



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

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## *Planning, Development, & Zoning*

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### **City of Alpena Zoning Board of Appeals**

Regular Meeting

Thursday October 5, 2023, @ 5:00 p.m.

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

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

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

You can also dial in using your phone:

United States: [+1 \(571\) 317-3122](tel:+15713173122)

Access Code: 788-887-717

### **AGENDA**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Meeting July 27, 2023

PUBLIC HEARING AND ZBA ACTION:

**Case # ZBA23-0004 – 100 E Lewis St – Dimensional Variance for a Shed**

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)  
July 27, 2023

CALL TO ORDER:

The regular meeting of the Zoning Board of Appeals was called to order at 5:01 pm by Vice Chairman Lewis.

ROLL CALL: ZONING BOARD OF APPEALS

PRESENT: Guest, Lewis, Keller, Kostelic, Broers

ABSENT: None.

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

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

The Agenda was approved as printed with the addition of Election of Officers under New Business.

APPROVAL OF MINUTES:

Minutes of the April 28, 2023, meeting were approved as printed.

PUBLIC HEARING AND BOARD ACTION:

Vice Chairman Lewis explained the procedures for the public hearing.

Case # ZBA23-0003: Omega Electric and Sign Inc., applicant, on behalf of Samaritas Affordable Living, has requested a variance to construct a sign at 210 Wilson Street. The proposed sign is 20 square feet in size and meets size requirements. Original height submission was 7'6" which exceeds Zoning Ordinance requirements; applicant agreed to meet height requirements and reduce height to a maximum of 6'11". The submission also requests to have internal illumination; only *external* illumination is allowed in a residential district in the new Sign ordinance. The current sign will be removed, and the new sign will be placed in the same location.

Birmingham presented the Finding of Fact report as provided in the meeting packet.

FAVOR: Ashley Wedge, employee of Omega Electric, was present on behalf of her employer. She did not have anything more to add following Birmingham's presentation of the Finding of Fact.

OPPOSITION: None.

Public Hearing closed at 5:11 pm for deliberation.

Broers ***motioned*** to approve the variance request to allow internal illumination based on the finding of facts presented.

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

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

UNFINISHED BUSINESS: None.

NEW BUSINESS: Meeting Dates – Lewis suggested that the monthly meeting night be changed to the last Thursday of each month at 5:00 pm. All Board members agreed that Thursdays would work for them. Birmingham said she would verify whether Council Chambers would be available on Thursdays at 5:00.

Broers ***motioned*** to approve that the last Thursday of each month will be the new meeting night, pending any conflict with Council room availability.

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

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

Election of Officers – With the passing of the current Chairman, Dennis Bray, a new Chairman needed to be appointed by the members.

Guest ***motioned*** to appoint Wayne Lewis as Chairman, himself as Vice Chairman and Cary Keller as Secretary.

Broers ***seconded*** the motion to appoint the new officers.

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

COMMUNICATIONS OR REPORTS: None.

CONTINUING EDUCATION: None.

PUBLIC COMMENT: None.

MEMBERS COMMENTS: None.

ADJOURNMENT:

With no other business to discuss, Chairman Lewis adjourned the meeting at 5:25 pm.

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Cary Keller, Secretary

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Wayne Lewis, Chairman

## FINDINGS OF FACT DIMENSIONAL VARIANCE REPORT

**APPLICANT:** STACY RIEGER & SAIDEE JACOBS  
**REQUEST:** DIMENSIONAL VARIANCE FOR SHED  
TO BE LESS THAN 6' FROM PRIMARY  
STRUCTURE

**LOCATION :** 100 E LEWIS ST

**DISTRICT:** R-2

**REVIEW DATE:** 9/14/2023

**REPORT:** ZBA23-0004



**Summary of Request:** Applicant would like to replace their current shed with a new shed. Current shed is in need of repair and sits directly on the property line. New shed is 8x8 and would set back a minimum of 5'1" from the property line to accommodate current building code material requirements with 1'11" between the shed and the house.

