



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

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## ***Planning & Development***

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

Regular Meeting

Wednesday June 29, 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**

Access Code: 788-887-717

### **AGENDA**

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Meeting May 25, 2022

PUBLIC HEARING AND ZBA ACTION:

Case # ZBA 22-03 – 400 W Chisholm St – Dimensional Variance Request

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)  
May 25, 2022

CALL TO ORDER:

The regular meeting of the Zoning Board of Appeals was called to order at 5:00 pm by Chairman Bray.

ROLL CALL: ZONING BOARD OF APPEALS

PRESENT: Bray, Guest, Lewis, Broers

ABSENT: Kostelic, Keller

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.

APPROVAL OF AGENDA:

Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting April 27, 2022

Minutes approved as printed.

PUBLIC HEARING AND BOARD ACTION: Case # ZBA 22-02 – 218 South Fourth Avenue - Jamie Murphy, owner of subject property, has requested a 15-foot dimensional variance to construct a 20-foot by 26-foot attached garage to an existing home; a rear setback of five feet is requested, while 20 feet is required.

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

Birmingham presented the Findings of Fact Dimensional Variance report.

FAVOR: None.

OPPOSITION: None.

Lewis asked why an 18-foot by 20-foot garage is considered a typical two car garage, as referenced in the Finding of Fact report, because two vehicles would never fit. Bray stated that it is more of an industry term; that most in the industry know that an 18 by 20 garage is not two car, but more like a car and a half garage.

Bray asked why he does not want to construct the garage on the rear property line to align with the house, to add five feet to the structure, and make it fire rated. Birmingham said that he wanted to maintain as much of that distance to not go beyond the five feet to not have to fire rate the whole back wall along the lot line. Lewis asked if the five-foot setback eliminates the need for fire rated materials. Birmingham stated that it does not eliminate it completely, but that the zoning administrator is allowed to give a one-foot variance, and then there is still some distance from the property next door in the event of a fire. Bray and Lewis both agreed that they would have come forward with the garage to allow for a greater rear setback.

Lewis ***motioned*** to approve the dimensional variance as requested.

Guest asked if there should be any discussion as far as the look of the garage or the materials being used. Bray said he assumed that they were going to construct the garage with the same siding, appearance and décor as the house. Broers stated that in his conversation with Murphy, that is in fact his intent. Lewis said that it was a good point to bring that up because in the past it was a stipulation that it must match the house and the character of the neighborhood.

Guest said he would entertain an amended motion.

Lewis ***amended*** his motion to approve the dimensional variance with the stipulation that the addition be as close to similar siding as the house.

Broers ***seconded*** the motion.

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

UNFINISHED BUSINESS: None.

NEW BUSINESS: Birmingham presented the board with a revised meeting schedule, changing the paperwork deadlines only. She stated that the Alpena News publisher has lengthened their deadlines for submittal of publications, making it difficult for staff to submit the publications due to less flexibility. She said that with the current application deadlines, it gives staff one day to review the submitted application and get it published in the paper; if there are any communications back and forth with the applicant about the submittal, they will likely miss their deadline for publication in the newspaper. She would like to increase the application deadline, to align with what the Planning Commission does, which is thirty days, instead of twenty-one days. This requires a motion for approval.

Lewis ***motioned*** to revise the meeting schedule to increase the application deadline to thirty days prior to the meeting.

Bray ***seconded*** the motion.

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 Bray adjourned the meeting at 5:16 pm.

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Alan Guest, Secretary

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Dennis Bray, Chairman

## FINDINGS OF FACT DIMENSIONAL VARIANCE REPORT

**APPLICANT:** BRUCE DIETZ – 400 W CHISHOLM ST  
**REQUEST:** DIMENSIONAL VARIANCE – SIGN SIZE  
**DISTRICT:** CCD  
**REVIEW DATE:** 5/31/2022  
**REPORT:** ZBA 22-03



**Summary of Request:** Applicant would like to construct a sign to showcase the proposed development of 400 W Chisholm and advertise available commercial real estate available. Proposed sign is 20' wide x 8' high with a total square footage of 160 sq ft, exceeding the max sign size of 80 sq ft.

The Zoning Ordinance currently states the following for Free-Standing Signs in the CCD:

- Size limitations apply to the sign face only, not the support structure.
- Freestanding signs shall be set back at least 2 feet from the property line and shall be centered as much as possible along the street frontage.
- For lots with more than 100 ft of frontage, a maximum 40 sq ft sign may be increased 1 sq ft for each 7 linear feet of frontage above 100 ft. Not to exceed 80 sq ft.
- For lots with at least 100 ft of frontage of each of 2 streets there may be 1 sign on each street. If sign is at an intersection of 2 streets, only 1 sign is permitted.
- Freestanding signs with a sign area of more than 40 square feet can be 6 feet tall and the height may be increased 1 ft for each additional 10 sq ft of sign area in excess of 40 sq ft.

