

MINUTES

ZONING BOARD OF APPEALS

February 25, 2015

COUNCIL CHAMBERS, CITY HALL

CALL TO ORDER:

Chairman Dutcher called the Zoning Board of Appeals to order at 5:00 p.m.

ROLL CALL:

Present: Anderson, Dutcher, Guest, Lamble, Polluch

Absent: Lewis, Martindale

Chairman Dutcher opened the public hearing and explained the procedures for the hearing.

Public Hearing of Case ZBA15-03

Adam Poll, Planning and Development Director presented the zoning request as follows: Sunrise Mission, 622 W. Chisholm Street is requesting a variance to the rear building setback in the Commercial Corridor District, the number of parking stalls required, the width of the parking stalls as well as the side yard setback of the parking area, to allow for the construction of an 60' x 34' activity center addition, 5'2" from the rear property line, 4'10" less than required, with 25 parking stalls provided, 46 fewer stalls than required with nine foot wide stalls, one foot less than required and a zero foot side yard parking setback, five feet less than required. Article 5.2, 3.13 f, 3.12 d(1), 3.12(2).

**Property address: 622 W. Chisholm Street**

Notices were sent to all adjoining property owners within 300 feet of the subject property. Adam Poll received four letters requesting the variance by the Sunrise Mission be denied.

To authorize a variance, the board shall find that all of the following conditions are met:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
2. Strict compliance with the regulations governing area, setbacks, frontage, height bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners. It is not a self-created problem.
5. That the requested variance will not cause an adverse impact on the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Alpena.

**CONDITIONS:** The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in Section 9.9.

**FINDING OF FACT:** In granting or denying a variance, the board shall state in a written statement of findings of fact, which you can do verbally, the grounds upon which it justifies the granting of the variance.

Staff evaluation of the five conditions relative to this petition is as follows:

1. The property in question consists of three formally residential lots; two of which are utilized for Sunrise Mission, and one home that is owned by Sunrise Mission and utilized as a rental property. The Zoning Ordinance requires that 71 parking stalls are provided for the proposed plan. The main building (622 W. Chisholm Street) requires 27 parking spaces (one for each bed and one for each employee). The second building (616 W. Chisholm Street) is part of the mission, but is utilized for two separate families is best considered a duplex requiring four parking spaces. The rental unit at 608 W. Chisholm Street would require six parking spaces. The proposed addition would require 34 parking spaces. The property is unique in the fact that it is being used as a shelter, and the residents at the location do not generally drive. There does appear to be adequate parking in the current configuration. Although there have been some concerns brought up by nearby businesses, these appear to be issues created by convenience rather than lack of space to park. The applicant has indicated that the activity center would be utilized for life skills training and congregate meals at holidays. In addition, the applicants listed the uses including 12 step groups, community Bible study, classes, and staff and guest group needs within their newsletter. If the activity center is utilized by any other groups for gatherings, other than the residents, parking would appear to be inadequate. In addition, while the facility is currently being utilized as a shelter, that use could change. The shelter could relocate or cease operations in the future, and nearly any other use for this complex would require more parking than provided.

The property located at 608 W. Chisholm Street is a legal non-conforming rental home owned by Sunrise Mission, but does not operate as part of the mission. It is open to anyone to rent and is regulated by the city as a rental property. The proposed plan would effectively increase the non-conformity of this property. If the mission decided they no longer wanted this property it could be sold, and in order to retain their parking, the lot would have to be split which would require a number of variances.

The parking side yard setback variance would not appear to have a significant impact on the neighboring residence due to the existing privacy fence. If approved, staff would ask a condition be placed that a fence would be maintained along the shared property line with 117 S. Seventh Avenue. A fence is also shown along the length of the property line abutting the alley in the rear, which would prevent traffic coming in from the alley.

The rear setback of the building would be 5'2" from the rear property line along the alley. There would appear to be a residence at 112 S. Eighth Avenue that has a similar setback. The presence of the proposed fence along the alley would appear to provide a sufficient buffer for the proposed building.

