

MINUTES  
ZONING BOARD OF APPEALS

October 28, 2020  
COUNCIL CHAMBERS, CITY HALL

CALL TO ORDER:

Chairman Elwood Anderson called the Zoning Board of Appeals to order at 5:00 p.m.

ROLL CALL:

Present: Anderson, Bray, Broers, Guest, Lewis  
Cary Keller arrived at 5:07 p.m.

Absent: Lamble

Chairman Anderson opened the public hearing and explained the procedures for the hearing.

Chairman Anderson made an announcement that this will be his last official meeting as Chairman of the Zoning Board of Appeals. He said he has been with the Zoning Board of Appeals for 28 years.

Chairman Anderson said he would like to call for the election of officers. He asked if there were any suggestions. The board suggested electing Mike Lamble to Chairman because he is the Vice-Chairman. Donald Gilmet, Building Official, asked if anyone had spoken to Mike Lamble if he would be willing to be the Chairman. Don Gilmet said you do not want to elect someone that is not here at the meeting.

Chairman Anderson suggested they postpone the election of officers until the next meeting.

Member Lewis made a motion to postpone the election of officers.

Member Guest seconded the motion.

Ayes: All to table the election of officers until the next meeting.

Chairman Anderson said he is only stepping down from the Chairman position but will continue to serve on the board.

Public Hearing of Case ZBA20-02

Andrea Kares, Zoning Director presented the variance as follows: Craig Barton, 1104 S. Third Avenue, Alpena, MI 49707 is requesting a variance in the R-2 One Family Residence District to install a 10' x 12' shed in the street side yard. The shed will be three feet from the house and eight feet from the street side property line. The Alpena City Zoning Ordinance, Section 3.11.C.2, requires a six-foot separation from the house and Section 3.11.C.5.a, requires a ten-foot separation from the street side property line.

**Property Address: 1104 S. Third Avenue**

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

To authorize a variance, the board shall find that all 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 applicant's 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. It is not a self-created problem.
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.

**CONDITIONS:** The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in Section 9.9.

**FINDING OF FACT:** In granting or denying a variance, the board shall state in a written statement of findings of fact, which you can do verbally, the grounds upon which it justifies the granting of the variance.

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

1. The lot is small with the home currently built to the setback lines. The lot has no space to build horizontally and meet the regulations put forth in the zoning ordinance.
2. Strict compliance with the regulations could potentially be met by building a second story onto the home, but this route is cost prohibitive and is not likely to meet the current need of the homeowner.
3. The proposed request does not appear to do substantial justice to the neighbors. The building would be constructed on a corner and would likely be the focal point of the intersection. Many lots in the neighborhood are of similar size and density. The granting of a lesser variance (i.e. attaching the shed to the home, shed and home façade matching, and making the shed more rectangular in shape) would give substantial relief to the property owner and be more consistent with justice to other property owners.
4. The need for a variance was not created by the owner or previous owners as the restriction was created by the Zoning Ordinance.
5. The proposed request would not appear to alter the character of the neighborhood. However, due to the location of the home and the size of the lot, the shed would be very noticeable.

One public comment was received for this project that stated “I object to this case for the following reasons:

- 1) This zoning rule was put in place to protect the community from projects such as this and should be followed.
- 2) The project would be noticed and questioned.
- 3) The project would devalue the neighborhood.
- 4) Granting this request would open the door as a reason people could use to approve future requests.”

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.

Staff observations:

The property in question is small, with the home being built to or over the required setback lines. The property owner does not have any space on the lot to build a shed in the desired size. However, the proposed location and proximity of the shed to the sidewalk does cause some concern.

Therefore, staff recommends that this proposal be **approved with conditions**. Some recommended conditions include attaching the shed to the home, matching the façade of the home, and shed, and changing the shape of the shed to better resemble a rectangle to reduce the total encroachment.

PUBLIC COMMENT:

Mr. Barton, owner, of 1104 S. Third Avenue addressed the board. He would like to install a shed. He does a lot of work and has a lot of tools, and he needs the shed for storage of those tools. If he had a bigger lot, he would put it in a different place. He plans on getting a nice looking shed and try to match the house in color. It keeps him from leaving things out in the yard, and he likes to keep a clean yard. He said it would help him a lot to get this shed.

Member Keller asked Mr. Barton why he could not put the shed back by the fence. Mr. Barton said if he put it back there, it would have to have fire-rated walls.

Donald Gilmet, Building Official told the board that anything that gets within five feet of a property line, it does not matter whether it needs a building permit or not, it has to be one-hour rated from both sides. Don said there is not enough room to put it back there anyway to get the six-foot setbacks. That is why Mr. Barton decided to put the shed in the side yard. That is the variance he is asking for.

Mr. Gilmet said the person that was opposing this variance lives about a block and a half away on another street. It is not a neighbor that is in any site line of Mr. Barton's property.

Since no one else wished to speak either for or against this variance. Chairman Anderson closed the public comment portion of the meeting to deliberate for case ZBA20-02.

DISCUSSION BY BOARD MEMBERS:

Chairman Anderson said he visited the site, and the applicant meets the criteria. He said the backyard is unique. He said where the applicant wants to put the building would be environmentally friendly as to the location and size. Chairman Anderson said he is in favor of it.

Member Guest said that if you were to look down Crapo Street, it appears all the houses on Crapo have a similar setback. If you were to put this shed in the side yard, it would stick out relative to the other structures on that street.

Considering your comments Mr. Chair, what do you think about the city's suggestion about the conditions to attaching the shed to the home and matching the façade of the home and shed and changing the shape of the shed to reduce the total encroachment.

Member Broers said he can comment on that. Mr. Broers said it would be twice as expensive to do that kind of thing. You would get into all the building codes; you would have to have proper wiring. It would cost maybe three times more.

Mr. Gilmet said you do not have to literally attach it to the house. You can set it tight to the house, so it looks like it is almost attached to the house.

Further discussion ensued about the placement of the shed.

Member Lewis asked Mr. Barton if these premanufactured sheds come in all kinds of sizes. Mr. Barton said yes. Member Lewis asked if he could do an eight-foot wide shed. Mr. Barton said he could, but he was really hoping for the 10' x 12' shed.

Chairman Anderson asked if anyone is willing to make a motion that it be accepted with conditions.

Member Broers made a motion to approve the shed variance as is. As it was submitted by the applicant.

Member Bray seconded the motion.

ROLL:

Ayes: Bray, Broers

Nays: Anderson, Guest, Keller, Lewis

Motion to approve the variance for the shed as submitted by the applicant was denied.

Motion made by Member Guest to allow the owner to put the shed as close to the house as he wants to, with the size being 8 foot wide and up to a maximum of 16 feet deep with matching siding to the house.

Member Lewis seconded the motion.

ROLL:

Ayes: Anderson, Broers reluctantly yes, Guest, Keller, Lewis

Nays: Bray

The variance to construct a shed within the street side property line area has been approved with conditions. The conditions are the shed can be constructed no larger than 8 feet wide up to a maximum of 16 feet deep and the siding on the shed must match the house in color. The shed must be placed at least ten feet from the street side property line and can be within two feet of the house.

OLD BUSINESS:

There was not any old business.

NEW BUSINESS:

Member Guest made a motion to approve the minutes.

Member Lewis seconded the motion.

Ayes: All

The minutes from the September 30, 2020 meeting were approved.

COMMUNICATIONS:

There were no communications.

ADJOURNMENT:

With no other business to discuss, Chairman Elwood Anderson adjourned the meeting.

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Alan Guest, Secretary

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Elwood Anderson, Chairman