



ZONING BOARD OF APPEALS

Tuesday, July 12, 2022

1. Roll Call – 7:00 P.M. – City Hall Council Chambers
2. Approval of Minutes – February 1, 2022 Regular Meeting
3. New Business
 - a. Case #865 – A side-yard setback and lot coverage variance request for 816 State Street
 - b. Case #864 – A rear-yard setback request for 212 West Mitchell Street
4. Public Comment
5. Updates
6. Adjournment



ZONING BOARD OF APPEALS

February 1, 2022

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Council Chambers on Tuesday, February 1, 2022. 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
Matt McSweeney
Scott Morrison
Jessica Shaw-Nolff

Absent: Jim Knibbs

Others: Tom Fothman, 908 East Lake Street (via Zoom)

Staff: John Iacoangeli, Interim City Planner
Alan Terry, Interim City Manager
Lisa Denoyer, Administrative Assistant

Upon motion and support, the minutes from the December 7, 2021 regular meeting were approved. Motion carried 5-0-1, with Board member Clinton abstaining.

Chairperson Pall introduced new board member Matt McSweeney and interim City Planner John Iacoangeli to the board.

Case #863 – Front Yard Fence Variance Request for 908 East Lake Street

Staff informed the Board that the applicant and owner of 908 East Lake Street, located at the southeast corner of East Lake and Ottawa Streets had requested a front yard fence variance to enclose the front and corner front yards. The main entrance to the house and the garage are accessed from Ottawa Street and separating the house and the garage is a small side yard patio with a decorative fence along Ottawa Street.

The applicant was advised by City staff that if the address of the house were changed to Ottawa Street that the fence proposed for the front yard would then be allowed as a corner front yard fence. If the address were changed to Ottawa Street this condition would still require, based on the Applicant's request, to have a variance granted for the Ottawa Street front yard.

Chairperson Pall informed the Board that the question of front yard fences had come up and the Board asked the Planning Commission to take it up for discussion and the end result was the amended ordinance language to allow corner front yard fences.

Board member Clinton asked if the change had been made recently. Chairperson Pall responded that it had been within the last five years.

Tom Fochtman, owner of 908 East Lake Street, informed the Board that the previous owner had planted a hedge around the house without a permit and that he had removed them after purchasing the home with plans to replace them with a fence. He was unsure why the house was addressed on East Lake Street and believes it should be addressed on Ottawa Street. He asked if a variance request could be allowed if the address were changed to Ottawa Street, to allow a fence along the Ottawa Street side of the property. He then informed the Board that he had been working with Harbor Fence Company and that he himself is a landscape architect.

Chairperson Pall reminded the Board that 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.

Board member Clinton commented that she had reviewed Section 1714 – Corner Clearance and she believes it speaks to why a front yard fence is not allowed.

Board member Shaw-Nolff referenced the diagram from the agenda memo that outlines where corner front yard fences are allowed.

Mr. Fochtman commented that the proposed fence would be two feet from the property line and approximately 14-feet from the curb.

Board member Hinrichs commented that he did not see any practical difficulty based on the site and that he believed the applicant could still have a substantial area fenced should he change the street address to Ottawa Street. While he could understand the desire for the space for pets and grandchildren, there is no practical difficulty for a variance.

Chairperson Pall stated that she agreed that she too did not see a practical difficulty and she believed a fenced in yard could be achieved without a variance.

Board members then reviewed the variance checklist and based on the information provided and discussion determined that strict compliance with the dimensional requirements of the zoning ordinance would not prevent the applicant from using the property for its permitted use, there is another way to accomplish the same purpose without a variance or with a lesser variance regardless of convenience or expense, the need for a variance is not due to a situation that is unique to the property and could be found elsewhere in the same zoning district, the variance would not uphold the spirit and intent of the ordinance and would not be fair to neighboring

properties, and the need for the variance was not been created through previous action of the applicant.

At this time, Board member Hinrichs made a motion, seconded by Board member Clinton to deny a variance request for a front yard fence at 908 East Lake Street based on the findings of fact in the submittal materials that demonstrate there is a lack of practical difficulty created by Section 1712 of the Zoning Ordinance and that the proposed changes are contrary to the intent of the ordinance and would cause substantial detriment to the public good or substantial impair to the intent and purpose of the ordinance. Motion passed 6-0.

Mr. Fochtman asked the board if it would help if the address were changed to Ottawa Street and if another variance request would be needed if the address were changed.

