

**ALPENA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES- Regular Meeting- Tuesday, February 19, 2019

MEETING COMMENCED: 7:00 pm.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT:

Steve Dean, Matt Dunckel, Tom Hilberg-Liaison, Susan Skibbe- Secretary, Tammy Thomson- Chair.

ABSENT:

None

OTHERS PRESENT:

Brad Jorsch- Applicant

Kirk Malcomson- _Township Building Official

ADOPTION OF AGENDA:

S. Dean made a motion to accept the agenda as presented, **supported** by T. Hilberg. *Motion passed.*

APPROVAL OF MINUTES:

T. Hilberg made a motion to approve the minutes from August 21, 2018, **supported** by S. Dean *Motion passed.*

PUBLIC MEETING PARTICIPATION RULES

PUBLIC COMMENT:

None

CORRESPONDENCE:

None

NEW CASE:

1. Case #Z-01-19, Brad & Jenise Jorsch, owners of 6283 Lappan Road, Alpena, MI 49707, Parcel # 015-027-000-089-00 are seeking a variance to Article VIII, Sec. 1803, sub-sec. G and I: to allow construction of an outbuilding prior to the principal residence, and requesting a 5' height variance for the outbuilding. Property is located in a Waterfront (WR) zone district.

All members except M.Dunckel indicated they had visited the site.

Brad Jorsch informed the Board that the home that he and his wife owned in Lewiston, MI, has sold and is no longer a concern. All the contents from that property are now in commercial storage. The next steps

he will need to finalize are; retirement, and sell the home in Cleveland, Wisconsin, his timeline for those two events are; 2022 to build the principal residence on Lappan Road, and February of 2023 for retirement. The accessory building to be built in fall of 2019, would be for storage of land clearing equipment, the contents of both his home in Wisconsin, the items currently in storage from the sale of his Lewiston home, as well as provide lodging while he is in Alpena. He informed the Board that he does not have the financial means to build the principal residence on Lappan Road until the home in Cleveland, Wisconsin is sold. The request for a 5' height variance on the accessory building would allow for a loft area with a balcony, which would be used to live in while he is in Alpena, clearing and preparing the site for building, and later for a recreation room or guests. B. Jorsch stated that a 12' ceiling in the accessory building is essential for storing his equipment. A letter addressed to K. Malcomson, is included in the case packet, and outlines all the steps addressed in his verbal presentation.

S. Dean questioned the actual dimensions on the proposed accessory building since the plans included in the case packet did not indicate a building height and state "not to scale". The concern is what the actual final height of the building would be. Mr. Jorsch explained that when blueprints are shrunk to paper size (8 1/2"x 11") they can no longer be accurate to scale, but he did have the original prints to review. S. Dean asked if the Jorschs' own any additional land surrounding their Lappan Road lot that could be combined to create sufficient acreage so as to not place the restriction on his proposed accessory building- answer: no. S. Dean stated he had concerns about allowing an accessory building to be constructed so far in advance of the main home because too many factors could develop that might prevent the principal residence from ever being built.

T. Thomson asked about the actual height of the proposed building- answer: 22 feet. She also asked if the accessory building footprint could be extended outward instead of upward- answer: no. T. Thomson also questioned Mr. Jorsch on what the loft area of the accessory building would be used for- answer: a place to stay while in Alpena, and for storage, or a recreation area. She questioned if an alternate design could be created that would allow for the storage area needed, but would not require 2 stories since the ordinance only allows for a single story structure to be used as cold storage only- answer: yes, but it would not be as attractive as the design presented. She asked how the submitted design was created- answer: G&G Construction. She asked if the second floor was actually needed- answer: no, but on initial construction is the most cost efficient for adding the area.

