

MINUTES  
City of Alpena Planning Commission  
Regular Meeting (Council Chambers and Virtual)  
June 13, 2023 Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. by Randy Boboltz, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Peterson, Boboltz, Moses, Sundin, Wojda (appeared at 6:08 pm)

ABSENT: VanWagoner, Gilmore, Kostelic

STAFF: Rachel Smolinski (City Manager) appeared virtually, Montiel Birmingham (Planning, Development, and Zoning Director), Kathleen Sauve (Recording Secretary)

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting May 9, 2023, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION: Boboltz explained the order of procedures for the public hearing.

**Case # MAP 23-04** –Jeremy Johnson, property owner, has requested to conditionally rezone 412 South Eighth Avenue from R-2 to R-T to convert the property from single family to a duplex consisting of two one-bedroom apartments.

Birmingham presented the Finding of Fact report (see Appendix A) and Rezoning Standards (see Appendix B).

FAVOR: Jeremy Johnson, applicant, explained that the home is about 1100 square feet, and he would divide it in half to make two one-bedroom apartments; everything would be brand new including drywall, flooring, kitchens and bathrooms. He said the parking situation currently is off of the alley and it is a four-bedroom house, so if he left it a four-bedroom house the parking would not be ideal, but his intention is to get a curb cut so that each tenant would be on either side. Johnson then showed the Commission some pictures of the last home that he fixed up on

Crapo Street that was in worse condition and could have been demolished but has been restored.

OPPOSITION: Joan Peltz, neighboring property owner, said that the house was vacant for 12 years, and in 12 years' time they have only seen someone at the house twice and all the windows have been broken. She said she is concerned about the rodents entering the house along with bats, and she felt it is a major health concern with animal waste. She said that one of her cats got locked in there and lived in the house for a month before they found her and she survived. Another concern was that the home must be full of mold. She recommended that the health department go to the house to inspect it because the last person she saw in the house was wearing a HazMat suit. She said that an added curb cut and driveway is not desirable to the other neighbor, and she thinks that the house should just be knocked down and made into green space. She does not feel it is suitable for people to live in, but if he does revamp it, she wished that he would not rent it out because there are already a lot of rental homes in their neighborhood.

Eve Burcar, neighboring property owner, said that the property has been an issue since it was in foreclosure many years ago. She said parking would be an issue because the alleyway needs to be kept clear for emergency vehicles. She said that she has caught teenagers entering the house and is worried someone is going to get hurt. She is concerned that another rental home will bring more drugs into the neighborhood, because of previous experience with other rentals in the area. She said she was concerned about the safety of children in the neighborhood. She felt the condition of the home is bringing down the values of other homes in the neighborhood. Burcar thought that [Johnson] should have been doing improvements sooner.

Dave Helinski, neighboring property owner, said that there is a parking problem because it is only a half lot, and you cannot do much with the place. He said it is really run down and it is a shack. He said at one point someone wanted to build a garage on the property but the City would not let them because it is only a half lot.

Boboltz closed the public hearing at 6:32 pm.

Peterson asked Birmingham details of the open blight enforcement on the property. Birmingham stated that it refers to the exterior of the house with the various colors and the general condition of the house, broken windows specifically; there was junk and debris in the yard that needed to be taken care of and [Johnson] did make significant progress on cleaning all of that up. The building issues would need to be addressed through the permit process to get those rectified.

Moses asked what the next step is if the blight is not addressed. Birmingham said that [the City] would work with the property owner to make continual progress. If continual progress is not seen, first it starts with a door hanger or a conversation. Deadlines are given, but if there is no improvement, then a ticket would be a potential next step. Moses asked about

condemnation and if that is an option. Birmingham said that it would have to be an extreme case but yes, in theory, that could happen.

Moses asked about the parking situation, for either the rental approval or the building inspection approval. Birmingham stated that the alley had to have been where they were parking previously. She said that the proposed curb cut would have to be approved by engineering. Boboltz said that the public open alleyway should not be obstructed. Birmingham said that they could be ticketed if tenants block the alley.

Sundin asked about the health aspect mentioned earlier, what the protocol is for getting that type of inspection done before the work begins for the building permit. He said what if it is full of black mold, if they are going to rehab it, how do they address that it is remedied properly and would it be part of any building permit. Birmingham said that she would have to speak with the Building Official or Building Inspector, but she thought it would be part of what they would be inspecting, but she did not know what the Building Code specifically states. Sundin stated that he did want the previous home torn down that Johnson had purchased because it was ongoing, nothing was happening; it just sat in a very deteriorated condition, and he needed to either do something or tear it down. He asked if this request is approved, will it sit for another year or two years, and can they put a stipulation on the approval that he has to make progress within a reasonable amount of time. Boboltz said he would like to see the exterior of the home done very quickly and asked Johnson what his timeline was. Johnson said the big thing is that he has to get power there first. If he is allowed to have a duplex, he will have the power installed accordingly, but he can't do much until he knows what kind of power to put there.