Chairperson Pall responded that if the address were changed the yard could be fenced from the front of the house on Ottawa Street to the rear of the property along Lake Street and no variance request would be needed so long as the request met the ordinance standards.

Public Comment

No public comments were received.

Updates

Chairperson Pall commented that she had received a brochure from Michigan Association of Planners offering virtual trainings and encouraged members to look into them and possibly attend as they are great educational opportunities.

Mr. Iacoangeli informed the board that Milton Township and Torch Lake Township would be holding an in-person training on the Essentials of Planning and Zoning on Saturday, March 5, 2022 and that he would send the information to staff to pass along to the Board.

The meeting was then adjourned at 7:28 P.M.



BOARD: Zoning Board of Appeals

MEETING DATE: July 12, 2022

DATE PREPARED: June 27, 2022

AGENDA SUBJECT: Case #845 – Requested Lot Coverage and Side-yard Setback Variances for the Construction of an Addition at 816 State Street

RECOMMENDATION: Consider the Variance Request



Source: Emmet County GIS,
Spring 2017 ortho photo

Background

The subject property is a 5,174 square foot parcel (61.6' x 84') near the southeast corner of Lockwood and State Street. The current house is non-conforming to almost all the setbacks, and located on the east side lot-line. The current lot coverage is 35.5%, which is slightly over the maximum allowed by the ordinance given the lot size. Due to supply chain/ contractor issues this project, which was approved in July 2020, never began construction and must come back to the Zoning Board of Appeals for potential approval.

Request

The applicant would like to build an addition to the garage that would include living space above. The addition would total 271 square feet, and would reduce the only side-yard setback from 15 feet to 11 feet. Fifteen feet is the combined minimum side yard setback in the R-2 Zoning District.

Table 1 Variance Request – 816 State Street

	R-2 District	Existing	Proposed	Resulting Variance
Front setback	25 feet or average of adjacent houses, whichever is less	6 feet	6 feet	-
Rear setback	35 Feet	18	18	-
Side/ side setback	One a minimum of 5 Feet/15 Feet total	0 Feet/ 15 Feet	0 Feet/11 Feet	4 Feet
Lot coverage for lot less than 7200 square feet	35%	35.5%	41%	5.5% (271 Square Feet)

The applicant's statement of practical difficulty is enclosed.

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 place or 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.

ZS

Dear Zoning Board of Appeals –

Thank you for all you do to keep our city beautiful and for your time and attention on our request for a variance to the zoning ordinance within the R-2 District of the City of Petoskey. Our family has owned this home on 816 State Street for 17 years and we have plans to keep it well into retirement and beyond. I think you'll see that our request falls within the spirit of the zoning rules and upholds the character of the community and neighborhood we love.

The reason for this request is two-fold. One, we would like to update, modernize and improve the entire exterior of the existing structure (no change to footprint). This project would include roofing, siding, and all new doors and windows. This project alone should significantly update the residence, improve the curb-appeal and value, and come at no inconvenience to any of the neighborhood residents. In short, the only outcome to the community would be a positive improvement.

The second portion of this request would require a small variance due to the practical difficulties associated with our exceptionally small lot (more on this later). With this portion of the project we would propose to expand the garage to the West by 4' feet and to the North by 7' to create a full two car garage and build additional living space over-top of the garage roof. The expansion to the North by 7' allows the architect to clean up all the over-the-years additions and mis-matched roof lines, resulting a very clean architectural look with only two main roof lines: one North to South, the other East to West. The result of this change will significantly improve the architectural appeal of the home from every angle, again creating a positive impact on the neighborhood.

The expansion of the garage footprint would create a need for two variances to zoning ordinance to be approved. The side setback on the West property line would be reduced from the current 15' to 11' and the total lot coverage would increase from the current 35% to 41%. (See attached Site Plan B)

To specifically address the practical difficulty mentioned previously, I would submit that due to the actual size of our lot being only 5174 sq. feet, while the zoning code requires a minimum of 7200 sq. feet, we have very little space to build and stay within the setbacks. If you consider the proposed build is 2105 sq. feet (increased from 1835 sq. feet), we would be at only 29% of a minimum lot size of 7200, requiring no variance. Also, with the width of our property at only 61.5', observing setbacks, leaves us with very little space to build East to West.

