



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 August 31, 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 June 29, 2022

PUBLIC HEARING AND ZBA ACTION:

Case # ZBA 22-04 – 223 South 3rd Ave – Dimensional Variance – Fence Permit

Case # ZBA 22-05 – 205 W Chisholm St – Dimensional Variance – Sign Permit

Case # ZBA 22-06 – 400 Johnson St – Dimensional Variance – Sign Permit

Case # ZBA 22-07 – 909 W Washington Ave – Dimensional Variance – Sign Permit

BUSINESS:

UNFINISHED: none

NEW: none

COMMUNICATIONS OR REPORTS: none

CONTINUING EDUCATION: none

PUBLIC COMMENT:

MEMBERS COMMENTS:

ADJOURNMENT:

MINUTES
City of Alpena Zoning Board of Appeals
Regular Meeting (Council Chambers and Virtual)
June 29, 2022

CALL TO ORDER:

The regular meeting of the Zoning Board of Appeals was called to order at 5:02 pm by Chairman Bray.

ROLL CALL: ZONING BOARD OF APPEALS

PRESENT: Bray, Keller, Kostelic, Broers

ABSENT: Guest, Lewis

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

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

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

APPROVAL OF AGENDA:

Agenda was approved as printed.

APPROVAL OF MINUTES:

Meeting minutes of May 25, 2022 were approved as printed.

PUBLIC HEARING AND BOARD ACTION: Case # ZBA-22-03 – Bruce Dietz, Applicant, would like to construct a sign to showcase the proposed development of 400 West Chisholm Street and advertise available commercial real estate available. The proposed sign is 20' wide x 8' high with a total square footage of 160 square feet, exceeding the maximum sign size of 80 square feet.

Birmingham presented the Findings of Fact report.

Keller stated that even with that large of a sign, people will still have to exit their vehicles to see the details of the floor plan.

FAVOR: Chris Lawrence, property owner and representing the developer Bruce Dietz, stated that there are three-and-a-half lots on Chisholm Street and two more behind those. He said that this is quite a large development and they wanted a large sign to convey that the development would cover the entire site. Chris, Dietz, and another unnamed investor have been working on this development project for over a year and this would be the first

introduction to the community about the development and he said it is his opinion that it is the largest development in the City of Alpena in over a hundred years. He stated that it will have fifteen upscale loft apartments on the second level, plus over 19,000 square feet of ground level commercial space. He said to put it into perspective, it will be larger than the Alpena Furniture building. He said the purpose of the sign is to communicate to potential renters what is available to them. Broers asked if this project would require grant monies to be completed. Lawrence replied that they have applied for a grant from the MEDC revitalization and placemaking grant, which to his knowledge, they are the only ones in all of Northern Michigan who have applied, so they are very hopeful that they will get approved so they can start moving along. Broers then questioned the 180-day time limit for temporary signs and whether the sign would be taken down by then or if they would have to bring the discussion back to the table prior to the deadline. Lawrence said they would not want to take the sign down, as it would seem that they are not being serious about the project however, after construction begins, it is possible that they could put a smaller sign on the fencing surrounding the construction or they would be open to suggestions. Kostelic suggested a QR code on the sign if the proposal does not get approved; less information would be needed on the sign. Keller asked if City Engineering has looked at the site to see if the distance from the corner is adequate. Birmingham stated that in the City's Zoning Ordinance, it stated that it must be at least twenty-five feet from the corner so that it does not impede traffic, and it should be centered on the lot. Keller asked if the amount of road frontage gave them a larger amount of sign footage. Birmingham said that eighty feet is the maximum allowance but that this is a unique situation because it is a vacant lot without a current business on the property.

Patrick Heraghty, local resident who lives near the development site, stated that he feels Alpena does need more housing no matter if it is low or high income and he did not have an issue with the development of that property. He questioned if a sign twice the size allowed by the City Ordinance is necessary to draw that amount of attention and how long will it be allowed to be there. Heraghty said that he hopes they get their grant funding, but that it could go on for years and asked the board to be aware of that as they make their decision.

Vanessa Mills, local resident who lives near the development site, inquired if the sign will be lighted, and how the new building will impact her residence which is a centennial home.

Donald Gilmet said he thought it should be set back from the street further than fifteen feet. He mentioned a few other properties in town that have also had large development signs in the past. He said if you look at this from the investor's standpoint, they have four large lots, it is a multimillion-dollar project that is surely needed, not just for the housing but for more retail downtown. He went on to say that a sign is the cheapest advertising because it is there every day, and it will get a lot of people's attention as they are driving through Alpena.

OPPOSITION: None.

With no further discussion from the public, Chairman Bray closed the public hearing at 5:33 pm for deliberation.

Bray questioned how far back the sign should be. Birmingham stated that there is no minimum setback and a maximum of twenty feet for buildings in the CCD district.

Bray ***motioned*** to approve the sign variance with the stipulations that it must be setback twenty-five feet from the sidewalk and centered on the Chisholm Street side of the property.

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

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

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

COMMUNICATIONS: None.

REPORTS: None.

PUBLIC COMMENT: None.

MEMBERS COMMENTS: None.

ADJOURNMENT:

With no other business to discuss, Chairman Bray adjourned the meeting at 5:41 pm.

Alan Guest, Secretary

Dennis Bray, Chairman

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

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

Matt Waligora
Applicant's/Appellant's Name

304 Sable St, Alpena, MI 49707

Address Zip

Bus. 989-354-7801

Telephone (home and business)

Joseph & Loren Jackson

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)

223 S. Third Ave, Alpena, MI 49707

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: 223 S. THIRD AVE. SWLY 1/2 OF LOT 12 BLK 2 CARTERS ADD TO THE VILL NOW CITY

Address of property: 223 S. Third Ave, Alpena, MI 49707

B. List all deed restrictions (attach additional pages if needed) : None that I am aware of

C. Present use of property: Single family residence. Owner lives at property.

D. Present zoning classification of the property: R2

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): _____

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 _____

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

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) _____

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. Being a small corner lot, residents would like

to fence in as much as possible to allow thier two young children to play in a safe invironment that is asthetically pleasing.

Proposed is a 6' high solid fence 2 feet from the sidewalk rather than the required 5' and request to also wave the 8' triangle rule at driveway.

Property owners will install mirrors at entrance if suggested/required by board to help see anyone on sidewalk as they exit.

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. Certainly not as much of the property

as they would like.

- b. Is this property unique? Yes No

If yes, explain the unique conditions.

The neighboring house doesn't have a driveway. There are no homes across Third Ave or Sable, only light industrial and offices. (see comments)

- c. If granted, how would the action permitted by this variance affect the character of the neighborhood? None in my opinion

- 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? _____

Impact on Surrounding Lands

If this request if granted:

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

Positive: The potential of children or balls/toys entering the roadway will be decreased if not totally elliminated.

Negative: None in my opinion

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

SEE COMMENTS FOR 5b BELOW

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.



Applicant(s) Signature

08/08/22

Date(s)

Applicant(s) is (are):

Owner

Tenant

Authorized Representative of Owner

Additional Comments

4b. The property owners supported the special use for Speedy Blaze across the street, but now have young children and spend more time outside so they would like to block the sight of the shop.

5b. Me and the building staff miss interpreted the ordinance for corner lots, so I have installed most of the fence on the Sable St side that I'm requesting the variance for. Although I have stopped work until the final decision is made by the board, this will give the board and neighbors an opportunity to see what the fence would look like if approved.

