

**CHARTER TOWNSHIP OF ALPENA
ZONING BOARD OF APPEALS**

MINUTES-Regular Meeting, Tuesday, May 16, 2023

MEETING COMMENCED: 7:05 pm.

PLEDGE OF ALLEGIANCE.

MEMBERS PRESENT:

Tom Hilberg, Vice-Chair, Susan Skibbe, Secretary, Andrea Dutcher.

ABSENT:

Steve Dean, Russ Rhynard.

OTHERS PRESENT:

Kevin Pauley, Township Building Official

Lisa West, West Design Center, Applicant, on behalf of the property owner.

ADOPTION OF AGENDA:

Andrea Dutcher made a **motion** to accept the agenda as presented, **supported** by S. Skibbe. ***Motion passed.***

APPROVAL OF MINUTES:

Andrea Dutcher made a **motion** to accept the minutes of the Oct. 19, 2021, meeting without correction, **supported** by T. Hilberg, ***motion passed.***

PUBLIC COMMENT:

None

CORRESPONDENCE:

Brochure for a training workshop in Oscoda, on June 15, 2023, was received. A **motion** to file the correspondence was made by S. Skibbe, **supported** by A. Dutcher. ***Motion passed by unanimously by voice vote.***

PUBLIC HEARING

1. Case #Z-01-23, West Design Center is requesting a variance to Article 4, Section c, Subsection 1.c to the building height maximum of two stories to allow for a third floor observation level. Property is located at 9250 Moufid Place, Parcel # 014-011-000-001-00, in a Waterfront Residential (WR) zone district.

S. Skibbe made a **motion** to OPEN the Public Hearing, **supported** by A. Dutcher. ***Motion passed unanimously by voice vote.***

Discussion: Lisa West presented additional details about the added features to support the observation level. The required plot plan with the footprint of the actual building was not available in time for the hearing, but the document would be completed shortly. The two properties have been family owned for a considerable

length of time, and there are no plans to sell the parcel that currently contains a home and storage building. The design plan presented was developed specific to this property to provide a view of Lake Huron. The proposed observation level would be climate controlled, but not contain any plumbing. L. West assured the Board that any and all building requirements would be adhered to.

S. Skibbe presented research from the Michigan Residential Building Code which defines “liveable space”. She asked Ms. West the following questions: does the observation space contain an area for living, sleeping, eating, cooking, bathing, washing, or sanitation? To which L. West responded “no” to each. By definition the observation level would not be considered an additional story to the home, as spaces excluded are: garages, carports, terraces, balconies, decks, patios, greenhouses, or atriums that do not allow for daily living needs for the occupant.

Andrea Dutcher asked if there is a proposed elevator for the home. L. West answered “yes”, but only to the second floor living space.

T. Hilberg reviewed the recently adopted revisions to the zoning ordinance for the Charter Township of Alpena. Covered in Ordinance #152, the former standard of two stories or 30 feet was amended, and only stories that are designed to be liveable space shall be counted toward the maximum number of stories. The change to the ordinance was just recently adopted, and the application for a variance by the applicant was received before the official adoption of the change.

S. Skibbe made a **motion** to CLOSE the Public Hearing, **supported** by A. Dutcher. ***Motion passed unanimously by voice vote.***

A **motion** was made by A. Dutcher, **supported** by S. Skibbe to **grant** the variance request for Case #Z-01-23 with the following conditions:

A complete and accurate plot plan with the building footprint measurements must be delivered to the Charter Township Building Official before a building permit is issued.

The criteria established for granting a dimensional variance were mostly nullified by Ordinance #152.

The proposed observation level does not meet the definition of “liveable space”.

Given the amount of property surrounding the home, the building height will not have any adverse effect on the surrounding area.

Roll Call Vote:

Dutcher- yes, Hilberg- yes, Skibbe- yes.

Absent and Not Voting:

Dean and Rhynard

New Business:

Election of Officers.

Motion was made by A. Dutcher to elect **Steve Dean-Chair**, supported by T. Hilberg. Roll call vote:
Dutcher- yes, Hilberg- yes, Skibbe- yes.

Motion was made by A. Dutcher to elect **Tom Hilberg-Vice-Chair**, supported by S. Skibbe. Roll call vote:
A. Dutcher- yes, T. Hilberg- yes, S. Skibbe-yes.

Motion was made by A. Dutcher to elect **Susan Skibbe- Secretary**, supported by T. Hilberg. Roll call vote:
A. Dutcher- yes, T. Hilberg- yes, S. Skibbe- yes.

NEXT MEETING:

June 20, 2023 (tentatively)

MEETING ADJOURNED by Vice-Chair T. Hilberg at 7:26 pm.

RESPECTFULLY SUBMITTED,

Susan Skibbe, Secretary