To address the items in the zoning ordinance checklist:

1. Will strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose?
 - a. Yes, strict observation all setbacks considering our current lot size would not only render the existing structure non-compliant, the remaining lot size would be almost unbuildable except for the smallest of structures.
2. Is there any way to accomplish the same purpose without a variance or with a lesser variance regardless of convenience or expense?

- a. No, there is no way to build a home with an attached two car garage on this property and observe the side set back on both sides. The remaining buildable lot would be 41' in width and a standard two car garage is 24', leaving only 17' for the home.
 - b. With regards to the addition to the North, 7' is required to match the existing roofline.
3. 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?
 - a. Yes, we have a lot that is significantly smaller than square footage required in the zoning minimum.
4. If granted, will the variance uphold the spirit and intent of the ordinance and be fair to the neighboring properties?
 - a. Yes, moving further North would put no hardship on any of the neighbors and moving 4' to the West would put very little to no hardship on our immediate neighbors to the West.
5. Has the need for the variance been created through previous action of the applicant?
 - a. No, we have done no significant remodeling or additions to the home in the 17 years we've owned it.

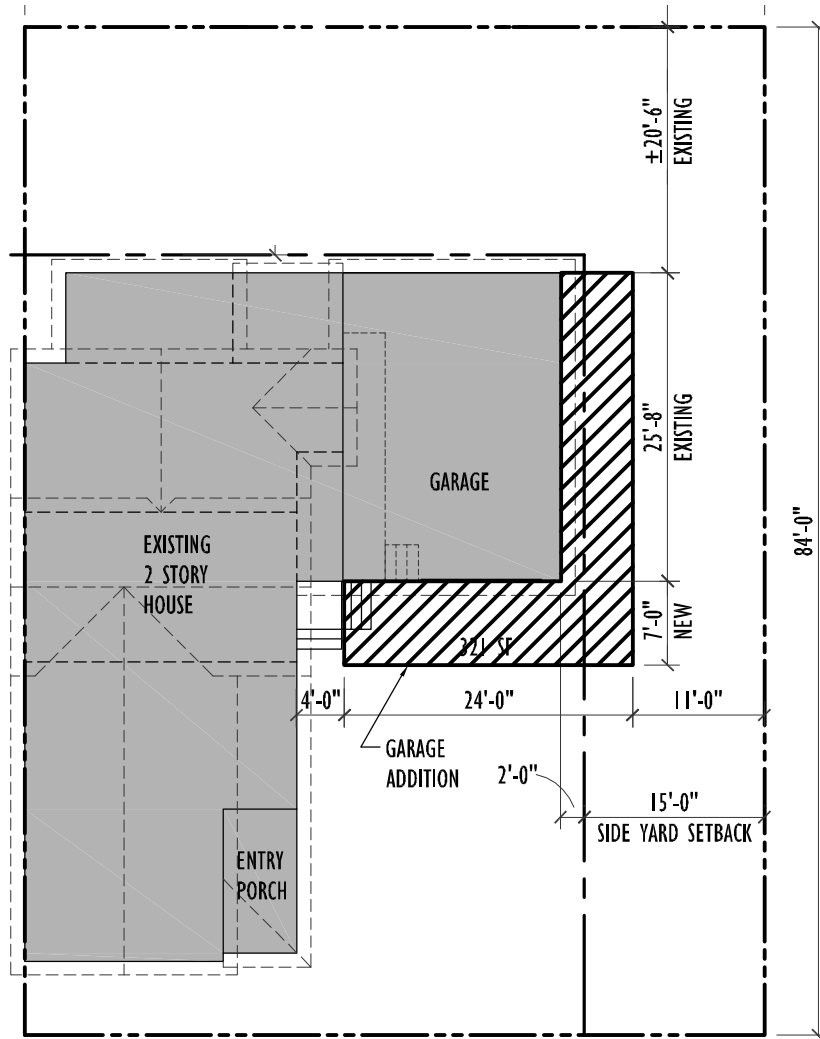
In summary, the zoning ordinance is designed for a lot that is at least 7200 sq. feet, 2000+ sq. feet larger than our small space. That leaves us almost no options and a significant practical difficulty in improving the property. Please grant our request for a variance to the City of Petoskey Zoning Ordinance.

Thank you in advance for your time and attention to this matter.