Under the circumstances and concerns, Boboltz asked if they felt comfortable with the determination that the house can be repaired. Boboltz stated that if it were approved today, it would need to be registered and inspected every three years at a minimum. He said that if it finally is converted to something no where near an eyesore, hard surfaced driveways, all refurbished siding, windows, roof, etcetera; at least from the standpoint of the building, it could be an asset to the neighborhood. Johnson said he has fixed up a lot worse. He said that he is familiar with the rental program because he and his brother have 13 houses, six of which they have totally gutted and renovated with all new water and sewer lines, roof, siding, and windows. Sundin asked Johnson what his timeline is. Johnson said that he would like to have the roof on, the soffit, fascia, windows, and doors on by fall and then do the siding in the winter. He said either way the meeting goes, he is going to get the electrician there to get the power on so he can start doing stuff. He also said the home has a galvanized water line which he thinks the city will replace. Sundin asked if he would be open to the idea of a single-family rental. Johnson said he would like to lean towards the duplex – with two one-bedroom apartments, he feels there would be fewer people around. Moses asked if there is a certain correction date for open blight enforcements. Birmingham said this one was opened August 2021, but there have been various inspections since, but there is no set date as there was a lot

more in play with this one; as long as progress is seen, [City staff] are willing to work with the property owner on various issues. She informed them that there were many more violations prior to Johnson owning it; because of the nature of the violations, it is not something that they could give a 30, 60, or 90 days [compliance date] for.

Discussion continued between members.

Boboltz addressed the public in attendance about the shortage of housing in Alpena. He said part of the solution is the ability to rezone or conditionally rezone and allow duplexes or owner occupied houses with the option to rent out a portion of that home in order to generate more housing needed. He said it bothered him to hear people's fears about having rentals in their areas and causing situations where either they are not being good neighbors or there is deterioration in a home for whatever reason; sometimes those issues are real. Part of the job of the inspectors is to try to help mitigate that and keep interacting well with owners and tenants so that rental units are kept in decent condition. He said he wanted everyone to know that we are looking for ways to help generate more housing opportunities for people. Moses said that had the house been sealed up already, he may have gotten a lot more leeway from the neighbors so he didn't have problems with transients and animals. Johnson said it is sealed up currently. Moses said the neighbors may feel better if the inspector went there and made sure everything is sealed up and ready to approve.

Peterson asked Johnson if he had any other projects he was working on that would deter him from working on this home to get it out of the blight conditions. Johnson said that he and his brother own Denny's Painting so they do a lot of work, and this would just be another job.

Chairman Boboltz allowed another public comment from Peltz who stated that their alley is used all the time because there are two houses that do not have [a driveway] in front so they have to use the alley for access. She feels that if a big truck was parked there, other vehicles would not be able to use the alley. She asked how many vehicles would be allowed to be parked at this duplex. Boboltz said two vehicles per unit. Boboltz stated that they as a Commission, rely on the Ordinances and the expertise of the Building Official in terms of what the Ordinance allows and how parking can be accommodated, and they are telling us that it can be. Peltz said that she doesn't understand how the City could allow this house to get to the condition it is in. She said Johnson has had it for two years and has only removed the junk pile from the side of the house and it continues to deteriorate. She went on to suggest that he make it into a home, not a duplex, because it is not always about the money. Boboltz said that it is about finding living space for people and he thanked Peltz for her input.

Boboltz asked Johnson when he wanted to get started on the project. Johnson said it all depends on the type of power [restoration]. Boboltz suggested a motion from one of the Commissioners to table the request and have a brief meeting before the next scheduled meeting to possibly make a decision, or they can approve it or deny it. Moses asked if there is such a thing as a conditional approval based upon satisfying the Blight Ordinance. Birmingham

said flexibility has been given in previous ones for things such as paving and parking. Sundin said it is more of *when* it gets started. Boboltz stated it would be another reason for tabling it, pending more answers. Wojda said he has some conflicting thoughts on this. He said they have given grace time to other applicants when it comes to parking issues in particular knowing that there is a cost associated with making them compliant; on the other hand, this property has been blighted for so many years, it needs to get fixed, but do they extend additional grace time on something like this where there has already been time either with the previous owner or the current owner. He said at the base of it all, he is convinced that the standards are met for a Conditional Rezoning, but the question is what requirements they can make, to which he did not have an answer for. Birmingham said that [conditions] cannot be imposed upon the applicant, but if they agree to it, then it is acceptable. Wojda asked Johnson how long it would take him to have the windows, roof and siding completed so as to remediate the blight. Johnson said by Fall. Wojda asked for a set date. Johnson said September or October. Wojda asked Johnson to voluntarily agree to have the blight remediated by a certain date. Johnson said that yes, he could make the neighbor happy by this Fall. Johnson said he could have it done by January 1, 2024. Birmingham read the language in the Ordinance specific to putting a condition on a Conditional Rezone. It read, "The offer of conditions may be amended during a process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner and owner may withdrawal all or part of his offer of conditions any time before the final rezoning action of the City Council provided that the withdrawal occurs subsequent to the Planning Commission's public hearing on the rezoning request. Then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation."

