



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

March 18, 2021 Virtual Meeting on GoToMeeting.com

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on March 18, 2021

ROLL CALL

MEMBERS PRESENT: Nichols, Ault, Paveglio, and Bontrager
Paveglio attended from St. Augustine, Fl
MEMBER ABSENT: Walkley, Knight, and Genzink
STAFF PRESENT: Coy, Wallace

APPROVAL OF MEETING AGENDA

Motion to approve the March 18, 2021 agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE JANUARY 21, 2021 MEETING MINUTES

Motion by Bontrager to approve the January 21, 2021 meeting minutes as presented. Support by Paveglio. The motion was unanimously approved on a roll call vote.

PUBLIC HEARINGS-

1. An amended application from Fresh Coast Provisioning, LLC (Dunegrass Co.) 800 Cottageview Dr., Suite 1080A, Traverse City, MI 49684 for a variance to construct a projecting sign that will extend from the west wall at 115 N. Mitchell Street off Elk Avenue and to be of a total size of 13.05 square feet. The new projection at 42 inches no longer requires a variance. The size will require a variance from the standards allowed in the B-2 Central Business District. The Sign Ordinance in Section 46-664, Schedule B for the B-2 Central Business District reads that for projecting signs over a public right-of-way the size cannot exceed six square feet. Members of the Zoning Board of Appeals were given in their meeting packets a copy of the narrative from Fresh Coast Provisioning explaining their reasons for why approving the amended variance application would be appropriate. In attendance was Tom Amor with Amor Sign located in Manistee, MI, John Kolerivic representing ECEK Holding, LLC in Traverse City, MI, who owns the building at 115 N. Mitchell Street in Cadillac, and Eric Piedmonte with Fresh Coast Provisioning/Dunegrass joined the meeting after it started.

Coy went over the standards for approving a variance in the City Ordinance and the standards in the Michigan Zoning Enabling Act 110 of 2006.

The standard in Section 46-69(2) from the City Code of Ordinances 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.”

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 – It is expected that traffic will increase on Elk Avenue but not because of the sign or variance application.

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. Coy added that the building owner has made significant improvement to both the interior and exterior of the property.

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 published in the local newspaper and sent via first-class mail to all property owners and residents within 300 feet of the subject site not less than 15 prior to the meeting. Coy added that he contacted the downtown property owner who objected to granting the original variance application to explain the change

made to the sign concept in the amended application. The property owner neither spoke for or against the amended application. One additional property owner contacted Coy for explanation and said they have not objection to the variance request.

Coy finished 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 up for questions from the ZBA and discussion from the applicant. There was none.

After no further comment.

A motion was made by Bontrager to approve the variance application from Dunegrass, Co. for a projecting sign with the dimensions shown on the concept the applicant provided. Support from Ault. This would allowance of an additional 7.875 square feet above the 6 square feet allowed in the ordinance for a projecting sign in the B-2 Central Business District.)

On a roll call vote the motion was denied with a split vote of three for and one against.

- Votes for were Ault, Bontrager, and Nichols
- Votes against were Paveglio

PUBLIC COMMENTS

John Kolerivic representing the property owner asked the reason for the one no vote. It was answered that an undue hardship was not identified.

Eric Piedmonte asked Coy to explain how a vote of three for and one against is considered a denial of the application? Coy explained that the Michigan Zoning Enabling Act of 2006 requires that for an approval, the Zoning Board of Appeals must vote with a majority of the entire seven-member board approving the request.

BOARD MEMBER COMMENTS –

None

ADJOURN

Chairperson Nichols adjourned the meeting at 5:47pm.