



ZONING BOARD OF APPEALS

January 5, 2016

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Community Room on Tuesday, January 5, 2016. 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: Valentino Trabucchi, 6008 Trillium Trail, Harbor Springs
Robin Morris, 7769 Indian Garden, Petoskey
Mike Lambert, 107 Rosedale, Petoskey
Becky Goodman, City of Petoskey DMB
Pete Platte, 2525 Old State Road, Boyne City

Due to inconsistencies, approval of the minutes included in the packet were postponed.

**Case #811 An Administrative Review Appeal
of Building Use At 215 East Lake Street**

Chairman Marshall-Rashid gave an overview of the request and then asked the applicant to detail the appeal.

Val Trabucchi summarized his appeal noting that while the existing restaurant is the main floor, the request to convert the back portion of the building main floor into residential is logical given that the back portion is not a true first story. He then stated that the property goes with the B-2A Transitional Business District reading the district intent. He explained that the building has parking underneath; that he would be maintaining a commercial use on East Lake Street and would be adding a storefront entrance; that the existing building entrance was not at grade; that US-31 and East Lake Street is one of the busiest intersections; and that commercial uses were not viable on the Bay Street frontage of the building. Mr. Trabucchi stated that he wants to live in one of the units and is appealing for justice to be done. He believes that the building is a one-of-a-kind.

Robin Morris, building owner, stated that her plan was to retire and close the restaurant. She noted that as the building had been on the market for two years, the likelihood of it being purchased as a restaurant was small and she would not like to see another vacant building downtown.

At this time, board discussion began, with the chairman noting that what was before them was an administrative review of a zoning administrator determination. Chairman Marshall-Rashid then summarized the definition provided in the agenda memo for ground or first floor.

Board member Karr noted that while the building is unique, it is not the only downtown building with grade issues as several buildings on East Lake and East Mitchell have a story of difference between the street façade and alley façade. He has a concern that given the number of building with grade issues that approving this appeal would be precedent setting. He does not believe the intent of the ordinance is to have the rear of storefronts converted to residential use. He believes the long-view should be taken and that while this building may be challenging for a restaurant today, when 200 East Lake Street develops this will be prime commercial space that would be lost by converting it to two residential units.

Board member Pall agreed that there are many buildings with the same grade issues, particularly on East Lake Street.

Board member Smith agreed stating it was not the ZBAs place to write the zoning ordinance.

Chairman Marshall-Rashid stated that he had visited the address and believed that the main floor was a main floor and the lower level was a garage.

Mr. Trabucchi noted that there was not a B-2A five years ago and asked why it was created. Staff explained the reasoning behind the B-2A for the properties north of Bay Street as there were already several residential structures in this section, that the character of the area was different than the remainder of the B-2 Central Business District. Mr. Trabucchi then questioned whether the space on Bay Street could be used for commercial purposes to which staff replied it could.

Becky Goodman then spoke, not on behalf of the Downtown Management Board (DMB), but as a downtown development professional. She stated that downtown residential is something the DMB advocates for and the two grade level residential condos Mr. Trabucchi proposed would contribute to that goal. Ms. Goodman also stated having a new commercial entry on East Lake Street would help other retail businesses.

Chairman Marshall-Rashid asked the board if they were ready to make a motion.

A motion was then made by board member Pall with support by board member Karr to affirm that the zoning administrator decision was correct. Upon roll-call vote, the motion carried 6-0. The appeal to alter the zoning administrator's decision was therefore denied.

Updates

Staff noted that the porch work for which the variance at 500 Rose Street had been granted had not yet begun.

The meeting adjourned at 7:31 P.M.

Minutes reviewed by Michael Karr, Secretary.