



MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
July 18, 2019

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on July 18, 2019.

ROLL CALL

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

APPROVAL OF MEETING AGENDA

Motion by Knight to approve the July 18, 2019 agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE MAY 16, 2019 MEETING MINUTES

Motion by Knight to approve the May 16, 2019 meeting minutes as presented. Support by Bontrager. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy. Using a power-point presentation Coy went through the staff report prepared for this public hearing.

PUBLIC HEARINGS

A Variance Application from James Carriveau, 24884 Saxony Ave., Eastpointe, MI for a side yard setback variance of seven feet on the west side of the vacant lot located at the corner of 2320 Mohawk Place and Huron Place for the construction of a new home.

Mr. Carriveau attended this meeting and was available to answer questions and explain the project.

Using a power point Coy showed a picture of the vacant lot on the northeast corner at Mohawk Place and Huron Place where the applicant and his wife plan to build a new home with a two-car garage. Coy also showed a GIS aerial of the surrounding neighborhood. The property line is off the curb line on Huron Place approximately eight feet. With this variance the west wall of the home should be approximately 21 feet off the curb line on Huron.

Coy explained that the applicants original site plan was for a 32 foot wide structure but after discussion narrowed it to 30 feet in width to allow for two additional feet of clearance from the curb to the garage thus allowing vehicles to park in the drive and not stick out onto Huron Place.

Coy went on to explain that the corner lot setback in the ordinance under Section 46-630 footnote (h) reads, “On corner lots, there shall be provided a setback of not less than 20 feet from the side street lot line.” He added that the side yard setback in the R-3 residential district is a combined 15 feet with a least yard minimum setback of 7 feet. The site plan shows the east side setback at 7 feet and the west side setback at 13 feet for a total of 20 feet. The 7 feet difference from the 13 feet west side setback on the site plan and the 20 feet corner lot side yard setback is the amount of the variance request. Coy went on to discuss the GIS aerial he included in the staff report showing a total of 11 residential homes within two blocks of 2320 Mohawk Place all located on corner lots which have one or more sides non-conforming in their setbacks.

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 feels that the non-conforming standard previously applied through-out this neighborhood may create an exceptional condition that would be a hardship for the Carriveau’s if not allowed for their project. Coy referred to a GIS aerial included in the staff report of a two-block area surrounding the corner of Mohawk and Huron Place. He added that there are eleven residential homes in this two-block area that do not meet the corner lot setback requirement on both sides. The home directly across the street on the southwest corner does not meet the setback.

Next Coy went over the standards in Section 46-69(4) of the Cadillac City Code. He added that the findings are in the opinion of staff. 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 have no impact on traffic volumes.

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. Building inspectors and the Fire Marshal will need to do inspections before an occupancy permit is issued.

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 and may increase property values for the immediate neighbors.

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 15 days prior to this meeting as was a notice placed in the Cadillac News. It was also posted on the City Website. He then added that after the ZBA staff reports were delivered he received two letters asking that the variance not be granted. One was from the neighbor immediately to the north on Huron Place and the second letter was from the property owner of the home immediately to the east. The home to the east is a rental.

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 stated that two conditions he recommends if the variance is granted would be that a survey be conducted on the east property line prior to construction and also that gutters be installed to control storm water off the roof.

Nichols opened the meeting to public comments.

The applicant Mr. Carriveau spoke and asked that the variance be granted. He and his wife who have their current home in Eastpoint, MI wish to build a retirement home on the site.

Bontrager asked if he planned to use this as a rental home also. Carriveau replied no they plan to make this their permanent residence.

Mr. Ron M (cannot read his name on the sign in sheet) spoke for Mr. Nemish the owner of the rental home to the east who could not attend and asked that Mr. Nemish’s letter opposing the variance be read.

Mr. Carriveau added that he plans to build an attractive home and that gutters are in their plans.

There being no other public comments or questions from this Board of Appeals, Nichols asked for a motion.

Knight made a motion to approve the request from the applicant for a seven-foot, west side yard variance for the construction of the Carriveau's new home with the following two conditions;

- A survey by a licensed surveyor be performed prior to the start of construction.
- Gutters be installed on the home to make sure drainage is away from neighboring homes.

Support by Ault. The motion passed with a unanimous vote.

BOARD MEMBER COMMENTS –

None

ADJOURN

Chairperson Nichols adjourned the meeting at 5:54 pm.