



MEETING MINUTES
Cadillac Zoning Board of Appeals (ZBA)
5:30 P.M.
May 16, 2024

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on May 16, 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 Nichols to approve the May 16, 2024, meeting agenda. Support by Brown. The motion was unanimously approved on a roll call vote.

APPROVE THE APRIL 18, 2024 MEETING MINUTES

Motion by Brown to approve the April 18, 2024, meeting minutes. Supported by Ault. The motion was unanimously approved on a roll call vote.

PUBLIC HEARINGS

Side Yard Setback Variance

Linda Sniegowski, Trustee & Beneficiary (George & Barbara Trahey Trust)

1202 Sunnyside Drive, Cadillac, Michigan

Parcel Number: 10-105-00-016-00

Variance Request: The applicant requests a variance from the provisions of Section 46-656(1) seeking authorization to connect an existing detached garage to the dwelling at 1202 Sunnyside Drive. The project includes the expansion of the dwelling with the construction of a handicapped accessible living area addition that will connect the existing dwelling and garage. The purpose of the connection is to provide opportunity for the efficient, safe, and sheltered travel of a wheelchair bound occupant between the home and garage during periods of inclement weather. The side yard setbacks of the existing detached garage range from 3 to 4 feet. Section 46-629, Schedule of Regulations, of the ordinance requires a minimum side yard setback of 10 feet for accessory buildings if attached to a main building. The applicant wishes to maintain the existing setbacks of the garage and is requesting relief from the provisions of Section 46-656(1) and from the 10 foot side yard setback requirement of Section 46-629. If the application is denied, the applicant wishes to proceed with construction of the handicapped accessible living area based on a modified design. Under the modified design, the applicant requests the addition be approved with side yard setbacks

from the east property line of 12 feet along the northern 20 feet of the addition and 10 feet along the south 10 feet of the addition.

Chairperson Nichols opened the public hearing on the variance application for 1202 Sunnyside Drive calling for staff to introduce the request.

Adams stated that ZBA members had been provided with the full staff report and that required public notices for the hearing had been processed. There have been no written or verbal responses to the public notice received to date. He stated the applicant, Ms. Sniegowski, was present. Adams then presented an overview of the staff report using a Power Point presentation format.

Adams stated that as noted in the applicant's cover letter and variance application packet, two options for obtaining setback relief are indicated. The preferred option is identified as Plan A. An alternate option is Plan B. It is the staff's understanding that the basic rationale for both options is to provide handicapped accessible living accommodations for the applicant's son who is wheelchair bound. As noted in the staff report, the Plan A option provides opportunity for the son and others to move from the dwelling and new addition efficiently and safely to the garage to access the placement of vehicles for transport without having to travel outdoors during periods of inclement weather or otherwise. Adams discussed the challenges of having to walk and maneuver outside when confronted with inclement conditions such as heavy snow or ice when in a wheelchair, on crutches, or simply due to age and/or other health issues.

Adams stated the staff report and presentation will begin by addressing the applicant's identified Plan A option. However, much of the background information regarding the site and neighboring properties applies to both options. Accordingly, the information will generally not be duplicated when addressing the two options.

Adams stated the site is zoned R-1, One-Family Residential. The north lot line fronts the south shore of Lake Cadillac. The south lot line abuts the right-of-way of Sunnyside Drive. The site has approximately 64 feet of lake frontage and approximately 60 feet of frontage along Sunnyside Drive. The parcel has a depth of approximately 316 feet along the west property line and 298 feet along the east line. The site area is slightly over 19,000 square feet. The R-1 district requires a lot width of 100 feet and a lot area of 12,500 square feet. The site has an existing single-family dwelling and a detached garage. It is noted that in the year 2000 a variance was issued for an easterly addition to the main dwelling unit providing for a revised side yard setback of 12 feet verses the R-1 standard of 15 feet. The variance is noted on the attached site plan. It was noted the variance was not specifically limited to the footprint of the residential addition.

