

ALPENA TOWNSHIP ZONING BOARD OF APPEALS

MINUTES - Special Meeting - Thursday, August 2, 2007

MEETING COMMENCED: 7:00 PM

PLEDGE OF ALLEGIANCE

THOSE PRESENT

Jim Milstein, Stan Mischley, Ed Robin - Chair, Gary Schuelke and Lori Werda

ABSENT

None

OTHERS PRESENT

Sean Harkins - Alpena News

Marie Twite - Township of Alpena

Les Klimaszewski - Alpena Twp Building/Zoning Dept

Craig Patterson - Orion Group

Marge Rosinski - 146 Bear Point

Rose Mary Freese - 183 Bear Point

Don Pettenger - 195 Bear Point

Bill Waterman - 158 Bear Point

Jere Johnston - Applicant

Jim Park - 195 Bear Point

Donald Gilmet - City of Alpena

Ed Black - WBK & H

Peter Hunter - Applicant

Francis Rosinski - 146 Bear Point

Bill Freese - 183 Bear Point

Don Deadman

Phil Heath - Alpena Township Water Dept.

Patricia Melville

Georgene Hildebrand - 195 Bear Point

ADOPTION OF AGENDA

APPROVAL OF MINUTES

Place Steve Westrope in attendance; change name from "Stan" to "Steve Westrope" on Page 2; add to reasons for denial "4. The problem was self created". With these changes, S. Mischley made a **motion** to approve the minutes of June 19, 2007, I. Schuelke **supported**. **Motion passed unanimously by all members.**

PUBLIC MEETING PARTICIPATION RULES

CORRESPONDENCE

- a. Questions for Applicant of Case #Z-04-07 from Chair Ed Robin
- b. Summary of Exhibits and Handouts - Jere Johnston
- c. Letters from Hunter Construction and Plan for Ferris Wheel
- d. Building Application for Permit #PB070078 and Handouts - Les Klimaszewski, Building Inspector

CASE

A. Case #Z-04-07

Pete Hunter, requests a 20' height variance for the construction of a 50' high ferris wheel. Property is located at 2516 Bloom Road, Parcel No. 013-027-000-840-00, in a B-2 Zone district.

All ZBA members visited the site.

Discussion

Ed asked if Pete Hunter has any financial interest in the property. Pete said no. Craig Patterson, speaking for Mr. Arzo, stated that Mr. Arzo was looking for an investment and feels there is an opportunity in this area. He wants to bring entertainment such as a new golf course, new race track, ferris wheel, video games, etc. It will be a used ferris wheel with lighting but it is

Ed felt that it is back far enough not to interfere with traffic. He stated that operators will have to be trained to run it and asked if Michigan has any regulations on operators. Mr. Arzo will be providing information on whether or not Michigan has any regulations. Ed - there is an airport across the road. If approved this would be contingent on FFA letter. Stan - nothing in our zoning book on ferris wheels. Lori - the ZBA last approved a 250 foot cell tower and discussed that the ordinance needs to be revised. Ed - doesn't seem to be any improvement, the batting cage looks 20 years old and the go-cart track is a mosquito haven because of water held in the tires. Craig P. - tires will have holes to allow water to escape. Marie Twite - we instructed Mr. Arzo to get FFA approval. Also, the sound system will have to be approved by the supervisor with hour restrictions. Ed - concerned that it will become an eye sore if it fails. Twite - part of the approval should be to get a clean-up bond if business fails to tear down and clean-up site.

I. Schuelke made a **motion to approve** Case #Z-04-07, **supported** by S. Mischley. Approval is contingent upon:

1. A bond is obtained for removal and cleanup of tires and ferris wheel if business should fail;
2. FFA approval;
3. Sound system to be approved by supervisor.

Reasons for approval:

1. Will not interfere with traffic;
2. An asset to the Alpena area;
3. Will not take away from community.

Roll Call:

J. Milstein-aye; S. Mischley-aye; E. Robin-aye; I. Schuelke-aye; L. Werda-aye. **Motion passed unanimously by all members.**

B. Case # Z-03-07

Jere Johnston, requests an appeal to the decision of the Building Inspector to issue building permit #PB070078 to William Waterman, Lot 8, Bear Point Harbor Subdivision, Parcel No. 018-055-000-010-00, zoned R-1 and commonly known as 158 Bear Point Road, pursuant to Article XXI, Section 2102 of the Township Zoning Ordinance.

Discussion

Don Gilmet, City building inspector, measured 25.9 feet from rock rip rap to the house being constructed. Gilmet occasionally fills in for Les Klimaszewski. Ed asks if Bill Waterman was under any impression he was given a variance and Waterman answered no. Jere Johnston - claims the construction is not within the zoning ordinances of the OHWM (Ordinary High Water Mark) and set backs. Les -Waterman can build to an easement but not on the easement. There has been no violation according to the DEQ. Marie - the home under construction was scaled down to fit the lot size. Don Gilmet explained that this is probably going to court no matter what the ZBA decides. The ZBA is just a step that needs to be taken. Jim M. states this situation has never happened in all the time he has been on the ZBA. Don Pettenger - in 1986 and 1987 the whole lot and road was underwater. Bill Freese wants to get one thing straight - who issued the permit? Les replied that he did. Frank Rosinski - I wish I had recorded my conversation with Marie. She told me she issued the permit. Bill Waterman - it is a buildable lot. I am building a smaller home than I wanted without any variances. Jere Johnston said that I could build a smaller house. Now that I am, he still has a problem with it. Stan Mischley went with Les to measure for the permit.

I. Schuelke made a **motion to deny** Case #Z-03-07, **supported** by S. Mischley.

Reasons for the denial:

1. Everything is within the ordinance;
2. No variances were granted

Roll Call:

J. Milstein-aye; S. Mischley-aye; E. Robin-aye; I. Schuelke-aye; L. Werda-aye. **Motion passed unanimously by all members.**

DISCUSSION

NEXT MEETING will be held on August 21, 2007

MEETING ADJOURNED: 8:45 p.m.

Respectfully submitted,

Lori Werda
Secretary

LW/ldt