Sincerely,

Donald and Sheila Wright

816 State Street, Petoskey



01	
-	-

SITE PLAN 'B'

1/16" = 1'-0"



LOT AREA: 61.6' x 84' = 5174 SF
MAX. LOT COVERAGE = 1811 SF (35%)
ACTUAL LOT COVERAGE = 1835 SF + 271 SF (41%)

ZONING REQUIREMENTS
VERIFY W/ CITY OF PETOSKEY
ZONING DISTRICT = R-2
MINIMUM LOT WIDTH = 60'
MINIMUM LOT AREA = 7,200 SQFT
MAX. HT. OF STRCT. = 2.5 STORIES (25')
SETBACKS: FRONT = AVG. SETBACK WITHIN 150'
REAR = 35'
SIDE = 5' (ONE) / 15' (TOTAL OF TWO)
MAX. LOT COVERAGE = 35% (LESS THAN 7200 SF)

SITE PLAN

RESIDENTIAL + RESORT + COMMERCIAL

LIPCHIK
ARCHITECTURE

250 Meadow Lane + Petoskey, MI 49770 + 231.330.6894

DRAWN BY:

M.J.LIPCHIK

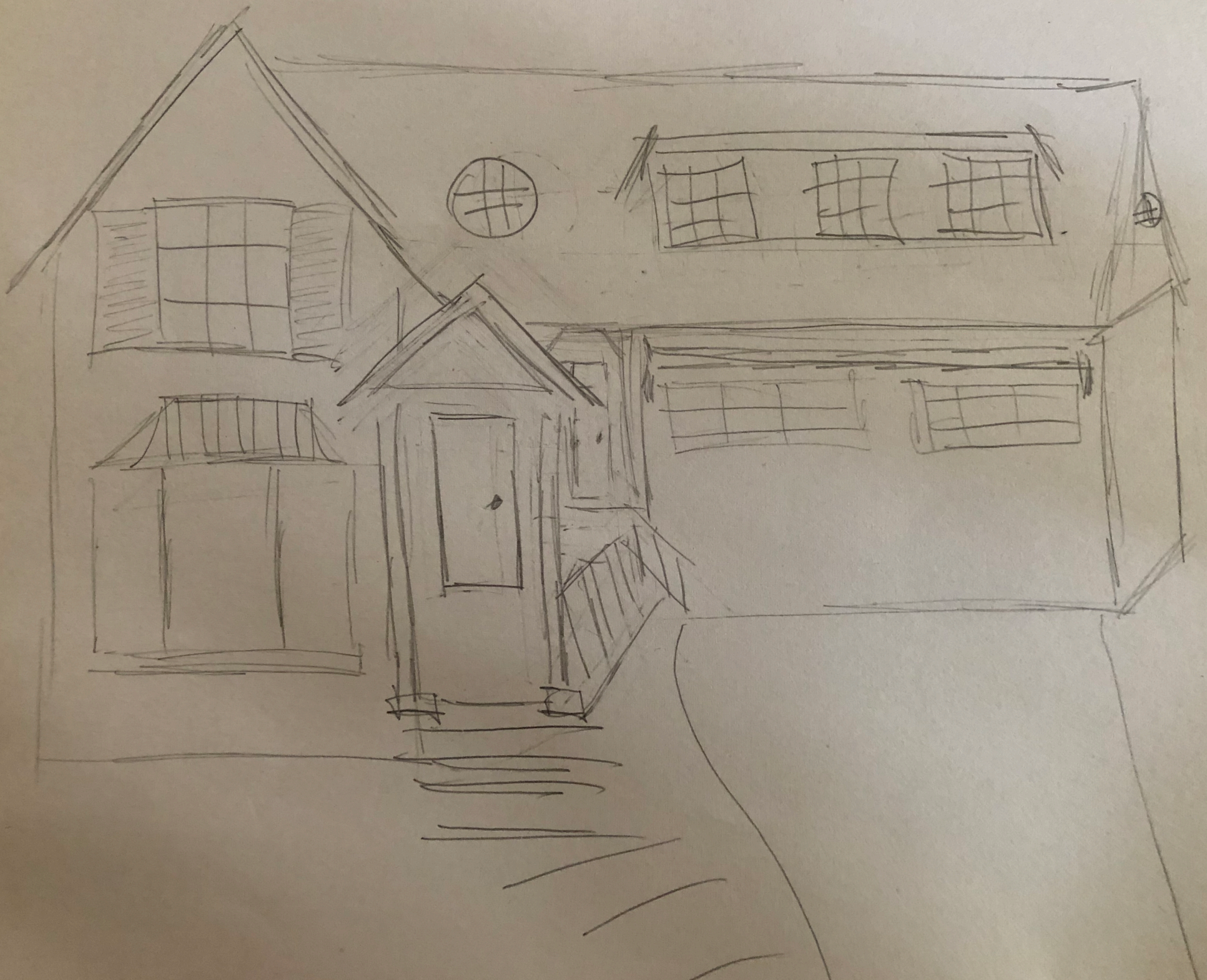
11.29.17

WRIGHT RESIDENCE

816 STATE STREET, PETOSKEY, MICHIGAN

PRELIMINARY







THE WRIGHT HOME
816 STATE STREET, PETOSKEY, MI
JUNE 2020

From: paul.w.anderson <paul.w.anderson@sbcglobal.net>

Sent: Tuesday, June 28, 2022 8:49 AM

To: City Planner <CityPlanner@petoskey.us>

Subject: 816 State St. Variance

Just want to let you know that we are in favor of the proposed variance for Don and Sheila's house at 816 State St. Our house on Grove St. backs right up to theirs. We see this as a favorable improvement that will help in the aesthetics and property values for all around them.

Thanks

Paul and Joanne Anderson

815 Grove St.

Sent from my Verizon, Samsung Galaxy smartphone

817 State Street
Petoskey, Michigan 49770
July 5, 2022

Zachary Sompels, City Planner
City of Petoskey
101 East Lake Street
Petoskey, Michigan 49770

Dear Mr. Sompels:

In response to the City of Petoskey's notice of June 24, 2022, that the Zoning Board of Appeals on July 12 will consider the request of Donald and Sheila Wright for a variance from zoning ordinance provisions that would allow exceeding the maximum lot-coverage area and reduce a side-yard building-line setback to permit construction of an addition to their home at 816 State Street, I am writing to report that, as property owners and neighbors across the street from the Wrights' residence, neither my wife Brenda nor I object to this regulation-variance request and remain supportive of the project that has been proposed by Mr. and Mrs. Wright. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Korthauer", written in a cursive style.

George Korthauer



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: July 12, 2022 Case Number: 865

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.			



City of Petoskey