For Office Use Only

Date notice published: _____

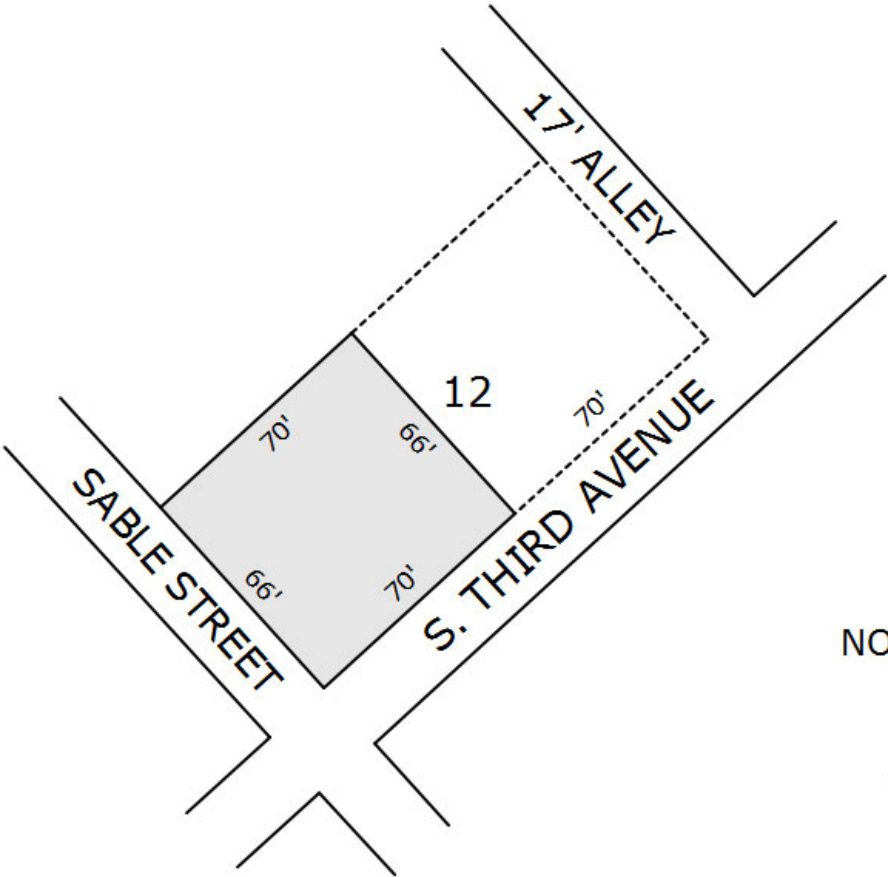
Date notices sent: _____

Date of hearing: _____

Date action taken: _____

Action taken: _____

Date confirmation sent to appellant: _____



NORTH



1" = 60'

093-337-000-042-00

Sketch by Apex Sketch

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

FINDINGS OF FACT DIMENSIONAL VARIANCE REPORT

APPLICANT: SUNRISE FENCING LLC ON
BEHALF OF JOSEPH & LAUREN JACKSON
REQUEST: DIMENSIONAL VARIANCE –
FENCE SETBACKS
LOCATION: 223 SOUTH 3RD
DISTRICT: CBD/DOD
REVIEW DATE: 8/15/2022
REPORT: ZBA 22-04



Summary of Request: Applicant would like to complete construction of a fence on the side yard at 223 South 3rd Ave. 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.

The Zoning Ordinance currently states the following for residential fences on a reversed corner lot:

- Side yard 6' privacy fence equal to front yard setback or setback of principal structure on lot to the rear, whichever is less
- Side yard fence up to 6' high does not extend toward the front of the lot nearer than the front of the house
- Visibility triangle: Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in Section 3.14
 - Section 3.14 states that there must be a visibility triangle of 8' with an unobstructed vision area between 3' and 10' 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;

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ZA Response: The property is a 66'x70' corner lot on a busy intersection. There are no homes across Third Ave or Sable, only light industrial and offices. The proposed fenced in area is the largest and most reasonable space to fence in on the lot. The house immediately next door does not have a driveway. The zoning ordinance does not consider adjacency to commercial districts in the residential fence regulations.

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 setback for a privacy fence would leave almost no useable space within the fenced area on the side yard. An alternative could be a 4' high 50% open fence; however, this style of fence would also impact the visibility triangle. Mirror option should be seriously considered with either option.

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: Request for variance is based on needs for the safety of their children and the fact that they are on a busy intersection with commercial properties across Third Ave and Sable St.

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

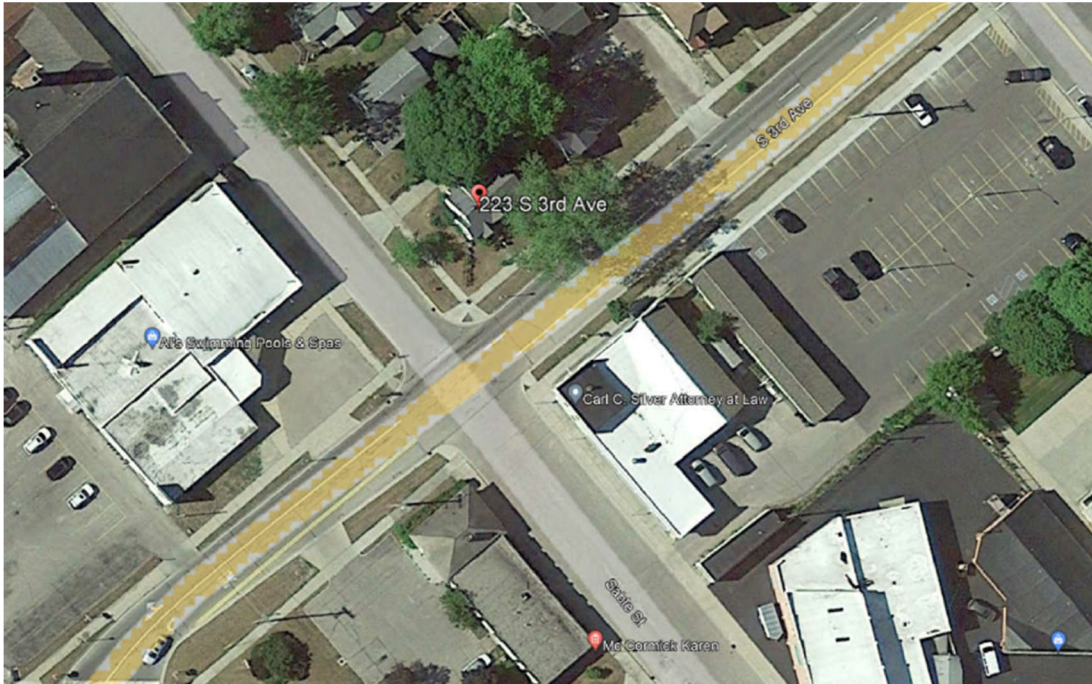
ZA Response: No negative impact is anticipated.

ADDITIONAL NOTES

Objections Received:

No objections to the variance request have been received.

