



MEETING MINUTES (DRAFT)
Cadillac Zoning Board of Appeals (ZBA)
5:30 P.M.
April 18, 2024

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on April 18, 2024

ROLL CALL

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

STAFF PRESENT: Wallace, Adams and Leslie Abdoo (Ms. Abdoo, City Attorney, FosterSwift, attended remotely)

APPROVAL OF MEETING AGENDA

Motion by Dean to approve the April 18, 2024, meeting agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE JUNE 16, 2022 MEETING MINUTES

Motion by Dean to approve the June 16, 2022, meeting minutes. Supported by Bontrager. Upon a roll call vote, the motion to approve was supported by Dean, Nichols, Ault, and Bontrager. Brown abstained from voting. The minutes were approved.

PUBLIC HEARINGS

First Public Hearing

Road Front Yard Setback Variance Application

Randall E. Myers, Property Owner & Resident

108 Shore Lane, Cadillac, Michigan.

Parcel Number: 10-102-00-009-02

Variance Request: Road Front Yard setback variance (setback encroachment) of 20 feet resulting in a yard setback of 15 feet from the right-of-way of Shore Lane. Section 46-629, Schedule of Regulations, of the Cadillac Zoning Ordinance requires a setback of 35 feet.

Chairperson Nichols opened the public hearing on the variance application for 108 Shore Lane calling for staff to introduce the request and provide a summary of the staff report.

Adams stated that ZBA members had been provided with the full staff report and that required public notices for the hearing had been processed. Adams then presented an overview of the report

using a Power Point presentation. He stated the applicant, Mr. Myers, was present. Adams stated the variance application is for a road front yard setback variance of 20 feet resulting in a yard setback of 15 feet from the right-of-way of Shore Lane. He stated Section 46-629, Schedule of Regulations, of the Cadillac Zoning Ordinance requires a setback of 35 feet for the main structure and any attached structures. Mr. Myers proposes the construction of a 20 by 20-foot (400 square feet) garage addition as an extension of the dwelling's existing attached garage. The addition will project in a northerly direction, towards Shore Lane. Per the applicant, the addition will be used for the parking and storage of vehicles, watercraft, recreational equipment, and other household goods. Mr. Myers is requesting a variance of 20 feet resulting in a setback of 15 feet from the right-of-way of Shore Lane.

Adams detailed the location of the site, defined the yard locations of lots with lake frontage, identified the zoning of the parcel and provided detail on the parcel's existing site character and building setbacks, explained how the proposed project compared to opportunities afforded by the ordinance for detached accessory buildings, reviewed the character of neighboring properties and the setback nonconformities of the nearby properties, explained the variation in the right-of-way width of Shore Lane and discussed its impact on development. For descriptive purposes, aerial, site, and neighborhood photographs were included as part of the presentation.

Adams provided a review of the staff's findings pursuant to Sections 46-69(b)(2) and 46-69(4) of the zoning ordinance. These sections are used by the ZBA pursuant to the review and consideration of variance applications. The staff review noted the following:

1. Based on the city's GIS aerial maps, the existing setbacks of nearby homes range from approximately 2 to 24 feet, with an average setback of 12 feet. The applicant proposes a setback of 15 feet. Given the diminished average setbacks of nearby parcels and the fact that it is a common occurrence among nearby sites, he noted that the variance as requested does not offer the applicant a right or privilege that has not been made available to others based on existing site and neighborhood conditions.
2. The variance will not reduce the ability of the site to comply with the residential parking standards of the Zoning Ordinance, which is 2 parking places per dwelling unit. The site has ample space to accommodate 2 vehicles.
3. Comparatively, the area and visual impacts of the garage addition proposed by the applicant is significantly less when compared to that of a detached rear yard structure permitted by ordinance without need of a variance, should the applicant wish to construct a detached building for the storage of goods as stated. He noted a detached structure almost twice the size of the proposed addition could be constructed without benefit of a variance. Moreover, the structure may be placed within 3 feet of the side yards and the street right-of-way.
4. The requested variance is not anticipated to significantly impair an adequate supply of light and air to adjacent property.
5. The requested variance will not unreasonably increase congestion in public streets as the proposed use is not anticipated to generate additional vehicular traffic.
6. The requested variance will not increase the danger of fire or endanger public safety. Construction of the garage addition will be subject to local building codes and will retain adequate side and rear yard setbacks.
7. The requested variance will not unreasonably diminish or impair established property values within the surrounding area.

8. The requested variance is not anticipated to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Following the staff presentation, Chairperson Nichols asked the applicant, Randall Myers, if he wished to comment on the application. Mr. Myers thanked the ZBA for their consideration of his request and briefly explained the design of the project and the need for the additional space. He noted that much of the marine equipment presently stored outdoors may be placed inside with the garage expansion. He referred the ZBA members to the photographs he had provided (which staff noted had been placed in the ZBA's meeting packet) emphasizing that the addition will not block the views currently afforded his neighbors. He noted that sufficient driveway area will exist for the parking of vehicles and that the design of the garage addition will be in character with the main dwelling.