### Sections of note from the Zoning Ordinance for Section 3.11 Accessory Buildings/Structures:

- 3.11.C.2: **Relationship to Main Building:** No detached accessory building/structure shall be located closer than six (6) feet to any main building.
- 3.11.C.3: **Accessory Building/Structure Setback for Rear and Interior Side Lot Lines:** No detached accessory building shall be located closer than six (6) feet to any interior side or rear lot line.
- 5.7.D: R-1 and R-2: One-Family Residential Districts **Administrative Departures:** Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.

## 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 reversed corner lot with 76' of frontage along Lewis and only 50' along Second Ave., which is 41% of the size of a standard 66' x 140' city lot.

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;

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**ZA Response:** There is no other place on the property for the shed other than the one proposed due to front and reversed corner side setbacks. The lot is non-conforming and currently only has 15' of rear yard space between the house and property line.

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:** No impact to surrounding neighbors.

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:** Zoning lot size was not self-created.

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 based on location and will be an improvement to the current shed that exists.

## **ADDITIONAL NOTES**

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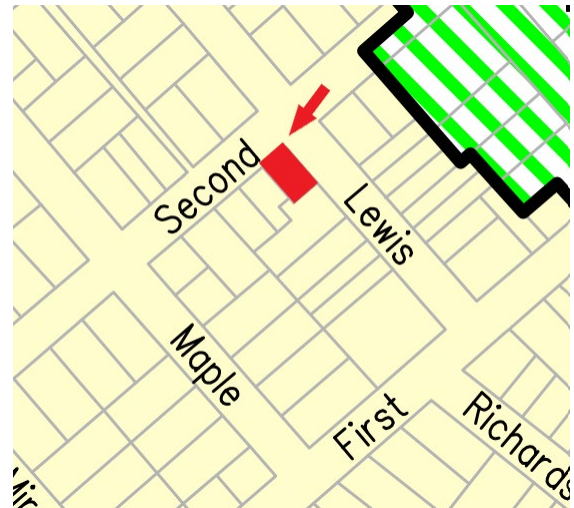
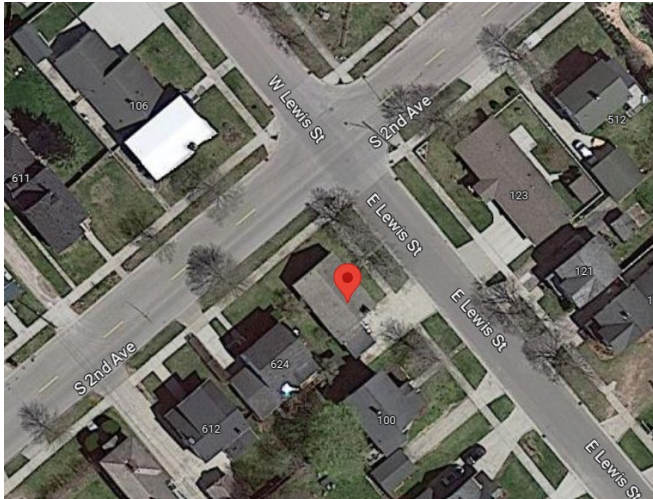
### **Objections Received:**

No objections to the variance request have been received.

Building code regulates structures larger than 200 square feet; the zoning code includes regulations for all structures, including those 200 square feet or less. The building code requires structures that are more than 200 square feet to be at least 6' away from another structure within the property but does not address this for smaller buildings. The building code does regulate any structure within 6 feet of a property line for building materials used to address fire safety concerns.



