

# CHARTER TOWNSHIP OF ALPENA

## ZONING BOARD OF APPEALS

MINUTES- Regular Meeting- Tuesday, June 18, 2019

**MEETING COMMENCED:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

**MEMBERS PRESENT:**

Steve Dean, Chair, Tom Hilberg, Tammy Thomson, Susan Skibbe, Secretary

**ABSENT:**

Matt Dunckel

**OTHERS PRESENT:**

Brock Johnson, Applicant

Mary Gerow, 9029 W. Long Lake Road

Janice M. Glover, 9031 W. Long Lake Road

Nathan W. Skibbe, Supervisor, Charter Township of Alpena

Kirk, Township Building Official

**ADOPTION OF AGENDA:**

T. Hilberg made a **motion** to accept the agenda, **supported** by T. Thomson. *Motion passed.*

**APPROVAL OF MINUTES:**

T. Hilberg made a **motion** to approve the April 16, 2019 minutes, **supported** by S. Skibbe. *Motion passed.*

**PUBLIC MEETING PARTICIPATION RULES:** S. Dean read the rules to the audience.

**PUBLIC COMMENT:**

Janice Glover, 9031 W. Long Lake Rd., questioned how much footage was being allowed for each parcel in the proposed split, on both the lake and the roadside. The submitted survey copy was shown to her. On the roadside 2 of the lots had 60 feet, the third lot had 74.66 feet, on the lake side 2 of the lots had 102.26 feet, and the third had 187.08 feet.

**CORRESPONDENCE:**

None was received.

**NEW CASE:**

**Case #Z-03-19,** Brock Johnson, applicant for 9011 W. Long Lake Road, Alpena, MI 49707, Parcel #013-009-000-190-00 is seeking a variance to Article XVII, Sec. 1700: to the schedule of regulations for a waterfront lot minimum width of 100 feet. Applicant is seeking a lot split to create three (3) waterfront lots. Property is in a waterfront Residential (WR) zoned district.

All ZBA members present had visited the site. S. Dean invited Brock Johnson to present the information to support his request. B. Johnson stated that customers at the neighboring Sand Bar Grill, 9027 W. Long Lake Rd., had been questioned about what they would prefer to see at the lot in question, and their polled results were that people would rather see permanent homes built on the site, as opposed to the recently approved eight (8) mini rental cabins.

T. Thomson asked if B. Johnson had consulted with the Assessing Office concerning the lot split, and whether it would impact the value of the property. B. Johnson indicated that he had. T. Thomson stated she was concerned about the amount of roadside footage lacking to meet the schedule of regulations for waterfront residential lots if a variance was granted, she would be more amenable to a split into two (2) lots which would be closer to the requirement.

S. Dean stated his concern for granting the variance would open the Township up for many future variances from the standards. S. Dean questioned B. Johnson why the change of direction in the development of the parcel since it was just approved as a special use with contingencies at the April 23, 2019, Alpena Township Planning Commission. B. Johnson responded there were many factors but did not explain further. S. Dean asked if the health department had been consulted about the sanitary sewer and storm run off conditions that were of concern to the Planning Commission. B. Johnson answered yes, but they had chosen not to pay additional fees to proceed any farther. S. Dean emphasized the 100-foot minimum requirement in the zoning ordinance is the guide the ZBA Board should be adhering to.

S. Skibbe stated in researching this case the legal owners of the parcel are Brockfish, LLC, of which B. Johnson is one (1) member the other member listed is John Fisher. She questioned B. Johnson whether J. Fisher agreed with the application submitted for the variance to divide the parcel. B. Johnson said yes, J. Fisher was in support of the request, although he was not present due to another obligation. Documents supporting the legal ownership of the property and the LLC filing are included with the documents for this case. S. Skibbe also wanted to share her concern for the public safety with adding three additional driveways to this area which has a curve approaching the parcel that presents a sight line hazard already. S. Skibbe read Section 2105 D; *In consideration of all appeals and all proposed variations to this Ordinance the Board of Appeals shall, before making any variations form the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestions in public streets, or increase the danger of fire, or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.* B. Johnson stated that he didn't feel the three new driveways would create as much of a public safety hazard as people with boats and trailers entering the property as the prior proposed eight (8) mini cabins would.

T. Hilberg stated that in reviewing the information provided for this case he did not feel there was adequate information to support a hardship, nor a unique circumstance. The crucial points that the ZBA must consider when deciding a zoning variance request are; is there an undue hardship, and unique circumstances applied to the property, both must be present in the case or the variance is not justified.

T. Hilberg made a **motion to deny** the request for a variance to create a lot split for 3 parcels, **supported** by S. Skibbe. Reasons for denying Case# Z-03-19 are:

1. Section 1700, Schedule of Regulations for waterfront residential (WR) minimum width requirement of 100 feet cannot be met.
2. No undue hardship was proved.
3. No unique circumstances to the property are present.

4. A public safety concern would be created by adding three (3) additional driveways to an area where traffic sight lines are already compromised.

*Roll call vote: Steve Dean-aye, Tom Hilberg-aye-, Susan Skibbe-aye, Tammy Thomson-aye. Absent: Matt Dunckel. **Motion passed.***

**DISCUSSION:**

K. Malcomson clarified that if the property owners decided to pursue a split into two (2) lots the parcel would still not contain the required 100 feet of frontage along the road as there is a total of 194.66 feet. K. Malcomson stated that he had been working with the property owners for quite a while trying to help guide them through the process of deciding on the development of the parcel, and he will continue to offer assistance when asked.

S. Dean questioned the assessed value of some of the properties surrounding the case in question. Supervisor Skibbe suggested S. Dean contact the Township Assessor for further explanation, and perhaps join in a site visit when the Assessor is updating the assessment information for property files.

**NEXT MEETING:** July 16, 2019 (tentatively)

**ADJOURNMENT:** Meeting adjourned at 7:39 pm.

Respectfully submitted,

Susan Skibbe, Secretary