Allowing nine foot parking stalls would appear to be necessary as the applicants are attempting to maximize the amount of parking stalls on a small area. A similar variance was approved for the downtown hotel currently under construction.

2. The mission has been in operation at its current capacity since 2008 and has been able to operate without an activity center. Strict compliance to the Zoning Ordinance would not be possible with the addition of an activity center. The proposed activity center could be made smaller, but there would still be a shortage of required parking, although it would be less of a shortage. Another potential is to move the proposed activity center to an offsite location. Although it would be functionally easier to operate with the center onsite, an activity center could be located in a location nearby that would provide adequate parking.
3. Surrounding property owners could be negatively affected by the proposed variance request. If parking becomes an issue, vehicles could start utilizing neighboring commercial lots for their parking.
4. The need for the variance would appear to be self-created. The mission has been operating at its current capacity since 2008 without an activity center. Adding an activity center would cause there to be a shortage of required parking. The activity center could be located offsite and meet Zoning Ordinance requirements.
5. The requested variances could cause an adverse impact on the surrounding properties. Although the submitted plans indicate there will be a fence erected that will buffer the visual impact from the proposed activity center, there is still significant impact if the mission moves or ceases operation. Nearly any other use for the mission facilities would require more

parking be provided which would lead to a shortage. Even if the mission remains in operation indefinitely, any use of the activity center by groups other than the residents would likely be short on parking.

In granting a variance, the board may attach conditions regarding the location, character and other features of the proposed structure as it may deem reasonable in furtherance of the purpose of this ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of said variance.

The Sunrise Mission provides an important service for Northeast Michigan. They assist a population that is often underserved, and have done so for 25 years. The desire to increase the services available to those they assist is commendable. This analysis pertains to the impact of the requested activity center and the long term land use issues that the activity center may or may not produce. The special land use permit which allows the operation of the existing mission is not in question for this hearing.

The mission is requesting multiple variances to allow for the construction of a 34' by 60' activity center attached to the rear of its main structure located at 622 W. Chisholm Street. After analysis of the case, the requested variances would not appear to meet the five criteria required to approve a variance.

**Because the activity center does not appear necessary for the continued operation of the mission; and because the activity center could be created offsite in a manner that meets existing requirements of the Zoning Ordinance; and because the proposed activity center would increase the non-conformity of an existing residence at 608 W. Chisholm Street, a property that although is owned by the mission, but not part of the mission operations; and because of the amount of parking required by the activity center and residence at 608 W. Chisholm Street far exceeds the parking amount that is able to be provided. Therefore, staff recommends that the variance requests be denied.**

Member Guest asked Mr. Poll if this application went before the Planning Commission, and if so what was their analysis of the case.

Adam Poll said an application was initially submitted to the Planning Commission middle of last year. After they mailed out notices and sat down and analyzed the case, he did talk to the applicants and advised them of some of his concerns, at that time there was a different design. It was larger and with quite a few less parking spaces than now. So Mr. Poll advised them that they had concerns and they withdrew their request. Either way, this could go before the Planning Commission at their March meeting depending on whether the zoning board approves or denies. There is going to be an appeal filed. They will have to go to the Planning Commission eventually because of the operation expanding due to size via the parking lot and scale of the buildings.

A letter was received from Gregory T. Burg owner of the two businesses (Cracker Barrel Party & Market and Burgies Gourmet Burgers) which are located next to the Sunrise Mission. Mr. Burg says

although the Sunrise Mission has three structures and many parking spaces behind those structures, his business parking lots are the “go to” for the residents, those picking up and dropping off residents and/or goods and donations, ambulances, police cars, etc. The request to build an activity center is an absurd request. The parking is out of control now and will only get worse. The mission has simply outgrown their space and it would behoove all involved if the mission were to find a more appropriate location (perhaps where everything is located all under one roof). Mr. Burg said he is vehemently opposed to the requested variance by the Sunrise Mission.