Adams stated that though sufficiently large in area, the parcel does not meet the 100 feet lot width requirement of the R-1 district. However, 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 pursuant to lot width, under Section 46-655(e) the parcel may be developed for a single-family dwelling provided compliance with the yard requirements of the R-1 District are met or yard setback variances are obtained through the board of appeals. As presently existing, the parcel complies with the standards of the ordinance.

Adams stated the site is located off Sunnyside Drive (M-55 West). Information on Sunnyside Drive was provided in the staff report. The neighborhood area is residential in orientation with a variety of residential housing types. Single-family dwellings exist to the immediate east (1126 Sunnyside Drive) and west (1204 Sunnyside Drive). Neither dwelling on the abutting lots is fully compliant with the R-1 setback standards. Based on the city's GIS aerials, the home to the east (1126 Sunnyside Drive) lies roughly 5 to 6 feet from the parcel's east property line. Ten feet is required. The home to the west (1204 Sunnyside Drive) indicates side yard setbacks of approximately 4 to 5 feet (from the east lot line) and 8 feet (from the west lot line). Ten and 15 feet respectively are required. Directly across Sunnyside Drive, south of the site, exists a small wetland appearing parcel (1127 Sunnyside Drive), Sunnyside Assisted Living facility (108 Wildwood Court), and Wildwood Condominiums. Sunset Shores and the Sunset Shores Clubhouse lie to the west.

Adams detailed the location of the basic design of the preferred Plan A option and the Plan B alternative. Plan A connects the existing dwelling and garage with the addition. Plan B provides for an addition without a garage connection. Adams outlined the setback standards for Plan A noting that the dwelling and addition are shown as compliant with the R-1 side yard setback standard of 10 feet. The garage is proposed to retain the 3 feet setback along the north 24 feet of the structure and 4 feet along the south 12 feet. Adams provided photographs of the existing side yard location of the garage and the adjoining developed parcel directly west, noting that the garage attached to the home on the westerly parcel was noncompliant pursuant to its side yard setback. Photographs of the two side-by-side properties were displayed noting the nonconforming setback of the garage to the west, the presence of a decorative privacy fence separating and buffering the two parcels, and the subject garage to the east. Adams noted how the fence effectively buffered the visual impacts of the two nearby garages.

Adams summarized the staff's evaluation of the review standards required by Sections 46-69(b)(2) and 46-69(4) of the zoning ordinance when considering dimensional variance applications. For the benefit of the public, he reiterated that these sections are used by the ZBA pursuant to the review and consideration of variance applications.

The staff review noted the following:

1. The proposed development is confined to the existing lot area. Expansion of the site to the west via the acquisition of additional property is not deemed practicable given the developed character of the westerly site.
2. The variance offers the applicant an opportunity to develop the parcel in a manner consistent with the reduced setback opportunities afforded neighboring properties with attached garages. It is noted that the existing setbacks pre-exist and will not be altered to increase their level of encroachment.
3. The proposed dwelling design is consistent with the range of neighborhood dwelling designs and construction trends.

4. The variance is not anticipated to impair an adequate supply of light and air to adjacent properties. Adams noted the large size and open space character of the lot and adjoining properties.
5. The variance will not increase congestion in the public streets given that an increase in traffic is not anticipated as there is no change in the site use or anticipated intensity of the use.
6. The variance is not anticipated to increase the danger of fire or endanger public safety. Adams noted that all construction projects will be subject to compliance with the city's Building Code and associated code standards.
7. The variance is not anticipated to diminish or impair established property values within the surrounding area. Adams noted that an addition to the home should increase the value of the subject property thereby having a positive value effect on the neighborhood. The use is not anticipated to degrade surrounding property values.
8. The variance will provide an opportunity for the construction of a handicapped accessible addition providing manageable living accommodations for persons in need. The city desires to meet the housing needs of all people. Further, the direct connection of the dwelling and garage allows for the safe and efficient indoor (protected) movement of individuals experiencing mobility challenges verses their potentially unsafe exposure to inclement weather.
9. Adams refreshed the board on Section 46-715(b) of the zoning ordinance governing lots having water frontage on Lake Cadillac which provides that road front yards may be used for the placement of detached accessory buildings with a minimum 3 feet setback from property lines and street right-of-way. Though the project will result in an attached garage, the present placement of the garage will maintain consistency with said section pursuant to location and setback.