Photos:







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

ZBA 22-05

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

Omega Electric & Sign Co.
Applicant's/Appellant's Name

1109 Crittenden Ct, Alpena 49707
Address 989-358-8243
Telephone (home and business)

Presque Isle Farm Cider
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)

205 W. Chisholm Alpena.
Address (989) 358-8243 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: _____

Address of property: 205 W. Chisholm Street

B. List all deed restrictions (attach additional pages if needed) : N/A

C. Present use of property: Retail

D. Present zoning classification of the property: CBD-1

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): Article 4-(N)(8)
Article 4.5-(B)(4)

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. _____

SIGN Band is very narrow and does not allow proper proportion of effective SIGNAGE.

3. Complete the specific wording of the desired action by the Board of Zoning Appeals. "The Board hereby approves the main wall sign to extend above the signband per plans and specifications

4. Why is the desired action the best action in this matter? What alternatives have been considered?
Keeping consistent with brand standards; shrinking the overall height to fit the band made the text too small to be effective

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)
No negative impact expected

B. If requested hearing is for Variance:

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

setback
lot coverage
signs

loading space
obscuring wall/fence
area requirements

off street parking
height
other (specify) _____

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

too narrow
too small
too shallow

elevation
slope
shape

soil
subsurface
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. _____

Sign at main entrance sign band is proposed to extend
six inches above the sign band

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. _____

- c. If granted, how would the action permitted by this variance affect the character of the neighborhood? none

- 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? N/A

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: NO negative impact anticipated

Negative: N/A

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

NONE FORSEEN

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

Ryan J. Fancher
Applicant(s) Signature

8/1/2022
Date(s)

Applicant(s) Is (are):

Owner

Tenant

Authorized Representative of Owner

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: _____

Date Received: 7/29/2022

CITY OF ALPENA

APPLICATION FOR SIGN PERMIT

*See page four of this form for requirements for sign permit. Permit will only be issued after all application requirements are met.

Applicant: Omega Electric & Sign Co. Phone: 989-358-8243
Address: 1109 Crittenden Ct.

Applicant is (check where appropriate) ☐ Property Owner ☐ Sign Owner
☐ Tenant ☐ Prospective Owner ☒ Sign Erector
☐ Other (specify) _____

*If applicant is other than property owner, said owner's signature below will hereby grant consent for sign described herein to be erected on vacant land.

(☐ applicable ☐ not applicable)

Property Owner: _____ Phone: _____
Address: _____

Signature: _____ Date: 7/25/22

Sign Location (address): 205 W. Chisholm Street.

Description and Size of Existing Sign(s): _____

Zoning District: _____ Type of Business: _____

Proposed Sign Type: Wall/Flag Proposed Intent (circle one):

Size: 30" x 48" 30" x 104 wall sign erect alter repair 10 sq Ft (2 sides)
30" x 72" flag sign double-sided Display Area: 21.6 sqft / 18 sqft \$54.00

Height above Sidewalk or Grade: _____ Weight: _____

Distance Projecting from Building Face: _____

Distance Projecting past Property Line: _____

Construction (type of materials): _____

Sign Face is (check one): ☐ Combustible ☒ Non-combustible

Wording: Presque Isle Farm Cider

How Sign will be Supported: _____

Type of Illumination and Source: N/A

If illuminated, compliance with City Electrical Code is required.

Name of person, firm or corporation erecting, altering or repairing sign:
Ryan Fairchild Phone: 989-358-8243

Address: 1109 Crittenden Ct. City License Number: 6111671

I, the undersigned applicant, hereby affirm the information submitted herein to be accurate.

Ryan Fairchild

Date 7/25/22

Applicant Signature



Customer:	PRESQUE ISLE FARM CIDER	
Company:		
Address:	205 W. CHISHOLM ST.	
City:	State/ZIP:	
Phone:		
Fax:		



Job No.:	Date: 7/22/2022	
Order Date:	Salesperson: R. Fairchild	
Sign Dimensions:	Estimate:	
30" X 104" WALL / 36X72" FLAG		
Comments:		
21.6 SQUARE FOOT WALL SIGN		
18.0 SQUARE FOOT FLAG MOUNT SIGN		

FINDINGS OF FACT DIMENSIONAL VARIANCE REPORT

APPLICANT: OMEGA ELECTRIC & SIGN CO
ON BEHALF OF PRESQUE ISLE FARM CIDER
REQUEST: DIMENSIONAL VARIANCE – SIGN
EXTENTION BEYOND WALL FACE
LOCATION : 205 W CHISHOLM ST
DISTRICT: CBD/DOD
REVIEW DATE: 8/15/2022
REPORT: ZBA 22-05



Summary of Request: Applicant would like to construct a sign at 205 W Chisholm St. Proposed sign is 2.5' high x 8.7' long with a total square footage of 21.75 sq ft. Sign extends above the wall face.

Sections of note from the Zoning Ordinance for Wall Signs in the CBD/DOD:

- 4.2.J Size limitations apply to the sign face only, not the support structure
- 4.5.B.1.a For walls or buildings with architectural detailing (windows, doors, cornices, moldings, columns, etc.), the signable area shall be the two-dimensional area that describes the square, rectangle, or parallelogram on the façade of a building free of architectural details where a wall sign would be placed.
- 4.5.B.1.e CDB and CCD Districts: Wall signs shall not exceed fifty (50) percent of the signable area to a maximum of fifty (50) square feet of signage per façade unless regulated by subsection (2) (below).
- 4.5.B.4 No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.

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. **Unique Circumstances:** 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: Signable wall area of the building is extremely small. Shortening the sign size to accommodate the wall height would be impractical from a design perspective. The proposed sign footprint is already less than 50% the allowable size in this district.

2. **Regulation Compliance:** 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: Other than going above the wall height, the wall sign meets all other ordinance criteria

Planning, Development, & Zoning

3. **Justice:** 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 effect anticipated regarding relief or injustice.

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

ZA Response: Need for variance is connected to limited wall availability; wall sign and projecting sign are really the only feasible sign options for this building.

5. **Adverse Impact:** 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

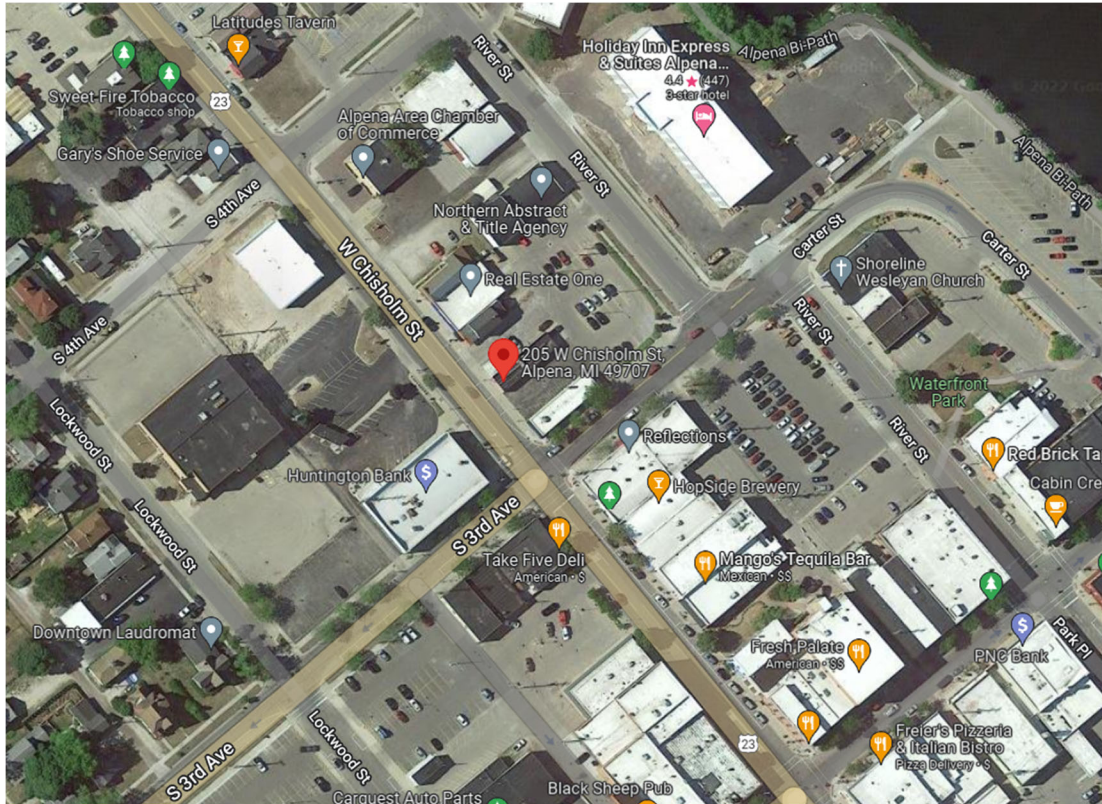
ZA Response: No negative impact is anticipated.

