



ZONING BOARD OF APPEALS

Tuesday, November 2, 2021

1. Roll Call – 7:00 P.M. – City Hall Council Chambers
2. Approval of Minutes – September 22, 2021 Special Meeting and October 5, 2021 Regular Meeting
3. New Business
 - a. Case #861 – A requested five (5) foot height variance for construction of a new building at 202 E. Mitchell Street
 - b. Approval of the 2022 Meeting Schedule
4. Public Comment
5. Updates
6. Adjournment

You may also join the meeting remotely

Dial by Phone: 888-788-0099 US Toll-free

<https://us02web.zoom.us/j/81181020334>

Meeting ID: 811 8102 0334

If you have any questions you may contact the City Clerk's Office before the meeting 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

September 22, 2021

A special meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Council Chambers on Tuesday, September 22, 2021. Public was invited to attend in person and via Zoom. Roll was called at 7:00 P.M.

Present: Lori Pall, Chairperson
Ben Crockett
Chris Hinrichs
Jim Knibbs
Jessica Shaw-Nolff

Absent: Mary Clinton
Scott Morrison

Others: Gordon Becker, 1209 Hill Street
Michael and Denise Croake, 604 Bay Street

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

Case #858 – Request for Front- and Side-Yard Setback Variances at 120 East Lake Street

Staff informed the Board that the request was for front- and side-yard setback variances to allow access to three residential units. The Building Inspector confirmed that with only three units proposed, the structure is not required to provide a barrier-free unit.

Denise Croake, 604 Bay Street, informed the Board that they were only requesting a side-yard setback variance as it had been determined that an ADA unit was not required with only three units in the building, as there was no reason to install an ADA ramp, this eliminated the need for a front-yard setback variance.

Board member Shaw-Nolff asked if the side-yard setback was to allow for a side entrance.

Ms. Croake responded that there was once a driveway that allowed entrance to the back of the house. That driveway was removed some time ago and cannot be replaced as a retaining wall is now where the driveway once was. They would like to create a side entrance for the second and third floor units. The existing stairs would remain and a walkway would continue to the back of the house.

Board member Hinrichs commented that he was familiar with the property as he had worked with the previous owner. He believes the lot is unique given its shape and topography and the interior layout of the building would be challenging to change.

Ms. Croake commented that they had been working with a designer and the proposed plan was the best design layout they could come up with given the existing floor plan.

Board members reviewed the dimensional variance checklist and determined that there was no way to accomplish the same purpose without a variance or lesser variance; the unusual shape and topography of the lot created circumstances that were unique to the property; the variance would uphold the spirit and intent of the ordinance and have minimal impact on the neighbors; and the need for a variance was pre-existing and not created through actions of the applicant.

At this time, Board member Knibbs made a motion, seconded by Board member Hinrichs, to approve the request for a 5.25-foot side-yard setback variance for a stairway at 120 East Lake Street with the conditions that it be built as drawn on the blueprints submitted, based on the findings of fact in the submittal materials and comments provided by the applicant that demonstrates there is a practical difficulty created by Section 1600 of the Zoning Ordinance and that the proposed changes are not contrary to the intent of the ordinance. Motion carried 5-0.

**Case #859 – Request for a Driveway Opening
Variance at 1209 Hill Street**

Staff informed the Board that the variance request was to allow the continuance of a driveway opening width that was expanded without approval. The ordinance allows driveway curb cuts of 16 feet in single family districts, and the opening had been widened to 26 feet. The opening is required to meet construction standards regardless of approved width.

Board member Crockett asked if the existing curb had been ground down.

