



Join Zoom Meeting

<https://us02web.zoom.us/j/86011327476>

Meeting ID: 860 1132 7476

If you have any questions you may contact the City Clerk's Office by email or phone: aterry@petoskey.us or 231-347-2500.

According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540).

According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications.

Public meetings are being monitored and violations of statutes will be prosecuted.

ZONING BOARD OF APPEALS

Tuesday, April 6, 2021

1. Roll Call – 7:00 P.M. – Virtual meeting from remote locations with staff available in the City Hall Council Chambers
2. Approval of Minutes – December 1, 2021 Regular Meeting
3. New Business
 - a. Case #849 – Requested side and rear yard setback variances for an accessory building at 621 East Mitchell Street
 - b. Case #850 – Requested side and rear yard setback variances for a new house at 326 West Lake Street
4. Public Comment
5. Updates
6. Adjournment



ZONING BOARD OF APPEALS

December 1, 2020

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted remotely from various locations, with City staff in the City Hall Council Chambers on Tuesday, December 1, 2020. Roll was called at 7:00 P.M.

Present: Ben Crockett, Chair
Mary Clinton
Chris Hinrichs
Jim Knibbs
Lori Pall
Jessica Shaw-Nolff

Staff: Amy Tweeten
Lisa Denoyer, Administrative Assistant

Board members discussed a request that was received by Matthew Frentz to amend the minutes to include an exact quote from the Zoning Ordinance.

Board member Pall asked staff if the added verbiage that Mr. Frentz requested was what they heard and reminded the board that the minutes are not a verbatim recording of the meeting but rather a summary of the meeting. She did not believe the point Mr. Frentz was making was missing from the minutes as it was made repeatedly throughout the meeting.

Staff responded that the minutes were written from a combination of written notes taken during the meeting and from review of the recording as needed and that it is believed that the particular section that Mr. Frentz referred to was taken from written notes.

Board member Hinrichs asked if there was any downside to including the request in the minutes.

Chairperson Crockett stated that the portion that Mr. Frentz was requesting be added was read verbatim from the ordinance and that his concern with allowing the addition is that it would set a precedence and allow editorial control by the applicant.

Board member Clinton stated that she does not see any harm in allowing the addition but she does worry about setting a precedence.

Board member Shaw stated that she believes the change should be verified to be certain that it is what Mr. Frentz said at the meeting and that she too was concerned with setting a precedence.

Board member Knibbs commented that the meeting minutes are much more accurate than in the past and that he believes the minutes as submitted for approval are adequate. He also believes that changing the minutes at the will of the person calling out the change would be setting a precedence.

Board member Hinrichs stated that he would be inclined not to amend the minutes.

Board member Hinrichs then made a motion, seconded by Board member Pall to approve the minutes from October 6, 2020 regular meeting as submitted. The motion passed 5-0-1 with Board member Clinton abstaining.

Approval of the 2021 Meeting Schedule

Board members reviewed the proposed regular meeting scheduled for 2021.

Board member Clinton stated that the only date that she could potentially see an issue with was July 6, 2021 as the July 4th holiday falls on a Sunday. She personally did not have an issue with the date but was concerned that other board members may.

After a brief discussion it was determined that no board members had an issue with that date and a motion to approve the proposed regular meeting dates was made by Board member Clinton, seconded by Board member Shaw with all members present voting aye. The motion passed 6-0.

Public Comment

At this time, the meeting was opened for public comment. No public comment was received.

Updates

Staff informed the board that Mr. Frentz had filed appeals to Circuit Court of the September and October Zoning Board of Appeals actions regarding 615 Michigan Street. The first appeal was filed In Pro Per and the second appeal was filed by his attorney. Staff will let the board know when the hearing date is scheduled, but did not think it would be before January.

Staff then informed the board that she discovered construction was underway for a project that the board denied in July (Case #844) for a variance request for an accessory building in the front yard at 730 Winter Park Lane. Staff sent a stop work order as neither a zoning permit nor a building permit had been issued. The homeowner submitted a zoning permit that was denied as the request remains for an accessory structure without a principal structure and it appears to be in the front yard. The homeowner was given until November 30th to remove the structure to which a request for an extension until spring was requested. Staff granted a two-week extension and a citation will be issued if the structure is not removed by the deadline.

Seeing no further business, the meeting was adjourned at 7:30 P.M.

Minutes reviewed by Lori Pall, Vice Chairperson/Secretary



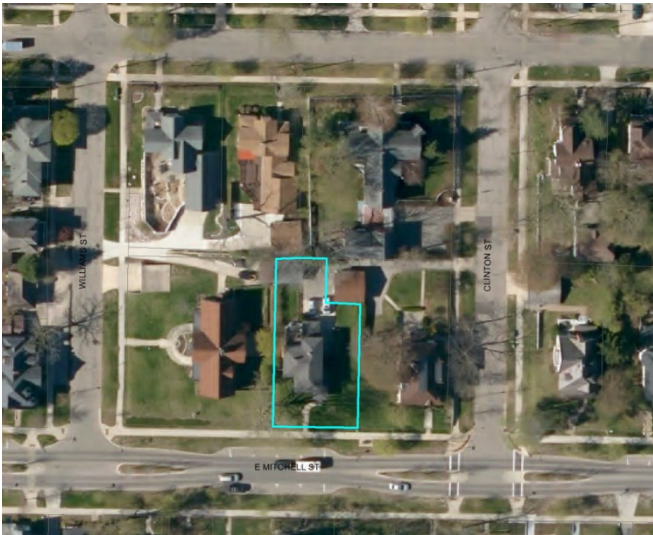
BOARD: Zoning Board of Appeals

MEETING DATE: April 6, 2021

DATE PREPARED: March 25, 2021

AGENDA SUBJECT: Case #849 – A Request for Side and Rear Yard Setback Variances for an Accessory Building at 621 East Mitchell Street

RECOMMENDATION: Consider the request



Source: Emmet County GIS. 2017 Ortho Photo

Background

The subject property is a 9,885 square foot parcel on East Mitchell Street, between Clinton and Williams Street and is zoned R-2 Single Family. The current garage, located on the northwest corner of the lot, is non-conforming to side and rear setbacks at 2 feet 6 inches.

Request

The applicant would like to remove and rebuild a detached garage on the existing foundation. However, once the existing, non-conforming structure is removed, a new structure is required to meet the district setback requirement of three (3) feet if 14 feet or less in height.

The lot coverage would remain the same at 17.3%, which is within the allowable 33% maximum for a lot over 7200 square feet.

Table 1 Variance Request

	R-2 District Standards for detached accessory building	Existing structure	Request	Resulting Variance
Rear setback	3 Feet	2 Feet, 6 inches	2 Feet, 6 inches	6 inches
Side setback	3 Feet	2 Feet, 6 inches	2 Feet, 6 inches	6 inches

The applicant has been provided the dimensional variance checklist and his statement of practical difficulty is enclosed.

