



MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
August 16, 2018

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:32 p.m. on August 16, 2018.

ROLL CALL

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

APPROVAL OF MEETING AGENDA

Motion by Genzink to approve the August 16, 2018 agenda. Supported by Paveglio. The motion was unanimously approved on a roll call vote.

APPROVE THE FEBRUARY 15, 2018 MEETING MINUTES

Motion by Genzink to approve the February 15, 2018 meeting minutes as presented. Support by Allen. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy.

PUBLIC HEARINGS

A Variance Application from Cynthia Kanitz for the property located at 520 Whaley Street. Ms. Kanitz is asking for a variance to increase the depth to width ratio up to 4 to 1 for a lot split. The current City Ordinance allows for a 3 to 1 depth to width ratio on a lot split for non-platted sites. Her intent is to be able to split the site into three lots on the 3.62 acre site. She has a purchase agreement for the property that is dependent on both Zoning Board of Appeals and Planning Commission review and approval. Planning Commission approval will be needed for her to construct two duplexes on two of the lots.

APPLICANT

Cynthia Kanitz
715 Cobb St.
Cadillac, MI 49601

Ms. Kanitz was in attendance along with the owner of the property Peter Buehler.

SITE AND ZONING

The property site is described as; A PAR COM AT INT OF N&S 1/4 LINE SEC 3-21-9 & S LINE WHALEY ST, S TO AARR S 56DEG 31MIN E 264 FT, N 37DEG 42MIN E 360 FT, N 32DEG 51MIN W 203.12 FT, N 60DEG 34MIN W 379.29 FT TO BEG EX, COM S 60 DEG 34MIN E 37.89FT FROM IRON MARKING S LINE WHALEY ST & N&S 1/4 LINE SEC 3-21-9, S 60DEG 34MIN E 106.42 FT, S 29DEG 26MIN W 100 FT, N 60DEG 34MIN W 50 FT, N PARA WITH & 33 FT FROM SAID N&S 1/4 LINE 114.82 FT TO BEG & EX, A PAR COM S 60DEG 34MIN E 144.31 FT FROM ABOVE IRON MARKING S 60DEG 34MIN E 100 FT S 29DEG 26MIN W 100 FT: N 60DEG 34MIN W 100 FT N 29DEG 26MIN E 100 FT.TO BEG, CITY OF CADILLAC (Tax Identification Number 10-100-00-029-00)

The site is over 157,000 square feet (3.62 acres) and is an odd shaped parcel with limited access because of both railroad tracks and topography. The property is zoned R-3 One-family residential.

Using a power point he showed pictures of the current view from Whaley Street on the north and from the southeast at the corner of Whaley Street and Whaley Road along the railroad tracks.

Coy discussed the City Ordinance and Section 20-38 which allows for lot splits up to a 3 to 1 depth to width ratio. He then explained his interpretation of the Michigan Land Division Act 288. Section 560.109 allows for municipalities to have the authority to review and may allow a greater depth to width ratio than the local ordinance allows. Section 560.109(b) specifically refers to a 4 to 1 ratio allowance.

Coy next went over the standard in Section 46.69(2) from the City Code of Ordinances that reads “To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter 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, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.”

Coy added that he feels there are exceptional conditions causing the need for a variance. Neither Ms. Kanitz or the property owner created any of the exceptional conditions. These include railroad tracks, the size and shape of the parcel, and the topography.

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.

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 diminish 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. He added that there were no public comments on the application either for or against.

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 if the size of the parcel were shallower, specifically the depth from Whaley Street to the railroad tracks then a variance may not even be needed by Ms. Kanitz. Coy answered a variance would not have been required.

Genzink asked Ms. Kanitz what the two duplexes she is hoping to build would look like. She did not bring any concepts or designs to this meeting. Coy said that when the exterior concepts are finalized he would email a copy to the ZBA.

With no other questions or public comments, Nichols closed the public comment portion of the meeting.

Genzink made a motion to approve the variance request as presented. Support by Paveglio. The motion was unanimously approved on a roll call vote.

PUBLIC COMMENTS - NONE

BOARD MEMBER COMMENTS –

Coy told the ZBA members that the city has received a Variance Application for the proposed construction of senior apartments on South Mitchell Street which is currently called the Cadillac Castle development and to plan on meeting in September. The Variance Application includes a request for a building height variance to exceed 40 feet.

ADJOURN

Chairperson Nichols adjourned the meeting at 5:55.