PHOTOS:







**DESIGN OF PROPOSED SHED**





**CURRENT SHED LOCATION**





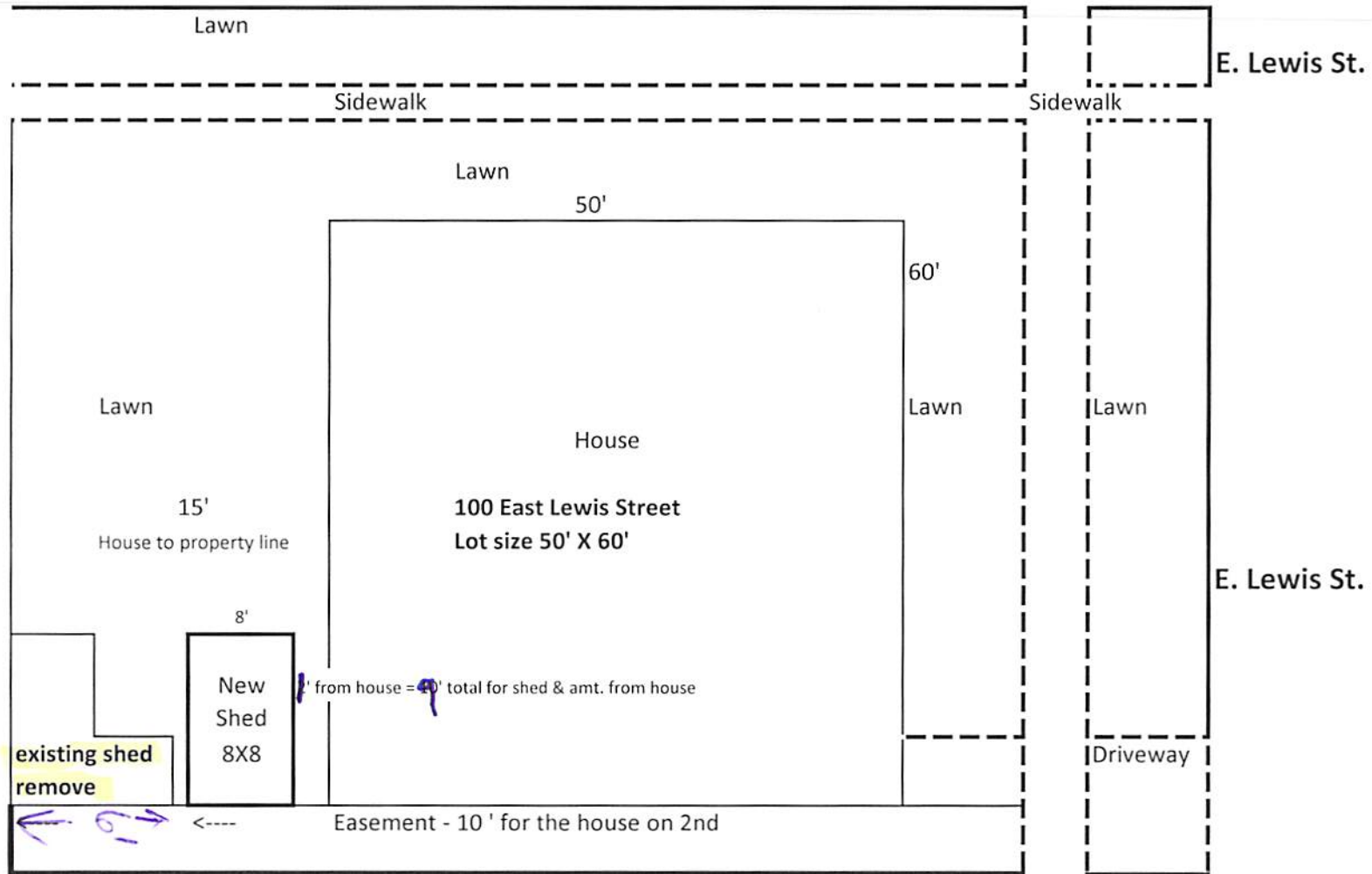
North

2nd St.

2nd St.

Neighbor -  
Barb McDougall  
608 S 2nd

Neighbor  
(needs access)



Neighbor -

Chad & Kara Lemonds  
114 E. Lewis