



Zoning Board of Appeals Agenda
April 18, 2024

A regular meeting of the Cadillac Zoning Board of Appeals is scheduled for 5:30 p.m. on Thursday, April 18, 2024. Items of discussion are as follows.

CALL TO ORDER

ROLL CALL

1. Approval of the agenda for April 18, 2024.
2. Approval of the June 16, 2022, meeting minutes.
3. Public Comment
4. Public Hearing
 - a. Variance application filed by Randall Myers, owner of 108 Shore Lane requesting a rear yard (street side) setback variance of 20 feet to construct a 20 x 20 feet addition to the existing garage attached to the dwelling at 108 Shore Lane resulting in a setback of 15 feet.
 - b. Variance application filed by Jeff Geeseman, owner of 230 Seneca Pl requesting a (Chestnut Street) side street setback variance of 2 feet allowing for a setback of 18 feet for the construction and placement of a single-family dwelling.
5. New Business
 - a. Vote for Officers
 - b. Vote for Meeting Dates
6. Old Business
7. Board Members Comments
8. Public Comments
9. Adjourn

NOTE: The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact John Wallace, Community Development Director, at (231) 779-7325 at least three business days prior to any such meeting.



MEETING MINUTES (DRAFT)
Cadillac Zoning Board of Appeals (ZBA)
5:30 P.M.
June 16, 2022

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on June 16, 2022

ROLL CALL

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

MEMBER ABSENT:

STAFF PRESENT: Wallace, Pluger

APPROVAL OF MEETING AGENDA

Motion by Knight to approve the June 16, 2022, agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE OCTOBER 21, 2021, MEETING MINUTES

Motion by Paveglio to approve the October 21, 2021, meeting minutes. Supported by Knight. The motion was unanimously approved on a roll call vote.

PUBLIC HEARINGS-

1. The Schultz Organization: Owner of McDonalds restaurant located at 6231 E. M-115 in Cadillac West Business District. Wallace presented a power point detailing the location, and the request by the applicant. Wallace gave examples of other signs in the area. It was verified that notices were given, and no letters or comments had been made to city staff at this time.
 - a. Michael Zacks spoke on behalf of the applicants. He explained this is the smallest LED sign that is available, and it will not require any structural change to the pole or fitting. Zacks explained they designed this to stay in the spirit of the ordinance.
 - b. Nichols opened for public comments and there were none.
 - c. Nichols opened to the board for comment and discussion. Paveglio expressed he is struggling with there being a practical difficulty.
 - d. Knight expressed that Mr. Fosies is not permitted and he feels that property cannot be used as an example because they do not have permits for their signage, and they do not conform. Wallace offered to do more research can be done on Mr. Fosies if the board requested.
 - e. Discussion followed by the board about location on the building or on the sign.

- f. Motion by Bontrager to approve application to install the pole sign. Supported by Knight.
 - i. Motion passed with a 4-2 vote.
- 2. Christopher Sorenson's application for variance for a side yard setback for the construction of a new home. Nichols opened the discussion for Wallace to present. He explained the variance size requested and showed other homes on the block with other porches. Wallace presented the Variance Review Standards. He expressed that the setback is designed to protect sight lines, but this does not block any views for drivers at this location. Wallace recommended that if approved that the porch not be enclosed but screened in and that a survey be completed.
 - a. Sorenson stated his name and address and expressed that he wants to put the small structure on the site without intruding too close to the neighbors.
 - b. Paveglio asked if Sorenson could get by with a 2-foot variance and still get by with the same footprint? Sorenson stated he is asking to make the home centered on the home, 13 feet on each side.
 - c. Nichols opened for public hearing. There were no comments.
 - d. Nichols opened for board comments. Dean commented that most vehicles are longer than the amount of distance left between the garage and the sidewalk and requested that the garage be set back to allow larger vehicles not to block the sidewalk.
 - e. Motion by Dean to approve the variance with recommendations of staff to have a survey, not enclose the porch and have the garage 19 feet. Supported by Ault.
 - i. Motion passed unanimously.
- 3. Variance application by Randall Myers to build a home and garage on the vacant lot. Wallace presented the location of the lot and the materials given describing the design. Wallace presented the Variance Review Standards and explained that most houses in the area do not meet the standards by size and front yards. It was verified that public notice was given and there several letters and comments have been received and provided to the board during the week and tonight. Wallace presented several staff comments explaining how this design meets the average setback in the neighborhood. Staff encouraged the board to make some sort of standards for this lot as there have been several applications to build on this lot.
 - a. Applicant Randall Myers spoke to the board explaining he spoke to several neighbors of the design. He explained his intent is to store his items there and use the apartment for his family.
 - b. Dean asked if the bathroom is a full bathroom and Randall explained that yes, it is a full apartment.
 - c. Nichols opened for Public Comment:
 - i. Brad Marine expressed his concern that this will not be a true residential R-1 Single family home. It will be used as mostly storage and not a home. He expressed he did not support this variance application.
 - ii. Brian Ahrens 211 Lake Drive expressed that he is in attendance to see the ruling of the board because he is a neighbor that would also like to expand his garage and wants to see if he could do the same.
 - iii. Walter Hutchinson spoke that he lives right next door to Dr. Myers. He explained that his daughter lives next to him as well and she could do the

same thing on her property if allowed and build a large barn. Hutchinson expressed his daughter was not in favor of this project either. Concerns were expressed about this being in a wetland.

- d. Nichols closed the public hearing and turned to board comments. Dean had several questions about the vacated alleyways that were separated and added to the properties. Discussion followed about that division and the history of the property. Knight asked the owner's son to describe the history of the property, which was explained.
 - e. Ault expressed that this was not a true home. Discussion followed about this being a home or a barn. Wallace encouraged the board to follow the current zoning and focus on the current application. Discussion continued and Dean asked questions of the other members for comments, and there were none.
 - f. Motion By Knight to accept the motion by the city. There was no second. Knight asked if there were any exceptions the board would like to add. The board asked if public comments could be reopened, and staff advised no that it had been closed.
 - g. The Chair opened for Public Comments again to allow more public comment.
 - i. Brian Ahrens questioned if this apartment is large enough to allow a family to live there in the future?
 - ii. Public Comments was closed by Chair Nichols.
 - h. Dean and Knight asked if the board needed more information.
 - i. Motion to deny the variance by Paveglio. Supported by Ault.
 - i. Variance was denied with a vote of 4-2.
 - j. Wallace requested more information about why the board denied it. Nichols stated his reason for denial was because this is not going to be a residence. Wallace stated it might be best to seek legal advice as to whether this is a residence or not. Dean explained that he would recommend 16-18% of the lot to be similar to other homes on the site as well as the appearance to fit with the other homes in the area. Knight requested more time to determine what would be allowed on this site to give to the applicant as guides to what would be approved. Discussion continued about the denial and how to move forward.
4. Motion to approved Nichols and the Chair. Approved unanimously.
 5. Motion to Approve Ault as Vice Chair. Approved unanimously.

