



ZONING BOARD OF APPEALS

January 6, 2015

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Community Room on Tuesday, January 6, 2015. Roll was called at 7:00 P.M..

Present: Noah Marshall-Rashid, Chair
Michael Karr
Jim Knibbs
Gary Lemieur
Lori Pall
Clark Smith

Absent: Norm Nasson, Alternate

Staff: Amy Tweeten

Also Present: Mary Margaret Hornbaker, 623 State Street
Joseph and Aida Schodde, 627 State Street
Nick White, 117 Howard Street, 627 State Street
Eric Zwago, 627 State Street

Upon motion made and supported, the minutes of the October 7, 2014 Zoning Board of Appeals meeting were approved.

Case #807 a requested lot-coverage variance

Staff summarized the request. Nick White, representative of the property owner, then noted that the request is to allow a single car garage to have trash and vehicles stored inside, particularly in the winter. He noted the lot size as half of district requirement as a practical difficulty and that the request was scaled back from what had been requested for a garage previously. He believes a variance in this case will uphold the intent of the ordinance as the house will still meet the side-yard setbacks and allow items to be stored inside and out of view.

Joseph Schodde, property owner, stated the objective was to have a garage that could house their son's scooter. Aida Schodde said the lot was small, but that was what they liked about the house as it was more manageable for their son.

Mary Margaret Hornbaker and Bob Bystrom, 623 State Street, stated they supported the request and that a garage would get vehicles off the street in the winter.

Chairman Marshall-Rashid then closed the public hearing and opened board member discussion.

Board member Karr asked staff about alley access, to which she replied the property did not have access to the alley, but was one lot south of the alley.

Board members then went through the dimensional variance checklist.

- Will strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose?

Board member Karr noted his surprise that the property not only didn't have a garage, but did not have a driveway to get a vehicle off the street, and that this situation makes it difficult for a residence so tends to support the variance. He also noted a garage would provide cover for vehicles and other items. He also noted that an "off street parking" requirement is a requirement of most new developments and the proposed garage would help address the current lack of off street parking.

Board chairman Marshall-Rashid replied that a covered garage is not necessary, and a driveway would accomplish the same thing although it may not be the most desirable solution for the property owner, it is a possible solution.

- Is there a way to accomplish the same purpose without a variance or with a lesser variance regardless of convenience or expense?

Board member Knibbs stated that he believes this request supports the variance because it is a lesser request than what the owner had previously requested. Board member Pall agreed.

- 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?

Board member Smith replied that the lot is unique due to the size, which supports the variance request. Board member Karr questioned whether the uniqueness of the lot area should be judged based upon the immediate neighborhood or the R2 district as a whole. He considered the half lot unique for the immediate neighborhood while not necessarily unique for other residential parts of the city where undersized lots occur with greater frequency. Board chairman Marshall-Rashid noted there were a significant number of other small lots in the immediate vicinity so it was not unique, to which Board member Pall replied that the other small lots have garages.

- If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties?

Board member Karr stated that the purpose of lot coverage ratios is to not over-build a lot and noted that the size of the coverage at 40% was 1,454 square feet, while 2,160 square feet is an allowed coverage in the R2 District so felt the request upheld the spirit and intent of the ordinance.

Board member Pall also felt that the scale of the request as a single-story, single car garage upheld the scale of the neighborhood.

- Has the need for the variance been created through previous action of the applicant?

Board members did not believe a previous action of the applicant created the need for a variance.

Board member Karr asked the applicants whether they were aware that using up the backyard with a garage would limit their ability to have a fenced yard. The Schoddes replied that they did not have concerns with reducing the area a fence could be installed. Discussion on possible conditions of approval followed.

At this time, board member Knibbs made a motion to approve the variance request as submitted based on the practical difficulty that the lot is half the district size and non-conforming to the front-yard setbacks. The motion was supported by board member Lemieur.

Board member Karr asked for an amendment to the motion to state the approval was for a single-story garage for vehicle storage with condition that no second story expansion be allowed. Board members Knibbs and Lemieur agreed to the amendment.

A roll call vote was then taken on the following motion:

To approve a 10.1% lot coverage variance as submitted, being a single-story garage addition for vehicle storage with condition that no second story expansion be allowed, based on the practical difficulty of the lot being half a standard R2 lot and non-conforming to its setbacks.

With the result 5-1, with Marshall-Rashid voting against the motion.

Updates

Staff updated the board on work the Planning Commission is taking to review the lot coverage and setback standards in the single-family districts as these are the most common variance requests.

Minutes reviewed by Michael Karr, Secretary