A letter was received from Chris Corwin, part owner of Quid Pro Quo Properties located at 615 W. Chisholm Street. He said his business is located directly across the street from the proposed pole barn. He feels if there are not enough parking places as required by code, that the users of the activity center will be parking in his parking lot and in the parking lots of his business neighbors. Further, he does not think an activity center is needed. He believes our community already has enough non-profit agencies, area churches, and a soup kitchen that care for all of these needs. He is not opposed to helping someone in time of need, but does not see the need for an activity center. Mr. Corwin is requesting that the variance requested by Sunrise Mission be denied.

A letter was received from Carl Chrzan, 152 Long Rapids Road. He says the question always comes up are there that may individuals that are homeless in our area or are many traveling to Alpena or being released from various state facilities that designate Alpena as their destination? Mr. Chrzan would like to go on record that he is not in favor of any change of zoning expansion of the Sunrise Mission Center.

An e-mail was received from John A. Lappan, 112 N. Eighth Street. His concerns are the types of individuals that are being relocated into our community and those are people that have serious criminal records, with no ties to the area. When he learned that the Michigan Department of Corrections has placed over 50 individuals at the Sunrise Mission that really disturbed him. How did this come about? Did the MDOC contact the Sunrise Mission and ask them to house individuals that are being released from state run prisons or did the Sunrise Mission ask to be put on a list? How much money does the Sunrise Mission receive to house people from the MDOC? Do they continue to receive the proper mental health care? The staff at the Sunrise Mission are not properly educated, trained or licensed in the field of mental health to assess individuals that are being released from prison. He feels the Sunrise Mission is starting to sound a lot like a halfway house rather than temporary shelter to help people who are down on their luck because of life’s unforeseen circumstances.

**PUBLIC COMMENT:**

Chairman Dutcher asked if there was anyone who desired to speak either for or against this variance.

John Ritter, Director of the Sunrise Mission addressed the board. Mr. Ritter said he has been at the mission for 16 years. He says it seems to be a lot bigger issue than they imagined and they largely looked at their needs there. The board has been talking about this for at least five years, probably

seven due to crowded conditions in several areas. Some of the reasons would be on the holidays, not only do they have the people staying there, they have some alumni coming back, they have volunteers, and they have staff come in. In the space they have, they have to take all the furniture out of the living room, move it into the hallway, bring in borrowed tables and set them up. Also they do the same thing in their meeting room to re-arrange that. It is pretty much elbow-to-elbow for the big holidays. At this time of year they have about six to eight kids running around in there right now. He says it would be wonderful to have a playground for the better weather. It would be wonderful for staff, guests, and the kids to have an area where they can go to burn off some energy, and the parents could go out there during the day to cut down on a lot of the noise and confusion. They would like to move their meetings out there, their cooking classes, nutritional classes, etc. When we are looking at the parking situation for a homeless shelter, he said he knows they are classified as a boarding house, and he said he thinks a homeless shelter should have different criteria. As an example, he said they had 33 people there last night and there was one car. He said this is a poor bunch of people they cannot afford cars, they cannot afford insurance, etc. Mr. Ritter said they might have five cars there at one time and that is unusual. Mr. Ritter said from their view point they do not really see any parking problems with what they are proposing. He said there is an old barn there the city is recommending they tear down. That is part of their plan and they will have all of that paved and rearrange the playground. They serve between 250 and 300 people a year.

Chairman Dutcher told Mr. Ritter that they all understand the job they are doing there, but the zoning board is only talking about zoning ordinances, which you are referring to is background information. This board is only looking at the variances you are asking for. He told Mr. Ritter what he is asking they cannot fit into their zoning ordinance.

Mr. Ritter said they are only asking for some understanding on what their current needs are and a better facility to serve from.

Member Guest asked Mr. Ritter if they had looked into some of the alternatives the city had mentioned like using an offsite location for the meeting center.

Mr. Ritter said they are not to that point yet. They thought they would try this approach first and see how things went. Part of the advantage is that they are in a central location giving that people do not have cars, and they can walk to the DHS office, walk to Social Security, Michigan Works, etc. Also, all of the Sunrise Mission properties are paid for, without going into further debt and picking up a piece of land or another building. This activity center is very convenient and probably essential for staff, just go out the back door and there it is. It would be a lot easier to govern.

