



MEETING MINUTES
Cadillac Zoning Board of Appeals (ZBA)
5:30 P.M.
September 16, 2021

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on September 16, 2021

ROLL CALL

MEMBERS PRESENT: Nichols, Ault, Paveglio, Bontrager, and Dean

MEMBER ABSENT: Walkley and Knight

STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Motion by Paveglio to approve the September 16, 2021 agenda. Support by Bontrager. The motion was unanimously approved on a roll call vote.

APPROVE THE JULY 15, 2021 MEETING MINUTES

Motion by Ault to approve the July 15, 2021 meeting minutes as presented. Support by Bontrager. The motion was unanimously approved on a roll call vote.

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

Coy spoke briefly about a conversation he had with Carl Genzink prior to his passing in August. Carl told Coy how much he enjoyed being on the Zoning Board of Appeals and how much he enjoyed getting to know the members on the board

PUBLIC HEARINGS-

1. Baruch SLS, Inc. 3196 Kraft Ave. SE, Suite 203, Grand Rapids, MI 49512 is asking for a variance to leave an accessory structure at 1113 Sunnyside Drive for a period of up to five years. The structure is a detached two-car garage left over from a home that used to be on the site. The home was in poor condition and torn down prior to Baruch purchasing the site. Baruch owns the Sunnyside Senior Living Center immediately to the east of the site. The site was recently split into two lots allowing Baruch to sell the single family home with an attached garage on the east part of the lot which was 320 feet in width prior to the split. Two representatives for Baruch SLS attended the meeting.

Christopher Murphy, VP Business Development
Rich Vande Vegte, Director of Special Projects

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 an exceptional condition. The garage has been on this site for decades. There used to be a home on the site with a detached garage which is still there. The home was in poor condition and torn down. Two lots were then combined in 2008 creating one larger lot that had a width of 320 feet prior to the recent lot split. This was prior to Baruch SLS purchasing the property.

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. There is not an access drive to the Wildwood Condominium complex to the south.

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. He received no questions from neighbors.

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.

STAFF COMMENTS

Coy explained that he and Community Development Director, John Wallace met with the applicants and came up with the idea for them to request a variance to keep the structure. We understand the vacant lot has more value if they try to sell it with the two car garage left on the site. Staff did not want the time period to be open ended and suggested a specific time period should be a part of the variance request. Leaving the accessory building without a home on the site creates a nonconformity. He added that a new owner would need to build a large enough home to make the accessory structure conforming.

Nichols opened the floor up for questions from the ZBA and discussion.

Dean asked if the city has approved this type of situation before. Coy said not to his knowledge but that he can’t speak for time prior to his working for the city. He added that he is aware of a family purchasing an older home next door to their home and tearing down the older home. A detached garage was left. The two properties abut each other. They put new siding and shingles on the garage to match their newly constructed home.

Ault asked representatives of Baruch SLS if they know whether they plan to sell the property or split the lot? Murphy answered that they may rent a storage unit in town for the items in the garage. He further explained that they keep furniture such as beds, dressers, etc. for new residents at the facility that may not own these items to bring with them. He would like for a future purchaser to build a home and use the garage. Coy added that the topography of the site where the assisted living home is on has a steep slope to a wetland area in the rear which will make building an accessory structure difficult.

After no further comment.

A motion was made by Paveglio to approve the variance request with the following condition. The current owner or future owner will have until the date of September 17, 2026 to either remove the nonconforming accessory building or begin construction of a new home to bring the accessory building into compliance or make it conforming. 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 5:48 pm.