



City Hall
208 North First Avenue
Alpena, Michigan 49707
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Planning, Development, & Zoning

City of Alpena Zoning Board of Appeals

Regular Meeting

Thursday November 30, 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 October 5, 2023

PUBLIC HEARING AND ZBA ACTION:

1. **Case # ZBA23-0006 – Covered Porch Variance – 614 Tawas St**
Finding of Fact – Appendix A
2. **Case # ZBA23-0005 – Warming Shelter Variances – 324 W Chisholm St**
Finding of Fact – Appendix B

BUSINESS:

UNFINISHED: none

NEW: **2024 Meeting Schedule**

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)
October 5, 2023

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

ROLL CALL: ZONING BOARD OF APPEALS

PRESENT: Lewis, Guest, Keller, Broers, Kostelic

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.

APPROVAL OF MINUTES:

Minutes of the July 27, 2023 meeting were approved as printed.

PUBLIC HEARING AND BOARD ACTION:

Chairman Lewis explained the procedures for the public hearing.

Case # ZBA23-0004: Stacy Rieger and Saidee Jacobs, applicants, have requested a dimensional variance at 100 East Lewis Street, to replace the current shed, which is on the property line, with a new 8x8 shed to be less than 6 feet away from the primary structure.

Birmingham presented the Finding of Fact and Dimensional Variance Report as provided in the meeting packet.

FAVOR: Stacy Rieger, applicant, stated that with the easement and the existing shed, she can't put anything in it. She said she would very much appreciate being able to have an 8'X8' shed.

OPPOSITION: None.

The public hearing was closed by Chairman Lewis at 5:10 pm for deliberation.

Keller expressed concern over how close it is to the home, and anything sparking causing gasoline to catch fire, even though the home is constructed of concrete block. Rieger said there will not be any power in it. Lewis said anybody can store gas in their garage and he did not

think that [the Board] had the authority to dictate what materials are stored inside. Broers said that the Building Official could discuss that with the homeowner. Rieger said that Don [Gilmet] had indicated that is why they want to put it where it is located. Broers said that if someone put something up five feet from the neighbor's sideline setback, it would have to be fire retardant, but in this case, they are talking about their primary residence; even in an attached garage, you would have to have the fire separation wall between the house and garage, but a storage building, should not, in his opinion as a builder. He also said that he thinks it is a good improvement.

Broers ***motioned*** to approve the Dimensional Variance as presented.

Kostelic ***seconded*** the motion to approve.

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

UNFINISHED BUSINESS: None.

NEW BUSINESS:

COMMUNICATIONS: None.

REPORTS: None.

PUBLIC COMMENT: None.

MEMBERS COMMENTS: None.

ADJOURNMENT: With no other business to discuss, Chairman Lewis adjourned the meeting at 5:17 pm.

Cary Keller, Secretary

Wayne Lewis, Chairman

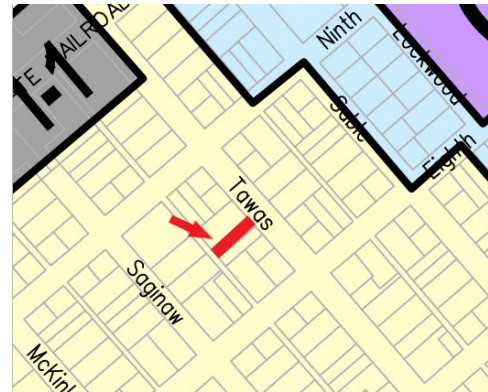


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FINDINGS OF FACT DIMENSIONAL VARIANCE REPORT

APPLICANT: DAVID POLLY SR.
REQUEST: DIMENSIONAL VARIANCE FOR COVERED PORCH
LOCATION : 614 TAWAS ST.
DISTRICT: R-2
REVIEW DATE: 11/13/2023
REPORT: ZBA23-0006



Summary of Request: Applicant would like to build a covered porch over the existing concrete porch to within 11 feet of the sidewalk, which is where the porch currently encroaches with room for a maximum 1' overhang so water sheds off the porch edge.

Sections of note from the Zoning Ordinance:

- **Section 3.31 Projections into Yards (Encroachments):** Enclosed Porch: A closed, roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained.
- **Section 5.7.C Setbacks:** Minimum front yard setback is 20 feet
- **Section 5.7.D: 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 33x140 city lot. Home was built in 1930 with other homes on the same side of the street block dating back to 1889, 1920, and 1930. All other homes already have roofed front porches within the desired setback. This home does not blend in with the surrounding character due to the lack of complete roofed porch. The next door neighbor at 612 has a covered front porch set back 8' from the sidewalk. Roof pitch is planned to be 4/12, which would blend in with the neighborhood.

