

**CHARTER TOWNSHIP OF ALPENA
ZONING BOARD OF APPEALS**

MINUTES- Regular Meeting- Tuesday, April 20, 2021

MEETING COMMENCED: 7:00 pm.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT:

Steve Dean- Chair, Andrea Dutcher, Tom Hilberg-Liaison, Susan Skibbe- Secretary, Russ Rhynard- Board Liaison.

ABSENT:

None

OTHERS PRESENT:

Nathan Fitzpatrick, 2010 Autumn Drive, Alpena, MI- Applicant
Nathan Skibbe- Township Supervisor, via Zoom

ADOPTION OF AGENDA:

T.Hilberg made a **motion** to accept the agenda as presented, **supported** by A. Dutcher. *Motion passed.*

APPROVAL OF MINUTES:

S. Dean made a **motion** to approve the minutes without correction from June 18, 2019, **supported** by T. Hilberg *Motion passed.*

PUBLIC MEETING PARTICIPATION RULES

PUBLIC COMMENT:

Supervisor Skibbe explained that the hardware store front faces south toward Bear Point Road which was not denoted on the plan submitted.

CORRESPONDENCE:

None

NEW BUSINESS:

Election of 2021 Officers. S. Skibbe made a **motion** to elect S. Dean as Chair, **supported** by A.Dutcher. Roll call vote was **unanimous in support.**

S. Skibbe made a **motion** to elect T. Hilberg as Vice-Chair, **supported** by S. Dean. Roll call vote was **unanimous in support.**

T. Hilberg made a **motion** to elect S. Skibbe as Secretary, **supported** by A. Dutcher. Roll call vote was **unanimous in support.**

NEW CASE:

1. Case #Z-01-21, KMN Holdings LLC, owners of Fitzpatrick Hardware at 2733 US 23 South, Alpena, MI 49707, Parcel # 018-103-000-212-01 is requesting a variance to Article VIII, Sec. 803, sub-sec. B, paragraph 2: a three (3) foot variance to the side yard setback located along Pearl Road. Property is in a General Business (B-2) zone district.

All members indicated they were familiar with the site. S. Dean invited Nathan Fitzpatrick to present any additional information that would be beneficial to the case. Two copies of full scale blueprints were presented.

S. Skibbe made a **motion** to OPEN the Public Hearing, **supported** by S. Dean. **Motion passed.**

Discussion on the specifics of the case began with questions from S. Dean to N. Fitzpatrick. **Q:** Is the existing fence sitting on the property line? **A:** Yes. **Q:** What are the exact measurements of the proposed building? **A:** 30 feet wide, 148 feet long, 26 feet in height. **Q:** Will the new building be the same distance from the fence as the one sitting behind to the north? **A:** No, it will be 3 feet due to the irregular shape of the Pearl Road property line. **Q:** Will the new building have doors? **A:** Yes, roll-up style doors.

R. Rhynard posed the question: how much distance from the front of the property line along Bear Point Road will there be to the front of the new building? **A:** There will be 40 feet. **Q:** Is there a ditch along Pearl Road? **A:** Yes. **Q:** Will the new building be similar in height to the existing storage buildings? **A:** The proposed new building will be two (2) feet taller than the storage building closest to the business.

T. Hilberg clarified that the variance is only being requested for the Pearl Road side of the property. **Q:** What is the amount of setback on the north property line? **A:** There is a twenty (20) foot allowance. **Q:** Is there a conflict with the residential houses along Pearl Road? **A:** Supervisor Skibbe responded that many of the parcels along Pearl Road are actually in a Manufacturing (M-1) zone district.

S. Skibbe reported that there had **not** been any letters of objection from the parcel owners within the 300 feet area surrounding the applicant's property. S. Dean called for any additional questions or comments, hearing none; R. Rhynard made a **motion** to CLOSE the public hearing, **supported** by S. Skibbe. **Motion passed.**

S. Dean read through the criteria for granting a dimensional variance, Board members all agreed we had discussed all five. R. Rhynard made a **motion** to **grant** the **three** foot variance requested, **supported** by A. Dutcher.

*Roll call vote: Steve Dean- yes, Andrea Dutcher- yes, Tom Hilberg- yes, Susan Skibbe- yes, Russ Rhynard-yes. **Motion passed.***

Reasons are:

- a. The requested variance is due to the unique circumstances with the shape of the property, and not the applicant's personal or economic hardship.
- b. The need for the requested variance is not the result of being self-created by the property owner or previous owner.

- c. Strict compliance with regulations governing setbacks would unreasonably restrict the property owner from using the property for a permitted purpose.
 - d. Granting the requested variance does substantial justice to the applicant without creating any injustice to the surrounding property owners.
 - e. Granting the requested variance does not cause any adverse impact on the surrounding properties, or property values, or use of the property in the zoning district.
- S. Skibbe questioned the Board members to be certain there were no additional conditions being applied to the variance being granted, everyone indicated there were none.

NEXT MEETING DATE- May 18, 2021 (tentatively)

MEETING ADJOURNED: Meeting adjourned at 7:26 pm by Chair Dean.

Respectfully submitted,

Susan Skibbe
Secretary