

MINUTES

ZONING BOARD OF APPEALS
May 28, 2014

Council Chambers, City Hall

CALL TO ORDER:

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

ROLL CALL:

Present: Anderson, Dutcher, Guest, Lamble, Lewis, Martindale

Absent: None

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

Public Hearing of PZ14-001

Adam Poll, Planning and Development Director presented the zoning request as follows: Joseph Szatkowski of 1006 S. First Avenue is requesting a variance to the ten foot required front yard setback for an open porch in an R-2 One Family Residence District to allow for the construction of an open porch seven feet from the property line, three feet less than required. Article 3.31 E2

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 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 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 home in question is unique as it is located 13 feet from the front property line and is considered a legal non-conforming use as the setback in an R-2 One Family Residential District is a minimum of 20 feet. The setback for an open porch allows a porch to extend ten feet into the minimum required setback. This would only allow for a three foot open porch without a variance being granted. The applicant is requesting a six foot porch with the stairs extending to the side and not the front of the porch.
2. If the home had been built with a 20 foot front yard setback, it would be allowed to have a ten foot open porch and the stairs could project off the front, effectively reducing the setback further. The applicant's home is unique in the fact that it is a legal non-conforming home with a 13 foot setback. The applicant is requesting a six foot open porch and constructing the stairs along the side of the home. The applicant could construct a three foot open porch, but its use would be limited to entry and exit, while a six foot open porch would appear to allow for additional uses such as seating.
3. There are several other homes in the area that have similar setbacks, and that appear to have porches that extend closer than ten feet to the front property line. Most of these would appear to be legal non-conforming homes. The applicant's request would not appear to be out-of-character with the existing neighborhood.
4. The requested variance is due to the applicant's desire to construct a functional porch. The applicant would be allowed to have a three foot open porch with the current setback of the legal non-conforming home, which functions for entry and exit only. In addition, although the stairs could be constructed on the side of the three foot open porch, that is the narrowest stair width permitted by building code, and more than likely a wider staircase would be constructed that ran off the front of the open porch and would legally extend an additional 3 feet closer to the front property line.

5. Granting the requested variance would not appear to have a negative impact on the neighborhood. The proposed open porch would not appear to be larger than necessary and would still be seven feet from the property line. The home in question is a legal non-conforming use that was constructed seven feet closer to the front property line than currently allowed. Visibility would not appear to be affected by the proposed open porch.

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.

Due to these facts, staff would recommend approval of the variance.

PUBLIC COMMENT:

Chairman Dutcher asked if there was anyone who desired to speak either for or against this variance.

Dodi Lance came to the meeting because she did not understand the information she received in the mail about this case. Once everything was explained what the homeowner wanted to do, she had no objection about the variance.

Since no one else wished to speak on this case, either for or against, Chairman Dutcher closed the public comment portion of the meeting at 5:08 p.m. to deliberate for Case PZ14-001.

Member Lewis made a motion to approve this variance as requested with the stairs going to the side of the porch according to the five conditions relative to this petition.

Member Anderson seconded the motion.

ROLL:

Ayes: Anderson, Dutcher, Guest, Lamble, Lewis, Martindale

Nays: None

DISCUSSION BY BOARD MEMBERS:

There was no further discussion on this variance from the board members.

A variance to allow for the construction of an open porch seven feet from the property line, three feet less than required, with the stairs built to the side of the porch has been granted.

Let the record show to authorize a variance, the board shall find that all of the following criteria has been met for Case PZ14-001.

1. The home in question is unique as it is located 13 feet from the front property line and is considered a legal non-conforming use as the setback in an R-2 One Family Residential District is a minimum of 20 feet. The setback for an open porch allows a porch to extend ten feet into the minimum required setback. This would only allow for a three foot open porch without a variance being granted. The applicant is requesting a six foot porch with the stairs extending to the side and not the front of the porch.
2. If the home had been built with a 20 foot front yard setback, it would be allowed to have a ten foot open porch and the stairs could project off the front, effectively reducing the setback further. The applicant's home is unique in the fact that it is a legal non-conforming home with a 13 foot setback. The applicant is requesting a six foot open porch and constructing the stairs along the side of the home. The applicant could construct a three foot open porch, but its use would be limited to entry and exit, while a six foot open porch would appear to allow for additional uses such as seating.
3. There are several other homes in the area that have similar setbacks, and that appear to have porches that extend closer than ten feet to the front property line. Most of these would appear to be legal non-conforming homes. The applicant's request would not appear to be out-of-character with the existing neighborhood.
4. The requested variance is due to the applicant's desire to construct a functional porch. The applicant would be allowed to have a three foot open porch with the current setback of the legal non-conforming home, which functions for entry and exit only. In addition, although the stairs could be constructed on the side of the three foot open porch, that is the narrowest stair width permitted by building code, and more than likely a wider staircase would be constructed that ran off the front of the open porch and would legally extend an additional 3 feet closer to the front property line.
5. Granting the requested variance would not appear to have a negative impact on the neighborhood. The proposed open porch would not appear to be larger than necessary and would still be seven feet from the property line. The home in question is a legal non-conforming use that was constructed seven feet closer to the front property line than currently allowed. Visibility would not appear to be affected by the proposed open porch.

OLD BUSINESS:

Adam Poll said there was not any old business.

NEW BUSINESS:

Tim Carr submitted a letter of resignation to the Zoning Board. He said he appreciated the opportunity to have served on the City of Alpena Zoning Board of Appeals.

There were no additions or corrections to the minutes. The minutes from the September 25, 2013 meeting were approved as printed.

Chairman Dutcher asked Adam Poll if the city was in the process of looking for someone to replace Tim Carr on the board.

Adam said they received only one application so far from Michael Polluch that he is reviewing. He will be forwarding that application to the city council for appointment.

Chairman Dutcher said that Jim Murphy might be a candidate for the zoning board.

Member Guest said that Norman Dutcher is doing a great job as a newly re-elected chairman of the board.

ADJOURNMENT:

With no other business to discuss, Chairman Dutcher adjourned the meeting at 5:15 p.m.

Alan Guest, Secretary

Norman Dutcher, Chairman