Gordon Becker, 1209 Hill Street, stated that his contractor did not advise him that a permit was needed, and he would be pay for the curb repairs regardless of the outcome of the request. His practical difficulties were stated in his letter submitted with the application, and he added that school traffic is also an issue. With the curb cut at 16 feet he would have to back out of his driveway at an angle when parking in the widened portion of his driveway and that is hazardous. The ordinance seeks uniformity, and unfortunately Hill Street does not have uniformity when it comes to driveway openings. The average width of driveways on Hill Street is 20 to 22-½ feet. The spirit of the ordinance is to maintain the character and he does not believe that a wider driveway detracts from neighbors. Backing out of the driveway at an angle with school traffic is a safety concern.

Board member Knibbs asked if the driveway had been widened or if it was existing and tapered down to the 16-foot wide curb cut.

Chairperson Pall stated that part of the problem is parking three vehicles in the garage and driveway.

Mr. Becker responded that the driveway had been widened and that he drives a truck in the fall/winter and he and his wife drive cars in the spring/summer. Therefore, he needed more space to park the truck.

Staff showed the Board an image from 2019, prior to the changes, which showed the tapering of the driveway at the front of the garage.

Mr. Becker responded that the entire driveway had been removed and replaced as the base was deteriorating and causing issues with the asphalt surface.

Board member Crocket asked if the applicant was aware of the ordinance and if he had contacted the City.

Mr. Becker responded that he was not aware of the ordinance until he received a letter from staff. The contractor did not inform him that there would be any changes to the curb cut and he was not home at the time the work was being done. He has been in touch with City staff since receiving the letter.

Board member Shaw-Nolff asked if there was any advantage to having the homeowner return the curb cut to 16 feet.

Staff responded that there was not, however, part of the reason for the 16-foot width requirement is to avoid expansive driveways.

Board member Crockett asked if sidewalks would be installed along the north side of Hill Street and staff responded that they would be.

Board member Hinrichs commented that the Board had a hard choice to make. He could see the applicant's point and that he relied on a contractor. However, the Board is not responsible for bailing out an applicant.

Board member Knibbs stated that he could see allowing a compromise between 17 and 24 feet given the average driveway width in the neighborhood is 20 to 22-½ feet and a 16-foot width is kind of narrow.

Chairperson Pall commented that driveways crossing sidewalks and vehicles backing out at an angle can be a safety concern. She could see allowing some relief in order to make it safe to back out of the driveway.

Board member Crockett stated that he was sympathetic to the situation. However, the condition was created by the applicant and there is nothing unique about the property. The Board is tasked with following the guidelines, and he is struggling to see how it qualifies for a variance.

Chairperson Pall commented that there are other solutions and that a parking path could be considered if there was enough space.

Staff responded that there is an allowance of up to 40% of a required front yard to be a paved surface.

Mr. Becker responded that his driveway is currently at 19%.

Board member Knibbs asked if a wider drive or turn-around path would be preferred.

Mr. Becker responded that a 25-foot wide piece of property between him and his neighbor to the west is owned by a family with abutting property that fronts Mitchell Street, so there is not enough space to widen the driveway one car width and meet the required setback.

Board member Crockett stated that he did not see how compliance with the dimensional requirements of the zoning ordinance would prevent the applicant from using the property for the permitted use. Board members Hinrichs and Shaw-Nolff agreed.

Board member Crockett commented that the purpose of a driveway is to park or enter a garage.

Board member Knibbs commented that vehicles have gotten larger over time and are not as small as they once were.

Staff informed the Board that the ordinance had been changed in 2014 or 2015 and the Planning Commission could consider changing the maximum width if it does not make sense.

Board member Hinrichs commented that the property is not unique in any way.

Board member Crockett stated that the requested variance would not be unfair or harmful to the neighbors and it is similar in size to neighboring properties. Board member Shaw-Nolff agreed.

Chairperson Pall commented that the need for a variance was created by the action of the contractor and that it is unfortunate for the property owner.

Board member Knibbs commented that while review of the checklist indicates not supporting the request for a variance, neighboring properties have driveways that exceed 16 feet in width. An 18 to 24 foot width would be a reasonable compromise.