Action

In making its motion, the Board shall state the grounds, or findings of fact upon which it justifies the granting of a variance and may attach any conditions regarding the location, character, and features of the request that further the purposes of the ordinance. In addition, a variance should only be granted after consideration of the following factors:

- 1) The need for the variance is due to unique circumstances, or physical conditions, of the property involved, such as exceptional narrowness, shallowness, shape or area, exceptional topographic conditions or other extraordinary or exceptional conditions of the specific piece of property and is not shared by neighboring properties;
- 2) The request is not due to the applicant's personal or economic situation;
- 3) The practical difficulty was not created by an action of the applicant;
- 4) The requested variance is the minimum variance necessary to grant substantial relief to the applicant while at the same time minimizing any adverse impacts to other property owners in the general neighborhood or zoning district;
- 5) The request, if granted, would not cause substantial detriment to the public good or substantially impair the intent and purpose of the ordinance; and
- 6) The strict application of the regulations would result in peculiar or exceptional practical difficulties.

Id/at



City of Petoskey

Office of City Planner

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500

SAMPLE

Zoning Board of Appeals Zoning Ordinance Regulation Variance Checklist

Date: _____

Case Number: _____

It is the applicant's responsibility to prove a practical difficulty. It is not the job of the ZBA to find the practical difficulty for the applicant.

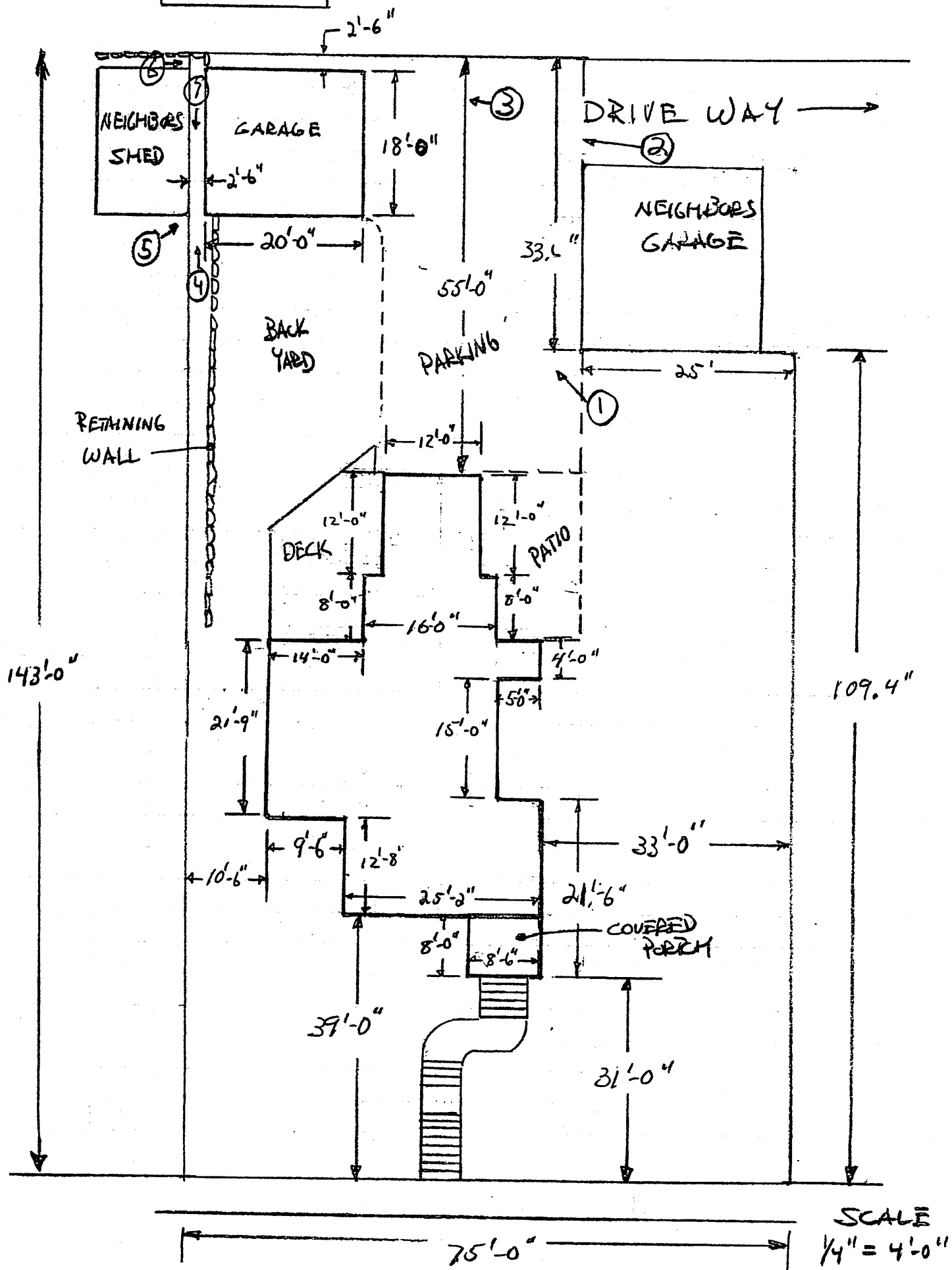
Issue to be evaluated (Practical Difficulty)	Supports the variance	Does not support the variance	Notes
Will strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose? - A variance is granted for circumstances unique to the PROPERTY, not those unique to the owner.		NO	SHOULD STILL BE ABLE TO USE THE GARAGE BY REPLACING TRUSS ROOF ONLY
Is there a way to accomplish the same purpose without a variance or with a lesser variance regardless of convenience or expense? - The ZBA considers the property, not issues with the interior of the structure.	NO		UNLESS THE 2'-6" SETBACK FALLS UNDER <u>LESSE</u> R VARIANCE
Is the need for the variance due to a situation that is unique to the property and would not generally be found elsewhere in the same zoning district? - If the situation is often repeated in the same zoning district, then the variance request should be denied.	YES		SLOPED LOT & THE CLOSE PROXIMITY TO NEIGHBORS OUT BUILDINGS
If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties? - There are reasons the ordinance was adopted and those reasons should be respected and upheld.	YES		KEEPING EXISTING FOUNDATION WILL NOT DISTURB NEIGHBORS OUT BUILDINGS
Has the need for the variance been created through previous action of the applicant? - The Appeals Board is not responsible for "bailing out" and applicant who created the need for a variance.	NO		