ADDITIONAL NOTES

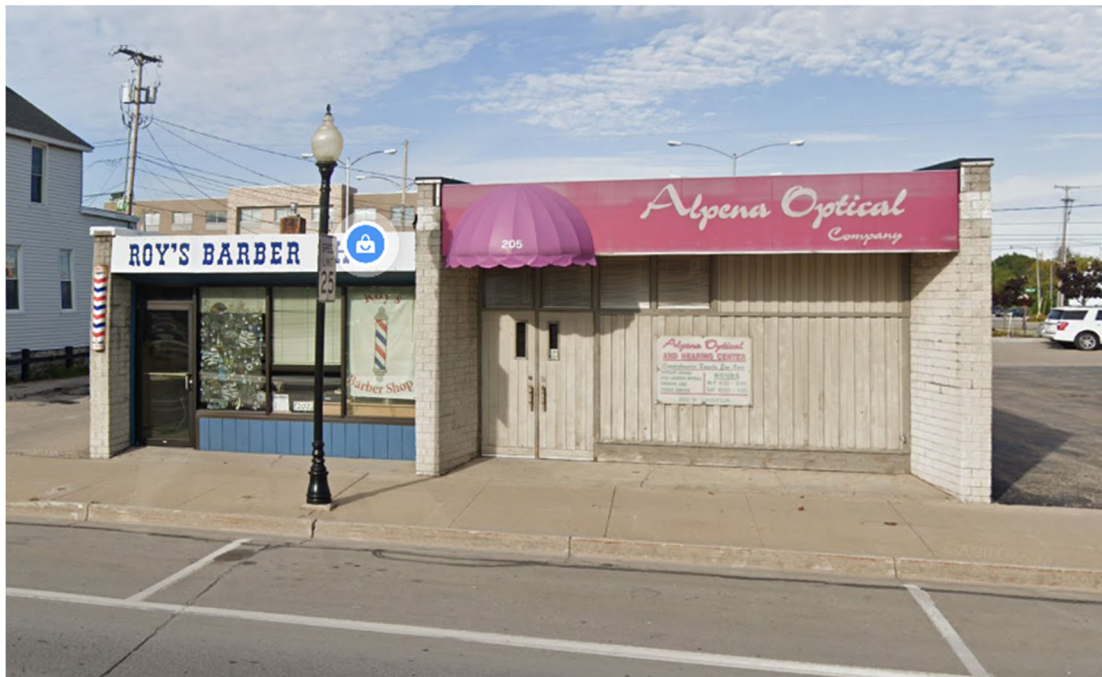
Objections Received:

No objections to the variance request have been received.

PHOTOS:



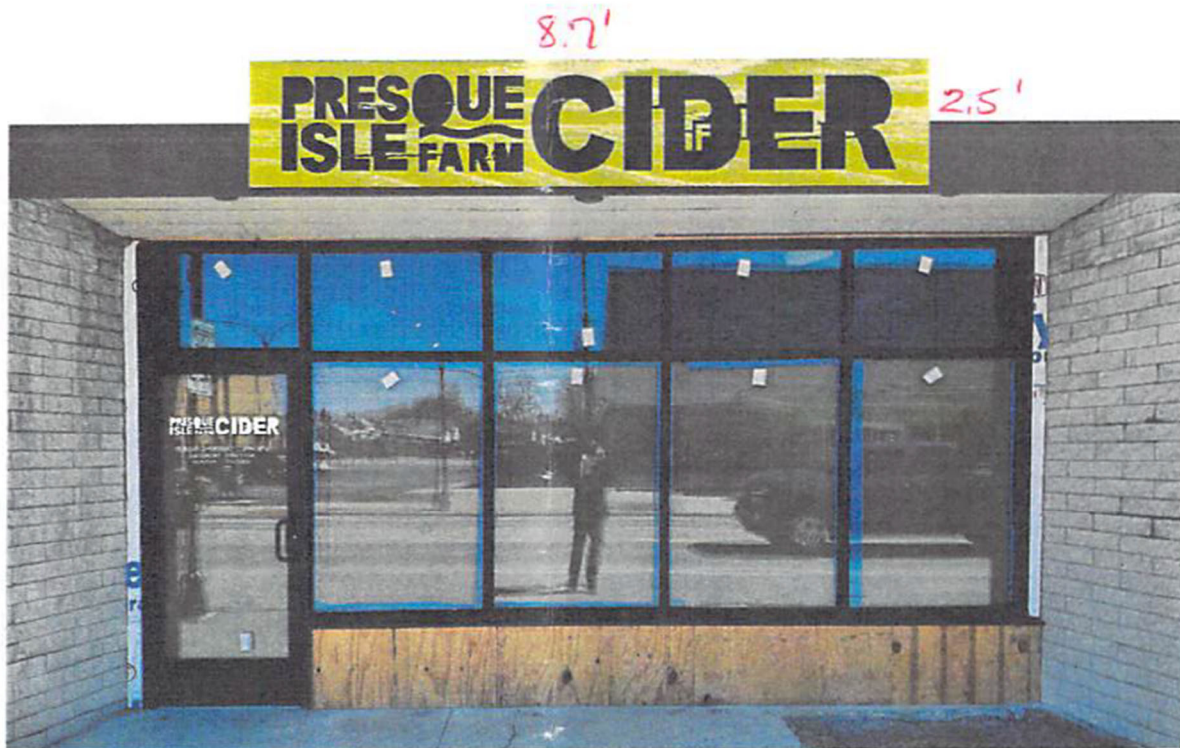
PREVIOUS PHOTO OF BUILDING







PROPOSED SIGN EXTENDING ABOVE WALL FACE:



PROJECTING SIGN ALSO PROPOSED – NO VARIANCE NEEDED



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

ZBA 22-06

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

Omega Electric & Sign Co. INC
Applicant's/Appellant's Name

1109 CRITTENDEN CT 49707
Address Zip
(989) 358-8243
Telephone (home and business)

NORTHEAST MICHIGAN Community
MENTAL HEALTH
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)

400 JOHNSON ST. 49707
Address Zip
(989) 356-2161
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: _____

Address of property: 400 JOHNSON ST.

