



ZONING BOARD OF APPEALS

Tuesday, October 5, 2021

1. Roll Call – 7:00 P.M. – City Hall Council Chambers
2. Approval of Minutes – September 7, 2021 Regular Meeting
3. New Business
 - a. Case #860 – Parking Variance for 120 E. Lake Street
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/83037245422>

Meeting ID: 830 3724 5422

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 7, 2021

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Council Chambers on Tuesday, September 7, 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

Absent: Mary Clinton
Scott Morrison
Jessica Shaw-Nolff

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

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

Upon motion and support, the minutes from August 3, 2021 regular meeting were approved 4-0.

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

Chairperson Pall informed the Commission that the applicant would like to postpone action until more board members could be present as a 4-0 vote would be required for approval of the variance request.

At this time, Board member Hinrichs made a motion, seconded by Board member Knibbs, to postpone action to a date to be determined.

Motion carried 4-0.

Chairperson Pall questioned whether a parking variance should be required since the property is not showing any off-street parking and felt the proposed multiple family use may be more intensive on parking than the previous office use. She also found that the Fair Housing Act does not require a barrier free ramp for locations with fewer than four units so wondered why it is being added.

Staff responded that because the most recent use was office, which has a higher parking requirement than residential use, she had not felt a variance was required. Staff also believes it was the direction of the Emmet County Building Department that the applicant was required to install a barrier free ramp.

Chairperson Pall commented that the property was originally residential in the 1970s when the area was not as developed and downtown offered more shopping opportunities that are not available now and asked the applicant to consider the comments made this evening prior to the special meeting.

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

Chairperson Pall informed the Commission that the applicant would like to postpone action until more board members could be present as a 4-0 vote would be required for approval of the variance request.

At this time, Board member Crockett made a motion, seconded by Board member Hinrichs, to postpone action to a date to be determined.

Motion carried 4-0.

Staff informed the Board of available meeting dates for the next two weeks and will confirm with absent board members to determine the best date to schedule a special meeting.

Public Comment

No public comments were received.

Updates

Staff informed the Board that they may see a variance request at their October meeting for a proposed medical marijuana provisioning center on West Mitchell Street and that no court dates have been set for the Corcoran and Frentz appeals.

The meeting was then adjourned at 7:13 P.M.



BOARD: Zoning Board of Appeals

MEETING DATE: October 5, 2021

DATE PREPARED: September 22, 2021

AGENDA SUBJECT: Case #860 – Parking Variance for 120 E. Lake Street

RECOMMENDATION: Consider the request

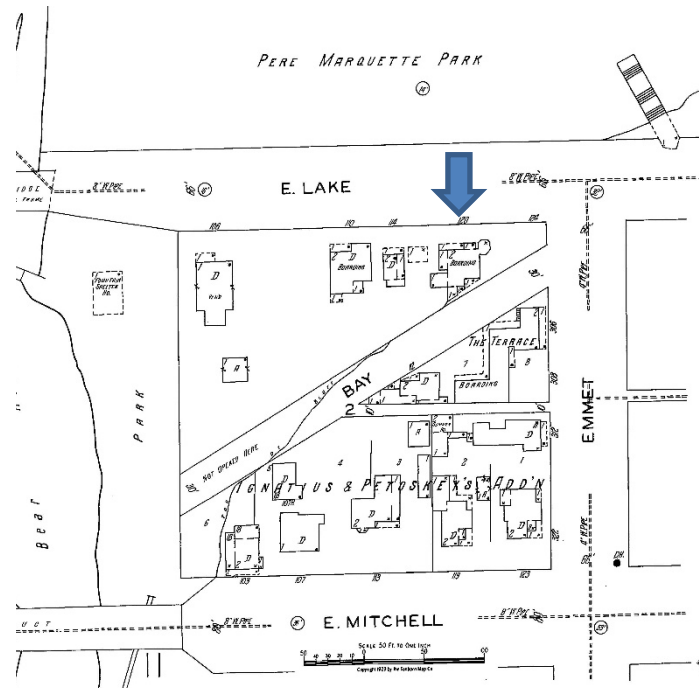
Background

At the September 7th Zoning Board of Appeals meeting, staff was questioned whether a parking variance was required for the property if no on-site parking was indicated. A variance for the required 12 parking spaces had not been granted when the building became an office.



At the chairperson’s request, staff consulted with the City Attorney who determined a variance request should be provided to the Board.

The building was most recently used as offices for Gaslight Media but was constructed as a dwelling and also served as a boarding house according to the 1907, 1919 and 1929 Sanborn Maps (image from 1929 Sanborn Map below) that shows the area before the highway was constructed.



In 2005, the City reconstructed this block of E. Lake Street and the remainder of W. Lake Street, which eliminated access to an area in the Bay Street right-of-way that had been used for parking by 120 E. Lake Street (image below from Case #763 regarding 114 E Lake). A bump out at the east end of the block was installed to keep cars distanced from the intersection.



Request

The new owners 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 5 parking spaces. As illustrated, there is no ability to have safe on-site parking so the request is for a variance of five (5) parking spaces.

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.

From: Ben Slocum <ben@beardsbrewery.com>
Sent: Tuesday, September 21, 2021 10:28 AM
To: City Planner <CityPlanner@petoskey.us>
Subject: 120 E. Lake Street ZBA comment

Hi Amy,

Just wanted to throw a comment in that I see this as a good thing. It seems like an appropriate property for a conversion from office to housing, and I don't foresee a parking variance being an issue with the change of use.

Cheers,

Ben

Benjamin K. Slocum
Managing Partner
Beards Brewery LLC



City of Petoskey

Office of City Planner

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MOTIONS BY THE ZONING BOARD OF APPEALS Variance Requests

In Case #860, I move to (approve/ deny) a parking variance of _____ spaces 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 1704(4)** of the Zoning Ordinance and that the proposed changes (*are/are not*) contrary to the intent of the ordinance.