Board member Shaw-Nolff asked if the Board could deny the variance and not require any change.

Staff responded that the curb has to be redone regardless of the outcome.

Chairperson Pall asked if just the curb cut would have to be restored to the required width and not the entire driveway.

Staff responded that the area in the right-of-way would have to be restored. Some pavement between the curb and property line would have to be removed.

Chairperson Pall stated that the busiest traffic times would be around 8:00 A.M. and 3:15 P.M. and the rest of the day would be pretty quiet.

Staff responded that it also gets busy when there are sporting events.

Board member Hinrichs commented that he felt a compromise that is comparable to the rest of the neighborhood would be an option.

Board member Knibbs commented that he felt a 20-foot width would be acceptable.

Board member Crockett commented that he understood the interest in compromise and it is good to look at what the applicant is requesting. However, there are so many check marks on the regulation checklist that do not support the variance, and the Board is not responsible for bailing the applicant out. He would move toward denying the request.

Chairperson Pall stated that the maximum driveway width is 16 feet per the ordinance and the Board can recommend that the Planning Commission review and consider allowing a wider opening. While she is sympathetic with the applicant, she does not see a practical difficulty.

Board member Crockett commented that the ordinance was changed in 2016 and the recent change says that this is what the legislative body wants. If the change were older then maybe there would be a need to change it.

Board member Shaw-Nolff asked the applicant if the curb removal was part of the request when he spoke with the contractor about doing the work.

Mr. Becker responded that there was no discussion of curb removal and offered an alternate width of 20 feet as he has measured the driveway and feels that would work safely.

At this time, Board member Crockett made a motion, seconded by Board member Hinrichs, to deny the request for a 10-foot driveway opening variance at 1209 Hill Street based on the findings of fact that the property has no unique situations for a driveway and the need was created by the applicant. Motion carried 3-2. Staff read from the ordinance and confirmed that the motion carried as it was to deny the request. Had the motion been to approve the request a 4-1 or 5-0 vote would have been required for the motion to pass.

Public Comment

No public comments were received.

Updates

Staff informed the Board that their October meeting agenda would include a parking variance for 120 East Lake Street. She had expected to receive a parking variance request for the proposed medical marihuana provisioning center at 403 West Mitchell Street. However, an application was not received by the submittal deadline.

Staff was contacted by the City Attorney stating that Mr. Frentz would like to reach a settlement. Staff believes the case needs to move forward and the attorney is currently working on getting the case thrown out.

The City Attorney filed a brief last week for the Corcoran case. No court date has been set. The attorney feels confident as the main reason for the request was due to having a large family and that is not a reason for the Board to grant a variance.

Staff is working with the Emmet County Building Department on the second-story deck on a neighboring property that the Corcorans also own. The building department was told that a zoning permit was denied and they contacted the owner but have not heard any more from Mr. Corcoran.

The meeting was then adjourned at 8:12 P.M.



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.

DRAFT



BOARD: Zoning Board of Appeals

MEETING DATE: November 2, 2021

DATE PREPARED: October 22, 2021

AGENDA SUBJECT: Case #861 – A Requested Five (5) Foot Height Variance for Construction of a New Building at 202 E. Mitchell

RECOMMENDATION: Consider the request

Background

The subject property is at the southeast corner of Emmet and E. Mitchell Street and is in the B-2 Central Business District. The former home to 7-Eleven and the Mitchell Street Market is currently vacant.

Request

The property owner would like to remove the existing building and build a three-story mixed use building. The current height limit in the B-2 Central Business District is 3 stories, 40 feet. The design of the proposed building would exceed this by five (5) feet as illustrated in the enclosed elevations.



