



ZONING BOARD OF APPEALS

September 1, 2015

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Community Room on Tuesday, September 1, 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: Joseph Richardson, 4055 Powers Road, Alanson
Hershel and Jennifer Moss, 500 Rose Street
John Fershee, 510 Rose Street
Student

Upon motion made and supported, the minutes of the July 7, 2015 Zoning Board of Appeals meeting were approved.

Case #810 A request for lot coverage and corner-front yard setback variances to allow the construction of a porch at 500 Rose Street

Staff summarized the variances needed to allow the construction of a front porch.

Joseph Richardson, applicant and owner's representative, explained that there had been a porch previously that had been removed. The practical difficulty was that the lot was sloped in the front yard which made it difficult to enjoy the view and that it would be difficult to reshape the lot, which would require a retaining wall. He also noted a porch would help with weather protection for the house.

Hershel Moss, owner, explained that they plan to move into the house from Ann Arbor and that the neighbors were supportive of the request. He stated the porch is important because of the sloped yard it is difficult to get their mother into the house. He believes the porch will add value to the property and the neighborhood.

Discussion was then taken to the Board. Board member Pall asked about the setback calculation and staff explained that the houses within 150 feet on the same side of the block were used for the estimation.

Board members then went through the variance checklist

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

Board member Clark stated that the lot is non-conforming. Board member Karr did a calculation that if the lot went all the way to the alley, the house would still be over allowable lot coverage.

Marshall Rashid re-read the question and stated that the permitted purpose of the property is residential so the ordinance requirement does not prohibit the applicant from using the property.

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

Board members agreed there was no way to put on a porch without a variance.

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?

Board member Pall stated that the slope of the lot as a corner lot made it a unique property. Marshall Rashid asked what the slope had to do with the lot coverage.

Board member Clark stated that the house had a porch at one time.

Board members discussed whether the lot size was unique, with clarification that it may be unique to the block – although not one-of-a-kind – but not to the zoning district.

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

Board members noted that the neighbors are supportive of the request and that the porch would bring back the original architectural character. There was then discussion of the previous lot coverage variance granted for this property (2002), with board member Karr stating that this variance would be less visually impactful.

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

Board members stated that the need for the variance wasn't created by this applicant, but by actions of previous owners that removed the porch and added the attached two-car garage.

Board chairman Marshall-Rashid emphasized that the request is for a lot coverage variance which will increase the already non-conforming status and that the variance is not needed to achieve the purpose of the structure which is residential.

At this time, Board chairman Marshall-Rashid asked for a motion and a clarification on the checklist. Staff did not believe that all five items had to support the request, but that if a majority did not support the granting of a variance, the vote should be negative. Board member Knibbs responded that each

case should be taken on a case by case basis and there are often more variables than the items on the checklist.

A motion was then made by board member Knibbs to approve the variance request based on the practical difficulty of an unusually small lot. Support for the motion was by board member Lemieur.

Upon roll call vote, the motion carried 5-1, with member Marshall-Rashid voting against the motion.

Updates

Staff provided an update on the 415 Liberty case and the misinterpretation that there was a non-conforming use rather than a non-conforming structure.

The meeting adjourned at 7:47 P.M.

Minutes reviewed by Michael Karr, Secretary.