Member Polluch asked Mr. Ritter is your help there now properly trained, educated, and licensed in the field of mental health and counseling.

Mr. Ritter said they are thoroughly trained in their duties, which would be for the majority, would be innkeepers. They do not do any in-house counseling. That is all farmed out to Community Mental Health. One of their main jobs is to find out what the need is and directing them to professional services in the community. They do not have licensed people in the Sunrise Mission.

Amy Bedford of 117 S. Seventh Avenue addressed the board. She lives right behind the Dairy Queen and behind the privacy fence that is between 608 W. Chisholm Street, the rental building. She asked instead of building something, could they just rent a hall for the holidays. She asked, what if there is not parking there, are they going to park in her couple of spots that she has even though there is part of a privacy fence there. Are more people going to come and litter more on her property and put vodka bottles in her trash can, which she has seen people from the mission do. There are a lot of issues. Her landlord is Carl Chrzan, and she feels with the property values if she moves out, and there are all those issues, he is going to have a hard time getting another tenant in there. Why are they trying to expand this mission? It is a shelter, people come in and people come out, it is not a spa. Why are they trying to make it so great so people want to come in, stay there, and not leave? She said she does not think it is a good idea. She asked, would you appreciate people walking down the alley from the mission swearing and yelling and your kids are scared to go outside, because she is scared of the people there going back and forth. She realizes there is a liquor store there and there are some people that go to the liquor store. She has lived there for seven years. She knows who goes to the liquor store and who is staying at the mission. She feels an activity center would just bring more issues.

Member Guest said just to understand her correctly he asked Ms. Bedford if she was requesting they deny this variance. She said correct.

Adam Poll told the board for clarification, he said staff did ask if for some reason that fence is removed the mission be required to erect a privacy fence along that border.

Ms. Bedford said the fence comes out but it does not come out all the way to the alley. She says there is an actual spot where a car can fit through; then there is an electric pole, and then there is the alley. People walk through and throw their trash in there, because they do not want to get caught with their liquor bottles and their fast food stuff. Ms. Bedford says she sits there and watches them do it all the time.

Adam Poll said they are proposing to run a fence along the alley and perhaps we could require them to link up to that fence to make sure there are no holes.

Chairman Dutcher mentioned again that he would appreciate it if we would stay to the zoning issues.

Jim Eagling of 106 Beebe Street addressed the board. He said he is going to have a difficult time staying to the zoning issues. He said he is an employee at the mission. He is an innkeeper at the mission. He takes a little exception when someone says we are a shelter. Because we are not a shelter, we are a mission. He says they are trying to save lives here. He says a shelter to him is you give somebody a bed and they come back the next night and you give them a bed. He has seen a lot of progress in a lot of people. The zoning issue is something that you are just going to have to consider. I can't address that other than we will never have that many cars out there. AA meetings are absolutely necessary in the downtown area. There is only one AA meeting per week in the morning within walking distance of the mission. All other morning AA meetings are at the Alamo Club on Piper Road. Folks can't walk there and they can't really afford to pay Dial-A-Ride. If it was

absolutely necessary for somebody to get Dial-A-Ride tickets to get to a meeting and that is what they needed to get to recovery that is what they would provide for them. Their dining room seats about eight at the table they have. The dining room table upstairs for the men seats three. They can't put out a big meal for a lot of people without a lot of trouble. This would be a multifaceted use we would be looking for this space. If we even considered on the high side, there were ten percent of our population driving cars that might be three cars. If there was three employees, that is six cars and if there was a visitor that would be one car. He does not believe that they would even get to 20 cars out there even on the holidays. If people come to the AA meetings and we would want to bring people from the outside, we want to bring successful people that have been in recovery for a great deal of time to have as much influence on these folks as we can. Most of their problems can be traced back to alcohol and drugs. We are offering them a change in lifestyle. He said he does not know when they are ever going to run out of a need for the mission that it would ever be sold. Where that structure is, it is in the back of the mission. All they would have to deal with is some parking around at the other two properties.