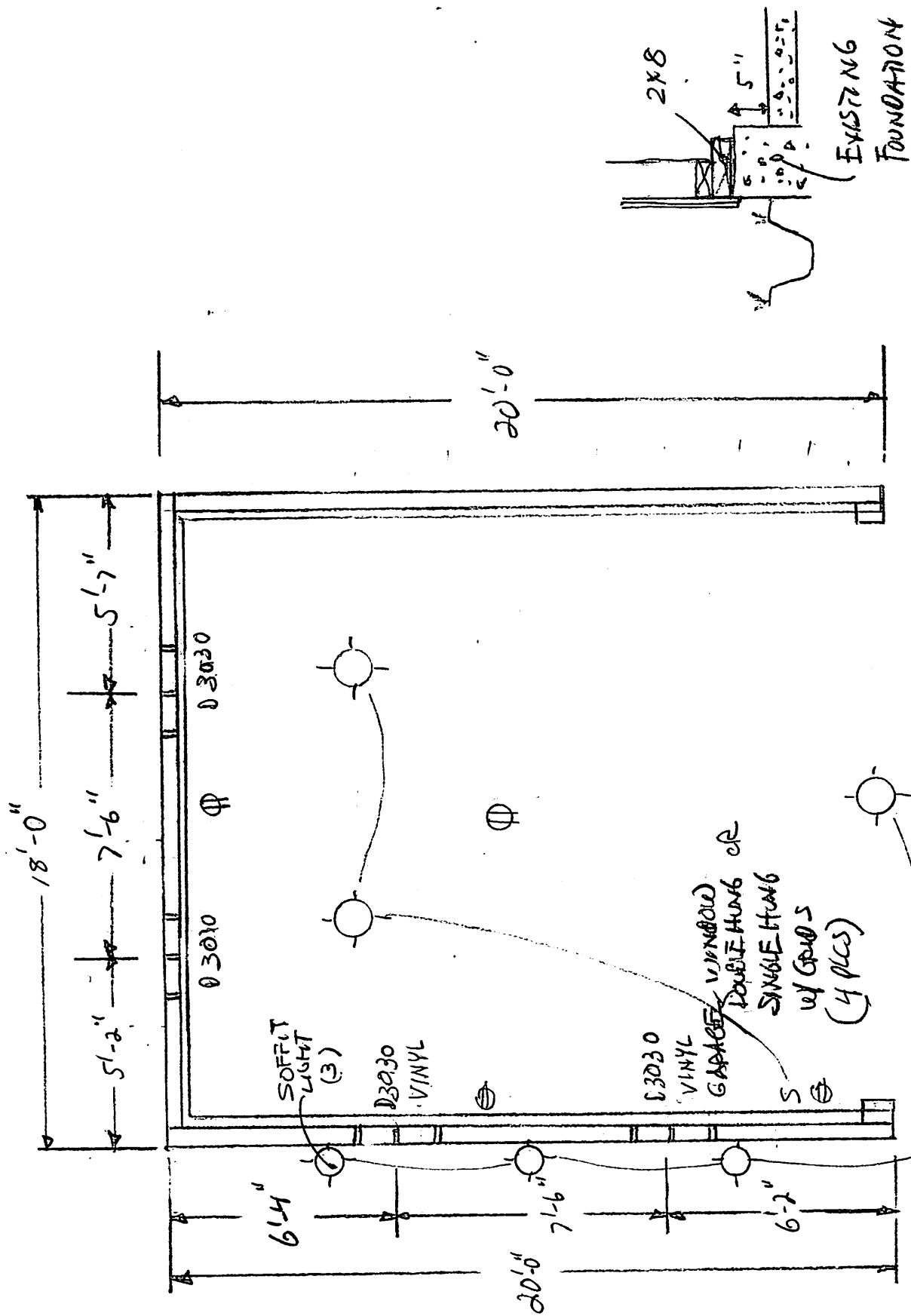
My existing garage has a sagging roofline and is in need of replacement. I want to build a new garage on the same foundation, however the existing foundation is 2'-6" from the North and West lot lines. The present set back code is 3'-0". I am requesting a variance for the 6".

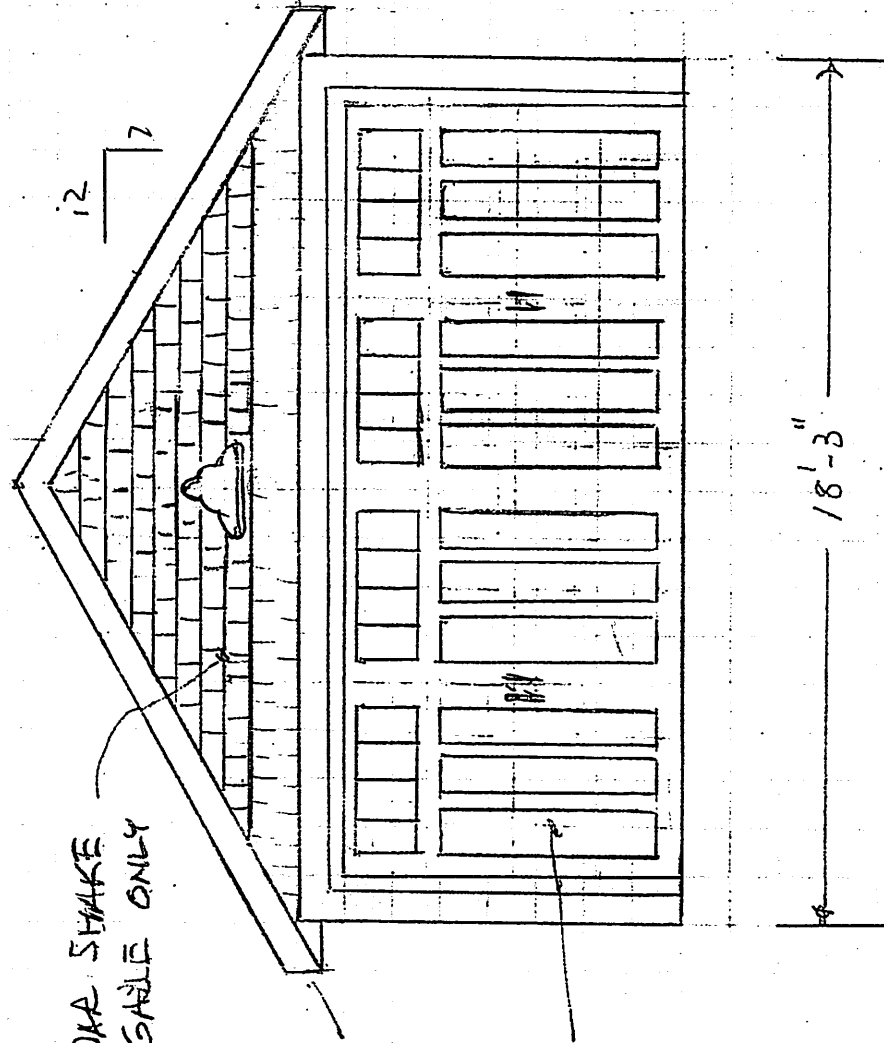
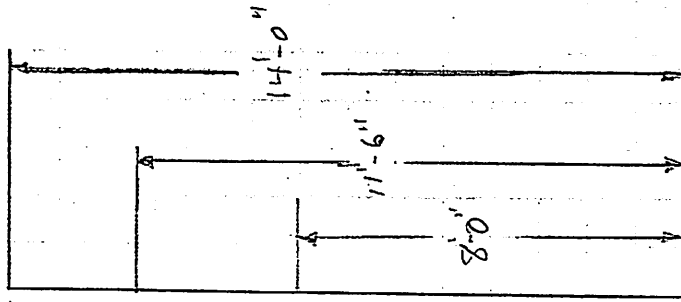
There are several exceptional conditions that lend concern about relocating the existing foundation:

- **The garage is built on a slope and the west wall of the foundation is exposed by 5'-0". It acts as a retaining wall on the South and North corners of the foundation. It also supports a loose rock retaining wall for the rest of the back yard.**
- **The fill material against the retaining wall is unstable, any excavation may cause the wall to collapse.**
- **The neighbors shed is on the West lot line 2'-6" away and may be subject to damage during construction.**
- **There is also a garage on the north lot line that is 7'0" from my garage that may interfere with digging a new foundation.**

Because of the retaining wall, slope of the lot, tight spaces and close proximity to the neighbors out buildings, moving the foundation to the 3'-0" setbacks from the rear lot lines would cause hardships for both the neighbors and myself.