The Planning Commission has been discussing building heights for several months. Based on the height of existing downtown buildings and to allow for additional floor to ceiling heights, they settled on an increase in height in the B-2 District to 45 feet. The Commission held a public hearing at its October 21 meeting and voted to recommend to City Council that the B-2 District height be increased to three stories, 45 feet. However, the ordinance change will not be introduced until the November 15 meeting and the earliest action by City Council could not be taken until December. Due to this time delay, a variance request for the additional five feet of height is being requested. To complete construction documents and bid the project out for possible 2022 construction, the owner needs to know whether the 45 foot height will be allowed.

The applicant's statement of practical difficulty is below. An applicant completed variance checklist is also enclosed.

Existing regulations of 40 feet do not allow for adequate ceiling heights consistent with City development standards – 12 feet first floor and 9 feet upper floors. These do not account for building code required separation and mechanical and are not consistent with existing buildings.

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.

Enclosure
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.	YES		EXISTING HEIGHT REQUIREMENTS RESTRICT CEILING HEIGHTS BELOW USABLE CONDITIONS, AND CODE REQUIREMENTS.
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.	YES		NO - CEILING HEIGHTS ARE CONSISTENT WITH EXISTING 3-STORY STR. IN C.B.D.
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		MAJORITY OF BUILDINGS IN B-2 EXCEED HEIGHT REQUIREMENT FOR 3-STORY 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		CONSISTENT WITH EXISTING CBD 3-STORY 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.	YES		NO - PROJECT IN DESIGN PHASE

The site plan illustrates the layout of the Mitchell St. Market and its immediate surroundings. The market is a large rectangular structure with a grey roof, situated on a lot bounded by Emmet Street to the west and an Alley to the south. The lot is divided into three sections: a large central area (7), a smaller area to the east (6), and a parking lot to the east (5). The market building is labeled "MITCHELL ST. MARKET" and includes a "FENCE ABOVE ROOF" and a "DUMPSTER". The surrounding areas include a "HOUSE" to the south, a "PARKING LOT" to the east, and a "LOT" to the north. The plan also shows various boundary lines with bearings and distances, such as "N89°59'07\"W 95.06' (M&R)" and "N0°03'07\"W 145.04' (M&R)". Other features include an "EXISTING ROCK RETAINING WALL", "BIT. SURFACE", and "FOUND 5/8\" ROD". The plan is labeled "BLOCK 2" and "EMMET STREET (66' WIDE)".

EMMET STREET (66' WIDE)

N89°59'07"W 95.06' (M&R)

48.00'(P)

47.00'(P)

47.00'(P)

7

6

5

B.P. FARLEY TRUST
52-19-06-277-001
202 E. MITCHELL ST.
AKA 7-ELEVEN
AKA-MITCHELL ST. MARKET

BIT. SURFACE

AWNING

MITCHELL ST. MARKET

FENCE ABOVE ROOF

DUMPSTER

N0°03'07"W 145.04' (M&R)

50°02'38"E 145.04'

EXISTING ROCK RETAINING WALL

BIT. SURFACE

CITY OF PETOSKEY
52-19-06-277-002
212 E. MITCHELL ST.
AKA PARKING LOT

BLOCK 2

FOUND 5/8" ROD

48.00'(P)

47.00'(P)

47.00'(P)

N89°59'07"W 95.02' (M&R)

ALLEY (10' WIDE)

HOUSE

8

MITCHELL ST. MARKET

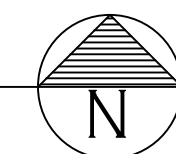
ALLEY (10' WIDE)

HOUSE

8

EXISTING SURVEY

SCALE: 1" = 10'-0"

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2119C

DRAWN BY: _____
CHECK BY: NAL _____

TRAMONTO PLAZA
202 E. MITCHELL ST.
PETOSKEY, MI 49770

EXISTING SURVEY

SHEET NO.