Chairman Dutcher thanked Mr. Eagling for his comments, but he said they are here about the zoning. We all understand what the mission does. We are all in sympathy with you, but we cannot change zoning and that is what we are looking at.

Joe Stieber, 600 W. Chisholm Street owner of the Dairy Queen addressed the board. He is concerned about parking and the traffic flow. He said they create a lot of traffic in June, July and August around the store and the alley is used. He is concerned about safety in the alley and concerned about parking. We often have individuals park in our parking lot and walk over to the rental unit. He has come out and told them and observed it himself. Those are the two items I am concerned about, the safety and the parking.

Member Guest asked Mr. Stieber, are you requesting we deny this variance, he said yes.

Gail Burg, 630 W. Chisholm Street for Cracker Barrel and Burgies addressed the board. She said she knows the board has a letter from them already but wanted to address the board to make it a little clearer on how they feel about the parking. We absolutely feel that it is commendable what the mission does. We are not here to badger them or bring them down about the mission. We are here to talk about business and how it affects us. The number one problem we have is parking by the mission. They say they do not have any cars, but every person gets to the mission somehow in a car. Those cars park in Burgies and Cracker Barrel parking lots. The mission now consists of three separate structures or houses along W. Chisholm. When the residents need to be dropped off or picked up, when they are moving in with their things or moving out with their things, when people visit the shelter to drop off donations, when the police or ambulance is called, there is no commercial space for them to park. These houses were not originally intended to be a business, but they are. The most convenient space for people to park is in our parking lot because the front door is right near our businesses entrance doors. We have to on an average of at least two or three times a day, who we feel really bad about because they are dropping off a donation, and they are blocking our parking; and we have to go out and tell them down the alley there is parking there at the three structures. It's not something we enjoy doing, but it is already a problem. If the activity center goes up, we fear it is

going to be even a worse problem. She agrees they probably do need an activity center for nutrition classes and AA classes. They have already said they are going to invite the public, where are all those people going to park. Not in the spaces they have now obviously because it is not happening even now. There is going to be more people and more parking issues. They are talking about an activity center for the dining rooms for the dinners. For what she knows the Friendship Room is doing a great job assisting the mission with holiday meals. The meals they put out are incredible. She is not saying they cannot have their own meals. Once again, it is not really addressing the parking issue. Maybe they can have another rented space. Our position is the shelter has outgrown their space. They have all kinds of issues with crowding. She feels when you want to start building to stop overcrowding and there is not enough room to do it, then you should probably find an alternate location. It seems to me that there are plenty of buildings, plenty of locations, schools, churches, empty buildings, that could accommodate the people. To have a cafeteria for them, have parking for them, have rooms for meetings and have trained staff, since they have 33 beds. I think they need some more support. She is not sure if this is pertinent to the zoning, she thinks it is, because there was a condition that was met that was supposed to be met about safety. A lot of these people that come into the mission have issues with alcohol, chemical dependency, some of them not all of them have mental problems, that is why they have gotten to the place they are in and they do need help. I don't know if bringing more of that in is going to be a safety issue, because a lot of these people do come from out-of-state. She has checked a lot of ID's at the Cracker Barrel and there prison ID's. I'm not saying they are all there, but there are definitely people being brought in from prisons. I think that is a safety issue in our neighborhood. If it was all under one roof where they can be properly monitored, helped, given the support they need, the classes, the medical attention, I think it is going to be better for everybody including all those residents they want to help.

Member Guest asked Ms. Burg if she is requesting denial of the variance. She said that would be correct.

Ms. Burg had a question for Mr. Ritter. She believes that the residents can stay up to 180 days right now. When somebody stays 180 days, which is six months, it is definitely not in a shelter for 30 days in and out any longer. It is as they say; they are there for the long term. When you are there for the long term, people know you, people come visit you, there is more involved than just one car per person. There saying there is only one car when there were 30 people there last night that is not Greg's and my experience as business owners next door. She thinks 180 days that people stay, she does not know how it should be zoned, but it seems more like a permanent residence.