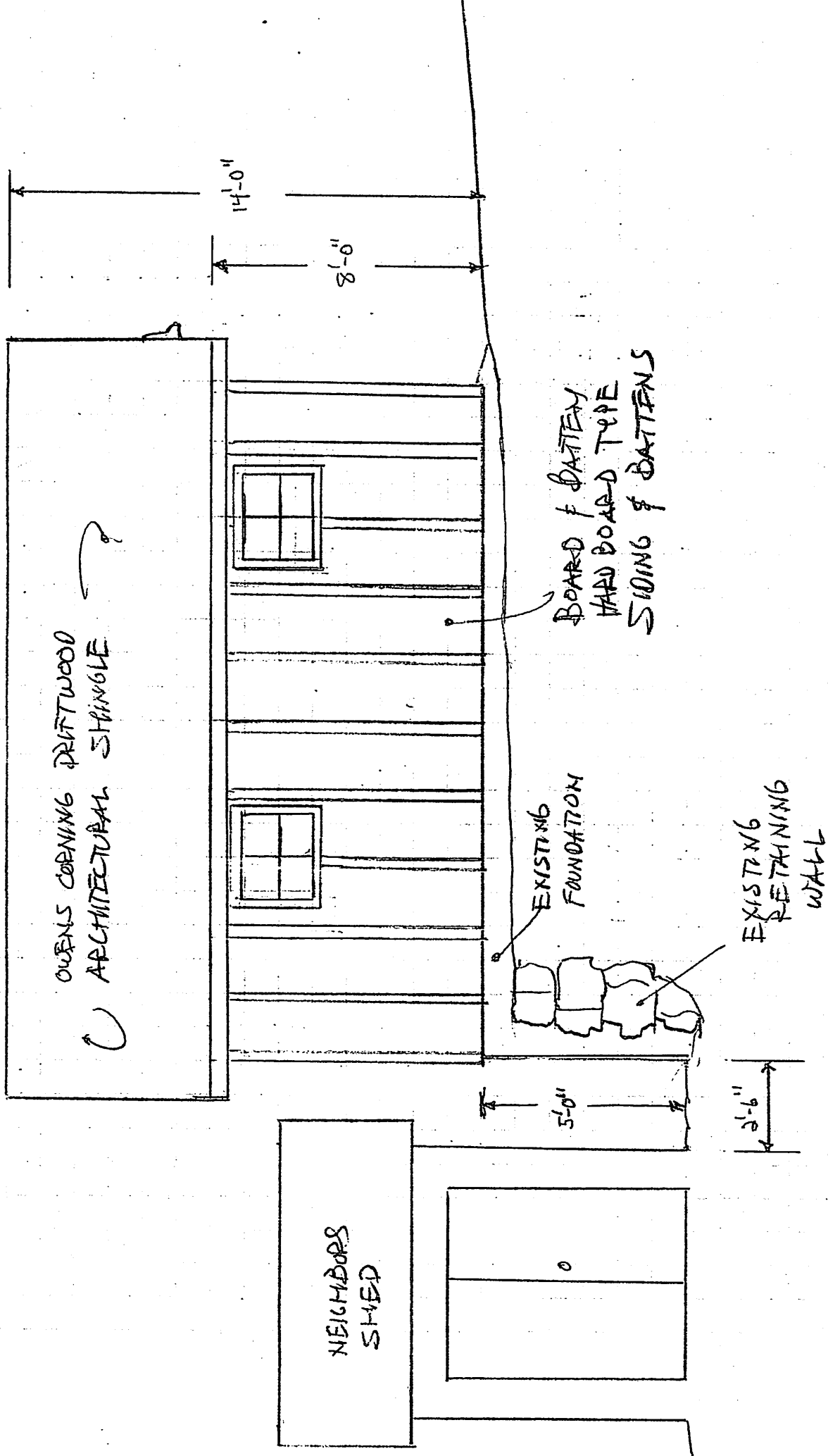


GEORGIA SHAKE
FAST GABLE ONLY

ALUMINUM SOFFITS

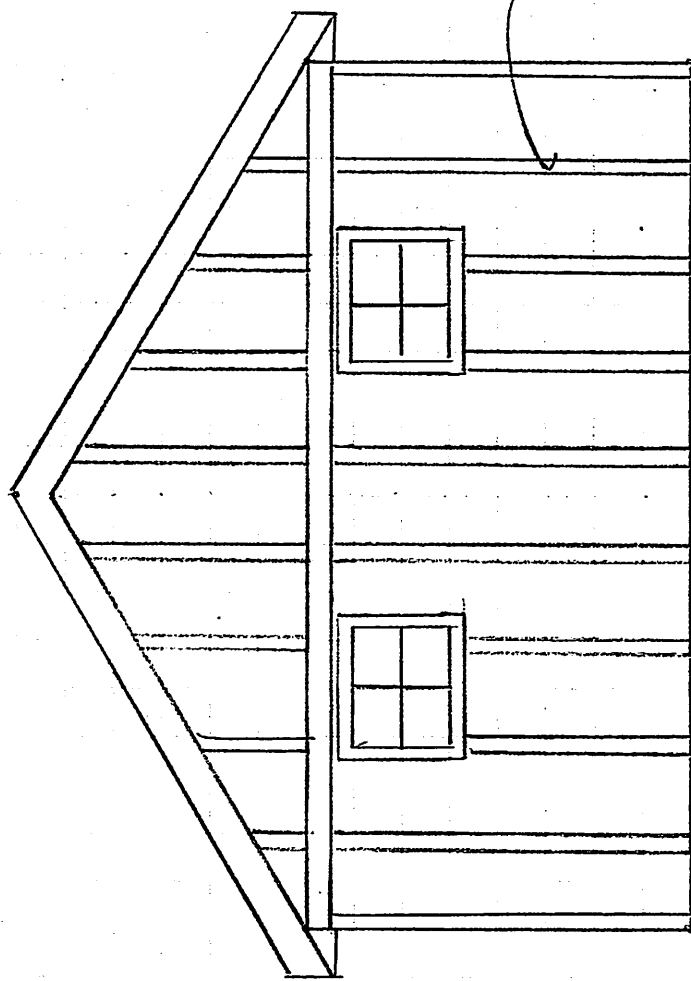
CLOPAY COACHMAN
COLLECTION DESIGN 13
W/ REC 14 WINDOWS
w/ OPENERS