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

C. Present use of property: MEDICAL/HEALTH/OFFICE

D. Present zoning classification of the property: OS-1

E. Attach to this application a scaled drawing on 8 1/2 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): 4.5 (A)(1)

4.5 (A)(2)

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. _____

Current size restrictions prevent proper and effective sign sizes

3. Complete the specific wording of the desired action by the Board of Zoning Appeals. "The Board hereby approves main identification sign as designed"

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

Smaller signage to fit the ordinance is ineffective. The current sign fits the ordinance and is not effective.

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)

none anticipated

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) Traffic Space

Restrictive Size requirements

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. _____

Proper Sign Size does not fit zoning ordinance

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

No

If yes, explain the unique conditions. _____

- c. If granted, how would the action permitted by this variance affect the character of the neighborhood? Signage would be comparable to other

institutions on Johnson + Chisholm Street.

- 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? N/A

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: Sign would be better viewed by customers, message

centers would allow mental health awareness messages to be announced.

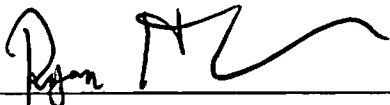
Negative: NONE Foreseen

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

NONE Foreseen; however we are willing to work with any
contrary opinions.

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.


Applicant(s) Signature

8/1/2022
Date(s)

Applicant(s) is (are):

Owner

Tenant

Authorized Representative of Owner

Additional Comments

For Office Use Only

Date notice published: _____

Date notices sent: _____

Date of hearing: _____

Date action taken: _____

Action taken: _____

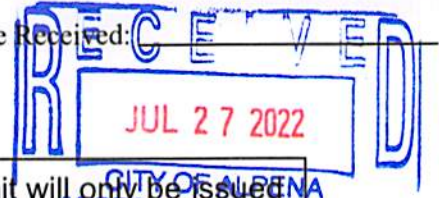
Date confirmation sent to appellant: _____



CITY OF ALPENA

APPLICATION FOR SIGN PERMIT

Date Received:



*See page four of this form for requirements for sign permit. Permit will only be issued after all application requirements are met.

Applicant: Omega Electric + Sign Co. Phone: 989-358-8243
Address: 1109 Crittenden Ct.

Applicant is (check where appropriate) ☐ Property Owner ☐ Sign Owner
☐ Tenant ☐ Prospective Owner ☒ Sign Erector
☐ Other (specify) _____

*If applicant is other than property owner, said owner's signature below will hereby grant consent for sign described herein to be erected on vacant land.

(☐ applicable ☐ not applicable)

Property Owner: Mental Health Phone: _____
Address: 400 Johnson Street

Signature: _____ Date: 7/22/22

Sign Location (address): 400 Johnson Street

Description and Size of Existing Sign(s): _____

Zoning District: _____ Type of Business: Medical Facility

Proposed Sign Type: Monument Proposed Intent (circle one):

Size: 41" x 99" (3 1/2' x 8 1/4') Display Area: 64 sq ft.
☒ erect ☐ alter ☐ repair

Height above Sidewalk or Grade: _____ Weight: _____

Distance Projecting from Building Face: _____

Distance Projecting past Property Line: _____

Construction (type of materials): Brick base,

Sign Face is (check one): ☐ Combustible ☒ Non-combustible

Wording: Northeast Michigan Community Mental Health Authority,

How Sign will be Supported: _____

Type of Illumination and Source: LED

If illuminated, compliance with City Electrical Code is required.

Name of person, firm or corporation erecting, altering or repairing sign:

Omega Electric + Sign Co. Phone: 989-358-8243

Address: 1109 Crittenden Ct. City License Number: 6011677

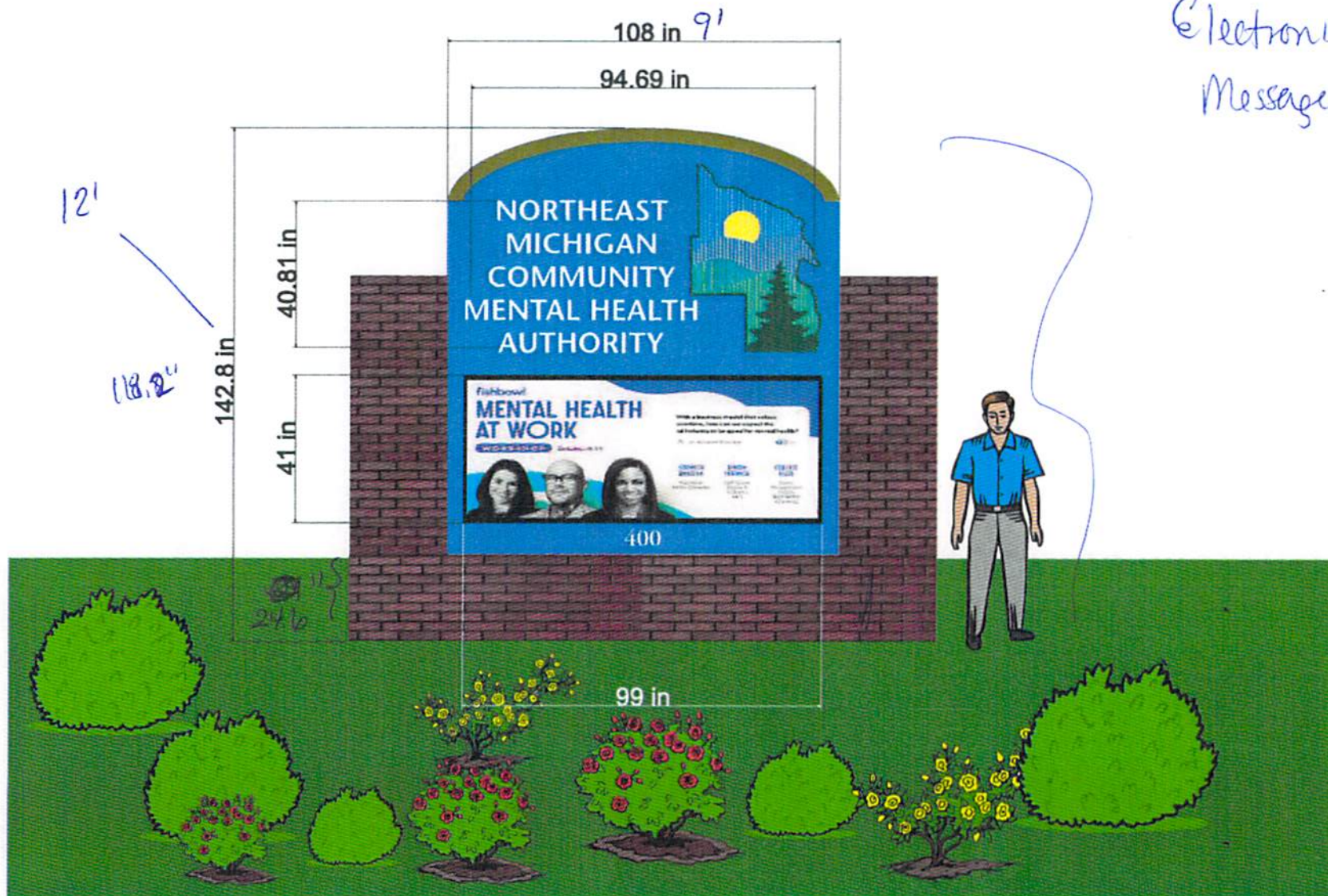
I, the undersigned applicant, hereby affirm the information submitted herein to be accurate.