A1.0

WHITE & LIEBLER
architects

architecture | planning | sustainable design
117 howard street, petoskey mi 49770 www.white-liebler.com 231-347-6870

SITE PLAN

EMMET STREET (66' WIDE)

ALLEY (10' WIDE)

COMMERCIAL TENANT SPACE

RESIDENTIAL GARAGES

LOADING ZONE

PARKING SPACES

BIKE STORAGE

PROPOSED TRASH / RECYCLING ENCLOSURE LOCATION

(5) PROPOSED PARKING SPACES

EGRESS

EXISTING ROCK RETAINING WALL

**CITY OF PETOSKEY
52-19-06-277-002
212 E. MITCHELL ST.
AKA PARKING LOT**

DESIGNATED GROUND LOCATED UTILITIES

N89°59'07"W 95.06' (M&R)

N89°59'07"W 95.02' (M&R)

N0°03'07"W 145.04' (M&R)

S0°02'38"E 145.04'

47.00'(P)

NEW PROPOSED CURB CONFIGURATION PER BECKETT & RAEDER INC.

NEW SIDEWALK / LANDSCAPING PER CITY OF PETOSKEY / BECKETT & RAEDER

EXISTING CURB CUT TO BE REMOVED

PARALLEL PARKING

LOADING ZONE

EXISTING HOUSE

8

architecture | planning | sustainable design
117 howard street, petoskey mi 49770 www.white-liebler.com 231-347-6870

[illegible]DRAWN BY: NAL
CHECK BY: NAL

PROPOSED ARCHITECTURAL SITE PLAN

SHEET NO .
A1.1



WHITE & LIEBLER

architects

architecture | planning | sustainable design
117 howard street, petoskey mi 49770 www.white-liebler.com 231-347-6870

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JOB NO.

2119C

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TRAMONTO PLAZA
202 E MITCHELL ST

202 E. MITCHELL ST.
PETOSKEY, MI 49770

EXISTING SITE PHOTOS

HEET NO. _____

A1.2

WHITE & LIEBLER
architects

architecture | planning | sustainable design
117 howard street, petoskey mi 49770 www.white-liebler.com 231-347-6870

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JOB NO.

2119C

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TRAMONTO PLAZA

202 E. MITCHELL ST.
PETOSKEY, MI 49770

EXTERIOR ELEVATIONS

SHEET NO.