PUBLIC COMMENTS

1. Public Comments opened for general comments
 - a. Brad Marine thanked the board for respecting their concerns.

BOARD MEMBER COMMENTS

1. Knight commented that he is resigning from the board because he is moving. This is his last meeting

ADJOURN

Chairperson Nichols adjourned the meeting at 6:55 pm.



Fee: _____ Payment: _____ Received Date: _____
Planning Board Approval: _____
City Council Approval: _____
Zoning Board of Appeals: _____

Zoning Application

Please select the appropriate Zoning Application you are requesting. The directions for each are listed on the following page.

Zoning Applications

☐ Rezoning \$200	☒ Zoning Board of Appeals \$150
☐ Planned Unit Development (PUD)	☐ Planning Board Regular Business \$35 (i.e., Sign Reviews)
☐ Street Vacation \$200	☐ Site Plan Reviews \$85 (Includes 2 reviews Additional reviews charged \$50/Hr by Fire Marshall)
☐ Special Land Use \$150	
☐ Plat (includes Preliminary & Final) \$200	

Owner Name Randall E. Myers Owner Telephone C-231-468-9959
Owner Address 108 Shore Ln, Cadillac Owner Email DocMyers@charter.net
Applicant/Representative same Applicant Telephone same
Applicant Address _____ Applicant Email same
Subject Property Address 108 Shore Ln
Legal Description of Subject Property *Legal Description is preferred submitted electronically in WORD Format*

Total Acreage 5.1 acre Building Dimensions (LxWxH) 56' x 56' x 28'
Construction Type custom wood frame Number of Stories 2
Zone Classification: Present R-1 Proposed same
Present Use of Property single family residence
Proposed Use of Property same single family residence

The City of Cadillac must be given knowledge of every person having legal or equitable interest in land subject to this petition. It must include:

NAME, ADDRESS, EMAIL ADDRESS, PHONE NUMBER, and INTEREST

1. Mercantile Bank, 1st mortgage, 114 Pine St, Cadillac
2. _____
3. _____
4. _____

I hereby certify that I have a legal or equitable interest in all land subject to this petition and hereby grant permission allowing City personnel on the premises.

Randall E Myers
Signature of Owner

11-14-2024
Date

Signature of Applicant

Date

City of Cadillac
Zoning Board of Appeals
200 N. Lake St.
Cadillac, Mich.

February 11th. 2024

Dear members of the Cadillac Zoning Board;

I am requesting a variance in the back yard setback of my house to allow for a 20' addition to my garage with overhead storage. I am the current owner of the lot and house with no leans other than a mortgage, and with good credit history.

My current garage is 61' back from the curb but the easement is only 35' from the garage. If you will allow the variance, we will still have 41' to park cars in our double wide cement drive. The street is fairly new and has had all utilities updated in recent years. We would exceed the setback of all other houses in our neighborhood. We do not block or impair any other house's view or access. (please see photos enclosed). The roof will be lower than the remainder of our home and other homes in the area. The site is flat and will cause no runoff or drainage issues. The esthetics of the addition will improve the appearance of the neighborhood.

I am providing copies of the City's areals, a scaled drawing of the addition, photos of the present site and the line of site from the addition looking both east and west.

I am requesting a meeting of the Zoning Boards to approve a variance in April or May of 2024. I have made a special effort to meet all the concerns and questions associated with this request. If any other issues arise please contact me.

Respectfully;



Randall E. Myers
108 Shore Ln
Cadillac, Mi 49601
c- 231-468-9959

***Randall and Deborah Myers
108 Shore Ln.
Cadillac, Mi. 49601
231-775-0425***

Zoning Board of Review
City Council of Cadillac
200 Lake St.
Cadillac, Mi 49601

March 7, 2024

Dear Sirs;

In preparing the material for my request for a variance in the setback at 108 Shore Ln. to allow for expansion of my garage area, the question was asked why I feel I need the additional space. The following is my response.

I am lucky to have kids and grandkids that like to come visit all through the year. Living on the lake means more cars, boats, and toys. I have several boats and trailers to store. I also enjoy driving and maintaining my restored classic cars and trucks.

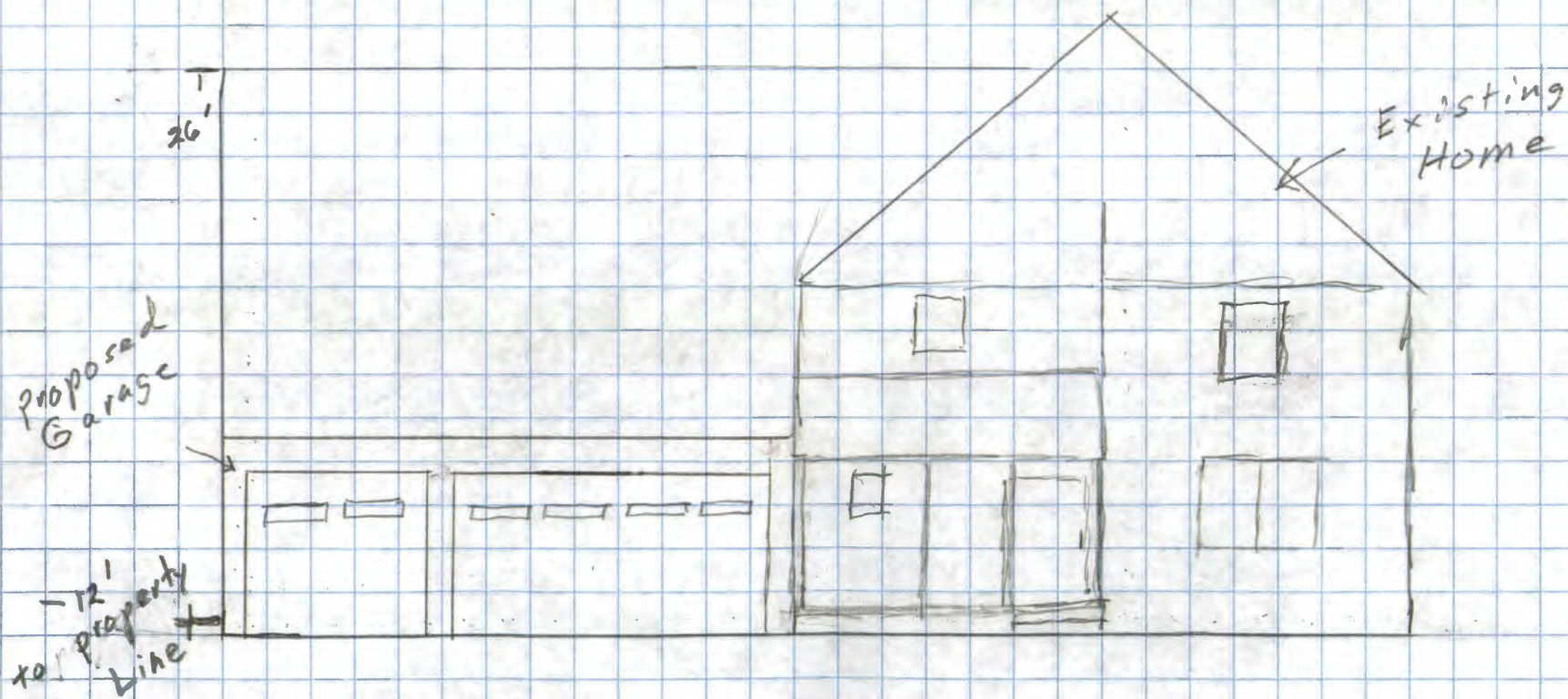
The addition of more garage space means I will not have as many trailers and classic vehicles in my drive and yard. My cars are presently stored outside of Cadillac. Having the units on site means I can reduce the traffic on our street as I will not be going and coming so much.