Chairperson Nichols asked if anyone in the audience wished to speak on this matter.

Kelly Hutchison, city resident, spoke against the extent of the variance suggesting that a lesser variance would be more appropriate. She stated her parents, residents of 106 Shore Lane, had previously been denied a setback variance following a house fire. She stated that prior to the fire her father acquired a pickup truck that, due to its length, would not fit in the old (pre-fire) garage. Following the fire, as part of the rebuilding, her father sought a setback variance to construct a garage of sufficient length to accommodate the truck. She stated the variance was denied. She stated the ZBA needs to be fair in their handling of cases. She stated she was not opposed to a variance. She felt a variance of less size would be fairer.

Regarding Ms. Hutchison's comments, staff noted she had submitted correspondence voicing her concerns with the application. The correspondence, dated April 15, 2024, had been included in the ZBA's meeting packet.

There being no additional public comments, Chairperson Nichols closed the public speaking portion of the hearing turning the matter over to the full board for consideration. The board discussed the staff's findings and the public comments raised. Based on concurrence with staff's report and findings, consideration of the public's comment, and review and analysis of the variance application, it was moved by Dean, supported by Brown, to approve a road side yard setback variance of 20 feet from the 35 feet setback requirement of the Schedule of Regulations of the R-1 zone district of the Cadillac Zoning Ordinance to provide for the construction of a 20 x 20 feet addition to be attached to the existing attached garage at 108 Shore Lane, Cadillac, Michigan 49601.

On a roll call vote taken by Wallace, the motion to approve the variance application was passed by a vote of four voting in favor and one against. Those voting to approve the motion were Dean, Brown, Bontrager, and Nichols. ZBA member Ault voted to deny the motion. The motion carried and the variance approved.

Second Public Hearing

Side Street Setback Variance Application

Jeff Geeseman, Property Owner/Developer

230 Seneca Place, Cadillac, Michigan 49601

Parcel Number: 10-090-00-029-00

Legal Description: LOT 1, BLK D SHADYSIDE PARK PLAT, CITY OF CADILLAC

Variance Request: Mr. Geeseman proposes the construction of a single-family dwelling sized 24 feet by 52 feet (1,248 square feet). As such, he is requesting a Chestnut Street side street setback variance of 2 feet allowing for a setback of 18 feet as opposed to the required 20 feet stipulated by Section 46-630(h) of the Cadillac Zoning Ordinance for the placement of the home.

Chairperson Nichols opened the public hearing on the variance application for 230 Seneca Place calling for staff to introduce the request and provide a summary of the staff report.

Adams stated that ZBA members had been provided with the full staff report and that required public notices for the hearing had been processed. Adams then presented a summary of the report using a Power Point presentation. He stated the applicant, Mr. Geeseman, was present. Adams stated that Mr. Geeseman proposes the construction of a single-family dwelling on the parcel which is vacant and zoned R-2, Single-Family Residential. The planned dwelling is sized 24 feet by 52 feet for a total of 1,248 square feet. Per his application, Mr. Geeseman feels the proposed size is needed to reasonably house a family needing a modest 3-bedroom home. To accommodate the proposed size and planned placement of the dwelling, Mr. Geeseman is requesting a Chestnut Street side street setback variance of 2 feet allowing for a setback of 18 feet from the Chestnut Street oriented property line as opposed to the required 20 feet stipulated by Section 46-630(h) of the Cadillac Zoning Ordinance for the placement of the home.

Adams detailed the location of the site and provided a comprehensive overview of the site's character, defined the yard locations of lots having frontage on two streets, identified the R-2 zoning of the parcel and required size and building setback standards, provided detail on the parcel's relationship to neighboring properties, provided findings on the lots sizes and development patterns of neighboring properties, discussed the limited traffic impacts of the dwelling, provided anticipated traffic count data, identified the character of nearby neighborhood sites including those non-compliant with the dimensional standards of the R-2 district, and reviewed the impact potential of the new development based on the requested variance. For descriptive purposes, aerial, site, and neighborhood photographs were included as part of the presentation.

Adams stated the site has an area of 6,350 square feet, representing the parcel size as originally subdivided. The R-2 district requires a minimum lot size of 9,000 square feet. Adams noted that the neighborhood of the subject parcel was originally subdivided into relatively small lots ranging in area from approximately 5,000 to 6,350 square feet. Over the years, many of the neighborhood's vacant platted lots were combined and developed for homes resulting in a range of larger dwelling sites. Adams stated that though the lot is non-compliant with the lot size requirements of the R-2 district, Section 46-655(e) of the Zoning Ordinance provides that in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the

regulations for the district in which such lot is located. The section also specifically notes that yard requirement variances may be obtained through approval of the board of appeals. Therefore, even though undersized, under Section 46-655(e), the parcel may be developed for a single-family dwelling provided compliance with the yard requirements of the R-2 District are met or yard setback variances are obtained through the board of appeals. Based on the above, Adams stated the lot could be developed with a smaller dwelling without benefit of a variance. However, he noted the applicant's desire to construct a home having sufficient size to adequately accommodate a family. Adams stated the size proposed would be more consistent with the home sizes of area dwellings verses a smaller dwelling.