Ryan J Fauchald

Applicant Signature

Date 7/22/22

Electronic
Message Board.



Customer:	NMCMHA	
Company:		
Address:	400 JOHNSON ST	
City:	ALPENA	State/ZIP: MI 49707
Phone:		
Fax:		



Job No.:	Date: 7/14/2022	
Order Date:	Salesperson: R. Fairchild	
Sign Dimensions:	64 sq. ft. total	Estimate:
Comments:	ELECTRICAL, FOUNDATION AND PERMITS INCLUDED. 41" X 99" X10MM LED MESSAGE CENTER 48" X 96" ROUTED COPY AND LOGO. BRICK COST IS ESTIMATED AT THIS TIME. ACTUAL WILL BE BILLED AT OUR COST.	

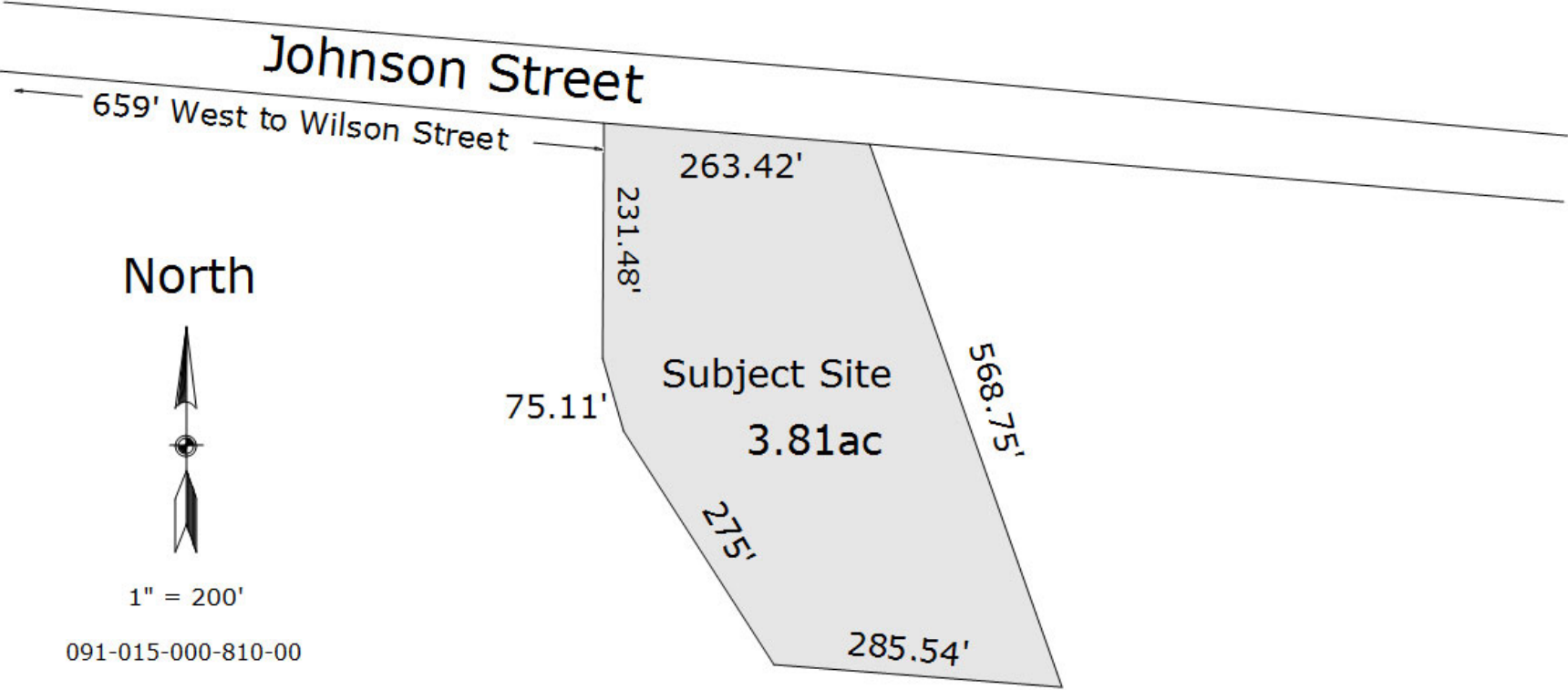
10'



Customer:	NE MI MENTAL HEALTH SERVICE		
Company:			
Address:	400 JOHNSON ST		
City:	ALPENA	State/ZIP:	MI 49707
Phone:			
Fax:			



Job No.:	Date: 8/1/2022		
Order Date:	Salesperson: R. Fairchild		
Sign Dimensions:		Estimate:	
Comments:			



Sketch by Apex Sketch

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

FINDINGS OF FACT DIMENSIONAL VARIANCE REPORT

APPLICANT: OMEGA ELECTRIC & SIGN CO ON BEHALF OF NORTHEAST MICHIGAN COMMUNITY MENTAL HEALTH
REQUEST: DIMENSIONAL VARIANCE – SIGN SIZE
LOCATION : 400 JOHNSON ST
DISTRICT: OS-1
REVIEW DATE: 8/15/2022
REPORT: ZBA 22-06



Summary of Request: Applicant would like to construct a sign at 400 Johnson St. Proposed sign is 9.85' high x 9' long with a total square footage of 88.65 sq ft; total planned height for the entire structure is 11.9'. 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. Application and drawing showed smaller square footage numbers which are not accurate; the total sign face needs to be included in the calculation.

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'. Note that the maximum square footage for a sign in any district is 80 square feet, regardless of road frontage.

Sections of note from the Zoning Ordinance for Monument Signs in the OS-1:

- 4.2.J Size limitations apply to the sign face only, not the support structure
- 4.2.P Freestanding signs shall be set back at least two (2) feet from the property line and shall be centered as much as possible along the street frontage
- 4.5.A.1 One (1) freestanding sign having a sign area of not more than forty (40) square feet for each side of the sign for all lots having not more than one hundred (100) feet of frontage on the front street. The sign area for lots having more than one hundred (100) feet of frontage may be increased by one (1) square foot for every seven (7) lineal feet of frontage in excess of one hundred (100) feet, not to exceed a total sign area of eighty (80) square feet.
- 4.5.A.2.a Freestanding signs with a sign area of forty (40) square feet or less shall not exceed a height of six (6) feet. The height may be increased by one (1) foot for each additional ten (10) square feet of sign area in excess of forty (40) square feet.
- 4.7.B.1 The electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by zoning district, whichever is less.

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:

Planning, Development, & Zoning

1. **Unique Circumstances:** 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 building is set back off the road approximately 40' and is surrounded by trees on the north and west sides of the building; the building sits down, almost into a hill. The trees and the situation of the building, make the building somewhat hidden. The current sign is situated approximately 20' back from the road on the downward slope of the hill.

2. **Regulation Compliance:** 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 has 263.4' of road frontage. One option may be to move the sign closer to the road for improved visibility to stay in conformity, or closer to conformity, with size requirements; additional costs may be incurred and traffic site lines would need to be maintained (8' visibility triangle).

3. **Justice:** 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 effect anticipated regarding relief or injustice.