I truly believe the garage addition will enhance the appearance of the neighborhood and reduce the traffic on our street benefiting all of the neighbors.

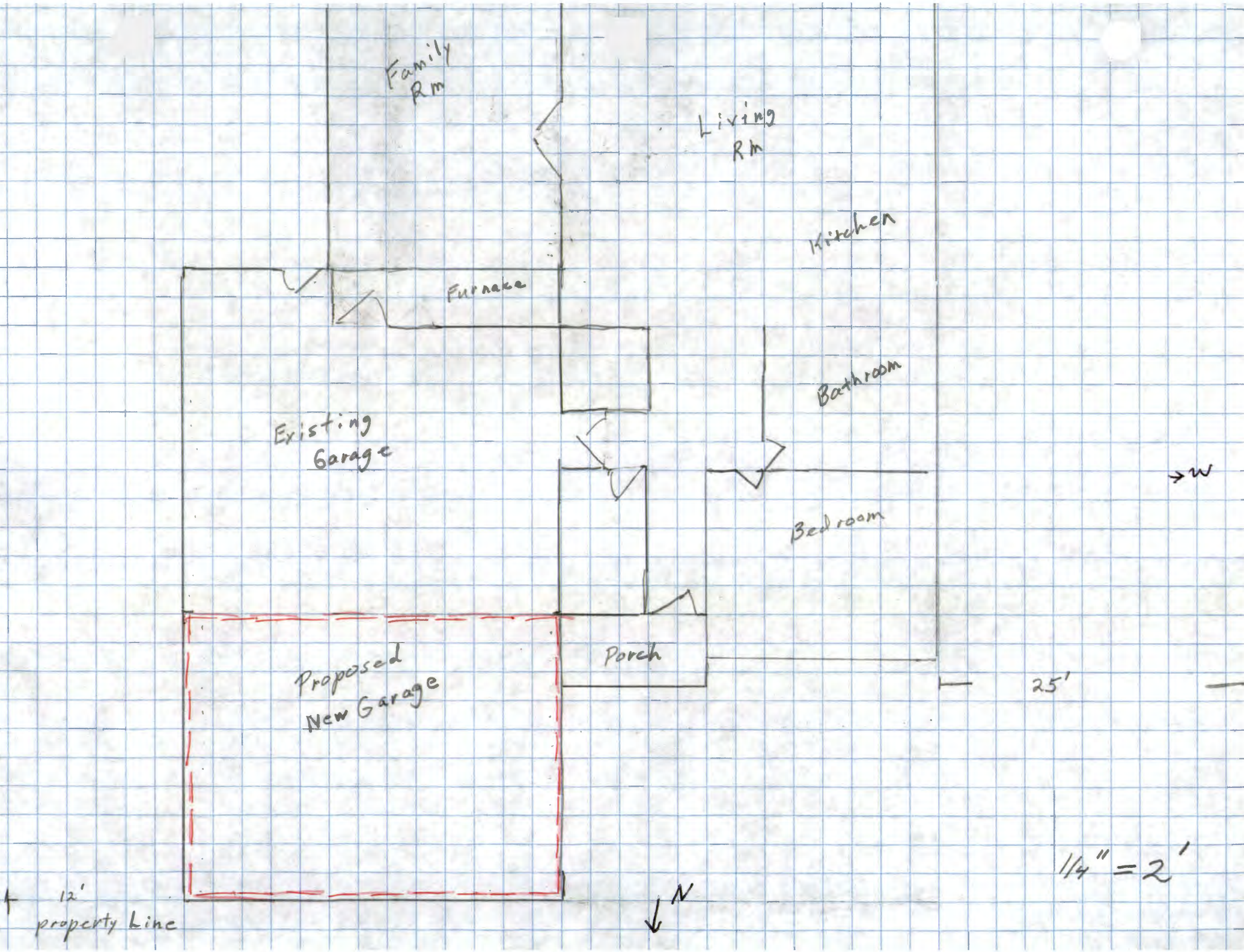
Respectfully;

Randall E. Myers
108 Shore Ln.
Cadillac, Mi 49601

South
↑



1/4" = 2'



Family
Rm

Living
Rm

Kitchen

Furnace

Existing
Garage

Bathroom

Bed room

Porch

Proposed
New Garage

12'
property line

25'

N
↓

1/4" = 2'

→ W



FOREST LN

SHORE LN

Scale 1 mm = 1.88'

106

108

112

113

116

1316

131

155.5'

131.98'

152.26'

90.25'



Notice of Assessment, Taxable Valuation, and Property Classification

This form is issued under the authority of P.A. 206 of 1893, Sec. 211.24 (c) and Sec. 211.34c, as amended. This is a model assessment notice to be used by the local assessor.