Following the presentation, Adams summarized staff's findings as follows:

1. Though the parcel does not meet the lot area standards of the R-2 zone district, Section 46-655(e) of the Zoning Ordinance provides that in any district in which single-family dwellings are permitted undersized lots may be developed subject to compliance with the underlying yard setback standards. In the event the yards standards are not met, the section clearly specifies an opportunity to seek relief from the Zoning Board of Appeals.
2. Development of the lot for residential purposes is confined to the existing lot area. The opportunity to increase the lot size does not appear practicable given the adjoining site development and public right-of-way.
3. The variance offers the applicant an opportunity to develop the subject parcel in a manner consistent with the reduced setback opportunities afforded neighboring properties.
4. The proposed dwelling size and design is generally consistent with neighborhood dwelling designs and construction trends and helps meet the city's affordable housing needs.
5. The variance is not anticipated to impair an adequate supply of light and air to adjacent properties.
6. The variance will not unreasonably increase congestion in public streets.
7. The variance will not increase the danger of fire or endanger public safety.
8. The variance will not unreasonably diminish or impair established property values within the surrounding area.
9. The variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Chairperson Nichols asked the applicant, Mr. Geeseman, if he wished to comment on the application. Mr. Geeseman thanked the ZBA for their consideration and the completeness of the staff report. He stated he wished to construct a slightly larger home to meet the needs of a family, explaining that the two feet of additional width to the home would provide opportunity to develop interior room sizes more conducive to function and desirability. He stated he may employ the use of a pre-manufactured home to reduce the level of site and neighborhood disturbance that commonly occurs during construction with site-built homes.

Chairperson Nichols asked if anyone in the audience wished to speak on this matter.

Two neighborhood residents spoke against the variance voicing the following concerns:

1. The placement of the dwelling unit would be too close to the fire hydrant located near the southeast corner of Seneca and Chestnut Streets.

2. The proposed dwelling size is smaller than other homes in the area and would be inconsistent with the neighborhood's residential character.
3. Concern over traffic congestion near the intersection of Seneca and Chestnut.
4. Residents of the home will face the noise of passing traffic.

Responding to the neighbor's concerns, staff noted the following:

1. The existing fire hydrant is in the public right-of-way positioned like that of many hydrants throughout the city.
2. A home smaller than the one proposed may be constructed by right, without needing a variance.
3. The local streets serving the site have been designed to handle the level of traffic common to the area. It is estimated the dwelling will add approximately 9 to 10 vehicle trips per day to the streets. The streets can support this traffic.
4. The traffic noise impacting the new dwelling is anticipated to be comparable to that experienced by other nearby residents who seem to be satisfied with their location.

There being no additional public comments, Chairperson Nichols closed the public speaking portion of the hearing turning the matter over to the full board for consideration. The board discussed the staff's findings and the public comments raised. Using an aerial map from the PowerPoint presentation, Adams identified the general location of the fire hydrant noting its location in the public right-of-way. The board continued discussion on the public's concern regarding traffic congestion. The board noted that the parcel had sufficient length to allow for the driveway serving the dwelling to be placed off Chestnut Street and aligned with a driveway serving a home north of Chestnut, thereby maximizing its distance from the Seneca/Chestnut intersection.

Based on concurrence with staff's report and findings, consideration of the public's comment, and review and analysis of the variance application, it was moved by Dean, supported by Ault, to approve a Chestnut Street side street setback variance of 2 feet allowing for a setback of 18 feet as opposed to the required 20 feet stipulated by Section 46-630(h) of the Cadillac Zoning Ordinance for the placement of the home subject to the location of the driveway serving the dwelling to be aligned with the driveway serving the dwelling at 2010 Chestnut Street.

On a roll call vote taken by Wallace, the motion to approve the variance application and driveway location condition was approved by a vote of five members voting in favor. Those voting to approve the motion were Dean, Brown, Bontrager, Ault, and Nichols. No members voted against the motion. The motion carried and the variance and condition approved.

NEW BUSINESS

1. Meeting Dates – Wallace presented the ZBA meeting schedule. The schedule of meeting dates was approved without objection nor benefit of a vote.

2. Election of Officers:

a) Chairperson - Motion by Ault, supported by Dean, to elect Nichols as the ZBA Chair. The motion to approve Nichols as ZBA Chair was unanimously approved on a roll call vote.

b) Vice Chairperson - Motion by Brown, supported by Dean, to elect Ault at the ZBA Vice Chair. The motion to approve Ault as the ZBA Vice Chair was unanimously approved on a roll call vote.

OLD BUSINESS

None.

BOARD MEMBER COMMENTS

Brown thanked the staff for the staff reports.

PUBLIC COMMENTS

None.

ADJOURN

Motion by Bontrager, supported by Ault, to adjourn the ZBA meeting at 6:21 P.M. The motion was unanimously supported on a roll call vote.