Adams provided a Power Point graphic depicting the proposed location and setbacks of the Plan B option, noting that as detailed on the applicant's site plan, the northerly 20 feet of the planned addition has a setback of 12 feet while a smaller 10 feet segment along the south is set back 10 feet. Adams stated the setback of 12 feet is consistent with the variance approved in the year 2000 for the existing dwelling. He stated the R-1 District standard for setbacks is 15 feet. He noted the variance was not subject specifically to the existing dwelling. Rather, it essentially established a revised setback standard for the easterly property line. He further noted the ordinance provides for certain extensions to nonconforming structures provided the extensions do not increase the extent of nonconforming.

Adams reiterated that staff's findings as detailed earlier for Plan A were consistent with those of Plan B. The only significant variation being that the addition would not be attached to the home thereby precluding the opportunity for the full indoor movement of residents from the home to the garage.

The applicant asked to be identified to clarify a staff matter. She noted that her site plan for Plan B was incorrect. She now realizes she had mistakenly indicated the proposed south addition shown for Plan B having a setback of 10 feet. She stated it will have a setback of 12 feet, consistent with the setback of the home and the northern area of the proposed new addition. That being the case, Adams stated that given the prior variance providing for a setback of 12 feet along the east property line, as opposed to 15 feet, the site plan of Plan B would be considered compliant with the ordinance and prior variance.

Following the staff presentation, Chairperson Nichols asked the Board members if they had any questions of staff or comments. Member Brown inquired of the basis of the two building options. Adams stated the options were provided by the applicant.

Following board comment, Chairperson Nichols opened the public speaking portion of the hearing asking the applicant to comment if she so desired. Having no comments, the Chair asked if anyone in the audience wished to comment on the application.

David Yenor, owner and neighboring resident of 1204 Sunnyside Drive, spoke in favor of granting the Plan (Option) A variance request. He stated he had no objections to the request. Mr. Yenor clarified that he had installed the privacy fence between the two properties previously noted by staff.

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, the consideration of the public's comment indicating full support for the Plan A option, and the board's review and analysis of the variance application and findings of consistency with the variance review standards provided for by the Cadillac Zoning Ordinance, it was moved by Dean, supported by Bontrager, to approve the Plan A option providing for the proposed addition calling for the addition to connect the existing dwelling and garage with the garage to retain its present location as sited providing for a setback variance of 7 feet along the north 24 feet of the west wall of the garage and a setback variance of 6 feet along the south 12 feet of the west wall of the garage subject to the following two conditions: 1) The setback variances shall be limited to the existing footprint of the garage per the applicant's Plan A site plan dated 3/23/2024. The variances shall not extend to other yard locations; and, 2) The existing privacy fence along the west side of the detached garage, or a comparable substitute, shall be retained for purposes of shielding and buffering the garage from the adjoining site at 1204 Sunnyside Drive.

On a roll call vote taken by Wallace, the motion to approve the variance application with the conditions was unanimously approved by all members (Bontrager, Nichols, Dean, Ault, and Brown) voting in favor and no member voting against. The motion carried and the variance with the conditions approved.

NEW BUSINESS

None.

OLD BUSINESS

None.

BOARD MEMBER COMMENTS

None.

PUBLIC COMMENTS

None.

ADJOURN

There being no further business, Chairperson Nichols adjourned the meeting of the ZBA at 6:14 P.M.