VIEW LOOKING WEST
FRONT



VIEW LOOKING NORTH

LOT LINE



ROAD & PATTER
SUNG HADDOHAD TYP

VIEW LOOKING EAST

Back

①



2



3



4



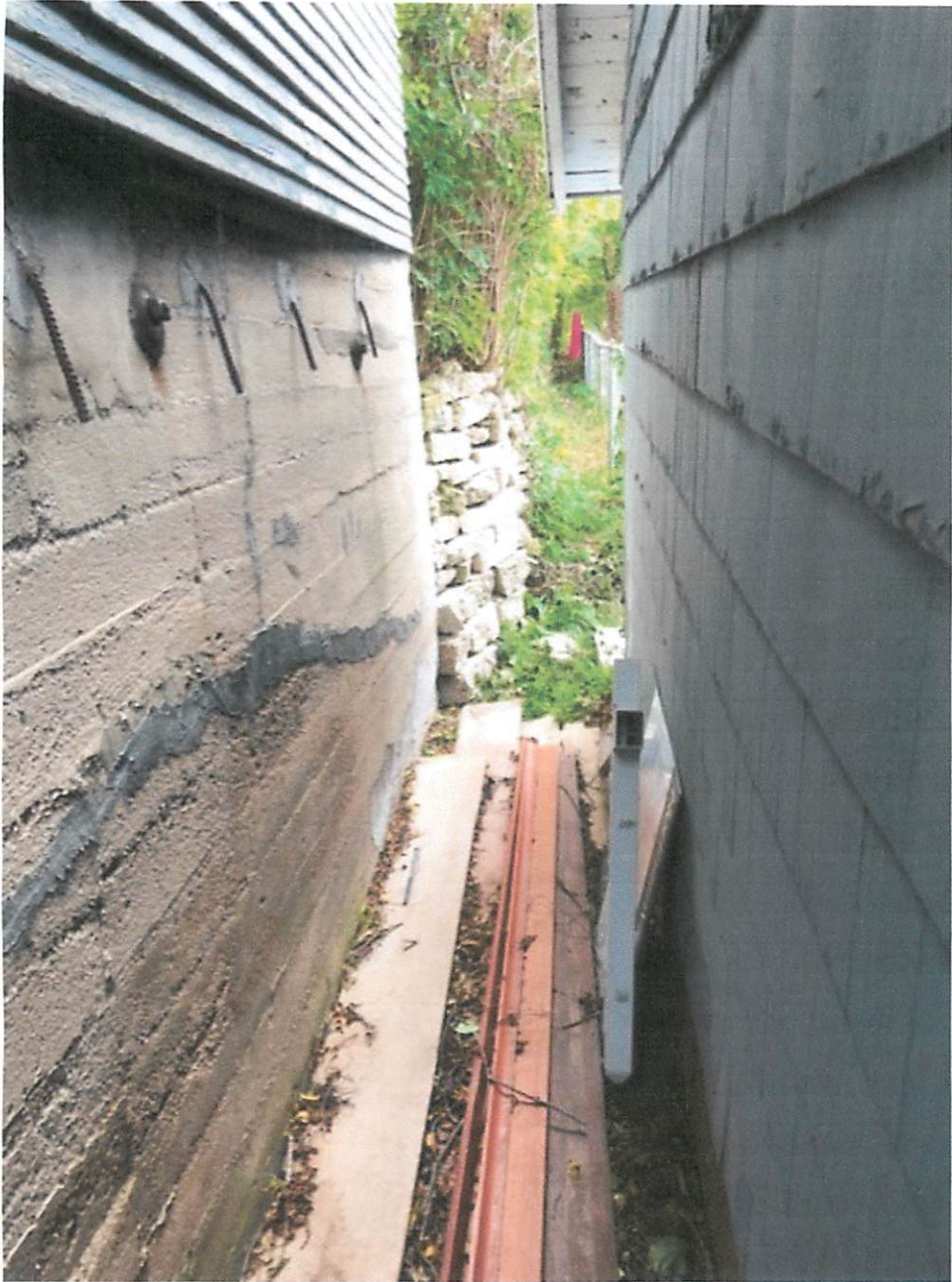
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City of Petoskey

Office of City Planner

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500

Zoning Board of Appeals Zoning Ordinance Regulation Variance Checklist

Date: April 6, 2021

Case Number: 849

It is the applicant's responsibility to prove a practical difficulty. It is not the job of the ZBA to find the practical difficulty for the applicant.

Issue to be evaluated (Practical Difficulty)	Supports the variance	Does not support the variance	Notes
Will strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose? <ul style="list-style-type: none">- A variance is granted for circumstances unique to the PROPERTY, not those unique to the owner.			
Is there a way to accomplish the same purpose without a variance or with a lesser variance regardless of convenience or expense? <ul style="list-style-type: none">- The ZBA considers the property, not issues with the interior of the structure.			
Is the need for the variance due to a situation that is unique to the property and would not generally be found elsewhere in the same zoning district? <ul style="list-style-type: none">- If the situation is often repeated in the same zoning district, then the variance request should be denied.			
If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties? <ul style="list-style-type: none">- There are reasons the ordinance was adopted and those reasons should be respected and upheld.			
Has the need for the variance been created through previous action of the applicant? <ul style="list-style-type: none">- The Appeals Board is not responsible for "bailing out" an applicant who created the need for a variance.			



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MOTIONS BY THE ZONING BOARD OF APPEALS Variance Requests

I move to (approve/ deny) **setback variances for construction of a detached garage** in **Case #849** of _____ feet at **621 East Mitchell Street** with the (conditions/modifications) of:

Based on the findings of fact in the (e.g. agenda memo, submittal materials, etc.) that:

_____ and the comments provided by

(e.g., those in attendance at the hearing, the applicant, the applicant's representative, etc.),

that demonstrate there is a (practical difficulty/ lack of practical difficulty) created by **Section 1703** of the Zoning Ordinance due to:

Haggard's

PLUMBING and HEATING

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

March 24, 2021

Petoskey Zoning Board of Appeals
101 East Lake St.
Petoskey, MI 49740

RE: Request for a side and rear yard setback variances for an accessory building at 621 E. Mitchell St.

To Whom It May Concern,

Upon reviewing the above notice, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either building and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,



John Haggard
Haggard's Plumbing & Heating



BOARD: Zoning Board of Appeals

MEETING DATE: April 6, 2021

DATE PREPARED: March 25, 2021

AGENDA SUBJECT: Case #850 – A request for side and rear yard setback variances for a new house at 326 West Lake Street

RECOMMENDATION: Consider the request

Background

The subject property is a 3500 square foot lot the RM-2 Multiple Family District with an existing single family dwelling.

The RM-2 District allows single family structures subject to the lot area and yard requirements of the abutting single family district. The nearest single family district is the R-1 Single Family District (Bayfront Park). The existing structure is non-conforming to the required ten (10) foot side-yard setback on the west side at five (5) feet.



