



ZONING BOARD OF APPEALS

October 4, 2022

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Council Chambers on Tuesday, October 4, 2022. Roll was called at 7:00 P.M.

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

Absent: Mary Clinton

Others: Jeff Grantham, Grantham Building and Remodeling, LLC
Karla Sherman, 105 Division Street
Richard Smith, 115 Division Street

Staff: Zachary Sompels, City Planner

Upon motion and support, the minutes from the July 12, 2022 regular meeting were approved. Motion carried 6-0.

Case #866 – Request for Lot Coverage, Front-yard Setback, and Rear-yard Setback Variances at 510 Rose Street

Staff explained that the request was for lot coverage, front-yard setback, and rear-yard setback variances to allow for the tear down and rebuilding with expansion of an existing attached front porch and tear down and rebuilding onto the owners property, a rear addition. The lot is a 2,033 square foot parcel and the existing structure is non-conforming to the setbacks, as well as lot coverage. Additionally, the existing rear porch is six inches onto the neighboring property. The ordinance requires the front-yard setback be a minimum of 25 feet, a rear-yard setback of 35 feet and a maximum lot coverage of 30%. The current state of the property has a front yard setback of six feet, a rear yard setback of negative six inches, and a lot coverage of 49%.

Jeff Grantham, Grantham Building and Remodeling, LLC and applicant for the owners of 510 Rose Street, stated that the principal change is to rebuild the existing front porch slightly closer to the street and the full width of the house to allow proper use of the structure, while a tear down and rebuild of the rear addition onto their own property would allow for proper use while removing any inconvenience for the neighbor. It was because of these that the lot coverage variance would be required.

Chairperson Pall took public comments at this time.

Karla Sherman, 105 Division Street, spoke about her concerns with the property having previous issues with short term rentals and these improvements would only exacerbate the problem.

Richard Smith, 115 Division Street, made comments on how he thought these improvements could be done without a variance.

Board members reviewed the facts and discussed.

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 while a variance would be needed to rebuild the existing structure, the expansion of the deck the full length of the house was less of their concern.
- Whether the need for a variance was due to a situation that was unique to the property and not generally found elsewhere in the same zoning district was discussed and ultimately decided that the small size 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 permitting the fully requested variance would further encroach into open space and have a negative effect on site lines with the alley.
- 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 Hinrichs made a motion, seconded by Board member Morrison, to approve a variance for the front-yard setback to the existing six feet from the property line, the width of the house, 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 and the fact that the structure exists at that line currently. Motion carried 6-0.

Board member Knibbs made a motion, seconded by Board member Morrison, to approve a variance for the rear-yard setback to be at the lot line 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 and the fact that this is an improvement in setback from the current structure. Motion carried 6-0.

Board member Morrison made a motion, seconded by Board member Hinrichs, to approve a variance for lot coverage of 49.5% 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, the fact that they would be bringing the rear addition closer to setback compliance, and the fact that any structure built there would require variances of some kind. Motion carried 6-0.

Public Comment

No public comments were received.

Updates

Staff gave a report that they are working with Mr. Frentz on compliance of his illegal structure.

The meeting was then adjourned at 8:45 P.M.