



ZONING BOARD OF APPEALS

September 6, 2016

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Community Room on Tuesday, September 6, 2016. Roll was called at 7:00 P.M.

Present: Noah Marshall-Rashid, Chairman
Ben Crockett
Michael Karr
Jim Knibbs
Lori Pall

Absent: Norm Nasson
Clark Smith

Staff: Amy Tweeten

Also Present: Mike Pattullo, 8 Pennsylvania Plaza
Dana Andrews, 722 E. Lake Street

Upon motion and support, the minutes of the May 3rd meeting were approved with corrections to page 5.

Case #816 A Requested Height Variance

For 416 E. Mitchell Street

Chairman Marshall-Rashid asked staff to provide an overview of the case. Mike Pattullo, owner representative then provided a summary of the plans provided with the packet, noting that this was an infill project to add two stories to the existing one-story structure. The need for the variance is due to the height of the existing building, which is to be reused and incorporated into the proposed design. This results in an 18 foot floor to floor height between the first and second story and creates a hardship when attempting to add a second and third floor while respecting the 40' height limit. Mr. Patullo discussed options they considered to design a building that is proportionate to the adjacent buildings while attempting to stay as close as possible to the 40' height limit. The proposed design indicate 9 feet floor to ceiling on the second and third stories, plus additional floor depth for mechanical and structural requirements. However, the proposed

three story building at 44' tall would still be approximately 4-8' shorter than the adjacent three story buildings.

Board Member Karr noted that the ordinance does not allow single story buildings, so although the proposed three story design would require a variance there is already an existing non-conforming situation and that consideration regarding the goals of the City Masterplan may be worth taking into consideration.

Before going through the dimensional variance checklist, Board Chairman asked Mr. Pattullo to state the practical difficulty. Mr. Pattullo stated that the practical difficulty was the height of the existing one story building which is to be reused and incorporated into the proposed design. The existing 18 foot floor height of the first story creates an obstacle when attempting to add a second and third floor while respecting the 40' height limit.

The Board then went through the checklist to determine whether a practical difficulty exists.

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

Board members felt the request supported a variance due to the existing building height, and noted that by today's construction standards it is a tall single story building, which is increased further by the structural supports and ductwork needed.

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 noted that a building with 7 foot ceilings at the upper levels would not be possible by code and would also not comply with the ordinance's required 9' ceiling height. In an attempt to reduce the height the cornice could be removed but would diminish the aesthetic value of the two additional stories.

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 members believed it was a unique situation given the height of the existing single-story building and noted that adjoining buildings with tall first floors have an overall height that is greater than the 40' allowed by the current ordinance.

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

Board members felt the request did uphold the spirit and intent of the ordinance by eliminating a single story building and creating a three story building that was shorter than the two neighboring properties. It was felt that having a well-designed 44 foot building was preferable to having a poorly proportioned 40 foot building.

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

Board members noted that the existing building has been there and it is not the action of the applicant.

Additional input from the audience was then requested. Mr. Andrews stated that what is being proposed is consistent with the downtown's development plans and it is an improvement for Mitchell Street.

At this time, Chairman Marshall-Rashid requested a motion to be made.

Board Member Crockett made a motion, with support by Board Member Knibbs, to approve the variance based on the findings that the request is due to a unique situation with the property, that it was not created by the applicant, that it will uphold the spirit and intent of the ordinance and be fair to neighboring properties, and that it is the minimum variance needed based on the practical difficulty of the height of the existing one-story building. Motion carried on a 5-0 Vote.

Updates

Staff updated the Board on upcoming Planning Commission meetings. Board members discussed the positive recent developments at the former White Caps building and inquired about lot coverage compliance for the carport under construction at 1032 Howard.

Seeing no further business, the meeting was adjourned at 7:28 p.m.

Minutes reviewed and approved by Michael Karr, Board Secretary.