Wojda ***motioned*** to adopt the findings with regard to the rezoning standards and additional notes, and add a condition that the minutes should reflect Mr. Johnson is voluntarily entering into, that the blighted conditions on the windows, roof and siding will be remediated on or before January 1, 2024.

Moses ***seconded*** the motion to approve

Motion ***approved*** by 3-2 vote

Yea – Peterson, Wojda, Moses

Nay – Boboltz, Sundin

**Case # SU23-01** – Applicant, Sherry Garlanger, requests to operate a group childcare out of her home, located at 213 Tawas Street. Applicant also requests to rent a bedroom out of the home, which is currently defined as a Rooming & Boarding House within the ordinance.

Birmingham reviewed the Finding of Fact report (see Appendix C), the Site Plan review Standards (see Appendix D) and included Supplemental Regulations 7.9 and 7.30 (see Appendix E).

FAVOR: Sherry Garlanger, applicant, in attendance but had nothing further to add aside from Birmingham's report.

OPPOSITION: None.

Chairman Boboltz closed the Public hearing at 7:22 pm for deliberation.

Sundin asked Garlanger about the rooming house rental. Garlanger stated that the room would be rented by a family member or family friend. Sundin asked what kind of approval that would require. Birmingham said it goes through the supplemental regulations, and the rental registration program. She said it is currently registered, but they would have to change the registration from a whole house to a room. Sundin asked if the two requests are compatible, with having a childcare and then renting out a room. Garlanger said that the State of Michigan requires anybody within the home older than 14 are required to have TB tests and background checks. Moses asked about the parking space near the alley. Garlanger said they only park one vehicle there but there is room for two. Sundin asked if the homeowner sells the house, would the right still be there with the house. Birmingham said that it is a Special Land Use so there are some abandonment clauses that could make it go away, or [Garlanger] could ask staff to remove it from the program. Sundin asked if the childcare use would go with the property if it sold. Wojda said that it would because they could sell it to another licensed childcare provider. Moses said he was concerned about parking on such a short street, with one of their parking spaces being utilized by whomever they are renting a room to. Birmingham said that the Ordinance requires one additional spot for the room that they would rent out and up to two spots for staff or people coming and going. She said currently they have five spaces, and it meets the requirement.

Wojda ***motioned*** to adopt the findings regarding the Special Land Use approval standards and Supplemental Regulations findings and to approve the Special Land Use permit as it relates to group daycare.

Peterson ***seconded*** the motion.

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

Wojda ***motioned*** to adopt the Special Land Use standards and Supplemental Regulations findings and to approve the Special Land Use application as it relates to the room rental.

Peterson ***seconded*** the motion.

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

**Case #SU23-02** – Property owner, Gary Sanderson, requests to add living space within his new garage with the intent of living in it temporarily while his current home is demolished and his new home is being built; timeline is 2-3 years away; however, adding necessary plumbing, etc. to the space now requires special land use approval because it could be utilized for secondary dwelling purposes while he is still living in his current home.

Birmingham reviewed the Finding of Fact report (See appendix F) along with the Supplemental Regulations Section 7.32 (See appendix G).

FAVOR: Gary Sanderson, applicant, said that it will be a toilet, sink, shower and workspace, and a washer and dryer. He said the main house will not be bulldozed for another three or four years and it will never be rented out.

OPPOSITION: None.

Public Hearing closed for deliberation at 7:40 p.m.

Sundin ***motioned*** to approve the Special Land Use and the Findings of Fact and Supplemental Regulations that have been outlined for this property.

Moses ***seconded*** the motion to approve

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

UNFINISHED BUSINESS: Article 3 – General Provisions – Birmingham provided the updated proposed changes to the Ordinance for their review and no action was required at this meeting.

NEW BUSINESS: None.

COMMUNICATIONS OR REPORTS: Birmingham explained that Articles 6, 8, 9 and 10 are currently under review and will be brought for Planning Commission review when they finish them. She informed them that the changes made to Article 3 are still under review by the Building Official and Building Inspector. Boboltz explained to the public that were present why and how the Zoning Ordinance changes are made.

CONTINUING EDUCATION: Birmingham supplied the board with an MSU Exchange Article – Administrative Decisions.

PUBLIC COMMENT: None.

MEMBERS' COMMENTS: Moses asked if it was okay to still accept input from the public after the public hearing is closed. Boboltz said that his feeling is that when they have people there being pretty reasonable and are so passionate about something and wanting to be heard, he is inclined to let them speak a little bit more and be a little more lenient. All members of the Commission were in agreeance that public comments during public hearings need to be directed at the Chairman only.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:47 p.m., by Boboltz, Planning Commission Chairman.

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Clayton C. VanWagoner, Secretary