



**MEETING MINUTES**  
**Cadillac Zoning Board of Appeals**  
**5:30 P.M.**  
**February 15, 2018**

**CONVENE MEETING**

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on February 15, 2018.

**ROLL CALL**

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

**APPROVAL OF MEETING AGENDA**

Motion by Bontrager to approve the February 15, 2018 agenda. Supported by Walkley. The motion was unanimously approved on a roll call vote.

**APPROVE THE DECEMBER 21, 2017 MEETING MINUTES**

Motion by Genzink to approve the December 21, 2017 meeting minutes as presented. Support by Bontrager. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy.

**PUBLIC HEARINGS**

A Variance Application from Cainen Gilde, HeyHun Holdings, LLC for the property located at 838 North Mitchell Street. Mr. Gilde is asking for a building square footage variance to increase the size of the current 9,000 square foot building up to 12,744 square feet. The total square footage of the three lots is 30,900 square feet so the new building will take up between 41 and 42 percent of the total property square footage.

His intent is to purchase an Ace Hardware franchise. He has a purchase agreement for the property that is dependent on both Zoning Board of Appeals and Planning Commission review and approval.

**APPLICANT**

Cainen Gilde  
7197 Jamie Drive  
McBain, MI 49657

Mr. Gilde attended along with Lorri King, President of Cadillac Title Co.

## **SITE AND ZONING**

The property site is described as; LOT 7, LOTS 8 & 9, LOT & VAC ALLEY W OF LOT 10 BLK 213 CHITTENDEN & WHEELERS ADDITION, CITY OF CADILLAC (Tax Identification Number 10-048-00-010-00, 10-048-00-007-00, 10-048-00-008-00). As noted, the common address is 838 N. Mitchell, Street, Cadillac, MI

Using a power point he showed pictures of the current view from south of the building. Coy also had a concept of the building's appearance and site plan on a board for public viewing.

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. The most recent MDOT traffic count along North Mitchell Street between River Street and 13th Street is an average of 16,282 vehicles per day.

**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. The construction will need to meet all Michigan Commercial Construction Code and Michigan Fire Code requirements before a Certificate of Occupancy will be issued.

**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 proposed improvements 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.

Coy spoke of a conversation he had with the manager of the convenience store immediately south of 838 N. Mitchell Street and the support from the store owner for this project. Also there is a letter of support from the Cadillac Downtown Development Authority and a letter of support from Marcus Peccia, Cadillac City Manager.

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.

Mr. Gilde spoke and felt the information given by Coy was accurate. He added that he has spoken with two of the neighbors who both were happy to hear improvements to property in the neighborhood were planned. He specifically talked with property owner to the east about the overgrown vegetation between their properties. He said he will be trimming trees and overgrown bushes which will clean up both properties.

Allen asked if Mr. Gilde is willing to remove the pole sign. Gilde said yes. Allen also asked about where snow will be placed when plowed. Gilde showed the location where snow will be moved to on the site plan.

Nichols added that he felt parking was sufficient and this would be a positive improvement on North Mitchell Street and the neighborhood. Bontrager concurred that this is a welcome improvement and the city needs a hardware store in town.

A question was asked about the construction schedule. Gilde said Orshal Construction will be the contractor and that construction should start in the spring and possibly be completed in late June.

Genzink made a motion to approve the variance request with the condition that the current pole sign along North Mitchell Street be moved or removed and to allow for the current building to be expanded up to 42 percent of the combined three properties square footage. Support by Ault. The motion was unanimously approved on a roll call vote.

**ELECTION OF OFFICERS**

Walkley made a motion to nominate Louis Nichols as Chairperson and Shari Ault as Vice Chairperson for the year 2018. Support by Bontrager. 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.