



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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### **AGENDA**

#### **ZONING BOARD OF APPEALS**

November 28, 2018, 5:00 p.m.  
Council Chambers, City Hall

**1. CALL TO ORDER:**

**2. ROLL CALL:**

**3. PUBLIC HEARING:**

**In Case ZBA 18-06, Duane David Jennings**, 9543 M 65 South, Lachine, MI 49753, , is requesting a variance for the property located at **307 S Saginaw Street**, to allow the construction of a covered porch with a front yard setback of 9 feet, 6 feet less than required in an R-2 One-Family Residence District. Article 3.31 E1

**4. ACTION ON PUBLIC HEARING:**

Case ZBA18-06

**5. PUBLIC HEARING:**

**In Case ZBA 18-07, Third Avenue Properties LLC**, 307 Third Avenue, Alpena, MI 49707, is requesting a use variance to allow the installation and use of certain types of light manufacturing equipment in the CBD Central Business District. Article 5.12B

**6. ACTION ON PUBLIC HEARING:**

Case ZBA18-06

**7. NEW BUSINESS**

- a. Approve minutes of October 24, 2018 meeting.

**8. COMMUNICATIONS:**

**7. PUBLIC COMMENT:**

**8. ADJOURNMENT**



# Memorandum



Date: June 15, 2016

To: Zoning Board of Appeals

Copy: Greg Sundin, City Manager  
Don Gilmet, Building Official

From: Adam Poll, Planning and Development Director

Subject: ZBA Case ZBA 18-06, 307 S Saginaw- Findings of Fact

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**In Case ZBA 18-06, Duane David Jennings**, 9543 M 65 South, Lachine, MI 49753, , is requesting a variance for the property located at **307 S Saginaw Street**, to allow the construction of a covered porch with a front yard setback of 5 feet, 10 feet less than required in an R-2 One-Family Residence District. Article 3.31 E1

To authorize a variance, the Board shall find that all of the following conditions are met:

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 applicants personal or economic hardship;
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;
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;
4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on the surrounding property, property values, or the use and enjoyment of the 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.

The applicant is in the process of replacing the front porch on their home. They would like to replace the former 4' x 4' open porch with a 4' x 4' covered porch. The Zoning Ordinance regulates a covered porch the same as an enclosed porch and requires that they project no more than 5' into a required setback. The house itself is 9' from the property line.

1. The proposed request is unique as the home is set back 9' from the property line. Any covered porch would require a variance and even an open porch would be a legal non-conforming use.
2. Strict compliance to the ordinance would not allow a porch on the property. Stairs could be without a porch, but not ideal.
3. The request would not appear to have a negative impact on the area. Granting a lesser variance would not appear to be an option.
4. The need for the variance is not self-created. The home has a 9' front yard setback, which is 11' closer then would be allowed in an R-2 district.
5. The request for the variance would not appear to have a negative impact on the area. There are many homes with similar setbacks in the neighborhood, and many of them have covered porches with similar setbacks.







## MEMORANDUM

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TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: ZBA 18-07, 307 Third Ave- Findings of fact

DATE: November 26, 2018

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**In Case ZBA 18-07, Third Avenue Properties LLC**, 307 Third Avenue, Alpena, MI 49707, is requesting a use variance to allow the installation and use of certain types of light manufacturing equipment in the CBD Central Business District. Article 5.12B

**Property Address: 307 Third Avenue**

To authorize a variance, the Board shall find that all of the following conditions are met:

1. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
2. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
3. The proposed use will not alter the essential character of the neighborhood.
4. The immediate hardship causing the need for the use variance was not created by the property owner or previous property owners (self-created).

Staff evaluation of the four conditions relative to this petition is as follows:

The applicant is requesting to allow for the use of light industrial machinery to compress saw dust and woodchips into bricks. The applicant has indicated that the machinery is quiet and would be entirely contained within the building.

The building in question was previously a car dealership with car repair facilities that would have utilized compressors and air tools. More recently the building has been used as a specialty meat shop and office space, but is now vacant.

1. The property could be utilized as a form many general business uses that are permitted by right. The property is a former car dealership although the footprint is too small for most authorized modern dealerships. The unique size and layout of the building has led to it being vacant or underutilized for quite some time, and even when businesses did locate within the building a majority of the building was still vacant.
2. The applicant has indicated they are in need of a larger building and want to remain in Alpena. This building would meet their needs and still allow them to operate their existing business with additional space for their needs.
3. The proposed use would not appear to alter the essential character of the neighborhood. The amount of noise produced by the proposed machinery would not appear to be audible to nearby residences and would allow for the utilization of a vacant building. In addition, there would still be space for office or retail use, which are the preferred used in the CBD.
4. The applicant did not cause the immediate hardship. The building has a unique size and location that has led it to be vacant or underutilized for several years. While portions of the building have been utilized for retail and office, a majority of the building has been vacant since the car dealership changed locations.

In granting a variance, the Board may attach conditions regarding the location, character and other features of the proposed structure as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of said variance.