



**MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.**

August 20, 2020 Virtual Meeting on GoToMeeting.com

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:32 p.m. on August 20, 2020.

ROLL CALL

MEMBERS PRESENT: Nichols, Ault, Knight, and Bontrager

MEMBER ABSENT: Genzink, & Walkley

STAFF PRESENT: Coy

Applicant Shellie Schneider participated remotely.

APPROVAL OF MEETING AGENDA

Motion by Bontrager to approve the August 20, 2020 agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE DECEMBER 19, 2019 MEETING MINUTES

Motion by Knight to approve the September 19, 2019 meeting minutes as presented. Support by Nichols. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy. Coy went through the staff report without using a power-point presentation as he normally would.

PUBLIC HEARINGS

A Variance Application from Matt and Shellie Schneider at 689 Holly Road to have an accessory structure for storage located in their east side yard. The Zoning Ordinance in Section 46-656(2) reads "Buildings accessory to a residential building shall not be erected in any required yard, except a rear yard".

Coy explained that the Schneider's purchased their home on Holly Road in 2017. The home does not have a basement. He explained that the Schneider's purchased the shed placing it in the side yard not realizing the placement would be an issue. There are many homes on the lakeside of Holly Road with accessory structures located in the side yards and street side of the properties. Front yards of homes on the lakeside are defined as the shoreline sides and the street side is the rear yard. This is opposite of non-lakefront homes.

He added the usable area in the rear yard is tiny because of a slope leading up to the White Pine Trail. A retaining wall is in place to keep the slope from eroding close to the home. There currently

is a ten foot by eight foot shed in the rear yard. The staff report Coy prepared included photos of the rear yard. Coy also included a site plan showing the distance from the southeast and southwest corners of the home to the retaining wall holding the soil from the slope in place. The retaining wall was there when the Schneider's purchased the home. He also took a measurement from the deck to the existing 80 square foot shed. The size of the new shed is under 200 square feet and does not require a building permit.

Coy read the standard in Section 46.69(2) from the City Code of Ordinances which 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 explained that because of the slope in the rear yard begins so close to the home that there is an exceptional practical difficulty in placing the 11 foot by 16 foot shed in the rear yard because of shallowness..

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 requested variance will not impact traffic on Holly Road.

Standard – *The requested variance will not increase the danger of fire or endanger the public safety.*

Finding – The requested variance will not 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 – Staff feels this will not negatively impact neighboring 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.

PUBLIC NOTICES

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 in early August. No neighbors commented against the location of the structure.

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 to public comments.

Knight asked if it would be possible to fit the shed in the southwest corner of the lot near where the current 80 square foot shed is located. Coy answered that to do so he feels excavation equipment would need to be brought in to dig out an area into the slope.

There being no other public comments or questions from this Board of Appeals.

A motion was made by Knight to approve the request for the location of the new shed to be in the east side yard at 689 Holly Road where it currently is located. Support from Bontrager. The motion passed on a unanimous vote.

NEW BUSINESS

Election of officers for 2020.

Ault made a motion for the officers to remain the same as in 2019 having Louis Nichols Chairperson and Shari Ault Vice-chairperson. Support from Bontrager. The motion passed on a unanimous vote.

BOARD MEMBER COMMENTS –

ADJOURN

Chairperson Nichols adjourned the meeting at 5:57 pm.