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MOTIONS BY THE ZONING BOARD OF APPEALS Variance Requests

I move to (approve/ deny) **a variance for lot coverage of 41% and combined side-yard setbacks of 11 feet to allow the construction of an addition at 816 State Street,** 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

that demonstrate there is a (practical difficulty/ lack of practical difficulty) created by **Section 1600** of the Zoning Ordinance due to:



BOARD: Zoning Board of Appeals

MEETING DATE: July 12, 2022

DATE PREPARED: June 27, 2022

AGENDA SUBJECT: Case #864 – Requested Rear-yard Setback Variance for the Construction of a Two-family Residence at 212 West Mitchell Street

RECOMMENDATION: Consider the Variance Request



Source: Emmet County GIS,
Spring 2017 ortho photo

Background

The subject property is a 11,325 square foot parcel on the north side of West Mitchell Street between Liberty Street and Wachtel Avenue. The current business sits near the front (south) part of the property in the B-3 Zoning District. This request is unique because residential uses are permitted in this district but fall under B-3 ruling for setbacks (20 foot rear setbacks). While building code and fire code have few regulations on distances between buildings, pending proper fire wall installation, ample room for public safety officers to work between buildings is always welcome.

Request

The applicant would like to build a two-family residence behind the business at 212 West Mitchell Street. The structure would total 1,300 square feet (not including the deck), and would reduce the rear-yard setback from 35 feet to 11.5 feet.

Table 1 Variance Request – 212 W Mitchell Street

	B-3 District	Existing	Proposed	Resulting Variance
Rear setback	20 Feet	0	11.5	23.5

The applicant's statement of practical difficulty is enclosed.

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 place or 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.

ZS

WALLOON VENTURES

212 W Mitchell Street
Petoskey, MI 49770

Business: 231.487.1817
Fax: 231.487.1816
Cell: 231.838.6668
diana@youngandmeathe.com

July 5, 2022

City of Petoskey
Zoning Board of Appeals
101 East Lake Street
Petoskey, MI 49770

Re: Townhouse Project 212 W Mitchell Street

Dear Zoning Board of Appeals,

Thank you for taking the time to review the proposed new duplex we hope to build. As with the home you approved to build at 317 Liberty Street, this duplex will be a dramatic visual improvement in the neighborhood.

