

ALPENA CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES - Regular Meeting - Tuesday, August 21, 2018

MEETING COMMENCED: 7:00 PM
PLEDGE OF ALLEGIANCE

THOSE PRESENT

Steve Dean, John Kohart, Tom Hilberg - Liaison, Susan Skibbe - Secretary and Tammy Thomson - Chair

ABSENT

Matt Dunckel

OTHERS PRESENT

Ann Elsenheimer – Applicant
Thomas Elsenheimer – Applicant
Teresa Yachcik – 3885 Monaghan Point Rd
Ken Yachcik – 3885 Monaghan Point Rd
Kirk Malcomson – Township Building Official

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

S. Dean made a **motion** to approve the June 19, 2018 minutes, **supported** by T. Hilberg. *Motion passed.*

PUBLIC MEETING PARTICIPATION RULES

PUBLIC COMMENT

Teresa Yachcik of 3885 Monaghan Point Road stated that she was present to observe how the process works. She does not have any objection to the applicants allowing renters in their home as a means of making their mortgage payments. She is familiar with the mortgage company the Elsenheimer's have and knows personally how difficult they are to deal with.

Kenneth Yachcik of 3885 Monaghan Point Road just wants to be certain there will not be any increase in or a steady turnover of renters at 3905 Monaghan Point Road.

CORRESPONDENCE

None

NEW CASE

1. Case #Z-04-18, Thomas & Ann Elsenheimer of 3905 Monaghan Point Road, Alpena, MI 49707, Parcel #013-023-000-002-00 are seeking a variance to Article VIII, Sec. 800, sub-sec. A: to allow for two (2) families living in a one (1) family detached dwelling located in a One Family (R-1) zone district.

All members present visited the site.

Ann Elsenheimer stated they are only trying to help create revenue to meet their mortgage payments, not do anything adverse to the neighborhood. She also does daycare within the home.

They rent the space with utilities included. When she filed the appeal application, she did not know how to correctly fill out the form and they were not asking for a zoning change. Tom Elsenheimer stated that the septic system was installed for a family of 12 and can handle the extra four (4) home occupants. There are also 2 separate furnaces and water heaters with natural gas. K. Malcomson stated he was made aware of the renters when there was a request for a second address for cable hook-up. He encouraged the applicant to apply for a special use variance, not a rezoning to R-2. He feels the 3300 sq. ft. house can handle two (2) families and this variance is not permanent to the address, only finite to the homeowner and if any change in ownership occurs, the special use variance should be terminated. He also wants the property cleaned up of all blight.

S. Dean asked if the living quarters are divided, which they are. He also asked if the other family is related to the Elsenheimer's which they are not. S. Dean asked if the Elsenheimer's 2017 tax returns substantiate the financial hardship claimed by them. They agreed to provide financial information. S. Dean is concerned about opening the door to future cases such as this in the township.

T. Thomson stated that if the applicants wanted a zoning change, it would need to be addressed through the Planning Commission. She asked if there is adequate parking for the additional family which Elsenheimer's replied there is.

T. Hilberg stated that the Planning Commission is currently updating the township zoning ordinance and now is the time to consider renters/boarders in an R-1 district.

S. Skibbe asked if the Elsenheimer's had applied for a poverty exemption on their property taxes in order to get some relief from their financial burdens. They had not but 4 years ago they asked for a reduction in their assessment but were told it is based on the square footage of their home. S. Skibbe also asked when did the Elsenheimer's apply for a building permit to expand the original double-wide manufactured home to a 3,300 sq. ft., 2-story home. T. Elsenheimer said they have owned the home for 27 years and obtained the permit 22 years ago.

S. Dean made a **motion** to grant the special use variance to allow for two (2) families to occupy a one (1) family detached dwelling located in a One Family (R-1) zone district at 3905 Monaghan Point Road, **supported** by T. Hilberg, with the following contingencies:

- a. This special use variance is finite and will terminate if the owners move or sell, or if the current second family renting moves out.
- b. That the applicants provide financial information to prove they did not exceed the poverty threshold for 2018.
- c. That the property be cleaned of all blight.

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

The reasons for granting the special use variance are:

- a. The financial hardship is such that the extra income prevents foreclosure.
- b. The home, parking and sanitary sewer is more than adequate to support two families.
- c. No objection from surrounding property owners.
- d. No adverse effects on township zoning and no change in zoning required to grant the special use variance.

NEXT MEETING: September 18, 2018 (tentatively)

MEETING ADJOURNED: Meeting adjourned by Chair Thomson at 7:40 p.m.

Respectfully submitted,

Susan Skibbe
Secretary

/ldt