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

ZA Response: Building location and slope of property requires a sign that will draw your attention.

5. **Adverse Impact:** 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; opportunity for mental health awareness messaging.

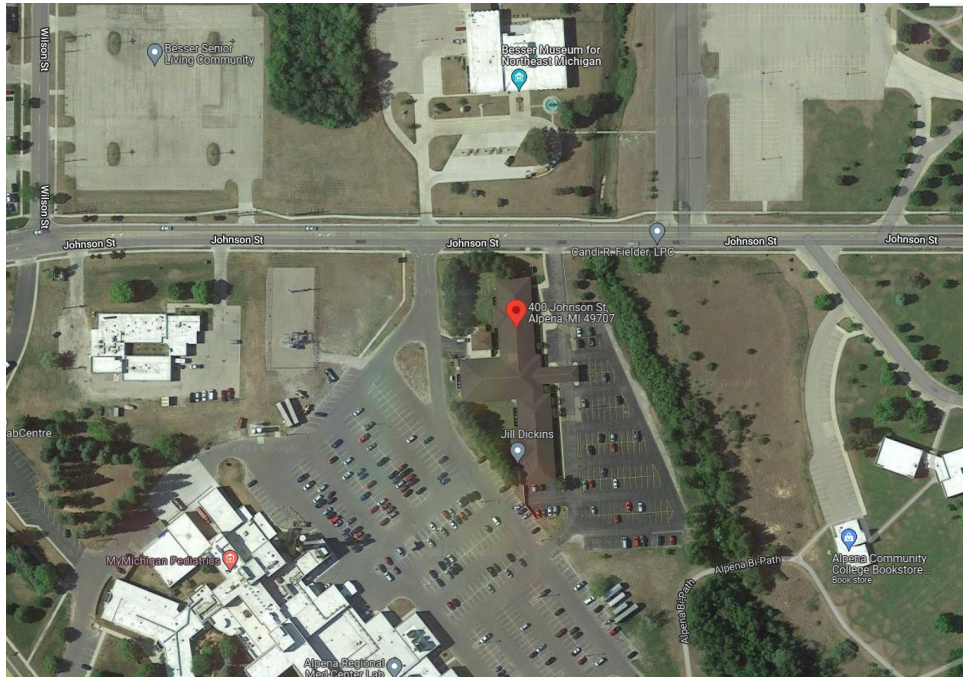
ADDITIONAL NOTES

Any changes to proposed sign square footage should also be scaled accordingly for the electronic message board.

Objections Received:

No objections to the variance request have been received.

PHOTOS:



CURRENT SIGN





OTHER SIGNS NEARBY :





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

ZBA 22-07



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

Omega Electric & Sign Co
Applicant's/Appellant's Name

1109 Crittendon Ct 49707
Address Zip
989-358-8243
Telephone (home and business)

Neighborhood Provisions
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)

909 W Washington 49707
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: _____

Address of property: 909 W Washington

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

C. Present use of property: Retail

D. Present zoning classification of the property: B2 General Business Per Zoning map

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): 4.5 A2a
4.5 L 2,3,5

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. _____

16 foot overall height restriction will prevent passing traffic from effectively viewing the sign at close proximity to the roadway and 30 mph traffic speed.

3. Complete the specific wording of the desired action by the Board of Zoning Appeals. "The Board hereby approves _____"

Allow removal of 40sq. Ft existing sign + install new 28.27sq. Ft Round logo on existing pole + foundation

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

The existing sign was installed in 2011 in a B2 General Business district @ 40sq. Ft and 13' overall height. There is not another viable location to install a freestanding sign.

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)

No negative effects are anticipated as the size and location are remaining the same.

B. If requested hearing is for Variance:

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

setback
lot coverage
signs

loading space
obscuring wall/fence
area requirements

off street parking
height
other (specify) _____

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

too narrow
too small
too shallow

elevation
slope
shape

soil
subsurface
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. _____

EXISTING Sign Pole + Foundation is over the 6 foot ordinance
and we would like to re-use the existing as the height
is effective for signs in this area and traffic speed,

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. _____

Lot is wedge shaped due to Railroad easement

- c. If granted, how would the action permitted by this variance affect the character of the neighborhood? None

- 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? _____

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: _____

EXISTING STRUCTURE would be restored and beautified

Negative: None, overall height will remain the same and square footage will be less.

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

No negative impacts are anticipated

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

6/30/2022
Date(s)

Applicant(s) is (are):

Owner

Tenant

Authorized Representative of Owner

Additional Comments

We feel that the ordinance is overly restrictive for this site at 6 feet overall height when no apparent negative impact is foreseen.

For Office Use Only

Date notice published: _____

Date notices sent: _____

Date of hearing: _____

Date action taken: _____

Action taken: _____

Date confirmation sent to appellant: _____



CITY OF ALPENA

Date Received: _____

APPLICATION FOR SIGN PERMIT

*See page four of this form for requirements for sign permit. Permit will only be issued after all application requirements are met.

Applicant: Omega Electric & Sign Comp. Phone: 989-358-8243
Address: 1109 Crittenden Ct

Applicant is (check where appropriate) ☐ Property Owner ☐ Sign Owner
☐ Tenant ☐ Prospective Owner ☒ Sign Erector
☐ Other (specify) _____

*If applicant is other than property owner, said owner's signature below will hereby grant consent for sign described herein to be erected on vacant land.

(☐ applicable ☐ not applicable)

Property Owner: Neighborhood Provisions Phone: _____
Address: 909 Washington

Signature: _____ Date: _____

Sign Location (address): 909 Washington

Description and Size of Existing Sign(s): _____

Zoning District: _____ Type of Business: _____

Proposed Sign Type: _____ Proposed Intent (circle one):

Size: _____ Display Area: 72" circle double sided
erect alter repair

Height above Sidewalk or Grade: 15'5" Weight: _____

Distance Projecting from Building Face: _____

Distance Projecting past Property Line: _____

Construction (type of materials): _____

Sign Face is (check one): ☐ Combustible ☐ Non-combustible

Wording: Neighborhood Provisions

How Sign will be Supported: existing foundation

Type of Illumination and Source: LED

If illuminated, compliance with City Electrical Code is required.

Name of person, firm or corporation erecting, altering or repairing sign:

