



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

Planning & Development

AGENDA

ZONING BOARD OF APPEALS

October 4, 2017, 5:00 p.m.

Council Chambers, City Hall

1. **CALL TO ORDER:**

2. **ROLL CALL:**

3. **PUBLIC HEARING:**

In Case ZBA 17-03, Danny Domke, 137 W Lewis Street, Alpena, MI 49707, is requesting a use variance in the R-2 One-Family Residential District to allow him to construct a deck 3 feet from the side property line, 3 feet closer than allowed. Article 3.31D and 5.7C

4. **ACTION ON PUBLIC HEARING:**

Case ZBA17-03

5. **NEW BUSINESS**

a. Approve minutes of May 31, 2017 meeting.

6. **COMMUNICATIONS:**

7. **PUBLIC COMMENT:**

8. **ADJOURNMENT**

MEMORANDUM

TO: Zoning Board of Appeals

FROM: Adam Poll, Planning and Development Director

SUBJECT: ZBA Case ZBA17-03, 137 W Lewis
Findings of fact

DATE: September 26, 2017

In Case ZBA 17-03, Danny Domke, 137 W Lewis Street, Alpena, MI 49707, is requesting a use variance in the R-2 One-Family Residential District to allow him to construct a deck 3 feet from the side property line, 3 feet closer than allowed. Article 3.31D and 5.7C

Property Address: 137 W Lewis Street

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:

1. The applicant has indicated that he wishes to construct a 12' x 24' deck in his side yard. The purposed deck would be 3' from the side property line, 3' closer than allowed. The proposed side yard location would be the most logical place for a deck. The other side of the home has a driveway and the garage is located in the rear of the home.
2. The request would appear to be unique in that there is no other place for the deck to be placed on the property. There are also many other homes in the area with structures or accessory structures that a 3' or closer to the side property line. The house to the northwest appears to be 3' setback from the side property and the home across the street at 130 W Lewis has a

