



MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
April 20, 2017

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on April 20, 2017.

ROLL CALL

MEMBERS PRESENT: Allen, Nichols, Ault, Paveglio
MEMBER ABSENT: Bontrager, Walkley, Engels
STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Motion by Paveglio to approve the April 20, 2017 agenda. Supported by Allen. The motion was unanimously approved on a roll call vote.

APPROVE THE FEBRUARY 16, 2017 MEETING MINUTES

Motion by Ault to approve the February 16, 2017 meeting minutes as presented. Support by Allen. The motion was unanimously approved on a roll call vote.

PUBLIC HEARINGS

Variance Application from Alan and Kimberly Reinink for the property they own at 621 Chestnut Street. The Reinink's are asking for a rear yard setback variance of twelve feet. This would allow for the garage portion of the addition they propose at 621 Chestnut to be 23 feet including the soffits off the alley which is located south of the rear yard.

APPLICANT

Alan and Kimberly Reinink
4111 Morel Drive
Cadillac, MI 49601

Mr. and Mrs. Reinink attended.

SITE AND ZONING

The property site is described as; LOT 4 & 5 COBBS & MITCHELL 4TH ADDITION, CITY OF CADILLAC (Tax Identification Number 10-053-00-003-00) As noted, the common address is 621 Chestnut Street, Cadillac, MI

Coy introduced the applicants Alan & Kimberly Reinink who were present. The Reininks purchased the vacant residence at 621 Chestnut Street here in Cadillac, MI and wish to remodel along with add onto the existing structure. He explained the site plan included in the staff report is a draft plan, not a final site plan for construction. They do not plan to have a final site plan prepared until they know if their variance request is approved. Coy also said the property has been vacant for well over a year, is dilapidated and was a HUD property prior to the Reininks purchase.

621 Chestnut Street is in an R-1 zoned single-family residential district. The minimum setbacks in an R-1 District are 35 feet for both the front and rear yard setbacks. The side yard setback minimum is a combined 25 feet with 10 feet being the minimum for one side. The proposed site plan for 621 Chestnut meets the front and side yard minimum setbacks but shows the garage at 25 feet from the rear yard property line which also is an alley. The soffits will extend an additional 2 feet making the setback with the soffits 23 feet total. This will require a setback variance of 12 feet.

He added that having the garage doors facing the alley will eliminate the need to back onto Selma Street. Also the Reininks discovered after having a survey performed that the house does not line up exactly parallel to the property lines. Also the neighbor's home to the east is built less than four feet from the property line with a small portion of its paved driveway on the Reinink property.

Coy also discussed the Code of Ordinances in Section 46-656 for Accessory Structures. The current ordinance allows for accessory structures to be placed as close as three feet to an alley or neighboring property lines. Basically the Reininks would be able to construct a detached accessory garage three feet from the alley if they wished and it would not require Zoning Board of Appeals approval.

Using a power point he showed pictures of structures on the south side of the alley which are built very close to the alley. The structures appear nonconforming in their setbacks. There are many nonconforming sized lots in this neighborhood. Next Coy went over the standards in Section 46-69(4) of the Cadillac City Code. The standards state that in consideration of a variance, the Zoning Board of Appeals shall first determine that the proposed variance will not result in conditions which:

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

Finding – The requested variance is not anticipated to impair an adequate supply of light and air to adjacent properties.

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

Finding – The variance request is not anticipated to impact traffic volumes. Parking is in the rear off the alley.

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. Reconstruction will improve the public safety of the neighborhood. Prior to a Certificate of Occupancy the improvements will need to meet all fire and construction code requirements.

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. The remodeling of this vacant home will increase its property value and may increase surrounding property values.

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.

Variances need to be reviewed according to Section 46-664(j) from the City Code of Ordinances. Specifically Sec. 46-664(j)(3)(d) reads “*Before a variance is granted, it must be shown that the alleged hardships or particular peculiar difficulties of the person requesting the variance result from conditions which do not exist generally throughout the city.*”

Finding – There are many existing nonconformities with setbacks and lot dimensions within the immediate neighborhood and surrounding properties.

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.

The city has received no public comment on the proposed variance application.

Coy concluded his presentation with “based on a finding of compliance or non-compliance with the standards of the ordinance, the Board shall approve, approve with conditions, or deny the variance application.” Reasonable conditions may be attached to an approval in order to achieve compliance with the standards of the ordinance.

Nichols opened the meeting for questions. Paveglio asked Coy about the Code of Ordinances for Accessory Structures and why the city allows them three feet from an alley or property line. Coy did not have an answer other than the ordinance was last updated in the 1980’s and he has no idea of the thinking at that time.

Allen asked about the construction of the garage area being “pole barn”. Mr. Reinink explained that the structure would be sided identical to the home and would not have the appearance of a pole barn.

Ault made a motion to approve the variance request to allow for a rear yard setback of 12 feet including the soffits which would place the new garage 23 feet off the south property line. Support by Allen. The motion was unanimously approved on a roll call vote.

PUBLIC COMMENTS - NONE

BOARD MEMBER COMMENTS – NONE

ADJOURN

Chairperson Nichols adjourned the meeting at 5:58.