Source: Emmet County GIS, 2017 Ortho photo

Request

The property owner/applicant would like to remove the existing structure and replace with a new residence. The proposed house would maintain the existing side-yard setbacks, however, once the non-conforming structure is removed, any new structure is required to meet the district standards so a five-foot variance would be required to build a structure to the same west-side setback. In addition, the proposed structure would encroach into the required rear-yard setback approximately 16 feet.

Table 1 Variance Request

	RM-2 District Standards for Single Family Structures	Existing structure	Request	Resulting Variance
Front setback	25 feet or average of three adjacent houses	12.2 feet	12.2 feet	NA
Side setbacks	10 feet	5 feet west 10 feet east	5 feet west 10 feet east	5 feet west
Rear Setback	35 feet	35 feet	18.67 feet	16.33 feet
Lot Area (R-1 District)	8,400	3,747	3,747	NA

The applicant has been provided the dimensional variance checklist and his statement of practical difficulty is enclosed.

Action

In making its motion, the Board shall state the grounds, or findings of fact upon which it justifies the granting of a variance and may attach any conditions regarding the location, character, and features of the request that further the purposes of the ordinance. In addition, a variance should only be granted after consideration of the following factors:

- 1) The need for the variance is due to unique circumstances, or physical conditions, of the property involved, such as exceptional narrowness, shallowness, shape or area, exceptional topographic conditions or other extraordinary or exceptional conditions of the specific piece of property and is not shared by neighboring properties;
- 2) The request is not due to the applicant's personal or economic situation;
- 3) The practical difficulty was not created by an action of the applicant;
- 4) The requested variance is the minimum variance necessary to grant substantial relief to the applicant while at the same time minimizing any adverse impacts to other property owners in the general neighborhood or zoning district;
- 5) The request, if granted, would not cause substantial detriment to the public good or substantially impair the intent and purpose of the ordinance; and
- 6) The strict application of the regulations would result in peculiar or exceptional practical difficulties.



City of Petoskey

Office of City Planner

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SAMPLE

Zoning Board of Appeals Zoning Ordinance Regulation Variance Checklist

Date: _____

Case Number: _____

It is the applicant's responsibility to prove a practical difficulty. It is not the job of the ZBA to find the practical difficulty for the applicant.

Issue to be evaluated (Practical Difficulty)	Supports the variance	Does not support the variance	Notes
Will strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose? - A variance is granted for circumstances unique to the PROPERTY, not those unique to the owner.			YES, THE BUILDABLE FOOT-PRINT PROVIDED BY STRICT ZONING COMPLIANCE IS TOO SMALL FOR A VIABLE FAMILY RESIDENCE.
Is there a way to accomplish the same purpose without a variance or with a lesser variance regardless of convenience or expense? - The ZBA considers the property, not issues with the interior of the structure.			NO, WE HAVE MADE THE RESIDENCE AS TIGHT AND EFFICIENT AS POSSIBLE FOR A FAMILY'S NEEDS
Is the need for the variance due to a situation that is unique to the property and would not generally be found elsewhere in the same zoning district? - If the situation is often repeated in the same zoning district, then the variance request should be denied.			YES, ALL OF THE ADJACENT PROPERTIES HAVE ALREADY BEEN BUILT UP WITH FOOT-PRINTS WELL BEYOND THEIR BUILDABLE AREAS.
If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties? - There are reasons the ordinance was adopted and those reasons should be respected and upheld.			YES, THE SIDEYARD ENCROACHMENT REMAINS AS EXISTING AND IMPROVING THE CURRENT BUILDING WILL BE AN IMPROVEMENT TO ALL NEIGHBORING VALUES
Has the need for the variance been created through previous action of the applicant? - The Appeals Board is not responsible for "bailing out" and applicant who created the need for a variance.			NO, THE CURRENT PROPERTY AND BUILDING EXISTED PRIOR TO THE ZONING ORDINANCE, AND MUCH OF THE NEIGHBORHOOD PROPERTIES ARE NEGATIVELY AFFECTED BY THE CURRENT ZONING.

Property Information

	Code Required	Actual	Proposed
Lot Area	35%	30%	34.9%
Front Setback	25'-0"	12'-2"	12'-2"
Side Setback EAST	10'-0"	10'-0"	10'-0"
Side Setback WEST	10'-0"	5'-0"	5'-0" (modified)
Rear Setback	35'-0"	35'-0"	18'-6"
Building Height	35'-0"	13'-0"	27'-5"
Other			

Type of Request

- ☒ Variance
 ☐ Administrative Review
 ☐ Temporary Use
☐ Exception of Special Approval
 ☐ Interpretation
 ☐ Appeal
☐ Fair Housing Reasonable Accommodation

Applicable Code Sections: XVI

Specific Request: WE ARE ASKING FOR A VARIANCE FOR THE REAR SETBACK - PROPOSED REAR SETBACK TO 18'-6" - 10'-0" FOR HOUSE AND 7'-6" FOR COVERED PORCH. THE WEST SIDE OF THE HOUSE IS EXISTING FOUNDATION. WE HAVE REDUCED THE SW CORNER OF THE PROPERTY BY 40.62 SQUARE FEET IN ORDER TO BE MORE CONFORMING.

APPLICANT STATEMENT OF HARDSHIP OR EXCEPTIONAL PRACTICAL DIFFICULTY CREATED BY ZONING CODE REQUIREMENTS (REQUIRED FOR VARIANCE REQUESTS).

This statement must apply specifically to your property and address exceptional narrowness, shallowness, shape, area, topographic conditions or other extraordinary or exceptional conditions of the property (may be submitted on a separate sheet).

THE MINIMUM LOT SIZE PER CODE IS 5000 SQ FE, BUT THIS LOT SIZE IS 3747 SQ FE. WE SHOW A LOT COVERAGE OF 34.9%, IF IT WERE ON THE MIN. LOT PER ZONING IT WOULD ONLY COVER 26%, WE ARE IMPROVING THE SIDE YARD ENCROACHMENT AS MENTIONED ABOVE. THE REQUESTED VARIANCE IS TO THE REAR YARD AND TO A LESSER EXTENT THAN MOST OF THE NEIGHBORING PROPERTIES.

Required Submittal Materials

If an application is not complete upon submittal, it will be held until all required materials are provided. With this application form, please provide eight (8) hard copies and one electronic copy of the following:

- ☒ A Scaled Site Plan, including elevation(s) of structure (existing and proposed)
☒ Photographs of property

NOTE TO APPLICANT: A variance is valid for construction within 12 months of the approval date. If construction is not commenced within 12 months, the variance is no longer valid.

Please note that a public hearing notice will be posted on our property stating your request and the date, time and location of the Zoning Board of Appeals hearing.

