

MINUTES

ZONING BOARD OF APPEALS

June 24, 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, Bray, Dutcher, Lamble, Lewis

Absent: Guest and Polluch

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

Public Hearing of Case ZBA15-05

Adam Poll, Planning and Development Director presented the zoning request as follows: Shawn Osborne, 123 S. Second Avenue, is requesting a variance in the Central Business District to allow for the construction of a monument sign located 0 feet from the front property line, 2 feet less than allowed. Article 4.2R.

**Property address: 123 S. Second Avenue**

Notices were sent to all adjoining property owners within 300 feet of the subject property.

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 four conditions relative to this petition is as follows:

1. The request is unique as 123 S. Second Avenue is one of the few buildings that is located in this area of Second Avenue that is setback off the front property line. Buildings in the Central Business District can be built with a 0 foot front setback and are encouraged to do so. Allowing a building to be built to a 0 foot setback and requiring a two foot setback for a sign would appear to be a uniqueness of this property as buildings are required to have a greater setback than signs in every other district.
2. Strict compliance with the regulations would not allow for a monument sign and would require a wall sign as the building is setback three feet from the property line.
3. The proposed use would not appear to alter the essential character of the neighborhood. Nearly all of the surrounding buildings are built with a 0 foot front yard setback. Allowing the sign to have a 0 foot setback would not appear to impact the neighborhood.
4. The setback variance is not self-created. The building is legally constructed with a three foot setback and could have a 0 foot setback. Although a wall sign could be utilized, allowing a monument sign with a 0 foot setback would be in character with the surrounding building designs.
5. The request would not appear to have an adverse impact on the area. Although there are not many monument signs in the downtown compared to other zoning districts, the

proposed sign would appear to be in character with the surrounding uses, and as buildings can be constructed with a 0 foot setback, allowing this sign would not appear to have a negative impact.

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.

1. The request is unique as buildings in the Central Business District can be built to a 0 foot lot line while monument signs must have a two foot setback.
2. Strict compliance could be met with a wall sign or hanging sign, but due to the proximity of the building to the property line a monument sign would be much easier to read.
3. A monument sign in this location would not appear to negatively affect the neighborhood.
4. The building was legally constructed, and it appears the best signage available for this use would be a monument sign.
5. The variances would not appear to have a negative impact on the area, as buildings can already be built to a 0 foot lot line and the sign design would appear to be in conformance with the downtown style.

Therefore, staff would recommend approval of the variance request to allow for the construction of a monument sign located 0 feet from the front property line, two feet less than allowed.

#### PUBLIC COMMENT:

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

Member Bray asked Adam Poll if there is a height requirement for the monument signs for eyesight clearance for traffic. Mr. Poll said there are requirements when a sign is located on a corner and could potentially be involved in blocking of area visibility. He said this is not the case where they are proposing to put the sign.

This is a bit of a unique request, that Adam thinks he can probably take this to the Planning Commission and potentially have the ordinance changed if this does come up in the future. It makes little sense to have a building built with a 0 foot setback and not have a sign with the same ability in the Central Business District.

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 5:10 p.m. to deliberate for case ZBA15-05.

Lamble said the only other alternative is if they were to deny this request that you would have to put up some kind of building sign. He said he does not know where you would even do it on this building, because it has an all glass front.

Donald Gilmet said that is a good point, because downtown is what they have all done, is put building signs that hang three or four feet over the sidewalk. This one is kind of unique, but they are going to have a building sign too. They invested a considerable amount of money on that building, and they want to be able to see it at street level too because of all the trees.

Member Lamble made a motion to grant approval of this variance for the location, style and the nature of the sign for the reasons set forth by the city.

Member Anderson seconded the motion.

#### DISCUSSION BY BOARD MEMBERS:

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

#### ROLL:

Ayes: Anderson, Bray, Dutcher, Lamble, Lewis

Nays: None

The variance to allow construction of a monument sign located 0 feet from the front property line has been granted.

Let the record show to authorize a variance, the board shall find that all of the following criteria has been met for Case ZBA15-05.

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:

Adam Poll said he is continuing to work with Sunrise Mission. They did not appeal, but they are looking at different options right now. Adam said he is in the process of talking with John Ritter. Adam said Sunrise Mission might be coming back to the zoning board.

NEW BUSINESS:

The minutes of the April 29, 2015 meeting were approved as printed. Motion by Anderson to approve the minutes, seconded by Lamble.

Ayes: All

ADJOURNMENT:

With no other business, Chairman Dutcher adjourned the meeting at 5:15 p.m.

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Alan Guest, Secretary

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Norman Dutcher, Chairman