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: A fully covered porch is not possible with the required setback and encroachment requirements. A covered porch would allow the owner protection from the elements when entering or utilizing the front entry.

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; the neighborhood already has numerous examples of covered porches within the front setback due to age of homes in the neighborhood.

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: Current zoning ordinance language was created decades after this home and this neighborhood was constructed; the zoning ordinance cannot fit every situation and neighborhood.

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 and improvement to the property will improve the overall look of this block while providing the owner with a more user friendly outdoor space.

ADDITIONAL NOTES

Objections Received:

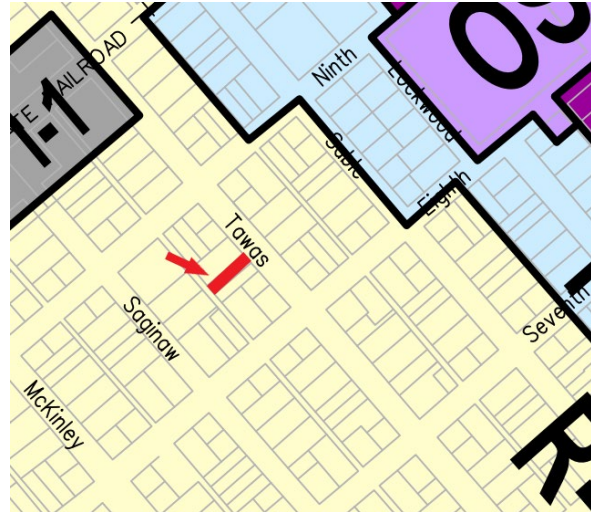
No objections to the variance request have been received.



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PHOTOS:



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Down the block toward 9th



Across the street



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Next door neighbor (8' from sidewalk)





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FINDINGS OF FACT ZBA VARIANCE REPORT

APPLICANT: CHRISTINA KIHN ON
BEHALF OF ALL SAINTS OF ALPENA
LOCATION : 324 W CHISHOLM ST
DISTRICT: CCD/OS1
REVIEW DATE: 11/13/2023
REPORT: ZBA23-0005



Summary of Request: Applicant and Owner request to allow an emergency warming shelter within the St. Bernard's Church property's Center of Charity. Location of the shelter would be in the former school building where other community services are already taking place. The property currently includes St. Bernard's Catholic Church, Madonna House Ministry, Friendship Room, Baby Pantry, and the Children's Closet. Approval is contingent upon approval of the Special Land Use through the Planning Commission on 11/27/2023. Two variances within Section 7.27 of the Zoning Ordinance are requested and are noted below:

Sections of note from the Zoning Ordinance for Section 7.27 Residential Human Care Facility

- **OCCUPANCY:** The occupancy of such a facility shall not exceed twenty-five (25) persons, excluding the supervisor(s). *Requesting to allow occupancy to be determined by the Building Official and Fire Department Community Risk Reduction Officer based upon adopted Building and Fire codes and adequate volunteer staffing levels.*
- **SPACING:** No such facility shall be located within two thousand five hundred feet (2,500') of the property line of a similar facility. *Requesting to allow the facility to be located within a current building which is already being used for community needs, including homelessness. The closest similar facilities are Sunrise Mission on Chisholm & 7th Ave at 815 feet and Hope Shores Alliance Women's Shelter on East Washington at 1,435 feet.*

Note: the mailed notification to property owners within 300' had a typo that stated 2,500 square feet instead of 2,500 feet; the notice in the Alpena News did not contain the typo. I apologize for any confusion that may have caused.

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;



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ZA Response: The zoning lot consists of six 66x140 lots, one 33x140 lot, and portions of two adjacent lots. At approximately 68k square feet, this is almost 1.5 acres. The large lot size allows for consolidation of multiple services on a single site and would allow expanded use within a partially unutilized building.

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: The current distance requirement within the zoning ordinance does not consider adequacy of facility, proximity to services, or current building availability; requiring an alternate location could prevent the facility from opening due to additional building, operation, and staffing needs. The occupancy limit in the ordinance does not consider community need and could result in those in need being turned away with no alternative option.

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: The current property location is static and cannot be changed unless an entirely different location be considered, which could negatively impact the implementation of the program. Feasibility of alternative sites would need to be evaluated by the applicant; occupancy limits do not provide adequate justice to the applicant or community when building and staffing occupancy is not considered.