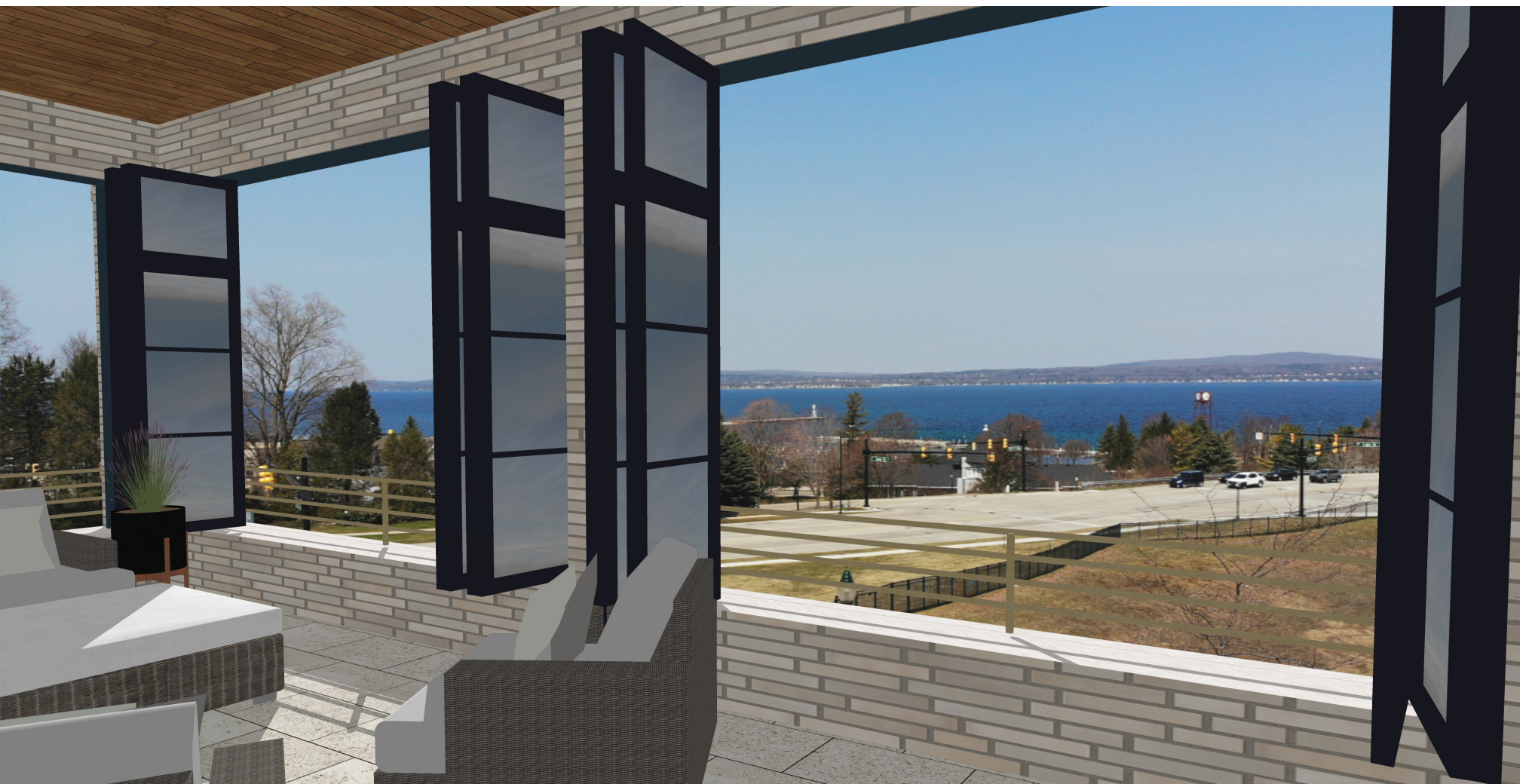
A7.1



SITE LOCATION MAP



SOUTH PERSPECTIVE



VIEW FROM UPPER BALCONY



MITCHELL ST. MAIN ENTRANCE



NORTHWEST PERSPECTIVE

TRAMONTO PLAZA

PETOSKEY, MICHIGAN

WHITE & LIEBLER
architects



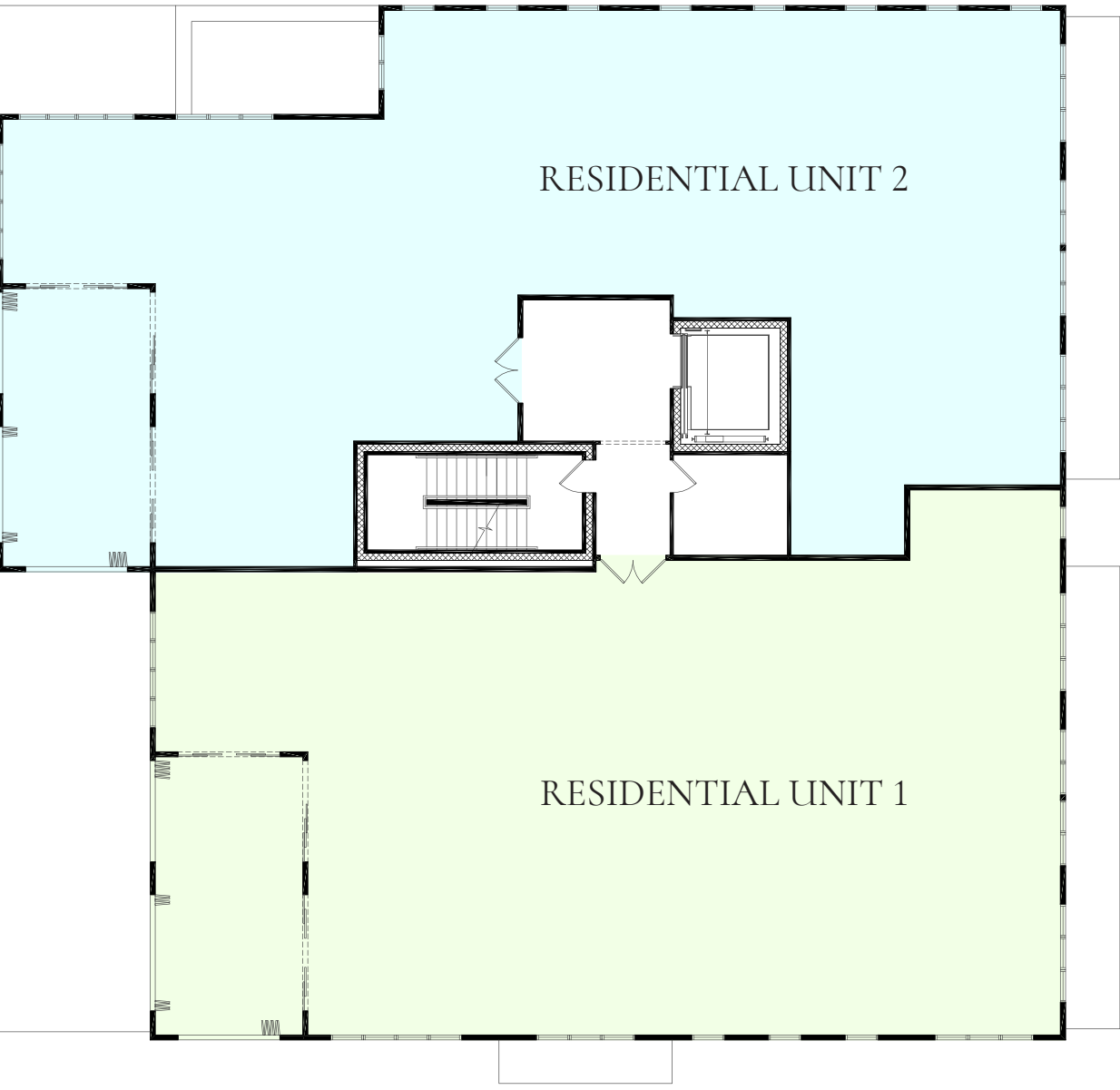
NORTHWEST PERSPECTIVE



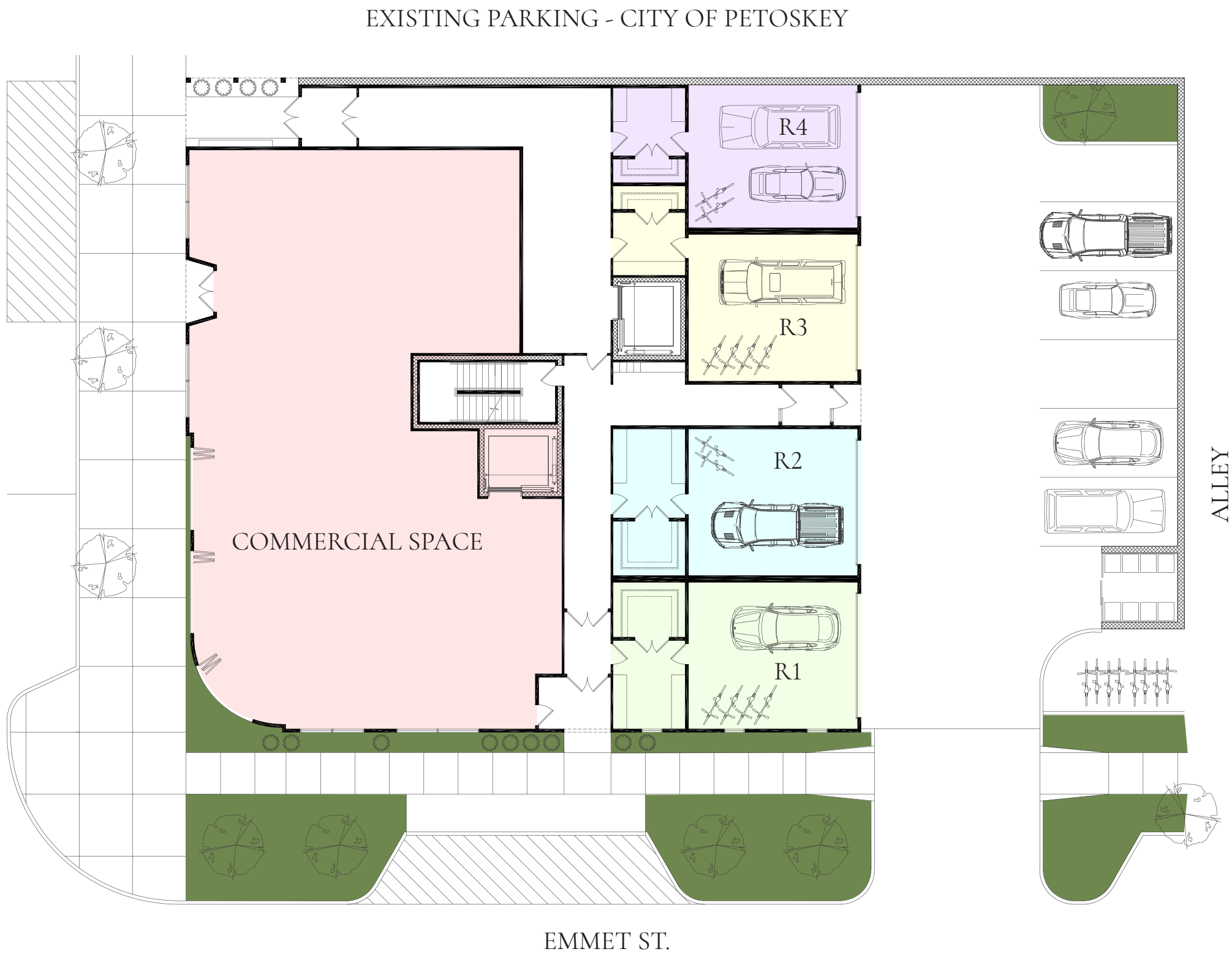
NORTHEAST PERSPECTIVE

TRAMONTO PLAZA

PETOSKEY, MICHIGAN



SECOND & THIRD FLOOR PLAN



MAIN LEVEL-STREET PLAN

WHITE & LIEBLER

architects

Haggard's
PLUMBING and HEATING
"Business of Quality and Service"
"Charlevoix-the-Beautiful"
haggardsinc@hotmail.com

OCT 22 2021
BY: *[Signature]*

October 19, 2021

Petoskey Zoning Board of Appeals
101 East Lake St.
Petoskey, MI 49770

Ref: Five (5) foot height variance for construction of a new building at 202 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 recourses in this time to either build 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



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: November 2, 2021

Case Number: 861

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

In Case #861, I move to (approve/ deny/ postpone action) a height variance of five (5) feet for 202 E. Mitchel 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 and that the proposed changes (*are/are not*) contrary to the intent of the ordinance.

ZONING BOARD OF APPEALS
2022 MEETING SCHEDULE

Meeting Date

Tues., Jan. 4

Tues., Feb. 1

Tues., March 1

Tues., April 5

Tues., May 3

Tues., June 7

Tues., July 5

Tues., Aug. 2

Tues., Sept. 6

Tues., Oct. 4

Tues., Nov. 1

Tues., Dec. 6