S. Skibbe questioned if the Jorschs have investigated the presence of any wetlands on their lot- answer: yes.

Copies of a wetlands determination completed by the Army Corps of Engineers in June 2014, and valid for a 5 year period was provided. The drawing of the map indicating wetlands present on 6283 Lappan Road show a wetland area surrounding the entire area that would contain the proposed accessory building further illustrating why the proposed building cannot be extended outward. Copies of the map and correspondence will become a part of this case file in Alpena Charter Township records. She reminded B. Jorsch that hardships cannot be "self created".

T. Hilberg reminded the Board that there are 2 separate issues to be addressed on this case; request#1- to allow for an accessory building to be constructed 3 years prior to the principal home without the actual

permit for the home being issued, and request#2- a 5' height variance request for the accessory building. Each request should be decided separately.

M. Dunckel voiced his concerns about allowing for a 2 story accessory building that provides a potential living quarters in the building without any sanitary sewer or water source. Past cases allowing temporary dwelling have proven to be a poor decision by the township, and personal circumstances of the applicant have been seen to alter the plans for building the principal residence, thus creating issues for the entire neighborhood. He asked B. Jorsch if the design of the accessory building could be changed to allow for dormers instead of a 2 story loft thus eliminating the need for a height variance- answer: no, he wanted a more attractive design to the building than just a plain garage, but if he can't get a height variance he'll just build to maximum height allowed to give him the storage needed.

K. Malcomson stated that he was convinced that Mr. Jorsch was committed to building his dream retirement home on the Lappan Road lot, and he was impressed with the preparedness Mr. Jorsch has shown, and the financial commitment he has already made. K. Malcomson reminded the Board to evaluate each case independently, and not allow previous cases influence the Board's decision. He suggested B. Jorsch could be required to post a performance bond to ensure that the principal home would be built, this would require a further financial expense for B. Jorsch, but would assure the ZBA Board that the project would be completed, or in the worse case any building on the lot would have to be removed.

S. Dean stated he still felt there were issues that should be addressed and would be more comfortable tabling the case until a later date so the applicant wasn't prevented from filing a future appeal. S. Dean made a **motion to table**, there was no second, and the **motion died**.

M. Dunckel made a **motion** that request # 2, a 5' height variance be **denied**, and request# 1, to allow for construction of an outbuilding for a period of 3 years prior to the main residence be **approved**, the motion was **supported** by S. Skibbe.

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

Reasons are:

- a. Request #2- accessory buildings can only be one story.
- b. Request #2- accessory buildings are for cold storage and not for lodging.
- c. Request#1- will allow for additional time for principal residence construction due to current out of state residency and employment.
- d. Request #1- Performance bond will not be requested if building plans for the home are submitted to the Building Official before the end of the 3 year grace period.

NEW BUSINESS

A. Election of Officers

CHAIR; a **motion** was made by S. Skibbe to elect Steve Dean, **supported** by M. Dunskel.

Roll call vote: Steve Dean- yes, Matt Dunckel- yes, Tom Hilberg-yes, Susan Skibbe- yes, Tammy Thomson-no.

VICE-CHAIR; a **motion** was made by M. Dunckel to elect Tammy Thomson, she declined the nomination. New **motion** was made by M. Dunckel to elect Tom Hilberg, **supported** by S. Skibbe.

Roll call vote: Steve Dean- yes, Matt Dunckel- yes, Tom Hilberg-yes, Susan Skibbe-yes, Tammy Thomson- no.

SECRETARY; a **motion** was made by M. Dunckel to elect Susan Skibbe, **supported** by S. Dean.

Roll call vote: Steve Dean- yes, Matt Dunckel- yes, Tom Hilberg-yes, Susan Skibbe-yes, Tammy Thomson- no.

DISCUSSION

T. Thomson was not aware that her reappointment to the ZBA Board was for a one year term, and she felt she had performed a good job as chair. M. Dunckel thanked T. Thomson for her service to the township. T. Thomson then turned the meeting over to S. Dean.

NEXT MEETING DATE- March 19, 2019 (tentatively)

MEETING ADJOURNED: Meeting adjourned at 8:25 pm by Chair Dean.

Respectfully submitted,

Susan Skibbe
Secretary

