



MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
December 21, 2017

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:38 p.m. on December 21, 2017.

ROLL CALL

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

APPROVAL OF MEETING AGENDA

Motion by Paveglio to approve the December 21, 2017 agenda. Supported by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE APRIL 20, 2017 MEETING MINUTES

Coy spoke and said that he started preparing the meeting minutes from April 20, 2017 the day following the meeting in April recognizing at the time that this board does not always meet monthly. He believes the minutes from April 20th to be very accurate.

Motion by Bontrager to approve the April 20, 2017 meeting minutes as presented. Support by Allen. The motion was unanimously approved on a roll call vote.

VARIANCE APPLICATION FROM

Lakeside Development Co. LLC
1027 Charlotte N.W.
Grand Rapids, MI 49504

Re: 301 N. Lake Street apartments and condominiums

Mr. Leo Schaut who represents Lakeside Development was not in attendance. Coy spoke with Mr. Schaut who lives in Grand Rapids earlier in the week.

SITE AND ZONING

The property site is described as; UNIT 205 301 LAKE STREET CONDOMINIUM L587 P1304, CITY OF CADILLAC (Tax Identification Number 10-032-00-205-00) As noted, the common address is 301 N. Lake Street, Cadillac, MI

Nichols turned the meeting over to staff.

Coy spoke and said the applicant is asking for a variance from the Zoning Ordinance on the parking space requirement for apartments and condominiums which is two parking spaces per unit (Section 46-659). Lakeside Development has added two one bedroom apartments. They did this by splitting two of the three bedroom apartments into four apartments. The total number of units at 301 N. Lake Street is now 24 and the ordinance requires 48 parking spaces. The complex currently has 42 parking spaces including the garages. Coy using a power point showed pictures of the complex and its parking lot looking west.

Coy mentioned the letter written by the applicant Leo Schaut that was with the Variance Application and also a letter with site drawings written by the applicant's attorney Andrew C. Vredenburg with Foster Swift Collins in Grand Rapids. The letter from Mr. Vredenburg explains the way the two additional units will be added and the letter from Mr. Schaut explains the current parking and the number of excess parking spaces he feels they already have. Coy said he has counted unused parking spaces between the hours of 8:00am and 5:30pm a number of times since the application was filed. During the daytime normal working hours there have always been in excess of 14 parking spaces available.

Coy talked about this development having been approved by the Planning Commission (PC) as a six story condominium complex in April of 2003. The minutes from that April meeting explain that there would be parking underneath the building at ground level. The minutes also mention prior Zoning Board (ZBA) approval for the building to be 80 feet high in this B-1 Zoned District. The ZBA approval was requested versus going for a rezoning to a B-2 District which allows buildings up to 80 feet in height. In the PC motion for approval it also reads that "final plans shall be subject to review and approval by the zoning administrator". The finished project ended up being three stories and 48 feet in height with no parking underneath the condominiums.

Coy added that the site is located within the Downtown Development Authority (DDA) who has a parking program specifically for properties with deficient parking spaces.

Coy quoted the standard for granting a variance in Section 46-69(b)(2) from the City Code of Ordinances. *"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."*

Coy said the shape of the parcel is unique which made designing the building and parking area challenging. There is no additional property on the site to expand parking.

Coy next went over the standards in Section 46-69(4) of the Code of Ordinances. 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.

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. Our Fire Department did a commercial rental inspection on December 12, 2017.

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 impair 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.

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. There was no one in attendance to speak for or against the 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.

Coy asked if there were any questions. He also asked Nichols if he remembers this case coming before the ZBA in 2003? Nichols gave a history and said the plan for a six story building was scrapped because steel prices for the necessary structural pieces became too cost prohibitive. He added that the developers were granted a number of items in the variance approval besides the height.

Coy spoke and said that the way Harbor View Apartments gets around the two parking spaces per unit is that it’s written in the leases that only one vehicle is allowed per apartment on site.

Coy also explained that the DDA handles parking deficiencies with apartments located above Mitchell Street businesses by having the property owners participate in the parking surcharge based on the number of parking spaces needed. These are possible ways the applicant may be able to solve the issue.

Ault said that years ago she rented an apartment downtown and used the public parking spaces as the property owner did not have available parking. Genzink said he felt having the owner write into some of the leases that only one parking space is available might be a good solution.

Paveglio asked Coy if the apartments have already been added. Coy said he believes the apartments are done and added that the Fire Marshall did an inspection of the apartment complex on December 12th. Paveglio added that the complex was compliant with its parking and now is non-compliant so he's not sure if a variance is the way to go about solving the problem.

Coy said that even though the Planning Commission in 2003 gave the Zoning Administrator the right to approve final plans he is not comfortable with this application because the final construction project is very different from what the PC discussed and approved. It went from a six story 80 foot tall building to a 48 foot high three story building. He added that this whole issue may be a non-issue if when the Code of Ordinances is updated and approved by City Council the parking standards are reduced. Other cities are reducing their parking space requirements for apartment complexes and box stores.

Paveglio said this is a situation the applicant caused themselves and he is reluctant to approve a variance when the applicant created the practical difficulty. Genzink said he's having difficulty with making a decision because they're not using all the available spaces now. Bontrager added that currently there is not an existing problem.

Paveglio reminded everyone that granting a variance is permanent. He added that the solution should be left up to the applicant/owner not the ZBA.

Genzink made a motion to approve the variance request allowing current parking with the condition that the applicant, Lakeside Development needs to submit a plan to the Zoning Administrator and Community Development Director explaining how they will handle parking deficiencies when it occurs in the future.

Support by Allen. The motion was unanimously approved on a roll call vote. Coy will write a letter to the applicant that will include a date for a parking deficiency plan to be submitted by.

PUBLIC COMMENTS - NONE

BOARD MEMBER COMMENTS – NONE

ADJOURN - Chairperson Nichols adjourned the meeting at 6:38 pm.