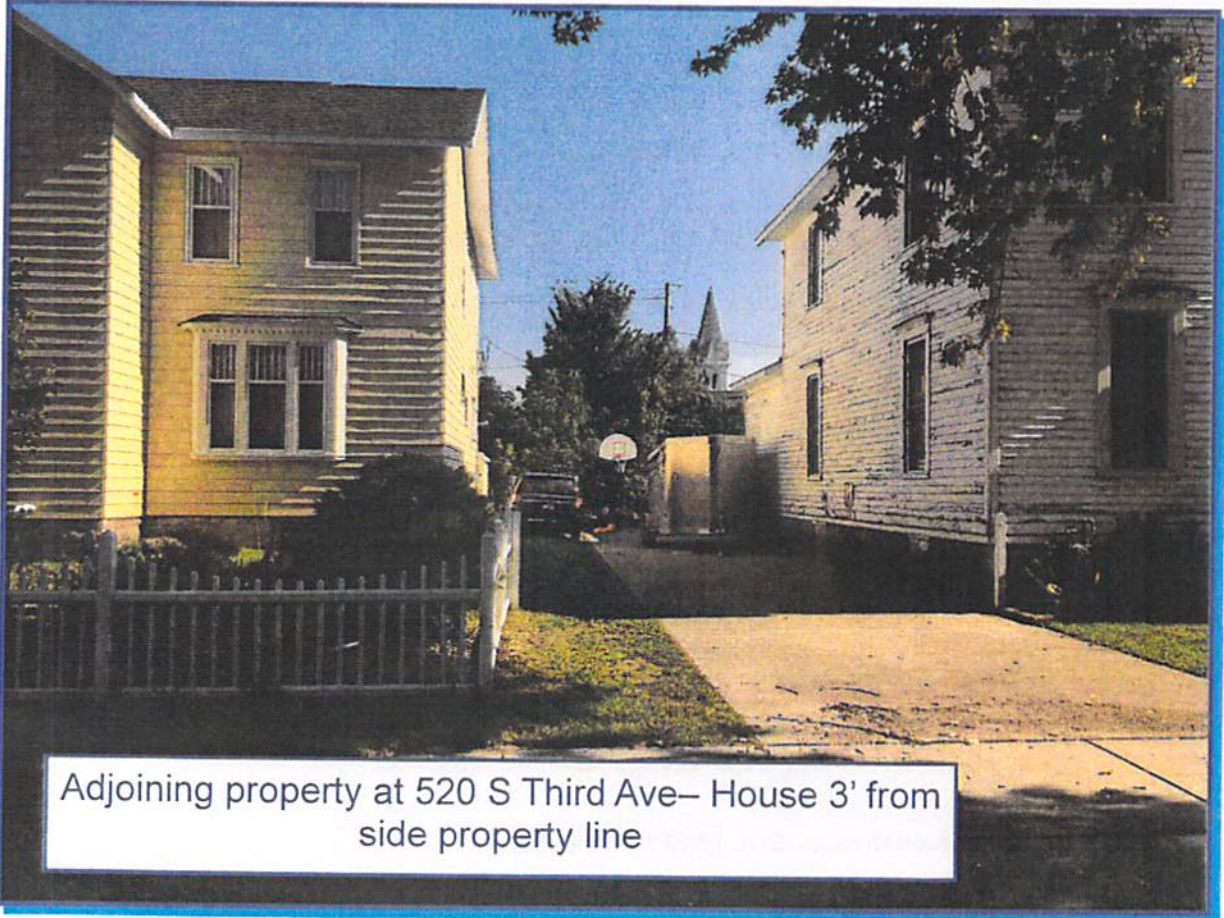
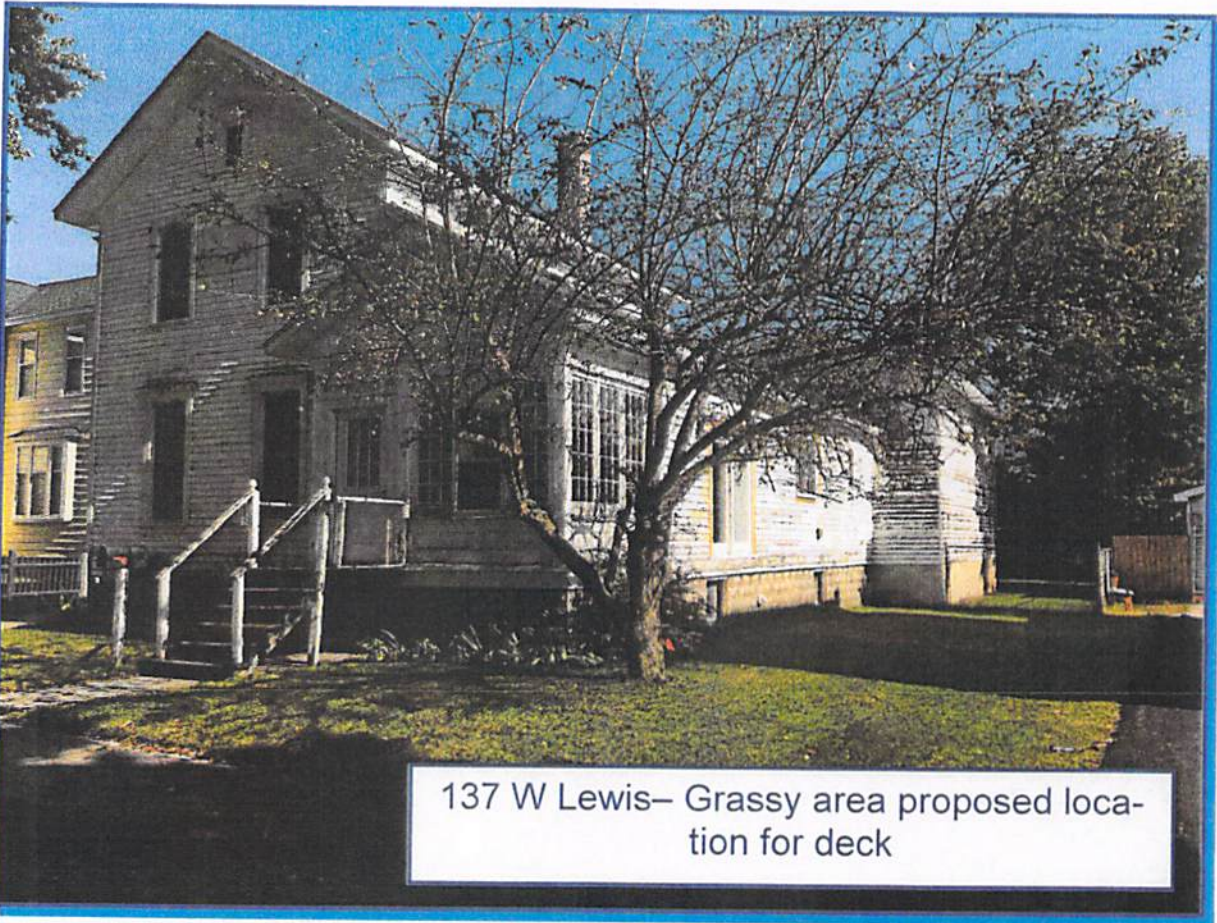
garage that would appear to be 3' from the side property line. In addition, the property located at 106 W Lewis was granted a variance to allow a shed to be placed with a 0' setback in October of 2015.

