



City Hall
208 North First Avenue
Alpena, Michigan 49707
www.alpena.mi.us

Planning & Development

AGENDA

ZONING BOARD OF APPEALS

October 28, 2015, 5:00 p.m.

Council Chambers, City Hall

1. CALL TO ORDER:

2. ROLL CALL:

3. PUBLIC HEARING:

In Case ZBA15-08, William Yockey, 106 W Lewis Street, is requesting a variance in the R-2 One Family Residential District to allow a 10' x 20' shed to be constructed 0' from the side and rear property lines, 6' closer than allowed and a variance to the 35% maximum lot coverage to allow for 35.6% lot coverage, 0.6% greater than allowed. Article 3.11C3

4. ACTION ON PUBLIC HEARING:

Case ZBA15-08

5. NEW BUSINESS

- a. Approve minutes of August 26, 2015 meeting.

6. COMMUNICATIONS:

7. PUBLIC COMMENT:

8. ADJOURNMENT:



Memorandum



Date: October 23, 2015

To: Zoning Board of Appeals

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

From: Adam Poll, Planning and Development Director

Subject: ZBA Case 15-08, Findings of Fact

In Case ZBA15-08, William Yockey, 106 W Lewis Street, is requesting a variance in the R-2 One Family Residential District to allow a shed to be constructed 0' from the side and rear property lines, 6' closer than allowed and a variance to the 35% maximum lot coverage to allow for 35.6% lot coverage, 0.6% greater than allowed. Article 3.11C3

Property Address: 106 W Lewis

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.

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

1. The applicant's lot is unique in the fact that the applicants home in on a reversed corner lot. Where a normal front yard would be located at the narrow end of the lot closest to the street, the applicant's home is on a corner and is addressed off of Lewis, the wider dimension of the lot instead of Second which is the narrow dimension of the lot. This creates a scenario where the applicant must maintain front yard setbacks off of both Lewis and Second, and provides very little space to legally construct accessory structures.

The applicant previously had a legal non-conforming shed in the proposed location of the new shed, but once a legal non-conforming structure is removed, it cannot be rebuilt without a variance being granted.

The request is unique in that the applicant has very little yard to work with due to his location on the corner of Lewis and Second. He is requesting to construct a 10' x 20' shed with a 0' setback in order to maximize his existing yard space.

In addition to the setback variance, the applicant is also requesting a variance to allow him to exceed the maximum lot coverage by 0.6%.

2. The applicant could set the shed back 6' from the side and rear property lines and 6' from the house, but it would move the shed directly into the middle of the existing yard and would eliminate the ability to use that yard for storage of vehicles. Allowing the shed to have a 0' setback would allow vehicle storage in the future.

The applicant could construct a 10' 12' shed and not exceed 35% lot coverage but the applicant has indicated that he would prefer a larger shed for his uses.

3. The proposed use would not appear to alter the essential character of the neighborhood. The neighbor on Lewis already views a retaining wall, having the shed at a 0' setback would not appear to impact the property. The neighbor on Second also has a retaining wall and a fence on the property line already. In addition, a shed was previously at the location for a number of years without incident. Both neighbors have indicated they are not opposed to the proposed shed location.



4. The setback variance is not self-created. The need for both variances comes from a large house that was legally built on a corner lot. A shed cannot be placed in the remaining yard legally and still allow room for vehicular storage.
5. If the variance is granted it would not appear to have a negative impact on the area. Both neighbors have indicated that they are not opposed, and there was a shed in this location for a number of years without incident. Allowing a 0' setback would allow the yard to be used for vehicular storage and keep additional vehicles out of the front yard and street. In addition, allowing a slightly larger lot coverage than allowed would not appear to negatively impact the area, but allow the applicant to utilize his existing garage for vehicular storage.

Due to the ability to meet the criteria, staff would recommend **approval** of the requested variances to allow for a 10' x 20' shed to have a 0' setback and allow a 35.6% total lot coverage.

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.



106 W Lewis Street– Setback/Lot Coverage Variance



106 W Lewis Street– Setback/Lot Coverage Variance



106 W Lewis Street– Setback/Lot Coverage Variance



Looking at proposed shed location.