You will note that the proposed house has improved its setbacks on both the side and the front (i.e. alley). The east side is now conforming and the side facing the alley is 11.5' off the property line as opposed to approximately 2' previously. Additionally, the proposed home is setback dramatically more than other houses in the neighborhood.

Below are responses to the zoning checklist:

1. Will strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose?
 - a. Yes. We would be unable to have the outside deck which would render the project cost prohibitive.
2. Is there any way to accomplish the same purpose without a variance or with a lesser variance regardless of convenience or expense?
 - a. No. The project would then not be feasible.
3. 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?
 - a. Yes. There is an alley behind the house that creates a setback that will not accommodate the house
4. If granted, will the variance uphold the spirit and intent of the ordinance and be fair to the neighboring properties?
 - a. Yes. We have improved setbacks with all neighbors
5. Has the need for the variance been created through previous action of the applicant?
 - a. No.

We appreciate your time and consideration of our project.

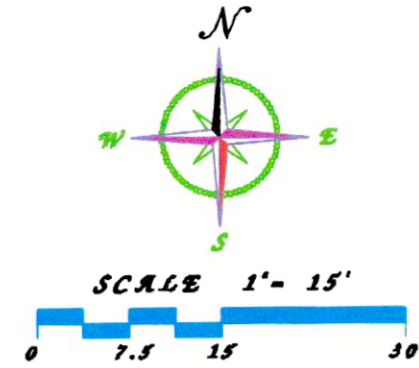
Respectfully,

James Meathe



PRELIMINARY SITE PLAN
YOUNG & MEATHE PROPERTY

LOT 18 AND PART OF LOTS 11, 12, 13, 14 & 17, WACHTEL'S QUINLAN & McCARTY'S ADDITION TO THE CITY OF PETOSKEY, SEC. 6, T34N, R5W, EMMET COUNTY, MICHIGAN.



LEGEND

- PREVIOUSLY FOUND SURVEY MARKER AS NOTED
- PREVIOUSLY SET 5/8" REOD THIS SURVEY
- PROPERTY LINE
- BUILDING ENVELOPE (SETBACK LINE)
- FENCE
- TREE HARDWOOD (AS DESCRIBED)
- TREE CONIFER (AS DESCRIBED)
- ELECTRIC BOX
- POWER POLE
- CURBSTOP
- CLEANOUT
- GAS METER
- UNDERGROUND ELECTRIC FROM FLAGS

GENERAL NOTES:

UNDERGROUND UTILITY LOCATIONS SHOWN ON THIS PLAN SHALL BE CONSIDERED APPROXIMATE. CALL MISS DIG (3) FULL WORK DAYS PRIOR TO EXCAVATION.

NO NEW HARD SURFACE ADDED.

STORM SEWER STRUCTURES AND PIPE SHALL BE INSPECTED AND CLEANED OUT ANNUALLY AS NEEDED TO MAINTAIN PROPER FUNCTIONALITY.

THE SANITARY SEWER SERVICE, WATER SERVICE, STORM DRAINAGE STRUCTURES IF ANY SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF PETOSKEY SPECIFICATIONS AND REQUIREMENTS.

THE OWNER SHALL OBTAIN PERMITS FROM THE CITY OF PETOSKEY FOR/IF REQUIRED FOR THE PROPOSED WORK.

No current field work was done for the preparation of this map. Existing planimetric data was taken from work done in 2019 for Meathe and in 2000 for Natures Garden and may or may not reflect current field conditions.

The property description was furnished, and no check of title relative to ownership, gaps, overlaps or occupation has been performed as part of this sketch.

Bearings and distances shown on this map were taken from a survey by R.E. Oelke, PS #33983, for Natures Garden, dated 9 Jan. 2001.

This is a professional opinion concerning the location of the property boundaries depicted hereon, based upon the appropriate boundary law principles governed by the facts and evidence gathered and evaluated during the course of this survey. Monuments, that in the opinion of this surveyor represent the true and correct corners of the property being surveyed, have been found or set as indicated hereon. As a professional opinion, this survey carries with it no guarantees or warranties, expressed or implied.