Mr. Ritter said he would like to respond to her question. That is in their charter with the city the 180 days. Vast majority of people resolve their issues in 90 days or less. Last year they had one person that went to 180 days. It does not usually take that long.

Angie Skiba addressed the board. Angie Skiba said, I would state clearly from the beginning that I absolutely wish you would deny the request for a variance. There are several reasons. I am very concerned about the safety issue that is the biggest issue. If these buildings are sold in the future, which she said I can't see where we would ever not be there. Well I can, if you outgrow the area and you wish to sell that in the future, and you have a new site you are proposing to move to and you

would like to move on, if this building was allowed, anyone else coming in would not have proper parking. She took pictures and looked at where that building is, and she cannot imagine where they think they would put enough cars to be parked safely. There is a heavily traveled alley; there are a lot of people up and down that alley in vehicles, bikes, and children that use that all year long. The safety issues for people pulling in and out, as far as people walking, it would be a very big problem. There is not room for the building. It is going to be too close to the alley. It is a danger for all coming and going. She was told, before it used to be a 90 day stay, it is now up to 180 days, and she does not know why that changed. If this building were allowed to be built there, would it possibly be changed in the future once the variance is allowed, so you increase the number of beds, and that again would change and bring more felons that are bused in and allow to be brought into the growth of Alpena and be put in there? Or is it actually legally a halfway house, and the charter of the City of Alpena does not allow that, and it seems to be the direction that it is going. She knows people that work in the fields in mental health in several of the areas that they do seek help, working at the hospital calling and there are no beds, the beds are filled, but they are not with local people. There are other people from out-of-town that are brought in. This should be for the local people. Allowing a variance for the changes for their needs, I do think they play a good part in helping people, I think they have outgrown the area, they are not moving at this time, but I emphatically wish you would deny any variance to that. Ms. Skiba said the report that she gave the board members is a report of the many calls to the city police. Ms. Burg is correct there is no area for the police to come and park other than blocking parking and that is what that report is in regards to.

Tracy Kent currently employed by the Sunrise Mission addressed the board. He moved here from the west side of the state three years ago and ended up in rehab. He developed an alcohol problem, ended up at the rehab and at that time had no knowledge of the Sunrise Mission. Luckily he got out of rehab and went to the mission. Then rehab helped him with housing while he was staying at the mission. He does not feel so much about the parking, people can walk. People can park down the road and park in the church parking lot. He says it's about people helping people. He said we do not treat anybody there. When I was there, you are going to get up at 7 am and you are going to get out and try to find a job. They have helped him the last three years of his life and getting back to living again after losing everything.

Chairman Dutcher asked Chief Joel Jett, what do the police have to say?

Police Chief Joe Jett told the board he was not prepared to offer any comment. He was here more of an observer himself and also to maintain order if need be. Regarding the parking issue as far as emergency response, I can attest that it is not uncommon that our patrol cars will respond and park in the parking lot of Burgies. If there is some place else they need to go, they try not to park in the middle of the street. It is not uncommon to see a patrol car parked in Burgies parking lot.

Amy Bedford addressed the board again. She wanted to make something clear that she has stayed at the mission. When she was there, it was you are there, you find a job, you get help, and you get out. She was there with her one and a half year old daughter. She was going to school full time for nursing, and she was there for three and a half to four months and then she was out. If they would have had a playground when they were there, her daughter would have said I want to stay here. She

understands they need more space. She says she lives near the mission, and she has been outside and seen the police there. The ambulance is there three days in a row. They can't park in front. It is bad enough that Dial-A-Ride stops there many times a day and blocks traffic. She has seen people hang out at the Dairy Queen. They have a friend offsite and a friend comes in and they park in the parking lot and they hang out in their car. She feels the way the parking lot is situated there would not be an organized flow of where to park. Cars would be hitting cars. She says it would not be possible.