The lot is unique in that it is a fairly wide home placed on a 66' lot and configured in a way that the proposed location of the deck is the only place on the lot that would have adequate space.

3. As indicated above, this neighborhood has a number of homes and accessory uses that are 3' or closer to the side property line. This request would not appear to alter the character of the neighborhood.
4. The hardship was caused by the placement of the house on the lot and the location of the driveway and garage. The applicant could construct a smaller deck and meet the required setback, but has indicated that a 9' wide deck would not be adequate for his needs.

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.

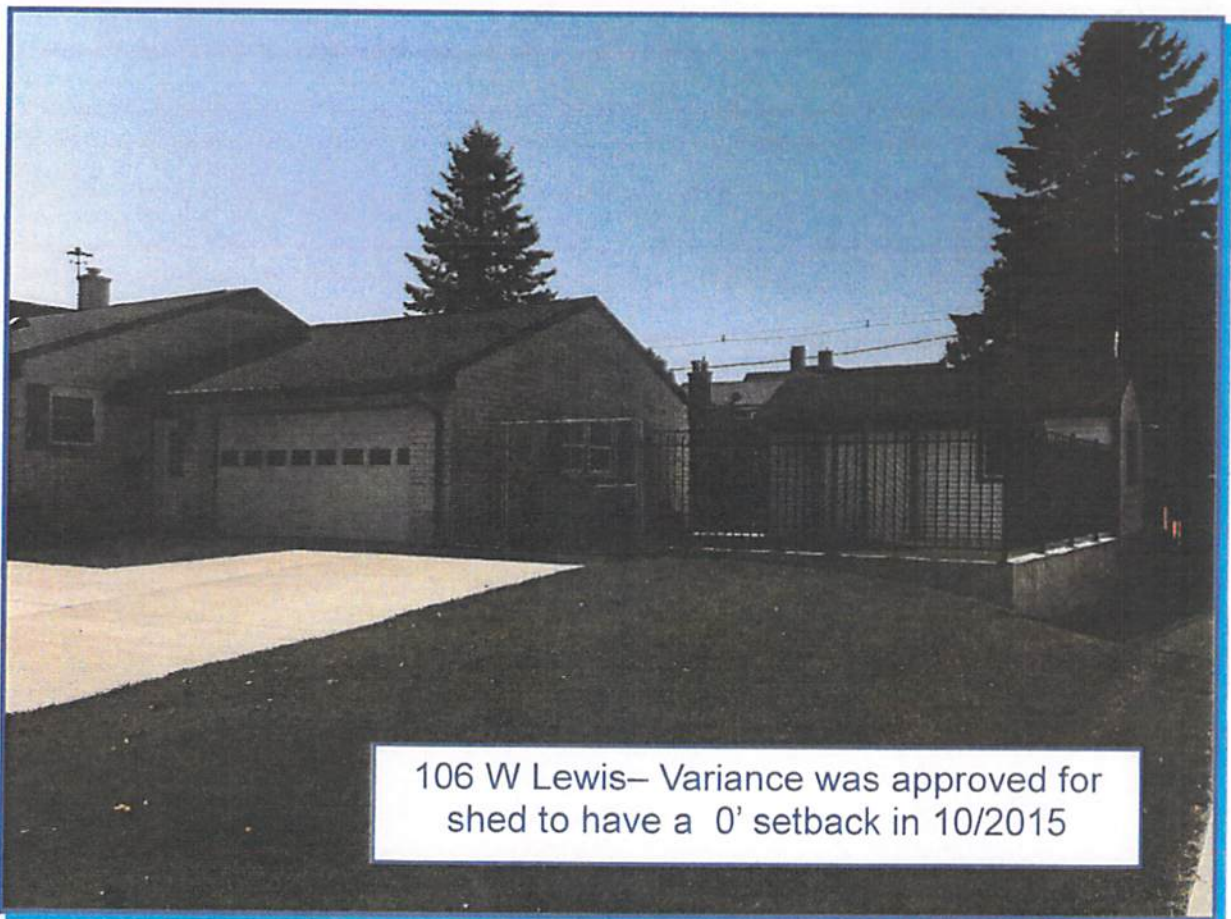
ZBA Case No. 17-03



ZBA Case No. 17-03



130 W Lewis (across from applicant)- Garage 3 feet from side property line



106 W Lewis- Variance was approved for shed to have a 0' setback in 10/2015