For Office Use Only

Received By: _____

Date Received: _____

Filing Fee: _____

Date Paid: _____

ZONING REQUIREMENTS
VERIFY WITH LOCAL ZONING OFFICE

ZONING DISTRICT = RM-2

SETBACKS: FRONT = 12.2'
REAR = 35'
SIDE = 10'

FRONT SETBACKS = AVERAGE OF EXISTING HOUSES
 $11.5' + 12.2' + 12.5' + 12.5' = 48.7' / 4 = 12.2'$



PROJECT NAME
ISSUE DATES
SEAL
NOTE DO NOT SCALE DRAWINGS. USE CALCULATED DIMENSIONS ONLY. VERIFY ALL EXISTING CONDITIONS IN FIELD
NORTH ARROW
PROJECT NUMBER
SHEET TITLE ARCHITECTURAL SITE PLAN
SHEET NUMBER



1 EXISTING - SOUTHWEST
C.201 SCALE: NONE



2 EXISTING - SOUTH
C.201 SCALE: NONE



3 EXISTING - SOUTHEAST
C.201 SCALE: NONE

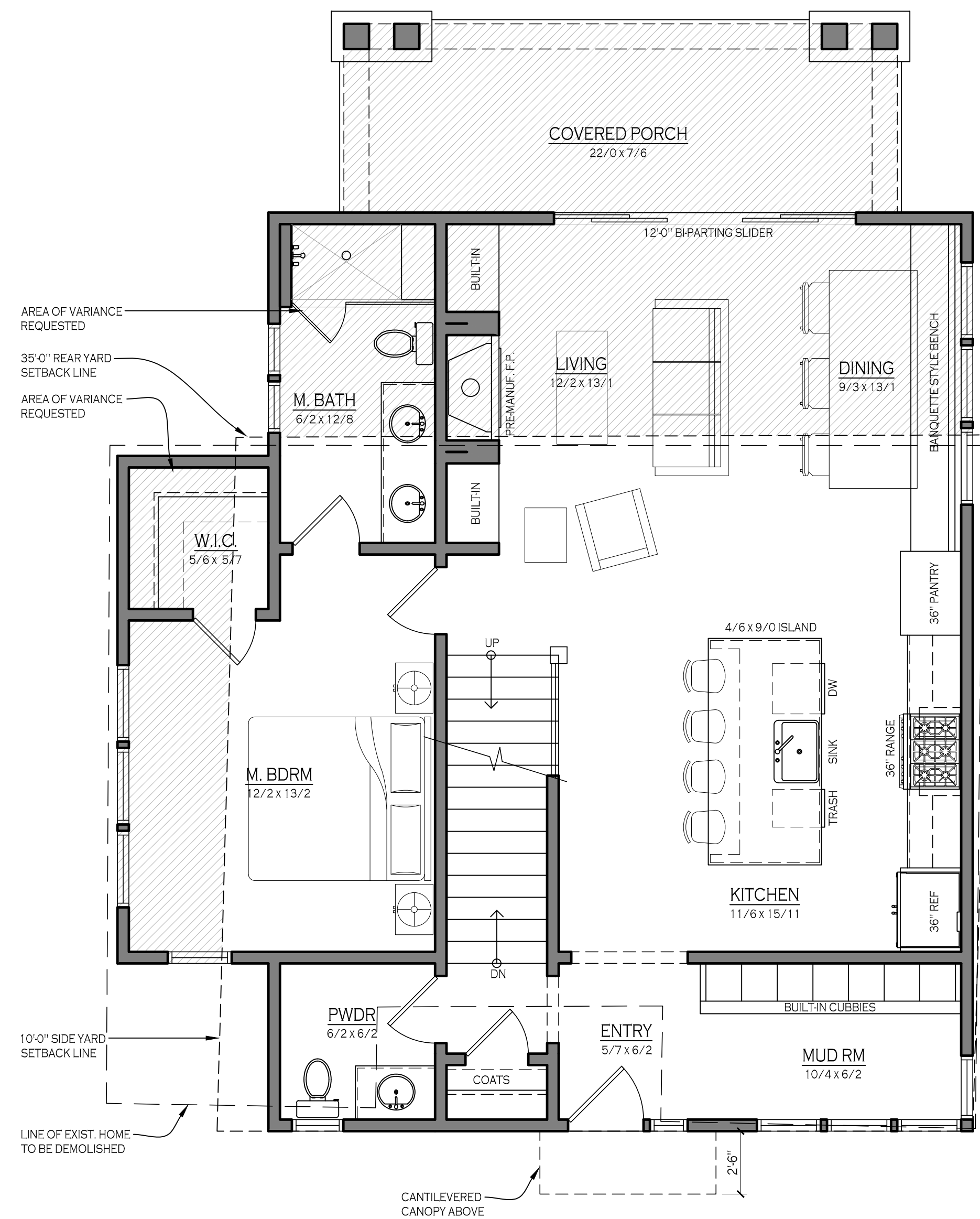


4 EXISTING - WEST SIDE YARD
C.201 SCALE: NONE



5 EXISTING - NORTHEAST
C.201 SCALE: NONE

PROJECT NAME
CORCORAN RESIDENCE 326 W. LAKE ST. PETOSKEY, MI 49770
ISSUE DATES
03.15.21 ZONING BOARD APPEALS
SEAL
NOTE DO NOT SCALE DRAWINGS. USE CALCULATED DIMENSIONS ONLY. VERIFY ALL EXISTING CONDITIONS IN FIELD
NORTH ARROW
PROJECT NUMBER
21-01
SHEET TITLE
EXISTING CONDITIONS
SHEET NUMBER