FROM WEX. COUNTY EQUAL DEPT. ASSESSOR, CITY OF CADILLAC 437 E DIVISION STREET CADILLAC, MI 49601-1905	PARCEL IDENTIFICATION PARCEL NUMBER: 10-102-00-009-02 PROPERTY ADDRESS: 108 SHORE LN CADILLAC, MI 49601												
OWNER'S NAME & ADDRESS/PERSON NAMED ON ASSESSMENT ROLL: MYERS, RANDALL E ET UX 108 SHORE LN CADILLAC MI 49601-	PRINCIPAL RESIDENCE EXEMPTION <table style="width: 100%;"><tr><td>% Exempt As "Homeowners Principal Residence":</td><td style="text-align: right;">100.00%</td></tr><tr><td>% Exempt As "Qualified Agricultural Property":</td><td style="text-align: right;">.00%</td></tr><tr><td>% Exempt As "MBT Industrial Personal":</td><td style="text-align: right;">.00%</td></tr><tr><td>% Exempt As "MBT Commercial Personal":</td><td style="text-align: right;">.00%</td></tr><tr><td>Exempt As "Qualified Forest Property":</td><td style="text-align: right;">☐ Yes ☒ No</td></tr><tr><td>Exempt As "Development Property":</td><td style="text-align: right;">☐ Yes ☒ No</td></tr></table>	% Exempt As "Homeowners Principal Residence":	100.00%	% Exempt As "Qualified Agricultural Property":	.00%	% Exempt As "MBT Industrial Personal":	.00%	% Exempt As "MBT Commercial Personal":	.00%	Exempt As "Qualified Forest Property":	☐ Yes ☒ No	Exempt As "Development Property":	☐ Yes ☒ No
% Exempt As "Homeowners Principal Residence":	100.00%												
% Exempt As "Qualified Agricultural Property":	.00%												
% Exempt As "MBT Industrial Personal":	.00%												
% Exempt As "MBT Commercial Personal":	.00%												
Exempt As "Qualified Forest Property":	☐ Yes ☒ No												
Exempt As "Development Property":	☐ Yes ☒ No												
LEGAL DESCRIPTION: A PART OF GOVT LOT 2 SEC 5-21-9 BEG AT NE COR LOT 62 LAKESIDE PLAT, S 00 DEG 30 MIN 00 SEC W 339.30 FT, S 00 DEG 21 MIN 40 SEC W ALG W LN OF SAID PLAT 127.40 FT TO POB, S 00 DEG 21 MIN 40 SEC W 152.26 FT TO A TRAVERSE LN ALG LAKE CADILLAC, S 77 DEG 05 MIN 30 SEC W ALG SAID TRAVERSE LN 93.12 FT, N 00 DEG 30 MIN 15 SEC E 173.95 FT, S 89 DEG 23 MI													
ACCORDING TO MCL 211.34c THIS PROPERTY IS CLASSIFIED AS: 408 (RESIDENTIAL-IMPROVED WATE													
PRIOR YEAR'S CLASSIFICATION: 408 (RESIDENTIAL-IMPROVED WATER													
The change in taxable value will increase/decrease your tax bill for the 2023 year by approximately: \$378	<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 25%;">PRIOR AMOUNT YEAR: 2022</th><th style="width: 25%;">CURRENT TENTATIVE AMOUNT YEAR: 2023</th><th style="width: 50%;">CHANGE FROM PRIOR YEAR TO CURRENT YEAR</th></tr></thead><tbody><tr><td style="text-align: right;">167,726</td><td style="text-align: right;">176,112</td><td style="text-align: right;">8,386</td></tr><tr><td style="text-align: right;">207,800</td><td style="text-align: right;">247,400</td><td style="text-align: right;">39,600</td></tr></tbody></table>	PRIOR AMOUNT YEAR: 2022	CURRENT TENTATIVE AMOUNT YEAR: 2023	CHANGE FROM PRIOR YEAR TO CURRENT YEAR	167,726	176,112	8,386	207,800	247,400	39,600			
PRIOR AMOUNT YEAR: 2022	CURRENT TENTATIVE AMOUNT YEAR: 2023	CHANGE FROM PRIOR YEAR TO CURRENT YEAR											
167,726	176,112	8,386											
207,800	247,400	39,600											
1. TAXABLE VALUE:													
2. ASSESSED VALUE:													
3. TENTATIVE EQUALIZATION FACTOR: 1.000													
4. STATE EQUALIZED VALUE (SEV):	207,800	247,400	39,600										
5. There WAS or WAS NOT a transfer of ownership on this property in 2022 WAS NOT													
6. Assessor Change Reason(s):													

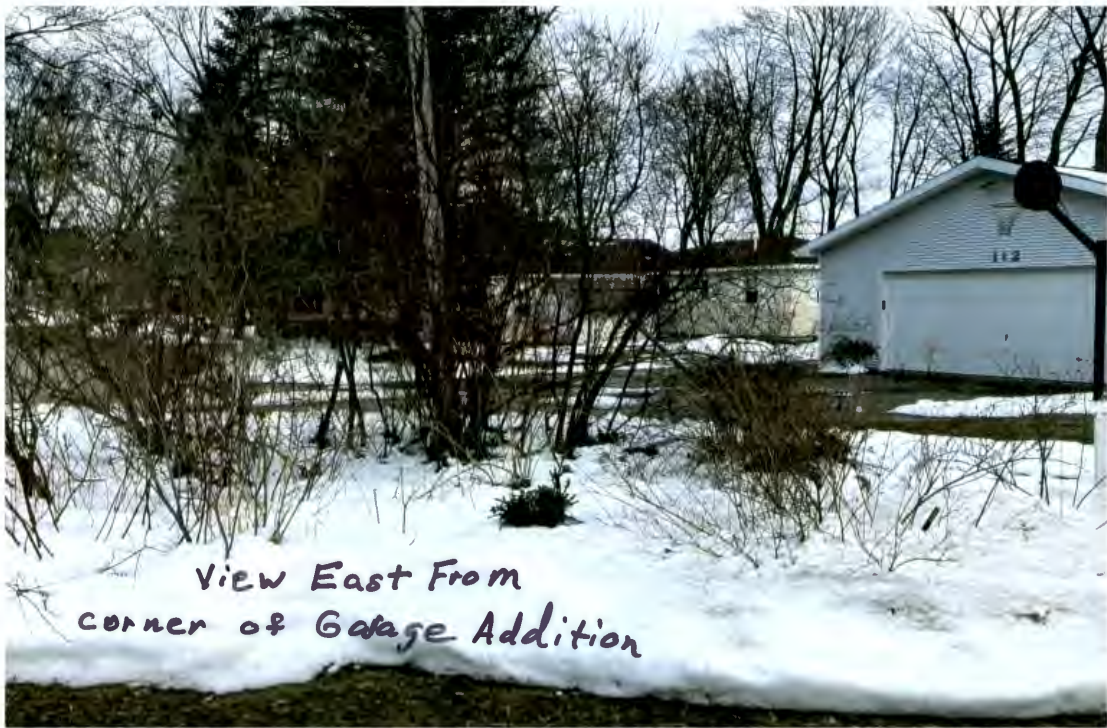
The 2023 Inflation rate Multiplier is: 1.05

Questions regarding the Notice of Assessment, Taxable Valuation, and Property Classification may be directed to the Following:

Name: CLIFFORD PORTERFIELD	Phone: (231) 779-9474	Email Address: JPORTERFIELD@WEXFORDCOUNTY.ORG
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March Board of Review Appeal Information:

2023 MARCH BOARD OF REVIEW MEETINGS WILL BE HELD ON TUESDAY MARCH 14TH FROM 9 A.M. UNTIL 4 P.M. AND THURSDAY MARCH 16TH FROM 3 P.M. UNTIL 9 P.M. AT CITY HALL, 200 N LAKE STREET, CADILLAC MI 49601

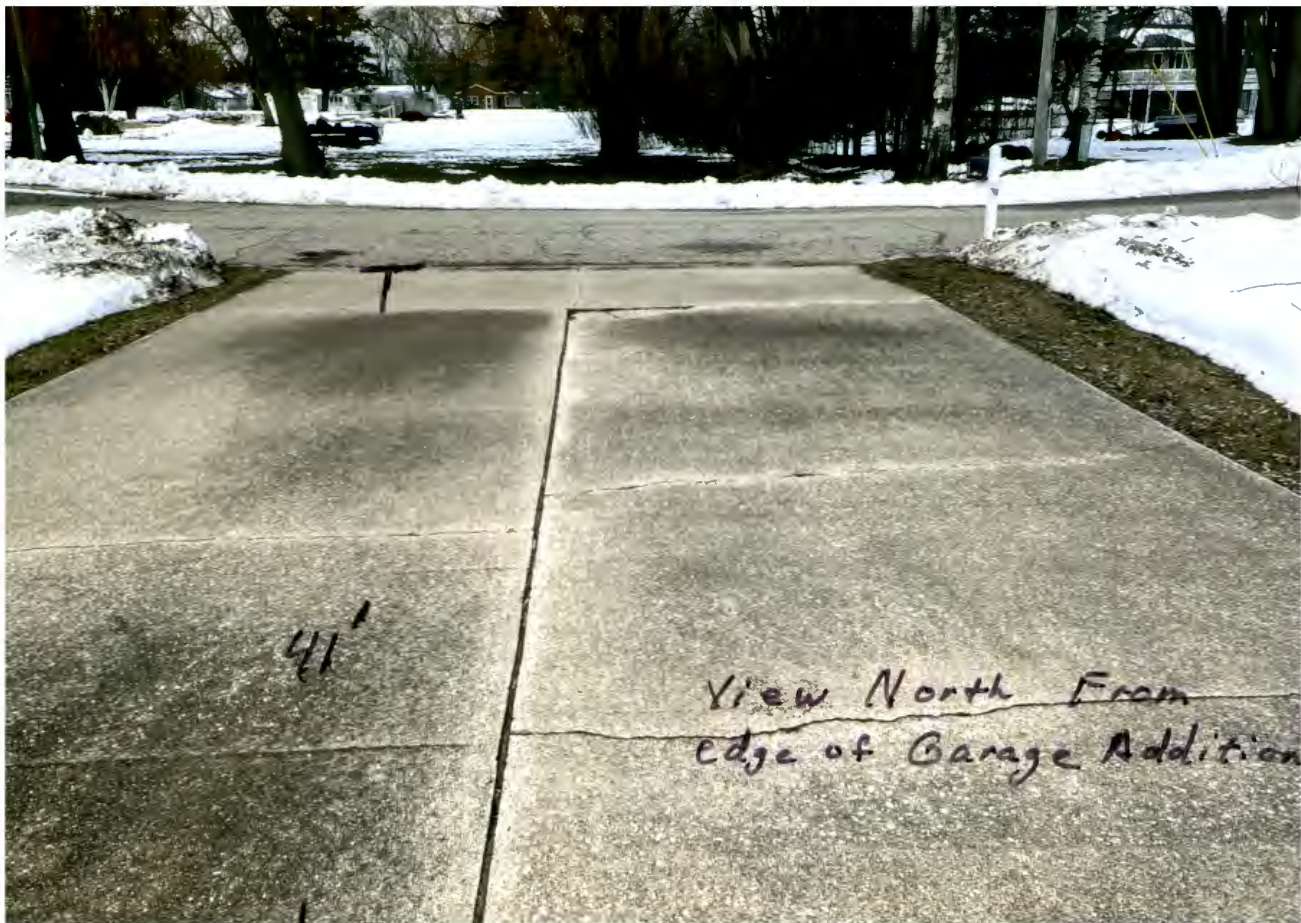


View East From
corner of Garage Addition



View - West From
corner of Garage Addition





41'

View North From
edge of Garage Addition





ZONING BOARD OF APPEALS STAFF REPORT
DIMENSIONAL VARIANCE APPLICATION
RANDALL E. MEYERS
108 SHORE LANE
PARCEL NUMBER 10-102-00-009-02
CADILLAC, MICHIGAN 49601

Applicant: Randall E. Meyers, Property Owner & Resident
Property Address: 108 Shore Lane, Cadillac, Michigan 49601
Parcel Number: 10-102-00-009-02
Variance Request: Road Front Yard (Rear Yard) setback variance (setback encroachment) of 20 feet resulting in a yard setback of 15 feet from the right-of-way of Sunset Lane. Section 46-629, Schedule of Regulations, of the Cadillac Zoning Ordinance requires a setback of 35 feet.

Attachments

- 1) Variance Application
- 2) Applicant's cover letter dated February 11, 2024, with project detail
- 3) Additional reasons for variance provided by applicant dated March 7, 2024.
- 4) Wexford County Assessment Notice with legal description
- 5) Applicant's site plan (2 pages)
- 6) Aerial photos provided by applicant (from the Cadillac GIS mapping system)
- 7) Site photos provided by applicant

Site and Project Information

The site, addressed as 108 Shore Lane, is approximately 16,380 square feet in area, has approximately 90 feet of frontage on Lake Cadillac, and 90 feet of right-of-way frontage on Shore Lane. The site is zoned R-1, One-Family Residential. The site consists of a single-family dwelling with an attached garage. The existing structure is positioned 35 feet from the Shore Lane right-of-way, approximately 78 feet from the Lake Cadillac shoreline, 10 feet from the east property line, and 17 feet from the west property line. These dimensions are compliant with the R-1 standards of the Cadillac Zoning Ordinance. An undeveloped right-of-way of approximately 24 feet exists along the east property line connecting the Shore Lane right-of-way with Lake Cadillac. The ROW lies between 108 Shore Lane and 112 Shore Lane.

Mr. Meyers proposes the construction of a 20 by 20-foot (400 square feet) garage addition to extend the dwelling's existing attached garage. The addition will project in a northerly direction, between the existing attached garage and Shore Lane. Per the applicant, the addition will be used for the parking and storage of vehicles, watercraft, recreational equipment, and other household

goods. As noted, Mr. Meyers is requesting a variance of 20 feet resulting in a setback of 15 feet from the right-of-way of Shore Lane.



