



**ZONING BOARD OF APPEALS**

October 5, 2021

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Council Chambers on Tuesday, October 5, 2021. Public was invited to attend in person and via Zoom. Roll was called at 7:00 P.M.

Present: Lori Pall, Chairperson  
Mary Clinton  
Chris Hinrichs  
Jim Knibbs  
Scott Morrison  
Jessica Shaw-Nolff

Others: Michael and Denise Croake, 604 Bay Street

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

Upon motion and support, the minutes from September 7, 2021 regular meeting were approved 4-0-2, with Board members Morrison and Shaw-Nolff abstaining.

Chairperson Pall informed the Board that Board member Crockett had submitted his resignation due to professional commitments that he felt would not allow him to fulfil his role as a board member.

**Case #860 – Parking Variance for 120 East Lake Street**

Staff informed the Board that the new owners of the property, located at the corner of Lake Street and US-31, would like to return the structure to residential use, creating three (3) dwellings. The parking requirements for multiple family are 1.5 spaces per unit, resulting in a requirement for five parking spaces. According to a 1929 Sanborn Map there appears to have once been a gravel parking lot on the site. However, that area no longer exists as the result of a reconfiguration of the nearby intersection, and there is no ability to have safe on-site parking. Therefore, the request is for a variance of five (5) parking spaces. On-street bump outs were created during reconstruction of Lake Street in 2005 that designate parking areas.

Board member Clinton asked if two of the sides of the property fronted City property and commented that there was a note in the packet that stated that a variance was not granted when the property was changed to office use.

Staff responded that two of the three sides of the property do front City property and the third side abuts residential property. The previous owner did not seek a variance when they converted the property from residential to office space and it is assumed that the gravel lot was used for the building's parking.

Board members discussed the previous location of Gaslight Media, the last business to occupy the premises, and a few thought it had been located downtown.

Denise Croake, applicant, responded that Gaslight Media moved to this location back in the 1990s. She also commented that when speaking with the partner of the previous owner, it sounded as though there was a lot of discussion between the City and the previous owner and an agreement was reached where the City was aware of the office using or needing to use the gravel lot for parking. This was not a formal agreement and was mostly communicated through email.

Board member Shaw-Nolff asked the applicant if they were asking for on-street parking to be designated and asked staff if the history museum had reserved parking.

Ms. Croake responded that they were not requesting designated parking spaces. Occupants would have the option to purchase a parking permit or find available parking that does not require a permit and would be made aware of the winter parking requirements as well.

Staff responded that there are a few parking spaces for the history museum and otherwise they are open to the public.

Ms. Croake stated that they had no problem asking their tenants to park in the parking lot and they are willing to work with the City and let their tenants know the rules regarding parking.

Board Member Clinton asked how many bedrooms there would be in each unit.

Ms. Croake responded that the one unit would have two bedrooms and two bathrooms, another unit would have three bedrooms and three bathrooms and the upper most unit would be more like a studio apartment or possibly have one small bedroom. Families could occupy the first and second floors units and a single renter could occupy the third floor unit.

Board member Clinton asked if the units would be condos or apartments and if there were any structural changes other than creating the three units.

Board member Morrison asked when the new owners purchased the property.

Ms. Croake responded that they have no intentions to sell any of the units. They plan to furnish the third floor unit and offer it to hospital employees. They purchased the property in April 2021.

Nan Casey, 114 East Lake Street, stated that she and her husband are neighbors of the property and were present to show support of the applicant's request.

Chairperson Pall commented that there is only parking on the south side of Lake Street and asked if they were required to alternate parking in the winter months.

Staff responded that the City works with residents regarding winter parking and they will work with the property owner if the use is changed to residential.

Chairperson Pall asked if overnight parking was allowed in the museum or marina parking lots.

Staff responded that there isn't anything that states they cannot park in those areas. The City will have to work something out with the residents and notify them of where and when they are allowed to park in certain areas.

Board member Morrison stated that he felt the parking could be figured out and that the request does not create a unique issue.

Chairperson Pall commented that it could be a hike to the units and the sidewalks can be treacherous.

Board member Clinton stated that Section 1704 suggests that the property would be grandfathered as it states that any expansion of an existing building shall require review of the adequacy of on-site parking. It does not state that this must occur for a change of use.

Staff responded that the requested use is less than what was needed for the previous use. However, the City Attorney felt that it would be best for both the City and the applicant to request a variance.

Board member Clinton stated that she felt that the change of use requirement should be listed in the ordinance and that it currently reads as though a variance would only be required if a building were being erected or enlarged.

Board Member Shaw-Nolff stated that she believed Board Member Clinton had a valid point.

Chairperson Pall stated that she agreed with other board members and that there is no space on the site to create parking.

Board member Knibbs commented that what parking there was previously had been taken away when Lake Street was realigned.

Chairperson Pall stated that she felt the property was unique as it is surrounded by City property on two sides and residential on the third.

Board member Hinrichs commented that he worked at 106 East Lake Street for many years and never had an issue with parking as there were always ample spaces available.

At this time, the Board reviewed the zoning ordinance regulation checklist and determined that strict compliance with the dimensional requirements of the zoning ordinance would prevent the applicant from using the property for the permitted use, there was no way to accomplish the same purpose without a variance or with a lesser variance, the need for the variance was due to a situation that is unique to the property and would not generally be found elsewhere in the same zoning district, the requested variance would uphold the spirit and intent of the ordinance and would be fair to neighboring properties, and the need for a variance was not created through previous action of the applicant.

Board member Hinrichs made a motion, seconded by Board member Morrison, to approve a parking variance of five spaces based on the fact it is a unique site that prohibits onsite parking that demonstrates a practical difficulty created by Section 1704(4) of the Zoning Ordinance and that the proposed changes are not contrary to the intent of the ordinance. Motion carried 6-0.

### **Public Comment**

No public comments were received.

### Updates

Staff informed the Board that a date had been set for oral argument for the Corcoran case. No date has been set with the Court of Appeals regarding the Frentz case.

Chairperson Pall asked if the Michigan Association of Planning had recordings of training sessions from this past spring that might be available for the next appointed board member to view.

Staff responded that she would check into it.

The meeting was then adjourned at 7:30 P.M.