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: Occupancy is typically determined by the adopted building and fire codes; occupancy for residential human care facilities is the only place within the zoning ordinance that sets a specific occupancy. St. Bernard's was established in 1864; applicant seeks to use an existing, underutilized space.

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

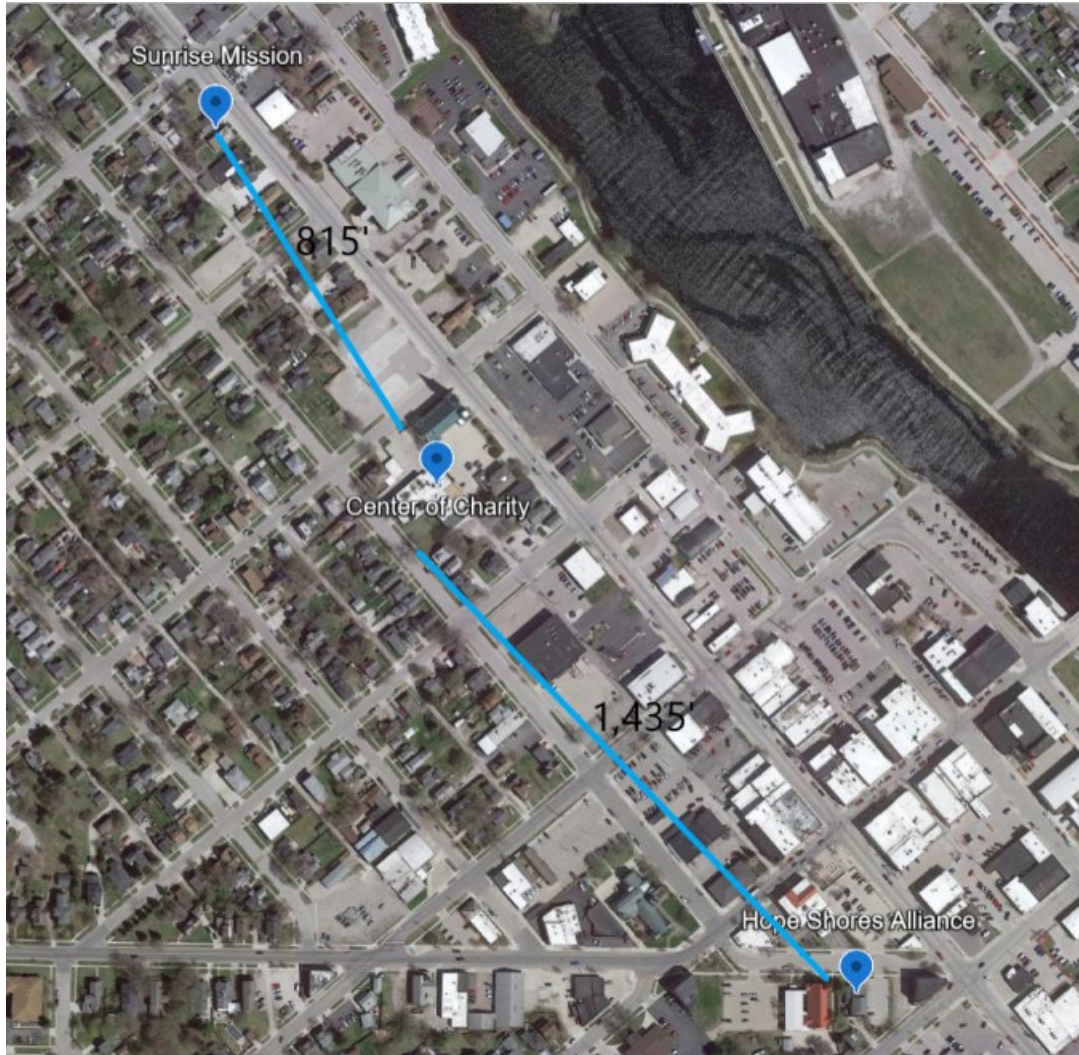
ZA Response: Exterior changes to the facility are limited to security cameras, motion sensor lighting, and an outdoor monitored smoking area near the entrance off the building off of 5th Ave. Loitering is prohibited by the zoning ordinance and the Center of Charity. Access to public safety services is available within approximately 300 feet of the facility.

ADDITIONAL NOTES

Objections Received:

No objections to the variance requests have been received.

PHOTOS:



Shelter entry off of 5th Ave



Current Friendship Room to left





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Facing Lockwood St.



View from Lockwood facing Chisholm St