108 Shore Lane

The garage addition will be positioned in what the ordinance classifies as the “road front yard” (Section 46-715 of the Cadillac Zoning Ordinance). Said section provides that lots having water frontage and abutting a public thoroughfare shall maintain the front yard on the water side. As such, the side fronting the street (road front yard) serves as a rear yard for purposes of development. As a rear yard, the area is not subject to the same open space limitations common to front yards. For instance, the applicant’s road front yard may be used for the placement of detached accessory structures such as garages, storage structures, and the like. As will be described later, detached structures may occupy a rather significant portion of a road front yard and may be positioned within three feet of side lot lines and abutting street right-of-way.

Section 46-656 of the ordinance provides that where a building accessory to a residential building is “structurally attached” to a main building, it shall be subject to, and must conform to, all regulations applicable to the main building. Accordingly, even though the addition will be placed in the road front (rear) yard, as it will be attached to the main building it is subject to the required R-1 rear yard setback of 35 feet (Section 46-629, Schedule of Regulations).

Neighborhood Characteristics

Shore Lane is designed as a small extension of Forest Lane with a travel distance of approximately 320 feet. The right-of-way width of the street varies from the typical street design of 66 feet to slightly over 100 feet at its mid-length. The variation in right-of-way width is due to the curvilinear

design and construction of the street in relationship to the design pattern of adjoining parcels. The significant variation in right-of-way is not commonly found with other city streets.

As noted, a 24 feet undeveloped public easement extending from Shore Lane to Lake Cadillac is positioned between the subject site (108 Shore Lane) and 112 Shore Lane. The easement effectively increases the open space distance between the two dwellings. The proposed garage addition will not encroach the existing open space of the easement as enjoyed by the two properties.

Shore Lane terminates in a cul-de-sac at its west end. In addition to the subject site, there are four nearby parcels each possessing a single-family detached dwelling with lake frontage. These are noted in the following table. The subject site is positioned between 106 and 112 Shore Lane. The other sites, 114 and 116, lie to the east. As noted below, none of the sites are compliant with the R-1 (road front yard) setback standard of 35 feet. Using the city's GIS Maps, the setbacks from the Shore Lane right-of-way were measured. The setbacks range from approximately 2 to 24 feet with an average setback of 12 feet. Therefore, the non-compliant setbacks result in encroachments to the 35 feet required by the R-1 zone district ranging from 9 to 33 feet. The average encroachment is roughly 23 feet. The proposed variance results in a 20 feet encroachment.

For informational purposes, the table also notes the approximate setback of dwellings from the shoreline. As indicated, all exceed the minimum 35 feet setback requirement thereby discounting a lack of front yard (water side) depth as a possible basis for the road front yard encroachments of other properties as noted earlier.

Setback of Dwellings

Shore Lane Address	Setback (Feet) from the Lake Cadillac Shoreline*	Setback (Feet) from Shore Lane ROW & Setback Encroachment (Existing Yard Setback/Setback Encroachment)
106	93	24/9
112	44	2/33
114	64	6/29
116	64	16/19
Average	NA	12/23
108	78	15/20 (With Variance)
*Note: Setbacks estimated using the Cadillac GIS Maps. Required setback is based on the averaging of setbacks pursuant to Section 46-715(a) of the zoning ordinance. For the subject parcel, the required setback is @66 feet. Regardless of averaging, the minimum setback for lakefront parcels is 35 feet.		

Each of the dwellings referenced above have paved driveways extending from the dwelling structure connecting to the traveled (paved) portion of Shore Lane. All driveways are designed to accommodate the parking of at least two vehicles at/near their dwellings. As noted by the following table, the paved drives range from approximately 35 feet to 50 feet. The average driveway length is approximately 43 feet. The differences in driveway lengths are largely the result of the street's variation in right-of-width as earlier described. The proposed variance results in a driveway length

of approximately 38 feet for the subject site. This is slightly less than the average length of nearby driveways but retains sufficient length to accommodate multiple vehicles and pedestrian circulation. (Note: a review of multiple automotive websites indicates the average length of newer automobiles is 14.7 feet. The driveway resulting from the variance will be adequate to accommodate multiple vehicles.)



Photo of 114 Shore Lane with an existing setback of approximately 6 feet between the street ROW and dwelling.

Dwelling Setback from the Traveled Portion of Shore Lane

Address Shore Lane	Approximate Dwelling Setback from the Traveled Portion of Shore Lane (Driveway Length in Feet)
106	50
112	45
114	35
116	43
Average	43
108	38 (With Variance)
Note: Distances estimated using the Cadillac GIS Maps.	

Variance Review Standards

Section 46-69 (b)(2) of the Cadillac City Code states that the Zoning Board of Appeals may authorize a variance from the strict application of the provisions of the Zoning Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Ordinance 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 the Ordinance.

Section 46-69 (4) of the Cadillac City Code states that in consideration of a variance, the Zoning Board of Appeals shall first determine that the proposed variance will not result in conditions which:

- 1) Impair an adequate supply of light and air to adjacent property
- 2) Unreasonably increase congestion in public streets
- 3) Increase the danger of fire or endanger the public safety
- 4) Unreasonably diminish or impair established property values within the surrounding area
- 5) In any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Section 46-69(b)(2)

The variance application was examined based on the review standards as noted:

Standard – The Zoning Board of appeals may authorize a variance from the strict application of the provisions of the Zoning Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Ordinance 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 the Ordinance.

Finding – As noted earlier, the nearby neighboring properties have developed non-compliant with the road front yard (rear yard) setback standards of the ordinance. The existing setbacks range from approximately 2 to 24 feet, with an average setback of approximately 12 feet. The applicant proposes a setback of 15 feet. Accordingly, given the relatively comparable physical character of the subject site with that of the neighboring properties, it is staff's opinion that the strict application of the setback regulations would result in peculiar (singular) practical difficulties to the applicant for which others have received relief.

Further, it is key to note that unlike most residential sites in the city where the yards fronting public streets are classified as front yards, lake front lots are treated differently. For lots having frontage on Lake Cadillac, front yards are located on the water side, between the dwellings and shorelines. The yards fronting streets are referred to as road front yards. Essentially, the zoning ordinance treats road front yards as rear yards for purposes of use and development. For example, when a lot possesses a dwelling, the road front yard may be used for the placement of detached accessory structures such as detached garages, storage structures, and the like. Moreover, the size allowances and setback standards for uses placed in a road front yard are the same as the rear yards of lots without water frontage. In the case of the subject site, it is estimated an accessory building of approximately 788 square feet would be permitted based on the standards of the ordinance. Moreover, the building could be positioned within 3 feet of a side yard and/or the right-of-way of Shore Lane. Comparatively, the area and visual impacts of the garage addition proposed by the applicant is significantly less when equated to that of a 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.



