

ALPENA TOWNSHIP ZONING BOARD OF APPEALS

MINUTES - Regular Meeting-Tuesday, June 19, 2018

MEETING COMMENCED: 7:01 PM

PLEDGE OF ALLEGIANCE

THOSE PRESENT

Matt Dunckel, John Kohart - Alternate, Tom Hilberg - Liaison, Susan Skibbe - Secretary and Tammy Thomson - Chair

ABSENT

Steve Dean

OTHERS PRESENT

Pat Pokorzynski - 1031 Birch Rd

Kay Malaney - 1055 Birch Rd

Greg Cadarette - Applicant

Kirk Malcomson - Township Building Official

ADOPTION OF AGENDA

M. Dunckel made a **motion** to accept the agenda with the addition of approving the November 21, 2017 minutes, **supported** by J. Kohart. *Motion passed.*

APPROVAL OF MINUTES

T. Hilberg made a **motion** to approve the November 21, 2017 minutes, **supported** by T. Thomson. *Motion passed.*

T. Hilberg made a **motion** to approve the May 15, 2018 minutes, **supported** by M. Dunckel. *Motion passed.*

PUBLIC MEETING PARTICIPATION RULES

PUBLIC COMMENT

G. Cadarette stated he only needs 4' 5", not the entire 6' as originally requested. Without the variance, he feels the building would be hard to rent. He does not know if the building will be used as a body shop as it has not been determined yet. He feels part of his hardship is the amount of investment he has in the property along with other various reasons listed on the letter he submitted prior to the beginning of the meeting. Mr. Cadarette felt he had acted in good faith by contacting the Alpena Township Building Official as soon as the problem of the back property line setback was discovered. He attempted to cancel the order for the building products, but it was too late. He stated that he didn't want to sound threatening, but he would be very upset if denied, and would try to resolve the issue through the legal system. His intention is to create a building that is a positive enhancement to the US 23 corridor. He felt strongly that an angled building was not attractive, and would not be satisfied with one.

K. Malaney asked why the problem was not discovered and resolved before the building supplies were ordered. She is concerned about what the actual use of the building might end up being and that it might not be desirable to the neighborhood. G. Cadarette said that there would not be a good return on investment for a cold storage building.

P. Pokorzynski stated she would like to see the rules of the township ordinance followed. She is also concerned about drainage and snow run off. She does not feel that the applicant has a hardship since he has an existing body shop nearby. Her concern is for the property values in her neighborhood, if the building became a business that wasn't desirable. She stated that she had attended meetings of the Planning Commission relative to this case, but did not feel she should be made to feel responsible for a decision on this case since the Township has written rules to follow that define setback requirements.

CORRESPONDENCE

a. Letter Regarding Case #Z-03-18 - P. Pokorzynski, 1031 Birch Road, Alpena, MI

NEW CASE

1. Case #Z-03-18, Greg Cadarette requested a 6' variance to the rear yard setback. Property is located at 3432 US 23 S, Parcel No. 011-004-000-847-00 in a General Business (B-2) zone district. *Parcel number was listed incorrectly on application and Public Notice as 01 J-004-000-851-00. Correction was made to the original application.*

Dunckel, Hilberg, Kohart, Skibbe and Thomson visited the site. T. Hilberg felt that the applicant did not make any adjustments to his construction plans after Planning Commission approval. M. Dunckel asked if the problem was discovered prior to ordering the trusses and supplies but it was not. He is concerned that the property owner at 1031 Birch Road will not be able to peacefully enjoy her home and property. K. Malcomson stated that when the layout was done, the angle was discovered on the backside of the lot, creating the need for a variance. Nobody realized the building was skewed because of all the vegetation that existed when G. Cadarette first purchased the building and property. The issue is to be certain that no water will drain onto the adjacent property. K. Malcomson summarized the case as, the applicant is merely requesting relief for the rear setback in a B-2 district and the amount of the variance needed is actually 4'5". S. Skibbe asked what the building was actually going to be used for since the application refers to exhaust stacks for a paint booth. She also stated that hardships cannot be self-created as Mr. Cadarette's is. J. Kohart asked if any of the building material could be repurposed but it cannot be. Mr. Kohart questioned the timing of the building angle to the property line and felt this should be an issue that is resolved prior to the building permit being issued. T. Thomson questioned the parties present to try and find a compromise with her concern that a decision either way could only escalate bad feelings. She does not want to see either party negatively impacted.

J. Kohart made a **motion** to grant the variance since the building permit was already issued. Motion failed due to lack of a second.

T. Thomson made a **motion** to grant the variance request, **supported** by J. Kohart. Reasons for granting Case #Z-03-18 are:

1. Without the variance, the building use would be limited because of the offset.
2. The building would not look good angled.
3. Cannot move the building closer to US 23 South because of the existing building.
4. Building would still be 36' away from neighbor's existing garage.

*Roll call vote: Steve Dean - absent; Matt Dunckel - nay; Tom Hilberg - aye; Susan Skibbe - nay; Tammy Thomson - aye; John Kohart - aye. **Motion passed.***

DISCUSSION

T. Thomson stated she hopes Mr. Cadarette and the neighbors can have a better relationship in the future. T. Hilberg added that Mr. Cadarette created this situation and pressured the ZBA into a corner, making this a difficult decision.

NEXT MEETING: July 17, 2018 (tentatively)

ADJOURNMENT: Meeting adjourned by Chair Thomson at 9:12 p.m.

Respectfully submitted,

Susan Skibbe
Secretary

/ldt