



ZONING BOARD OF APPEALS

July 12, 2022

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Council Chambers on Tuesday, July 12, 2022. Roll was called at 7:00 P.M.

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

Absent: Jim Knibbs

Others: Diana Guiney, Young & Meathe, LLC
Jim Meathe, Young & Meathe, LLC
Doug and Sheila Wright, 816 State Street
Gwen Wyatt, 211 West Lake Street

Staff: Zachary Sompels, City Planner
Shane Horn, City Manager

Upon motion and support, the minutes from the February 1, 2022 regular meeting were approved. Motion carried 6-0.

Chairperson Pall introduced new City Planner Zachary Sompels.

Case #865 – Request for Lot Coverage and Side-yard Setback Variances at 816 State Street

Staff explained that the request was for lot coverage and side-yard setback variances to allow for the expansion of an existing attached garage. The lot is a 5,174 square foot parcel and the existing structure is non-conforming to the setbacks. The ordinance requires the side-yard setback be a minimum of five feet on one side/15 feet for both sides and a maximum lot coverage of 35%. The current side-yard setback on the property is zero feet/15 feet and the applicant is requesting a zero feet/11-foot side-yard setback. The current lot coverage is 35.5% and the applicant, in his written application, was asking for 41% lot coverage.

The applicant, Don Wright, 816 State Street, stated that the principal change is to enlarge the existing garage four feet to the west and seven feet to the north to expand their one-and-½-car garage to a two-car garage, build additional living space above and clean up the rooflines of the home and garage. In the course of discussions, Mr. Wright went on to explain that changes had been made in their plans and the new proposed addition will not encroach further to the north as had been demonstrated on the site plan. Given this, new calculations equated to the same side-yard setback variance request but a new lot coverage calculation of 38.4%.

Board members discussed the items at hand.

Board members then reviewed the variance checklist.

- Discussion resulted in deciding that strict compliance with dimensional requirements of the zoning ordinance would still allow the property to be useable.
- The consensus on whether there was another way to accomplish the same purpose without a variance was that because the structure can go no further west, and the proposed addition had actually gotten smaller than previously presented, that there would be no other way to accomplish this project based on the size of the lot.
- Whether the need for a variance was due to a situation that is unique to the property and not generally found elsewhere in the same zoning district was discussed and ultimately decided that the narrowness of the lot was unique to the area and out of control of the applicant.
- Discussion on whether the granting of the variance would still uphold the spirit and intent of the ordinance resulted in a consensus that there were only comments of approval from surrounding neighbors and that the improved roof lines would be more consistent with the neighborhood.
- The consensus on whether the need for a variance was created by the applicant was that the house was constructed and additions were made long before the applicant purchased the home.

Board member Clinton made a motion, seconded by Board member Morrison, to approve a variance for lot coverage of 38.4% and combined side-yard setbacks of 11-feet to allow the construction of an addition based on the findings of fact in the agenda memo and the findings provided by the applicant that demonstrate there is a practical difficulty created by Section 1600 of the Zoning Ordinance due to the unusually small lot size. Motion carried 6-0.

**Case #864 – Request for a Rear-yard
Setback Variance at 212 West Mitchell Street**

Staff explained that the request was for rear-yard setback variance to allow for a two unit residential structure to be built. The proposed project would be unique in the City in that it would have two different allowable uses on one parcel, namely commercial and residential. The ordinance requires the rear-yard setback be a minimum of 20 feet. The current rear-yard setback on the property is zero feet. Staff also reviewed discussions with Public Safety and that the proposed distance in length between the two structures would meet their codes, but would be welcome to more space, if possible.

Jim Meathe, Young & Meathe, LLC, stated that the project is to demolish the existing non-conforming garage and construct a two unit residential structure. Mr. Meathe went on to explain that the structure will actually be closer to compliance than most structures in the area.

Board members discussed the items at hand

Board members then reviewed the variance checklist.

- Discussion resulted in deciding that strict compliance with dimensional requirements of the zoning ordinance would still allow the property to be useable for the current business portion.
- The consensus on whether there was another way to accomplish the same purpose without a variance was that this was an improvement on the current non-conformity and the applicant asked for the minimal allowable variance.

- Whether the need for a variance was due to a situation that is unique to the property and not generally found elsewhere in the same zoning district was discussed and ultimately decided that this is a very unique situation in the City with the two uses.
- Discussion on whether the granting of the variance would still uphold the spirit and intent of the ordinance resulted in a consensus that there were only comments of approval from surrounding neighbors and that the current setback situation was going to be an improvement.

- The consensus on whether the need for a variance was created by the applicant was that it was not.

Board member Clinton made a motion, seconded by Board member Morrison, to approve a variance for rear-yard setback of 8.5-feet to allow the construction of an addition based on the findings of fact in the agenda memo and the findings provided by the applicant that demonstrate there is a practical difficulty created by Section 1600 of the Zoning Ordinance. Motion carried 6-0.

Public Comment

No public comments were received.

Updates

Staff gave an update on the Frenz case that was still in the appeals court. Staff will also look into future training possibilities.

The meeting was then adjourned at 7:58 P.M.