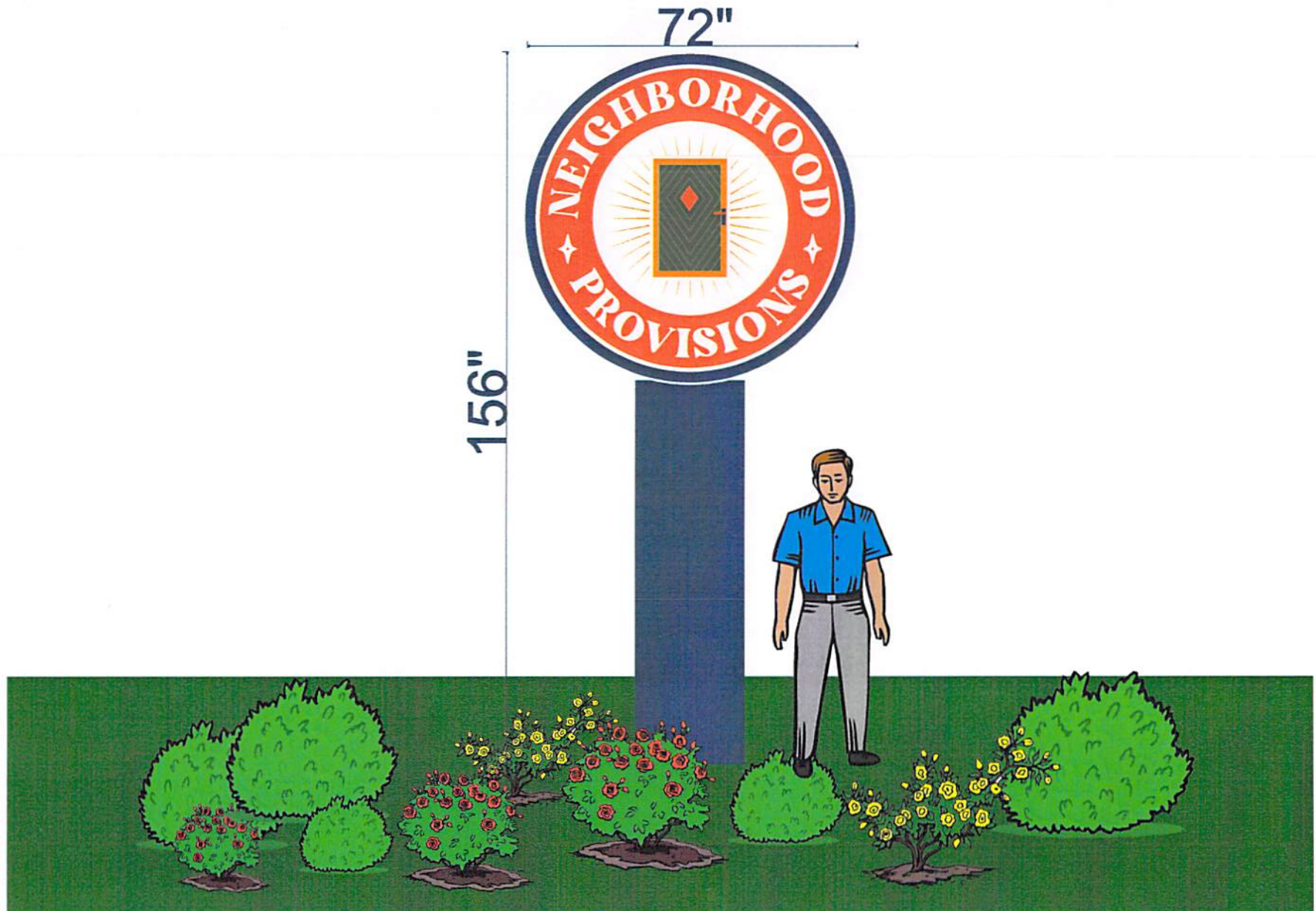
Phone: _____

Address: _____ City License Number: _____

I, the undersigned applicant, hereby affirm the information submitted herein to be accurate.

Ryan J Fairchild
Applicant Signature

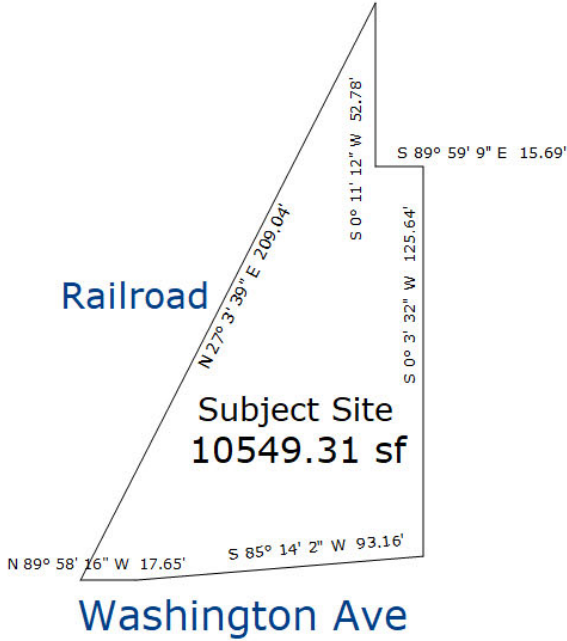
Date 6/15/22



Customer:	NEIGHBORHOOD PROVISIONING	
Company:		
Address:	909 W. WASHINGTON AVE	
City:	State/ZIP:	
Phone:		
Fax:		



Job No.:	Date:	6/30/2022
Order Date:	Salesperson:	R. Fairchild
Sign Dimensions: 72" DIAMETER MAIN ID SIGN: 28.27 SQ.FT. AT 13' OVERALL HEIGHT		Estimate: \$6254.00
Comments: EXISTING FOUNDATION AND POLE TO BE RE-USED. INSTALLATION, POLE COVER AND PERMIT		



Sketch by Apex Sketch

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

FINDINGS OF FACT DIMENSIONAL VARIANCE REPORT

APPLICANT: OMEGA ELECTRIC & SIGN
CO ON BEHALF OF NEIGHBORHOOD
PROVISIONS

REQUEST: DIMENSIONAL VARIANCE –
SIGN SIZE

LOCATION : 909 W WASHINGTON

DISTRICT: CCD

REVIEW DATE: 8/15/2022

REPORT: ZBA 22-07



Summary of Request: Applicant would like to alter a non-conforming sign by replacing the current pylon sign face (40 sq ft) and adding illumination; current pole and foundation to remain. Proposed sign is a 6' circle with a total square footage of approximately 28.3 sq ft. Total planned height for the entire structure is 15'5".

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'.

Sections of note from the Zoning Ordinance for Monument/Pylon Signs in the CCD:

- 4.2.J Size limitations apply to the sign face only, not the support structure
- 4.2.L.2 No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
- 4.2.P Freestanding signs shall be set back at least two (2) feet from the property line and shall be centered as much as possible along the street frontage
- 4.5.A.1 One (1) freestanding sign having a sign area of not more than forty (40) square feet for each side of the sign for all lots having not more than one hundred (100) feet of frontage on the front street. The sign area for lots having more than one hundred (100) feet of frontage may be increased by one (1) square foot for every seven (7) lineal feet of frontage in excess of one hundred (100) feet, not to exceed a total sign area of eighty (80) square feet.
- 4.5.A.2.a Freestanding signs with a sign area of forty (40) square feet or less shall not exceed a height of six (6) feet. The height may be increased by one (1) foot for each additional ten (10) square feet of sign area in excess of forty (40) square feet.

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. **Unique Circumstances:** 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: This is a uniquely shaped lot (triangular) which borders the railroad tracks and is also near a high traffic intersection; the railroad crossing and railroad signs border the property, as does a very large utility/electrical box.

2. **Regulation Compliance:** 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: Bringing the sign into strict conformance would require centering the sign along the street frontage and 2' back from the sidewalk; the sign would be in the middle of the parking lot area, which would create another issue related to parking capacity, as well as a backup hazard. Current sign placement seems most appropriate; height seems reasonable based on other distractions nearby, particularly the railroad arms and lights.

3. **Justice:** 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 effect anticipated regarding relief or injustice.

4. **Self-Creation:** 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 property is uniquely shaped and the railroad track arms/lights is unique to the property.

5. **Adverse Impact:** 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.

ADDITIONAL NOTES

Objections Received:

No objections to the variance request have been received.

PHOTOS:







OTHER SIGNS JUST WEST OF NEIGHBORHOOD PROVISIONS:

