



**ZONING BOARD OF APPEALS**

July 6, 2021

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Council Chambers on Tuesday, July 6, 2021. Public was invited to attend in person and via Zoom. Roll was called at 7:00 P.M.

Present: Mary Clinton  
Jim Knibbs  
Scott Morrison  
Lori Pall  
Jessica Shaw-Nolff

Absent: Ben Crockett  
Chris Hinrichs

Others: Matthew Keen, Citizens National Bank  
Donald Hoffman, 1119 E. Mitchell Street  
Doug Hoffman, 7700 Hoyt Road, Harbor Springs  
Steve Hoffman, 615 Peffers Street, Harbor Springs

Staff: Amy Tweeten, City Planner  
Lisa Denoyer, Administrative Assistant

Upon motion and support, the minutes from June 1, 2021 regular meeting were approved 4-0-1, with Commissioner Morrison abstaining.

**Case #854 – Request for Side Yard Setback Variances  
to Allow a Land Division Between Two Buildings at 319 State Street**

Staff informed the Board that the property is within the B-2B Mixed Use Corridor District that requires 5 foot side-yard setbacks. The property that once housed the Petoskey News Review is actually two buildings connected by a roof. The new owner would like to return it to two buildings on two lots. The proposed Parcel A houses the former office space of the Petoskey News Review and The Print Shop and the proposed Parcel B houses the former warehouse portion of the Petoskey News Review. The applicant is requesting a 2.25 foot setback along the east property line that would require a 2.75 foot variance on Parcel B and a 2.25 foot setback along the west property line that would require a 2.75 foot variance on Parcel A.

Matthew Keene, President and CEO, Citizens National Bank, informed the Board that the plan is to remove the old Print Shop building to create parking and separate the two existing buildings. Each building would be on its own parcel and Parcel A would be sold, as the bank has no need for an additional building.

Board members asked if the proposed property line would be centered between the two existing buildings, and if the corridor between the two buildings would be open, and if the variance was to

separate the buildings, not the property, would there be any liability to the City should there be a fire and it traveled from one building to the next.

Staff responded that there would be no liability to the City as the building code would require certain standards to help prevent a fire from spreading.

Board member Clinton responded that she would like to see a groundcover in the alleyway that was safe for pedestrians should they be allowed access.

Vice Chairperson Pall stated that a variance for a truck bay along Howard Street was approved in 2011 and wondered what use a truck bay would serve in the future. She then asked staff if the removal of the truck bay could be a condition of approval.

Staff responded that the new owner may use the building for warehousing and that she did not believe removal of the truck bay could be a condition of approval.

Board member Shaw-Nolff stated that the plan looked practical and would be a simple deconstruct and that she would like the new alleyway between the buildings to either have restricted access or made safe for public access.

Mr. Keene responded that the proposed property line is centered between the two buildings and that Benchmark Engineering would be creating new legal descriptions for each new parcel. The corridor would be an open alleyway that may house utilities and it is unknown at this time what the groundcover would be. The variance request is to create two separate parcels. Mr. Keene then asked staff if a gate would be permitted at the openings of the alleyway.

Staff responded that it would be permitted if both property owners were agreeable to it.

Commissioners commented that they felt the request was reasonable and the property creates a unique situation.

At this time, Board member Knibbs made a motion, seconded by Board Member Clinton, to approve a side-yard setback variance of 2.75 feet for the proposed Parcel A and Parcel B on the current 319 State Street to allow the existing buildings to be separated in to their own parcels with the condition that the building separation is permanent and that the area between the buildings be made safe for pedestrians, if the public is to be allowed to access the area. This approval is based on the findings of fact that the buildings already exist and comments received by the bank representative that demonstrate there is a practical difficulty created by Section 1600 of the Zoning Ordinance as there would be a hardship to move the buildings. Motion carried 5-0.

**Case #855 – Request for Lot Width and Area Variances to Allow  
for Lot Line Adjustment at 1115, 1117 and 1119 East Mitchell Street**

Staff informed the Board that the three parcels are in the R-2 Single Family District and two of the lots do not meet current lot width standards. A lot line adjustment has been requested that would shift the east property lines for 1115 and 1117 to the west. The adjustment would put the driveways and garages on the appropriate parcels, but reduce the lot widths further.

Steve Hoffman, 615 Peffers Street, is the son of the applicant. He informed the Board that the properties have been in the family for over 70 years and they are trying to line up the property lines so that each property has its own driveway and buildings. It would be difficult to sell the properties with the existing property lines. They would like the properties to be as conforming as possible and they believe that making two of the lots smaller is the only option given the topography of the land.

Board member Clinton asked if there was a reason why the rear property line of 1117 E. Mitchell Street was not lined up with the rear property line of 1115 E. Mitchell Street.

Mr. Hoffman responded that there is an access road, a stream and a turn-around area for 1119 E. Mitchell Street behind the parcel that would be impacted if the rear lot line were moved back.

Vice Chairperson Pall asked what would happen to the turn-around area should 1117 E. Mitchell Street be sold.

Mr. Hoffman responded that they plan to keep the parcels together but would have to give up the turn-around area should they decide to sell.

Commissioners commented that it made sense to move the lot lines in order to eliminate property access through another parcel and the change would not negatively impact the neighbors.

At this time, Board member Clinton made a motion, seconded by Board member Morrison, to approve the following variances indicated below to allow lot line adjustments at 1115, 1117 and 1119 E. Mitchell Street based on the findings of fact that strict compliance would prevent full use of the property, a lesser variance would not solve the problem, the need is due to a uniqueness to the property given the shared drives and topography, and will be fair to the neighbors and any future owners. These reasons demonstrate a practical difficulty created by Section 1600 of the Zoning Ordinance.

- 1) Lot width variance of 11.5 feet resulting in a width of 48.5 feet at 1115 E. Mitchell Street; and
- 2) Lot width variance of 11.5 feet resulting in a width of 48.5 feet and a lot area variance of 1,200 square feet resulting in a lot area of 6,000 square feet at 1117 E. Mitchell Street.

Motion carried 5-0.

### **Election of Officers**

Vice Chairperson Pall informed the Board that officer elections had been postponed at the June meeting and the Bylaws require a Chairperson and Vice Chairperson/Secretary.

Staff informed the Board that Chairperson Crockett had expressed a desire to step down as Chairperson at the June meeting.

Vice Chairperson Pall stated that she would prefer to remain Vice Chair/Secretary, however, she would be willing to take on the role of Chairperson should there be no other volunteers.

Board member Clinton stated that she would be willing to be Vice Chair/Secretary if Vice Chairperson Pall agreed to become the Chairperson.

A rollcall vote was taken and all members present voted aye.

### **Public Comment**

Matthew Keene, President and CEO, Citizens National Bank, informed Board members that they were welcome to contact him at any time should they have questions on the progress of the bank property.

## Updates

Staff informed the Board that the City Attorney is still waiting to hear from the Michigan Court of Appeals to find out if the appeal request for 615 Michigan Street had been filed correctly or if the case would be heard.

Staff has not yet heard when the Corcoran appeal will be scheduled with the Circuit Court regarding the ZBA's variance denial for 326 W. Lake Street.

Staff is working with the Emmet County Building Department to determine how a deck was constructed at 322 W. Lake Street without a zoning permit.

Staff is expecting a variance request for the August meeting for the free standing sign at Bay Mall. The current owners would like to modernize the existing sign and possibly reduce the size slightly. Staff is only permitted to approve maintenance changes as the sign is non-conforming and any other changes require a variance.

The meeting was then adjourned at 7:59 P.M.