Ed Black, 1191 Dow Drive addressed the board. He used to live at 416 W. Lincoln Street, Alpena. At least from his perspective, he does not know about all law enforcement, he believes every single one of them believes in the purpose of the mission. The reason why he is here today is because they have concerns about the growth of the mission. Absolutely agrees with the basis and the purpose of the mission. As a law enforcement official he has serious concerns about certain things he sees anecdotally. He is not prepared to provide numbers. Their concerns are about the growth. That size of the property they own and what property they own has grown over the course of time and rightfully so because they are trying to do a certain job. They are concerned the mission is now looking to have multiple different variances to grow it even further. In reality that is the property they purchased and the variance issue is one of the main things he listened to and heard from everybody involved was that quite frankly it is a self-created condition. If it is a self-created condition, unfortunately I do not see how the zoning board can provide for a variance. It is unfortunate, but that is his position and hopefully you understand why it cannot be made. For the record, Mr. Black, said he would be against the variance.

Member Guest asked Mr. Black if 1191 Dow Drive is in the township. He said it is, and at one point in time he did live in the city and does still work for the county and the city is a portion of that.

Mr. Ritter addressed the board again. He said they have absolutely never had a bus, have never bought a bus ticket for somebody to come to town. We do get people from the Sunrise Center and the hospital. If they show up at their door, by their contract with the state they have to admit them. He said they are probably the safest entity in town. You cannot drink when you come into the mission, you cannot come in under the influence of drugs, we set the alarms at 10:00 and we know if anybody is coming or going. They work with probation; they work with drug court, and try to cooperate as best they can.

Chairman Dutcher reminded everyone the zoning board is here for the zoning variance. There is nothing they can do except interpret the zoning ordinance. Chairman Dutcher told Mr. Ritter what you are asking for with that size building there is no way they could ever approve all those variances. He asked Mr. Ritter if they thought of something scaled down, something smaller.

Since no one else wished to speak on this case, either for or against, Chairman Dutcher closed the public comment portion of the meeting at 5:56 p.m. to deliberate for case ZBA15-03.

Member Anderson said the Sunrise Mission deserves 100 percent commendation; however, on the criteria to provide a variance it does not meet any of the five that has been suggested. It is a bigger

issue than the purview that we are in. It is a council problem, not ours. There is nothing there to say yes to or support a vote in favor of. That is his opinion as a board member.

Member Guest made a motion that the zoning board deny the requested variances for the reason of failure to meet any one of the five criteria which are required to be met for a variance to be granted and also based on the reasons that staff gave with their recommendation.

Member Anderson seconded the motion.

#### DISCUSSION BY BOARD MEMBERS:

Member Polluch wanted to say he appreciates everything the mission does. The toughest thing this board has no matter which way we go, we are going to make somebody not happy. The mission does do an outstanding job, but not meeting the criteria, the parking, etc. When he stopped by the site, he said the snow was taking up a lot of parking spots. We would like to help you, but we can only go by the five criteria that are set.

Member Guest also wanted to say he also supports the mission. He says Mr. Ritter and his staff does an excellent job. He thinks there is a need in the city for a mission, but it does not meet the criteria it needs to meet in order to have a variance to be granted.

There was no further discussion on this variance from the board members.

#### ROLL:

Voting for denial of the variance requests:

Ayes: Anderson, Dutcher, Guest, Lamble, Polluch

Nays: None

All four variances to build a 60' x 34' activity center to be setback 5'2" from the rear property line, for 25 parking stalls with 9 foot wide stalls, and a zero foot side yard parking setback for the Sunrise Mission have been denied.

Let the record show the variances did not meet any of the following criteria:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.

2. Strict compliance with the regulations governing area, setbacks, frontage, height bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners. It is not a self-created problem.
5. That the requested variance will not cause an adverse impact on the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Alpena.

OLD BUSINESS:

There was not any old business.

NEW BUSINESS:

The minutes of the January 28, 2015 meeting were approved as printed.

ADJOURNMENT:

With no other business, Chairman Dutcher adjourned the meeting at 6:03 p.m.

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Alan Guest, Secretary

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Norman Dutcher, Chairman