SITE NOTES:

SITE ZONING: B-3
SITE AREA: +/- 11,580 SQ.FT.
ZONING SETBACKS: FRONT = 20'
SIDE = 0' OR 10'
REAR = 20'] VERIFY WITH CITY

EXISTING USE: EXISTING COMMERCIAL BUILDING
PROPOSED USE: RESIDENTIAL DUPLEX HOUSE

PROPOSED NEW DUPLEX AREA = 1,300 SF
PROPOSED TOTAL BUILDING AREA = 3,265 SF

PROPOSED BUILDING COVERAGE: 28% TOTAL

PARKING PERMITTED IN YARD AREAS, REQUIRED: per ZONING

PARKING PROVIDED: 7 SPACES Incl. 1 Barrier Free

TREES REQUIRED: 1 per 10 SPACES = 1 TREE
TREES PROVIDED: See Landscape Plan

WATER: CONNECT TO CITY WATER

SEWER: CONNECT TO CITY SEWER

SOILS: USDA KaB (Kalkaska) SAND WELL DRAINED

SIGNAGE: IF ANY, SHALL CONFORM w/ SIGN & LIGHTING COMMITTEE GUIDELINES

LIGHTING: IF ANY, SHALL CONFORM w/ SIGN & LIGHTING COMMITTEE GUIDELINES

VERIFY WITH CITY
ZONING REQUIREMENTS

ZONING DISTRICT = RM-2
MINIMUM LOT WIDTH = LOT OF RECORD
MINIMUM LOT AREA = 5,000 SQFT
SETBACKS: FRONT = 25'
REAR = 35'
SIDE = 10'

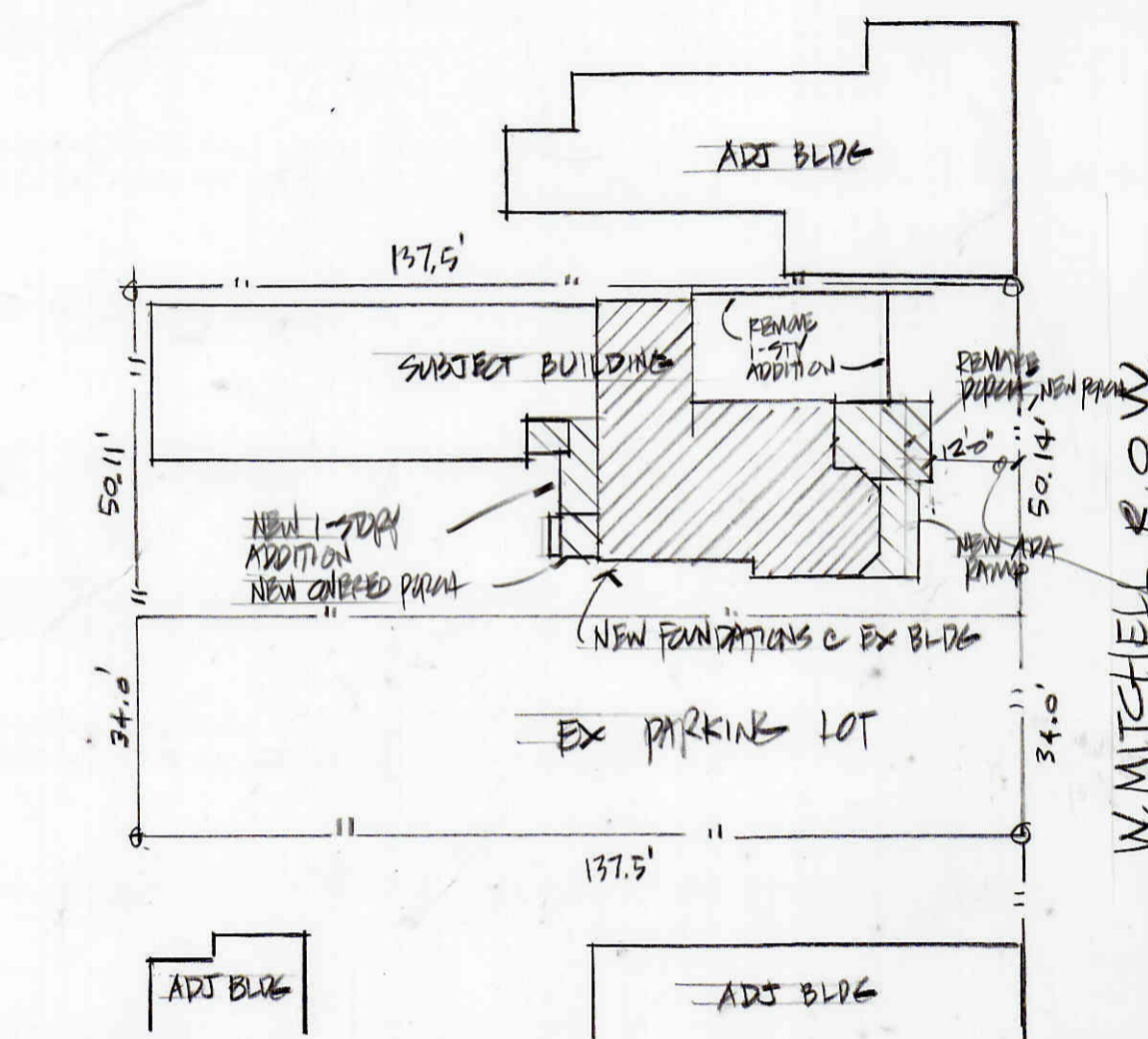
ZONING DISTRICT = B-3 GEN. BUSINESS
MINIMUM LOT WIDTH = LOT OF RECORD
MINIMUM LOT AREA = LOT OF RECORD
SETBACKS: FRONT = 20'
REAR = 20'
SIDE = 0' OR 10'

