

ALPENA TOWNSHIP ZONING BOARD OF APPEALS

MINUTES NOVEMBER 9th 2010

MEETING COMMENCED: 7:00 P.M.

PLEDGE OF ALLEGIANCE

PRESENT: Ed Robin, Chair Lori Werda, Secretary Irma Schuelke
David Dekett Stan Mischley

Adoption of Agenda **Motion to approve** made by Stan Mischley, Supported by David Dekett
Motion passed unanimously.

Ed Robin explained the rules and how the meeting would be conducted.

OLD BUSINESS—Approval of minutes from the March 17, 2009 Meeting. Motion to bring Case Z-01-09 back to the table made by **Irma Schuelke**. Supported by **Dave Dekett**. Motion to close Case Z-01-09 made by **Stan Mischley** Supported by **Dave Dekett**. Reasons: Other solutions to the request were sought and a variance was no longer needed. Approved unanimously.
Approval of minutes from the August 26, 2010 meeting, Case Z-02-10. Motion to approve made by **Dave Dekett** Supported by **Irma Schuelke**. Approved unanimously.

NEW BUSINESS -- Case Z-03-10 --Hazel Huessner requests a variance to the minimum lot size requirement for building on a lot located in a One Family Residential (R-1) zone district. Property is located east of 1564 Long Rapids Rd. Parcel No. 012-017-000-422-01.

Persons in Attendance for Case Z-01-10 **Todd Thompson 4780 Monaghan Pt Rd. Alpena, MI.**
Margie Haaxima 1137 Washington Ave. Alpena, MI.
Janet M. Gagnon 1460 Long Rapids Rd. Alpena MI.

The board reviewed all documents received.

Exhibits

1. Public notice
2. Signed petition with permission to visit site.
3. List of adjacent Property Owners
4. Drawing of property in discussion and neighboring lots.
5. Property tax details
6. Letter dated October 4, 2010 from Hazel Huessner
7. Letter from Les Klimaszewski, zoning administrator -not dated.

All members visited the site.

NOTE; The property in discussion was a 190 Ft. wide, with a home on it. The property was split in April 2010, so that the property with the home on it would meet the 100 ft. frontage requirement, leaving an empty lot with 90 ft. of road frontage. Per Les Klimaszewski both the real estate agent and the home owner were made aware that they were creating a non-conforming lot at the time of the split.

PUBLIC DISCUSSION: Margie Haaxima addressed the board on behalf of her Aunt Hazel Huessner explaining that Aunt Hazel is 90 years old and gave her Grandson her home and 100 ft. of frontage on Long Rapids Rd. She wishes to give another Grandson the remaining lot to build a home on in the future. **Haaxima** explained that the existing home to the east is 40 ft. from the boarder of the 80 ft. lot and the home to the west is over 100 ft. from that boarder. Many of the homes in this area are much closer than this would be. **Haaxima** also stated that although the property doesn't meet the 100 ft. requirement, it DOES have way more square footage than what is required. **Haaxima** stated that the owner to the right was approached and asked to sell 10 ft. of their property and would not. **Haaxima** explained that Aunt Hazel is 90, she is sure she bought two 95 ft. buildable lots, and does not understand how zoning can tell her what she can and can't do with her property.

Todd Thompson stated that he has no objection to the variance but doesn't want to see a "real estate, *For Sale*, sign" in the yard next week. **Thompson** also added that many of the lots to the west are smaller than 100 ft. maybe 60, 40 ft. **Haaxima** questions when the 100 ft. requirement went into affect. **Janet M. Gagnon** addressed the board and stated that she loves Aunt Hazel and doesn't want to hurt her, but she does not want to see a house go up between her and the existing neighbor. **Gagnon** wishes she and the existing neighbor could purchase and split the lot in question but Aunt Hazel will not sell it.

BOARD DISCUSSION: The house to the right (Gagnon) has city water,- but not city sewer, sewer is available on the other side of Long Rapids Rd. **Dekett** suggested that they check to see if they could get a contractor to bring city sewer and water to the lot then there wouldn't be a need for a variance. **Ed Robin** stated that age is not a reason to give a variance, the point is she made a lot more non-conforming than it was, in April of this year, and now wants a variance. **Robin.** We would be opening a door we don't want to open if we approve this variance. There are other options, getting water and sewer to the lot. **Mischley** states he agrees with Ed. The reason there is a 100 ft. needed is to allow for drain fields and septic systems. **Werda** states that the square footage of the lot well exceeds the 20,000. sq. ft. requirement, and **Motions that the board approve the variance. Supported by Irma Schuelke.**

Reasons 1. Will not change the character of the neighborhood.

2 Meets or exceeds the Sq. Footage requirements.

3. Relates only to the property under control of the appellant

Robin states we are opening a door we don't want to open. This would set a precedent for other cases. I do not see a legitimate reason to approve this case. There are other options. **Mischley** agrees with Ed. **Dekett** states he sees Ed's point.

Motion to approve case Z-03-10 goes to a vote:

Robin No Werda Yes Irma Yes Mischley No Dekett. No.

Motion to Approve Case Z-03-10 DENIED.

Next meeting To be scheduled.

Meeting Adjourned 8:20 P.M.

Respectfully submitted, Lori Werda, secretary ZBA