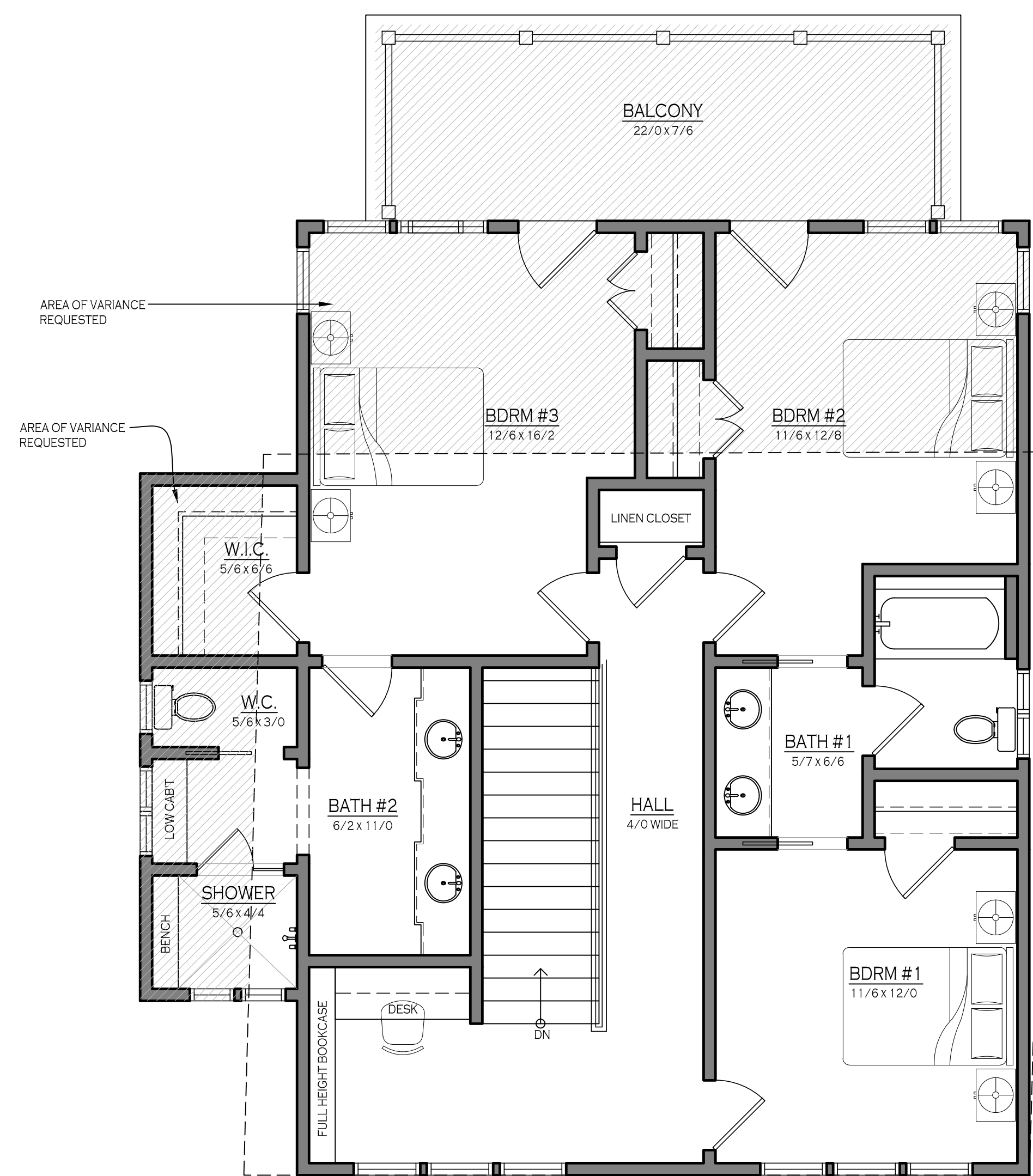


1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

LIVING: 1143 SQ. FT.
PORCH: 165 SQ. FT.

LOT SIZE = 3,747 SQ. FT.
MAX FOOTPRINT = 1,311 SQ. FT.
TOTAL FOOTPRINT = 1,308 SQ. FT.
MAX LOT COVERAGE = 35.0%
PROPOSED LOT COVERAGE = 34.9%

SIDE YARD SETBACK = 10'-0"
SIDE YARD PROPOSED = 5'-3 1/2"
REAR YARD SETBACK = 35'-0"
REAR YARD PROPOSED = 18'-8"



2 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

LIVING: 1143 SQ. FT.
BALCONY: 165 SQ. FT.

LOT SIZE = 3,747 SQ. FT.
MAX FOOTPRINT = 1,311 SQ. FT.
TOTAL FOOTPRINT = 1,308 SQ. FT.
MAX LOT COVERAGE = 35.0%
PROPOSED LOT COVERAGE = 34.9%

SIDE YARD SETBACK = 10'-0"
SIDE YARD PROPOSED = 5'-3 1/2"
REAR YARD SETBACK = 35'-0"
REAR YARD PROPOSED = 18'-8"

PROJECT NAME

CORCORAN RESIDENCE
326 W. LAKE ST.
PETOSKEY, MI 49770

ISSUE DATES

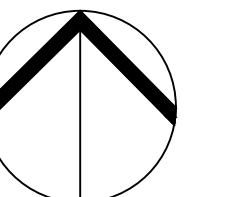
03.15.21 ZONING BOARD APPEALS

SEAL

NOTE

DO NOT SCALE DRAWINGS.
USE CALCULATED
DIMENSIONS ONLY. VERIFY
ALL EXISTING CONDITIONS
IN FIELD

NORTH ARROW



PROJECT NUMBER

21-01

SHEET TITLE

FLOOR PLANS

SHEET NUMBER

A.100



1 SOUTH ELEVATION
A.200 SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
A.200 SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION
A.200 SCALE: 1/4" = 1'-0"



4 WEST ELEVATION
A.200 SCALE: 1/4" = 1'-0"

PROJECT NAME

CORCORAN RESIDENCE
326 W. LAKE ST.
PETOSKEY, MI 49770

ISSUE DATES

03.15.21 ZONING BOARD APPEALS

SEAL

NOTE

DO NOT SCALE DRAWINGS.
USE CALCULATED
DIMENSIONS ONLY. VERIFY
ALL EXISTING CONDITIONS
IN FIELD

NORTH ARROW

PROJECT NUMBER

21-01

SHEET TITLE

EXTERIOR ELEVATIONS

SHEET NUMBER

A.200



City of Petoskey

Office of City Planner

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500

Zoning Board of Appeals Zoning Ordinance Regulation Variance Checklist

Date: April 6, 2021

Case Number: 850

It is the applicant's responsibility to prove a practical difficulty. It is not the job of the ZBA to find the practical difficulty for the applicant.

Issue to be evaluated (Practical Difficulty)	Supports the variance	Does not support the variance	Notes
Will strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose? <ul style="list-style-type: none">- A variance is granted for circumstances unique to the PROPERTY, not those unique to the owner.			
Is there a way to accomplish the same purpose without a variance or with a lesser variance regardless of convenience or expense? <ul style="list-style-type: none">- The ZBA considers the property, not issues with the interior of the structure.			
Is the need for the variance due to a situation that is unique to the property and would not generally be found elsewhere in the same zoning district? <ul style="list-style-type: none">- If the situation is often repeated in the same zoning district, then the variance request should be denied.			
If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties? <ul style="list-style-type: none">- There are reasons the ordinance was adopted and those reasons should be respected and upheld.			
Has the need for the variance been created through previous action of the applicant? <ul style="list-style-type: none">- The Appeals Board is not responsible for "bailing out" an applicant who created the need for a variance.			



City of Petoskey

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101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500

MOTIONS BY THE ZONING BOARD OF APPEALS Variance Requests

I move to (approve/ deny) **setback variances for construction of a house** in **Case #850** of
_____ feet at **326 West Lake Street** with the (conditions/modifications) of:

Based on the findings of fact in the (e.g. agenda memo, submittal materials, etc.) that:

_____ and the comments provided by

(e.g., those in attendance at the hearing, the applicant, the applicant's representative, etc.),

that demonstrate there is a (practical difficulty/ lack of practical difficulty) created by **Section 1600** of the Zoning Ordinance due to:

Haggard's

PLUMBING and HEATING

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

March 24, 2021

Petoskey Zoning Board of Appeals
101 East Lake St.
Petoskey, MI 49740

RE: Request for a side and rear yard setback variances for a new house at 326 W. Lake St.

To Whom It May Concern,

Upon reviewing the above notice, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either building and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,



John Haggard
Haggard's Plumbing & Heating