Photo of neighboring home (116 Shore Lane) with permitted storage building in the road front yard (treated as a rear yard for the placement of accessory structures).

Section 46-69(4)

The variance application was also examined based on Section 46-69 (4).

Standard – The requested variance will not impair an adequate supply of light and air to adjacent property.

Finding – The variance is not anticipated to impair an adequate supply of light and air to adjacent properties. The building setback of the garage expansion from the Shore Lane ROW will be greater than that of the average setback of neighboring properties (approximately 15 feet verses an average setback of approximately 12 feet). As noted in the report, the size and setbacks of the proposed attached garage addition is significantly less than the coverage and setbacks provisions provided for under Section 46-656 of the zoning ordinance governing detached accessory buildings.

Standard - The requested variance will not unreasonably increase congestion in public streets.

Finding – The proposed garage enlargement and associated variance are not anticipated to increase the level of traffic on Sunset Lane. The proposed use is not anticipated to generate vehicular traffic. The proposed use will provide an opportunity for the indoor placement of vehicles and household goods currently associated with the use of the site. The resulting driveway will be of sufficient size to accommodate two vehicles on site plus parking space within the garage.

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. The proposed garage enlargement will be subject to the receipt of a building permit and all construction must be built to building code standards. The construction will be subject to inspection by qualified building code personnel. It is also noted the addition will maintain side yard setbacks consistent with the standards of the Zoning Ordinance.

Standard – The requested variance will not unreasonably diminish or impair established property values within the surrounding area.

Finding – It is not anticipated that the requested variance will contribute to diminished property values. The proposed design of the garage is consistent with the character of the dwelling to which it will be attached, the location of the garage is in the rear yard similar to that of the garages and storage structures of nearby homes, the setback of the garage will continue to provide for the parking of vehicles consistent with the standards of the zoning ordinance, the garage will add to the assessed value of the home, and the additional garage space will provide for the indoor storage of vehicles and other items common to lakefront properties.

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, morals, or welfare of the inhabitants of the city. The proposed use is permitted within the underlying zone district and is consistent with the character of development of neighboring properties. As noted, the requested variance will result in a rear yard encroachment that is less than the average encroachment of nearby properties and will allow for the indoor storage of vehicles, and household equipment and other goods.

Summary of Findings

1. 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.
2. The variance will not reduce the ability of the site to comply with the residential parking standards of the Zoning Ordinance (2 parking places per dwelling unit).
3. Comparatively, the area and visual impacts of the garage addition proposed by the applicant is significantly less when equated 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.
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 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.

Public Comments

Notification of the public hearing on this application was given via first-class mail to all property owners within 300 feet of the subject site and a notice of the hearing placed in the Cadillac News.

These notices were provided not less than 15 days prior to the hearing date. As of the date of this staff report the city has not received any written communication from the public.

Board Action

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 to achieve compliance with the standards of the ordinance.

Finding Statement and Board Action (Example Only)

Based on the following findings, it was moved by _____, supported by _____ to _____ a road side yard (rear 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. Said action subject to the following conditions (if any).

Findings:

Conditions: If none, indicate none.

Roll call vote:

Support -

Deny –

Abstain – If abstaining, state reason.



Fee: _____ Payment: _____ Received Date: _____
Planning Board Approval: _____
City Council Approval: _____
Zoning Board of Appeals: _____

Zoning Application

Please select the appropriate Zoning Application you are requesting. The directions for each are listed on the following page.

Zoning Applications

_____ Rezoning \$200	_____ Zoning Board of Appeals \$150
_____ Planned Unit Development (PUD)	_____ Planning Board Regular Business \$35 (i.e., Sign Reviews)
_____ Street Vacation \$200	_____ Site Plan Reviews \$85 (Includes 2 reviews Additional reviews charged \$50/Hr by Fire Marshall)
_____ Special Land Use \$150	
_____ Plat (includes Preliminary & Final) \$200	

Owner Name Goeseman Real Estate Dev. Owner Telephone 231 590 5421
Owner Address 316 S 37 Rd Cadillac MI 49601 Owner Email jgoeseman.cire@gmail.com
Applicant/Representative Jeff Goeseman Applicant Telephone SAVE
Applicant Address 316 S 37 Rd Cadillac Applicant Email SAVE
Subject Property Address 230 Seneca Pl. Cadillac
Legal Description of Subject Property *Legal Description is preferred submitted electronically in WORD
Format* ATTACHED

Total Acreage .2 Building Dimensions (LxWxH) 72 x 24 x 16
Construction Type Frame Number of Stories 1
Zone Classification: Present Residential Proposed Residential
Present Use of Property Vacant Lot
Proposed Use of Property New Single Family Home

The City of Cadillac must be given knowledge of every person having legal or equitable interest in land subject to this petition. It must include:

NAME, ADDRESS, EMAIL ADDRESS, PHONE NUMBER, and INTEREST

1. Owner Above
2. _____
3. _____
4. _____

I hereby certify that I have a legal or equitable interest in all land subject to this petition and hereby grant permission allowing City personnel on the premises.

Signature of Owner

Signature of Applicant

Date

Date

3/11/24

3-11-24

10-090-00-029-00

LOT 1, BLK D SHADYSIDE PARK PLAT, CITY OF CADILLAC

630 Seneca

QUIT CLAIM DEED

Kristi Nottingham, acting in official capacity as the **WEXFORD COUNTY TREASURER** of 437 E. Division - 2nd Floor, PO Box 293, Cadillac, MI 49601, hereafter referred to as **Grantor**

QUIT CLAIMS to

GEESEMAN REAL ESTATE DEVELOPMENT, INC., a Michigan Corporation, whose address is 316 S 37 RD, CADILLAC, MI 49601, hereafter referred to as **Grantee**

The following lands situated in CITY OF CADILLAC, County of Wexford, and State of Michigan, to wit:

LOT 1, BLK D SHADYSIDE PARK PLAT, CITY OF CADILLAC. CITY OF CADILLAC.

Further identified as permanent parcel ID number 10-090-00-029-00.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, for the sum of \$7,600.00 and no other consideration.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act. If the land is unplatted, Grantor grants to Grantee ALL available land divisions.

This instrument is exempt from Michigan Real Estate transfer taxes pursuant to MCL 207.505(h)(i) and MCL 207.526(h)(i) for County and State tax respectively. This form is issued under the authority of MCL 211.78 (m).

September 27, 2022

Kristi Nottingham
Kristi Nottingham
Wexford County Treasurer

STATE OF MICHIGAN
COUNTY OF WEXFORD

The foregoing instrument was acknowledged before me this September 27, 2022 by Kristi Nottingham, acting in official capacity as the Wexford County Treasurer, known to me to be the person who executed the same of their own free will.


