



**MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
October 18, 2018**

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals (ZBA) at 5:00 p.m. on October 18, 2018.

ROLL CALL

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

APPROVAL OF MEETING AGENDA

Motion by Genzink to approve the October 18, 2018 agenda. Support by Bontrager. The motion was unanimously approved on a roll call vote.

MINUTES TO APPROVE – September 13, 2018 & September 28, 2018

Motion by Genzink to approve both the September 13, 2018 and the September 28, 2018 meeting minutes. Support by Ault. Knight asked to abstain from this vote as he was not at either of the two meetings in September. The motion was unanimously approved on a roll call vote by the remaining six members in attendance.

PUBLIC HEARINGS

Nichols turned the meeting over to Coy. Knight recused himself from this portion of the meeting.

Knight asked Coy prior to the meeting if he should recuse himself from this portion of the meeting because the applicant Baird, Cotter, Bishop is the accounting firm for the business that Knight is a partner in ownership. Coy felt it would be best for Knight to recuse himself.

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Coy said the Variance Application from Eastshore Professional Building, LLC is for a height variance of 11 feet, eight inches allowing them to construct an addition two stories in the northeast portion of the property site. The property is in a B-2 Central Business District which allows for buildings 90 feet in height. There is however a footnote in the Schedule of Regulations in Section 46-629 which reads; "Buildings in the area west of Elk Avenue, between Pine and Chapin Streets, shall have a maximum height of 20 feet." The proposed addition may be as high as 31 feet, 8 inches.

Two officers of Baird, Cotter, Bishop, LLC who are partners in the ownership attended the meeting and answered questions. They are Mike Cool, CPA and Ryan Howell, CPA.

Coy using a power point presentation read and 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.”

Finding – Coy talked about what he feels is a practical difficulty in that the area where the addition is proposed occasionally floods causing water damage inside the building. The addition will be designed to hopefully correct this serious problem on the site. Coy added that there is slope in the lot that goes north to south and east to west creating the water drainage issues.

Coy also talked about the undue hardship he feels not doing this addition would create for Baird, Cotter, Bishop. Their business has grown substantially over the years and they now have 36 employees on site. They are out of office space and do not wish to separate employees to multiple locations for the lack of office space.

Coy next went over the standards in Section 46-69(b)(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. Staff communicated with the president of Baker College Cadillac. She said the college is okay with the proposed addition and height. She did ask that if in the future the applicant wishes to expand the second level to other parts of the building that it be reviewed and Baker College be notified.

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

Finding – The variance request is not anticipated to impact traffic congestion. Coy added that Baird, Cotter, Bishop like other businesses in the B-2 District uses our public parking lots for employee parking and they pay into the DDA parking assessment program for their usage.

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 will not impact 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.

Lastly Coy commented on the lengthy history this company has in our downtown. The employees here make above average wages for our area. Their support of our downtown restaurants and businesses is important to our downtown businesses.

Coy said that notification of the public hearing on this application was given via first-class mail to property owners within 300 feet of the subject site. A notice of the hearing was also placed in the Cadillac News. These notices were provided not less than 15 days prior to the hearing date.

Coy again mentioned his communication with the president of Baker College and also said he spoke with one of the partners at the neighboring law firm McCurdy, Wotila who said their firm is in support of this project. Adding that Baird, Cotter, Bishop is important to our downtown businesses especially our restaurants. Coy also showed a picture of the east wall of the Baker College Apartments with the elevator and wall sign. He said the college in 2014 did a land swap with the city to make room for the elevator and stairwell. The structure is 54 feet high.

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 floor for questions.

Paveglio asked Coy to better explain the footnote (L) in Section 46-629 within the Schedule of Regulations. He also asked if the footnote only applies to a very small area within the boundary area described in the footnote. Coy and Paveglio read through the Schedule of Regulations then realizing that the footnote only applies to the B-2 District. Properties abutting the applicants location to the north and south such as City Hall and the downtown park are zoned differently and do not have footnote L which restricts height to 20 feet.

Cool talked about the on-site drainage issue they have. Howell added that the seven additional offices constructed in the addition plus the cubicles they can put in open spaces should provide them with ten to eleven new work stations. Cool added that the proposed size will not create the

need for them to sprinkler the entire building and an elevator is not required which will keep the cost of construction down. A larger addition would kick in some additional building code regulations.

Bontrager asked if the building is okay structurally for a second floor. Cool said the addition is entirely new from the ground up and will be fine. The existing building will not be affected. Cool then talked more about the drainage and explained the site used to have two buildings with a courtyard between them. The drain in the rear which overflows has tile running underground where the courtyard used to be. It does not tie into the storm drain in the front yard of the site.

Genzink commented that the site in the northeast corner doesn't seem very large and is there room for the addition. Cool said that they have 30 feet from the back of the building to the property line to work with. Howell added that they've had the property surveyed and the stakes are still in the ground for the ZBA to look at if they wish.

Paveglione spoke about the footnote in the Schedule of Regulations. He feels this same addition on the Harris Street side of the building would not be good visually. It would block the view from the upper floors of the Baker Apartment building. The view of the lake and park from this area is a gem. Coy agreed saying he's been on the upper floors of the apartment building and the view towards the performing arts pavilion, lake, and City Park are special.

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

Paveglione made a motion to approve the request for a height variance of eleven feet, eight inches with the condition that future expansion or extension of the second floor will require further review by the Zoning Board of Appeals with the opportunity for a public hearing. Support by Genzink. The motion was unanimously approved on a roll call vote.

PUBLIC COMMENTS - NONE

BOARD MEMBER COMMENTS –

ADJOURN

Chairperson Nichols adjourned the meeting at 6:13