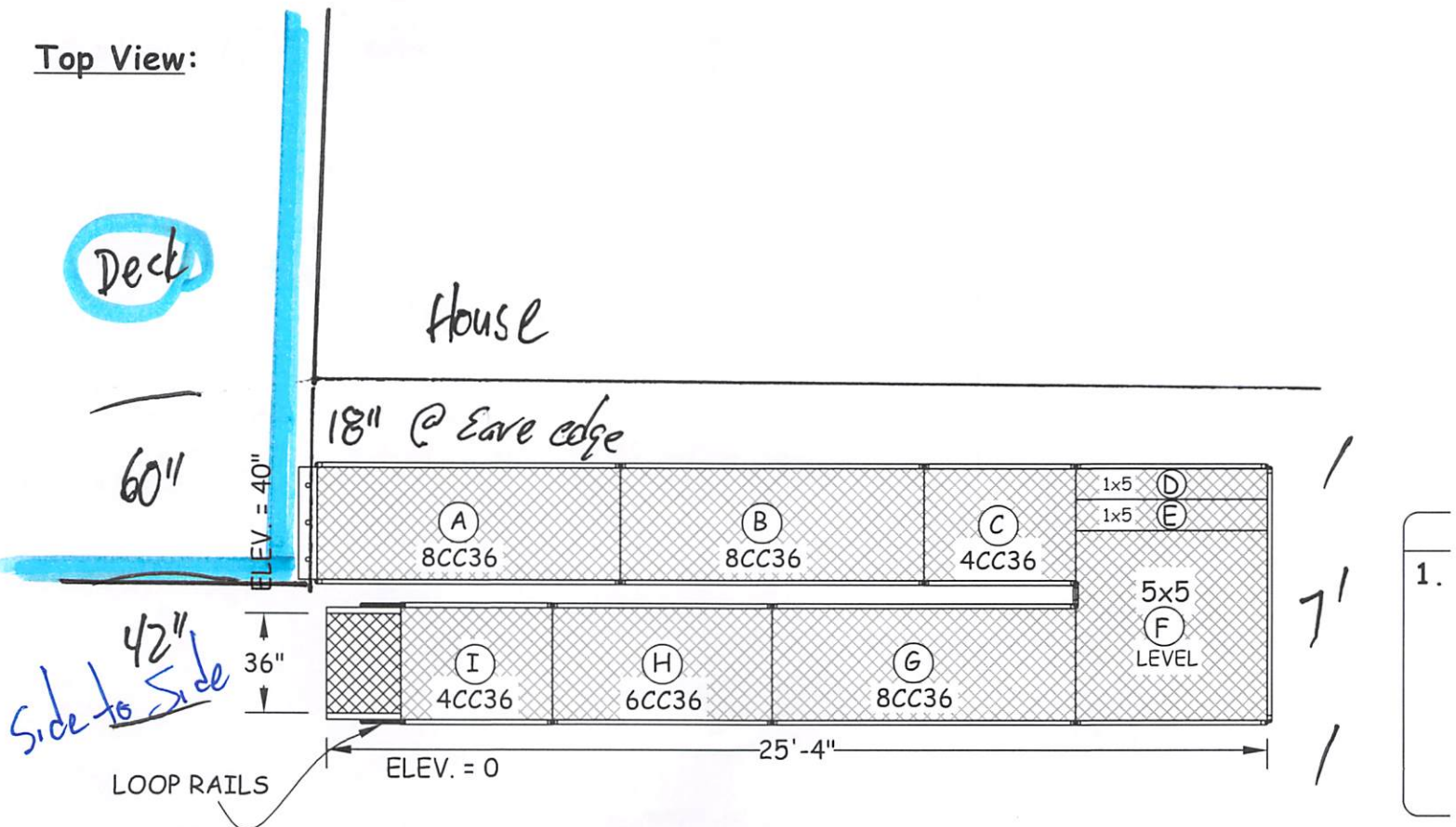
4-05-21

Access Ramp

Side View:



Top View:



MINUTES
ZONING BOARD OF APPEALS

March 31, 2021
COUNCIL CHAMBERS, CITY HALL

CALL TO ORDER:

Zoning Director Andrea Kares called the Zoning Board of Appeals to order at 5:09 p.m.

ROLL CALL:

Present: Bray, Guest, Lewis, Keller (by phone)

Absent: Lamble, Broers

Zoning Director Andrea Kares suggested they postpone the election of officers until the next meeting.

Member Lewis made a motion to postpone the election of officers.

Member Bray seconded the motion.

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

Public Hearing of Case ZBA 21-01

Andrea Kares, Zoning Director presented the variance as follows: **In Case ZBA 21-01, Freeman Family Enterprises**, 245 East Chisholm Street, Alpena, MI 49707. The applicant has applied to remove the current Save-A-Lot sign and erect a new one in the same location. The Alpena City Zoning Ordinance, Article 4, allows a maximum of 50 square feet for signs located in the CBD, or Central Business District. The wall sign currently in place at the Save-A-Lot is a total of 165 square feet. The application is proposing to remove the current wall sign and replace it with one totaling 125 square feet. The purpose of this request is to align the store with current Save-A-Lot branding.

Notices were sent to all adjoining property owners within 300 feet of the subject property.

Kares opened the public hearing and explained that since there is nobody from the public present, the public comment period would be dismissed. Kares suggested skipping the reading of the criteria, all members present are in agreeance.

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.

Staff Observations:

Kares asks if there are any questions for the applicant or herself. Guest states that the variance request is very cut and dry, and the new sign will be smaller and will be less of a non-compliance.

Member Lewis made a motion to approve the variance as submitted.

Member Bray seconded the motion.

Roll:

Ayes: Keller, Bray, Guest, Lewis

Nays: none

Motion passed: 4-0

NEW BUSINESS:

1. Member Guest made a motion to approve the minutes from the January 27, 2021 meeting as corrected to include Keller in the Role Call as he was present, not absent.

Member Lewis seconded the motion.

The minutes from the January 27, 2021 meeting were approved.

PUBLIC COMMENT:

No public comment.

COMMUNICATIONS:

There were no communications.

ADJOURNMENT:

Motion to adjourn made by Lewis.

Motion seconded by Bray.

With no other business to discuss, Zoning Director Kares adjourned the meeting at 5:13 p.m.

Alan Guest, Secretary

Chairman