



MEETING MINUTES
Cadillac Zoning Board of Appeals (ZBA)
5:30 P.M.
July 15, 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 July 15, 2021

ROLL CALL

MEMBERS PRESENT: Nichols, Ault, Paveglio, and Dean (Alternate)

MEMBER ABSENT: Bontrager, Walkley, Knight, and Genzink

STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Motion by Paveglio to approve the July 15, 2021 agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE MARCH 18, 2021 MEETING MINUTES

Motion by Ault to approve the May 20, 2021 meeting minutes as presented. Support by Paveglio. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy to present the applications for review.

PUBLIC HEARINGS-

1. Beverly Regts, 2216 North Blvd wishes to construct a 9 foot wide by 12 foot long roof over the deck/porch on the west side of her home which faces Winona Place. The current deck/porch is being replaced and will project off from her home nine feet which is the same distance as the current porch. The door on the west side of her home is used as the main entryway into her home. She purchased the home in 2015. She was unable to attend.

He 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.”

Finding – Coy said he feels there is a exceptional condition along this North Blvd neighborhood which may apply when considering this variance request. He went on to explain that he reviewed properties to the west and east of Ms. Regts home on North Blvd. On North Blvd. to the west the two homes along with the overnight lodging motel at the corner with Huron Place have nonconforming building setbacks. Also, twelve of the fourteen homes to the east of her home going as far east as Alexander Street have setback nonconformities. Ten of the nonconforming structures to her east and west are on corner lots. The majority of the North Blvd nonconformities are side yard setbacks and there also are a number of front yard setbacks that do not meet the minimum standard.

He also added that in October of 2013 the ZBA approved a variance for a carport at 717 Chestnut Street allowing the roof to be three feet from the neighbor’s property line. In August of 2014, the ZBA also approved a variance for a covered porch at 248 Granite Street to be three feet from the side yard property line. Both approvals had the condition included that the carport and porch were not to be enclosed.

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 volume should not change on Winona Place.

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 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. Dan McKeown and his wife Sharon who live at 2203 North Blvd and live directly across Winona Place from Ms. Regts sent an email to the city supporting Ms. Regts plans to have a roof constructed over this entryway. The email was included in the packets given to the ZBA.

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. Paveglio asked about the current setbacks of the home and found the ordinance confusing because on corner lots the side lot setbacks need to be a minimum of 20 feet and the front yard setback in the R-3 district shows a minimum 18 foot setback from the property line.

Coy agrees with the confusion in the ordinance regarding corner lots. He added that the current deck/porch is 19 feet from the curb and the house is an additional 9 feet back from the curb for a total of 28 feet. He feels the covered porch will be a few feet east of the property line along Winona Place. Nichols added that back when the home was constructed and others in the neighborhood the structures may have been conforming with the ordinance in place at the time.

After no further comment.

A motion was made by Dean to approve the variance request from Ms. Regts to include a roof over the newly constructed deck/porch of the size 9 feet by 12 feet in size with two conditions. One condition is that the porch cannot become an enclosed porch and must have open walls. The second condition is that the construction of the roof needs to match up architecturally with the current roof for an attractive appearance. Support from Ault.

On a roll call vote the motion was passed with a unanimous vote.

PUBLIC COMMENTS –

None

BOARD MEMBER COMMENTS –

None

ADJOURN

Chairperson Nichols adjourned the meeting at 6:03pm.