## 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;

**ZA Response:** The property is an empty lot which consists of 4 parcels along Chisholm St. totaling 231 feet in road frontage. The current ordinance does not specifically address signage on vacant lots; while the above guidelines may be adequate for signs for operating businesses, it may not be adequate for the use proposed. A temporary sign is defined in our ordinance as 180 days (6 months) or less; expectation is that the sign would exist more than 180 days.

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2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;

**ZA Response:** A smaller sign size could be used. Based on the size of the lot and the ability to see the details of the sign, it may be difficult while driving past or even walking on the sidewalk to read the sign. To prevent people from walking onto the property to view the sign, a larger sign size may be a better option. The site plans indicate placement of the sign with a 15' setback from South 5<sup>th</sup> Ave and Chisholm St; recommendation for approval is to center the sign along the street frontage as required by the ordinance.

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:** Due to the size of the lot and the purpose of the sign, there is no 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:** Need for variance is connected to size of lot, that the lot is vacant, and readability of the sign.

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**

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### **Objections Received:**

No objections to the variance request have been received.

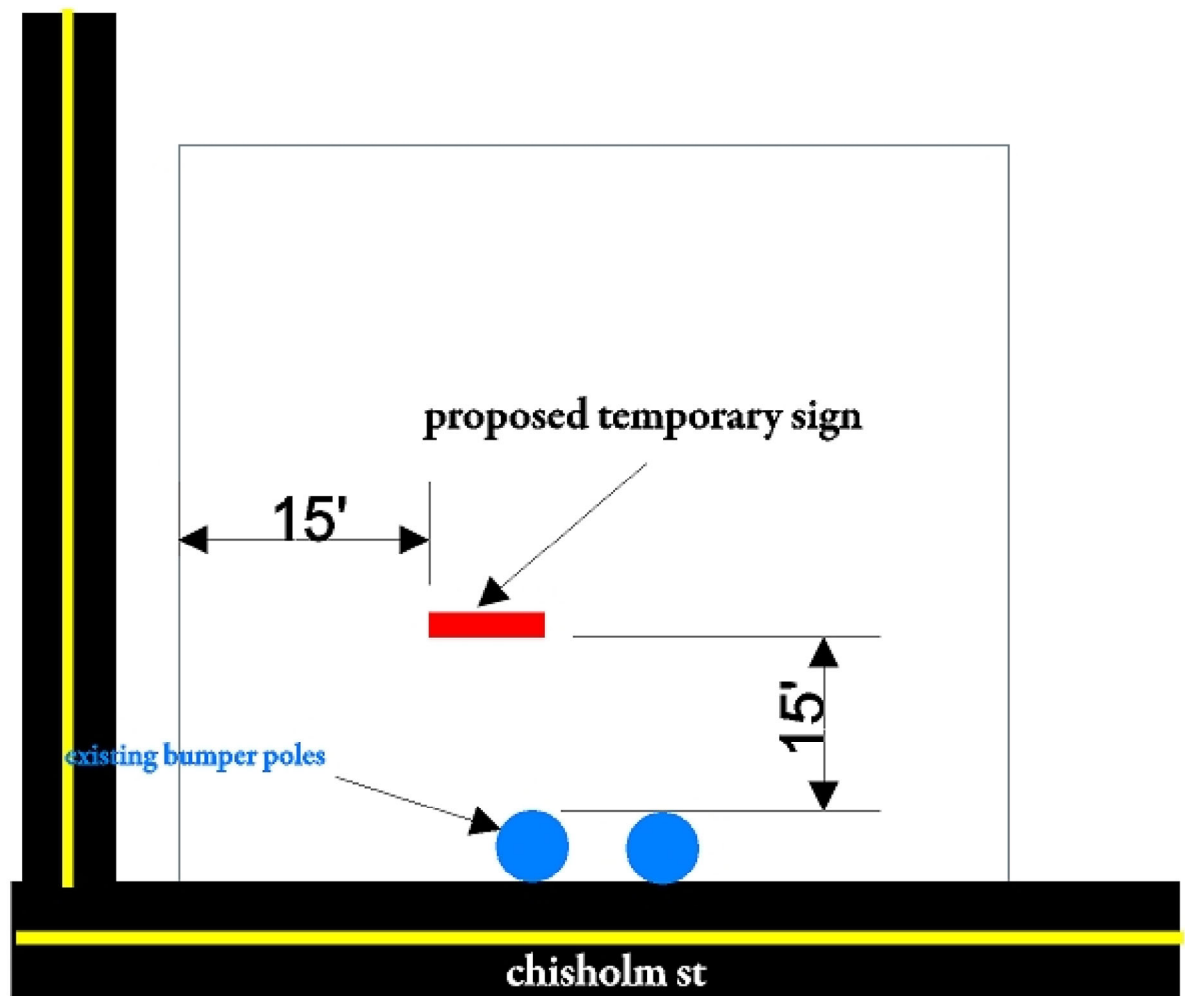
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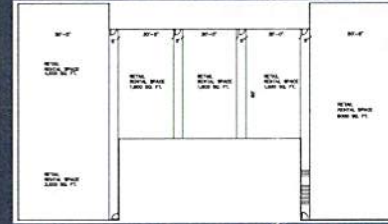


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DEVELOPER

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