Date: (revisions)	by
19 APRIL 2022	
3 May 2022	
12 May 2022	

Client : YOUNG & MEATHE
Project Mgr : R.E. OELKE
Drawn By : REO
Field By :
File : R19211.CXD
Job # : 19-211
Sheet # : 1 of 1

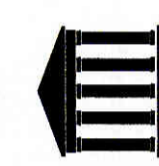
BENCHMARK ENGINEERING INC.
SURVEYORS & CIVIL ENGINEERS

607 E. LAKE ST.
HARBOR SPRINGS, MICHIGAN 49740
PHONE (231) 526-2199
FAX (231) 526-7257
benchmark@bharrierinternet.com



USE EQUIP. B
ZONING = B3 RESIDENTIAL BUSINESS
CODES: MAR 2017, APA 2017, NFPA 1013
BUILDING HT: 6 STORIES
BUILDING AREA = 7181 SF
BASEMENT (GRADE ONLY) - 1110 SF
FIRST FLOOR - 1309 SF
SECOND FLOOR - 763 SF
OCCUPANCY TYPES:
- BASEMENT, FIRST FLOOR - B
- SECOND FLOOR - R2
CONSTRUCTION TYPE = VB (CONSPRINKLED)
FIRE RATED WALLS/DOORS:
- SECOND FLOOR - 2HR
- FIRST FLOOR DOORS - 2 HR OR AUTOMATIC
OCCUPANT LOAD:
- BUSINESS = 11 P. (2 V100)
EGRESS TRAVEL = 675 FT.
STRUCTURAL LOADS:
- DEAD LOADS - 60 PSF
- RESIDENTIAL 40 PSF
- MICHIGAN - 100 PSF
- WIND - 70 PSF
- WIND - 115 MPH, RISK CAT III.

PRESLEY ARCHITECTURE LLC
325 E. Lake Street, Petoskey MI, 49770
www.presleyarchitecture.com 231 347 9887



FOUNDATION PLAN FOR YOUNG AND MATURE
212 W. MIDCHELL, PERDKEY, ME 19770

COMPLETED: 2-1-15

1 of 4
SHEET

From: David Carlson <davecarlson@kiddleavy.com>
Sent: Monday, June 27, 2022 1:30 PM
To: City Planner <CityPlanner@petoskey.us>
Subject: Zoning Board of Appeals, 212 W Mitchell, Young Meathe

I am unable to attend the Zoning Board of Appeals meeting July 12th, but I am writing in support of Young and Meathe; as a nearby property owner, I encourage the board of appeals to grant the variance requested.

Sincerely,

David Carlson
231-342-3317

420 Wachtel Ave, Petoskey, MI



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: July 12, 2022

Case Number: 864

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.			



City of Petoskey

Office of City Planner

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500

MOTIONS BY THE ZONING BOARD OF APPEALS Variance Requests

I move to (approve/ deny) **a variance for a rear-yard setbacks of 11.5 feet to allow the construction of an two-family residence at 212 West Mitchell Street,** 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

that demonstrate there is a (practical difficulty/ lack of practical difficulty) created by **Section 1600** of the Zoning Ordinance due to:
