



MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
October 15, 2015

CONVENE MEETING

Chairman Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:26 p.m. on October 15, 2015.

ROLL CALL

MEMBERS PRESENT: Allen, Bontrager, Engels, Genzink, Nichols, and Paveglio.
Walkley arrived at 5:29

MEMBER ABSENT: Ault

STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Motion by Allen, supported by Paveglio, to approve the October 15, 2015 meeting agenda. The motion was unanimously approved on a roll call vote.

APPROVAL OF MEETING MINUTES

Motion by Paveglio, supported by Allen, to approve the May 21, 2015 meeting minutes as presented the board. The motion was unanimously approved on a roll call vote.

PUBLIC COMMENTS FOR NON-HEARING ITEMS

None

PUBLIC HEARINGS

Zoning Variance Application for an increase in total building size on a lot beyond the maximum 25 percent of lot area covered by all buildings that the ordinance allows for the TS-2 Tourist Service District.

APPLICANT

Randall and Deborah Myers, owner of the business Second Wind located at 2814 Sunnyside Dr.;
108 Shore Lane
Cadillac, MI 49601

The property site is described as COMMENCING AT THE SOUTHEAST CORNER OF LOT 59 OF BAPTIST SUMMER RESORT PLAT; THENCE S 62°61' EAST 50 FEET TO TH POINT OF BEGINNING; THENCE N 22°50' EAST 100 FEET; THENCE S 62°61' EAST 50 FEET; THENCE S 22°50' WEST 100 FEET; THENCE N 62°21' WEST 50 FEET TO THE POINT OF BEGINNING, SECTION 7, T21N, R9W, CITY OF CADILLAC, WEXFORD COUNTY (Tax Identification Number 10-104-00-046-01). As noted, the common address is 2814 Sunnyside Drive, Cadillac, MI 49601.

Dr. Randall Myers the applicant attended. His address is 108 Shore Lane in Cadillac.

Chairman Nichols opened the case stating a variance application has been filed by the applicant. He referred the matter to staff for comment.

Mike Coy, Community Development Analyst, presented a **summary of the ZBA staff report**. In the report Coy noted the following information had been included in the report: variance application with a letter from the applicants explaining their request, site plan, GIS aerial photo, and site photographs.

Coy stated the property is located in a TS-2 Tourist Service zoned district. Surrounding properties to the west, east, south, and north are all also zoned TS-2 Tourist Service. In the TS Tourist Service Districts the ordinance in Section 46-629 allows for the total square footage of all buildings on a lot not to exceed 25 percent of the total lot area.

The applicant is asking for a 288 square foot variance from the maximum percent of lot area covered by all buildings. They wish to build a 12 foot by 24 foot accessory building in the rear lot area. It will be attached to an existing accessory building.

The property contains 5,000 square feet (0.11 acres) with 50 feet of frontage on Sunnyside Drive. The parcel is 100 feet deep running from south to north. Pictures were displayed of the property using the room monitors. Coy displayed an aerial GIS photograph of the site depicting the applicant's property.

Coy explained that he helped the Myer's prepare the site plan and used the measuring feature on the city GIS mapping system to help with building dimensions and setbacks. This measuring feature is not precise but gives a close estimate. Also the building dimensions used on the site plan include the overhanging eaves. A tape measure was used for some of the shorter dimensions.

Paveglio mentioned to Coy prior to the meeting date that it appeared the total accessory building square footage may exceed the allowed amount for a rear yard. Section 46-656(3) of the City Code of Ordinances reads;

“Detached buildings accessory to a residential building shall not occupy more than 25 percent of a rear yard; provided that in no instance shall all of the accessory buildings exceed 65 percent of the ground floor area of the main building.”

The site plan shows the rear yard with a total of 1,950 square feet. The combined new accessory building will be 540 square feet which is 28 percent of the rear yard.

The GIS photo shows the current accessory building on the Myer's lot to be no more than the three foot minimum from the north lot line. One building belonging to the Sun & Snow Motel is built very close to this lot line. It is cinder block construction. Also two rear yard structures that are visible in the 2010 GIS photo are no longer there.

Coy next stated the variance application was examined based on the standards from Sections 46-69 (b)(2) in the Code of Ordinances:

Standard - *In reviewing the Variance Standards Coy stated that Section 46-69 (b)(2) of the Cadillac City Code states that the Zoning Board of Appeals may authorize a variance from the strict application of the provisions of the Zoning Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property.*

Finding – The parcel does have an exceptional condition such that compliance with the provisions cannot be met under the proposed site plan. The size of the parcel will not allow for the construction of an additional accessory structure that would conform to Section 46-629 of the City Zoning Ordinance. The size of the parcel at 5,000 square feet is below the minimum lot size in a TS-Tourist Service District. The minimum lot size required from Section 46-629 in the ordinance is 10,000 square feet for a TS Zoned District.

Standard – *The variance will not impair an adequate supply of light and air to adjacent property.*

Finding – The variance is not anticipated to impair an adequate supply of light and air to adjacent properties. The impacts on light and air to adjacent properties are not considered significant or beyond the range of impacts exhibited by neighboring properties and structures.

Standard - *The requested variance will not unreasonably increase congestion in public streets.*

Finding – The variance is not anticipated to impact traffic volumes.

Standard – *The requested variance will not increase the danger of fire or endanger the public safety.*

Finding – The requested variance is not anticipated to increase the danger of fire or endanger the public safety.

Standard – *The requested variance will not unreasonably diminish or impair established property values within the surrounding area.*

Finding – The requested variance is not anticipated to unreasonably diminish or impair established property values within the surrounding area.

Standard – The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Finding – The requested variance is not anticipated to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site and a notice of the hearing was placed in the Cadillac News. These notices were provided not less than 15 days prior to the hearing date. Coy added that he received two inquiries from neighboring property owners asking for more explanation about the variance request.

Dr. Myers spoke briefly and said they are hoping to have this addition to the current accessory building constructed before winter. Paveglio asked if a survey of the property lines had been done. A recent survey has not been done. It appears that either the current accessory building or the Sun & Snow building is non-conforming in its placement. Coy said the fire code would require that the north wall of a new accessory structure be built using fire rated material.

Allen asked Coy if this variance should be considered based on the 10,000 square foot minimum lot size for a TS district or based on the lot size here of 5,000 square feet. Coy answered 5,000 square feet. The lot size is non-conforming.

There being no additional public comments, Chairman Nichols closed the public speaking portion of the hearing and asked board members for comment or motion.

After discussion Engels made a motion to approve the applicants request for a variance to exceed the maximum percent of lot area covered by all buildings. This will also allow for the rear yard area to exceed the maximum area allowed within the ordinance that is covered by buildings. The motion is to allow for a 288 square foot accessory building addition in the rear yard. This addition will bring the total lot area covered by all buildings on the 5,000 square foot lot to 31 percent. This will also increase the total rear yard covered by accessory structures to 28%.

Motion supported by Walkley. On a roll call vote, the motion was supported by Walkley, Engels, Bontrager, Genzink, and Nichols. Allen and Paveglio voted to deny the variance request. The motion passes 5-2.

ZBA MEMBER COMMENTS

None

ADJOURN

Chairperson Nichols adjourned the meeting at 6:40 p.m.