

ALPENA TOWNSHIP ZONING BOARD OF APPEALS

MINUTES - Regular Meeting - Tuesday, November 17, 2015

MEETING COMMENCED: 7:00 PM

PLEDGE OF ALLEGIANCE

THOSE PRESENT

Stan Mischley, Ed Robin - Chair, Irma Schuelke - Vice-chair, Susan Skibbe - Alternate

ABSENT

Lori Werda - Secretary

OTHERS PRESENT

Danny & Haddie Whaley - Applicants

Larry Dehring - 2348 E LaComb Rd

J.C. & Linda Wappelhorst - 7638 US 23 N

APPROVAL OF MINUTES

E. Robin made a **motion** to approve the June 17, 2014 minutes, I. Schuelke **supported**. *Motion passed unanimously.*

PUBLIC MEETING PARTICIPATION RULES - read by Stan Mischley

CORRESPONDENCE

a. Letter Regarding Case #Z-01-15

CASE

1. **Case #Z-01-15**, Danny Whaley requested a variance for a two-story accessory building more than 17' in height. Property is located at 2439 E. LaComb Road, Parcel No. 013-022-000-425-02 in a One Family (R-1) zone district.

Danny Whaley was present and spoke to the board as to the cease and desist order issued by Alpena Township Building Official, Les Klimaszewski. Larry Dehring, next door neighbor, objected to the board allowing the property owner to simply ask for forgiveness instead of following the proper procedures before building. He feels it is not why the township has established zoning ordinances, only to be set aside. Haddie Whaley, wife of property owner, apologized for not following the rules.

Board received written comment from Glenn M. Hall, 2225 E. LaComb Rd, Alpena, expressing no objection to the Whaley's proceeding with the completion of the two-story building. The letter was read into the record by Stan Mischley. Complete letter is attached to the minutes.

Friend, Linda Wappelhorst, spoke on behalf of supporting the Whaley's in their pursuit. James Wappelhorst, pastor for the Whaley's, spoke in support of their project. He asked the board for approval of the variance.

Public comment period was closed at 7:18 p.m. Chairman Robin questioned Mr. Whaley as to why he proceeded with constructing a two-story building when he was given a permit for a single story accessory building. Mr. Whaley stated that Les told him the ordinance was enacted

because Alpena Township did not have a ladder truck to help fight second story fires. Chairman Robin called for comment from the board. Stan Mischley stated he had talked with Les and supposedly Les has no objection to the structure. Stan had driven by the property and did not feel the building should not be allowed. Chairman Robin stated that our function was not to change ordinances, the purpose of the ZBA is to enforce the existing ordinances.

Susan Skibbe commented that Alpena Township has a zoning board and a set of ordinances to help guide our growth and development and it is an insult to all the work devoted to developing ordinances for the ZBA to begin granting variances without careful consideration and for good reason. Mrs. Whaley requested that if it is the ZBA's decision to order them to remove the structure that they be allowed to wait until summer.

Chairman Robin stated the board's responsibility is to make a clear decision without conditions and perhaps the ordinance should be amended to reflect the changes in the township in regard to the new capabilities of the fire department equipment. Stan did go next door and asked the fire department personnel about some way around the ordinance. Fire department states that 17' is current ordinance height and it is the ZBA's role to enforce the ordinance.

I. Schuelke made a **motion** to deny the variance, S. Mischley **supported**. Roll call vote: Stanley Mischley - aye; I. Schuelke - aye; Susan Skibbe - aye; Ed Robin - aye; L. Werda - absent. ***Motion passed unanimously.***

NEXT MEETING: December July 15, 2014 (tentatively)

MEETING ADJOURNED: S. Mischley made a **motion** to adjourn meeting, **supported** by I. Schuelke. Meeting adjourned at 7:59 p.m.

Respectfully submitted,

Susan Skibbe
Acting Secretary
/ldt