Lori Nix, Notary Public
State of MI, County of Missaukee
My Commission Expires March 15, 2028
Acting in the County of Wexford

Prepared By:
Martin J. Spaulding
222 N Kalamazoo Mall Suite 100
Kalamazoo, MI 49007

After Recording, Return to Grantor

City of Cadillac
Zoning Board of Appeals
200 N Lake St
Cadillac, MI 49601

March 18, 2024

I am requesting a variance of a side lot setback requirement to allow the construction of a 24 ft wide, 3 bedroom home, which our community so desperately needs.

This lot has 50' frontage on Seneca Place and is 127' deep along Chestnut St. I am requesting that a zoning variance be granted to allow the North side of the house to extend slightly into the side lot setback along Chestnut St. I have noticed that, at least two other houses in the area do not conform with the 20 ft. side lot setback on the same side of Chestnut Street and extend similarly into the side lot setback along Chestnut St. as I am requesting. Also, the GIS shows that 2012 Chestnut, which is a corner lot like mine, extends approximately 6-7 feet into the side lot setback along Seneca Pl.

Please note that the location of my proposed new home would not reduce any lines of sight or views from any other home. In addition, with it fronting Seneca Place, its 25 ft minimum front lawn setback, would not reduce any line-of-sight views affecting traffic safety. In fact, it would sit farther off Seneca Street and pose less of an impact on traffic safety than the home with the address of 2012 Chestnut Street currently does.

Further, I have also noticed that this lot technically is nonconforming with the current R-2 zoning which requires a minimum of 75 ft of frontage, even though it was clearly platted as a residential building site.

I purchased this lot with the understanding that without a variance I would still be able to build a home on it as long as it met the required setbacks which would mean a home that is 22 feet wide or less. It would be very difficult to do such and still reasonably accommodate a family with a modest 3-bedroom home. I believe this lot has always been and is currently being taxed like other residential lots in the area.

Prior to purchasing this lot, I had discussed it with Mike Coy in the City's Community Development department. Early in our conversation, he said that the lot was not conforming to build on due to it having less than 50 feet of frontage on Seneca Place. Upon showing him a copy of the deed and a copy of the Shady Park Plat obtained from the Wexford County Registrar of Deeds, he said that it would qualify as a conforming lot since it did show that it was 50 feet wide. He also shared that because it was a corner lot, the side lot setbacks were larger than non-corner lots and that a variance would be required to build an adequately sized home on it (more than 22 feet wide). However, during our conversation and while he was looking at the GIS system, he noticed that the

home located across the street, 2021 Chestnut St., was not even close to adhering to the side lot setback along Seneca Place and that it was also a corner lot. He indicated that I may be able to justify a variance in front of the City's Zoning Board of Appeals based on this but did not promise or confirm this.

I have attached copies of site plan along with elevation views along with GIS views showing the referenced lots as well as copies of my deed and the portion of the Shady Park Plat showing these lots.

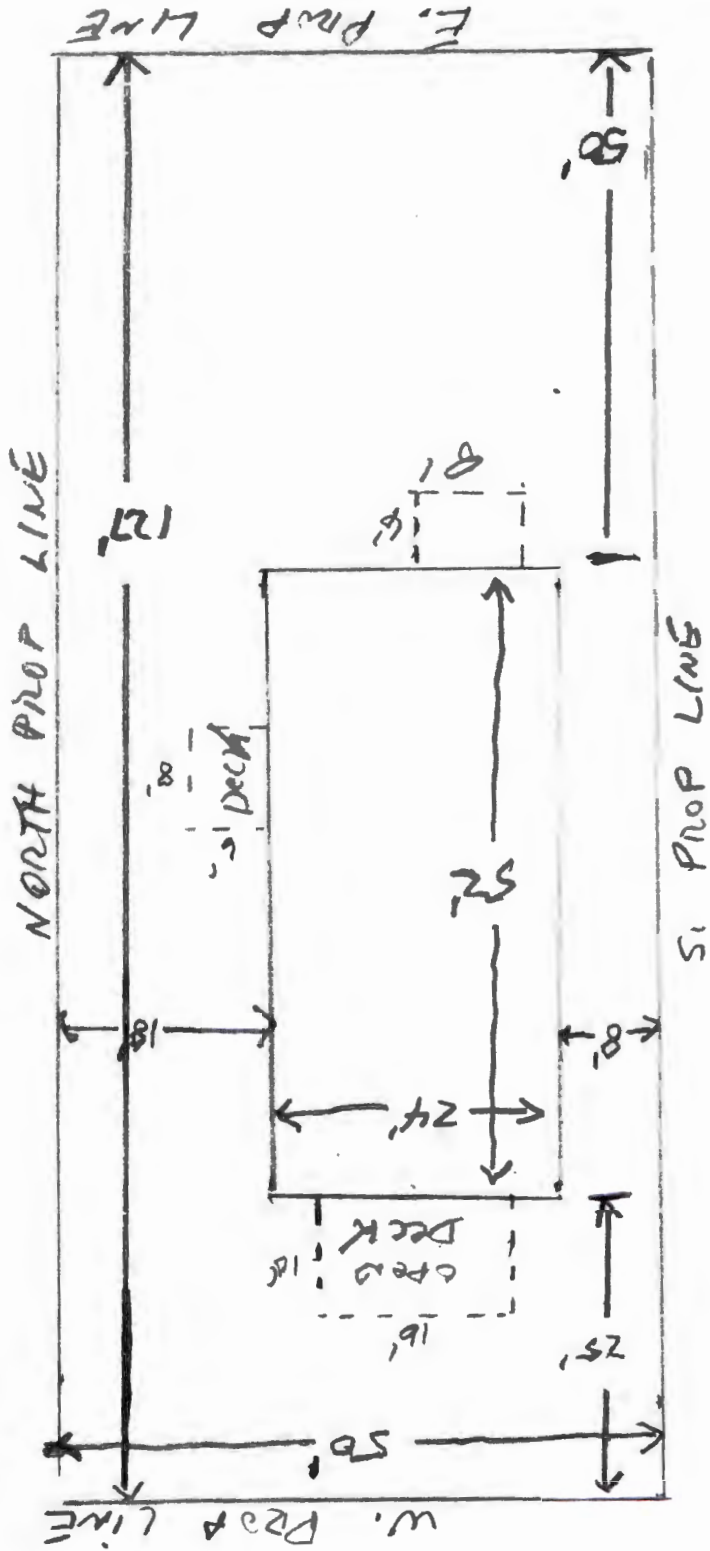
Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Jeff Geeseman', with a stylized, flowing script.

Jeff Geeseman
Geeseman Real Estate Development, Inc
316 S. 37 Rd, Cadillac MI 49601
231.590.5421

SEPTA PL

□ = 4'



CHESTNUT ST.

3-18-24

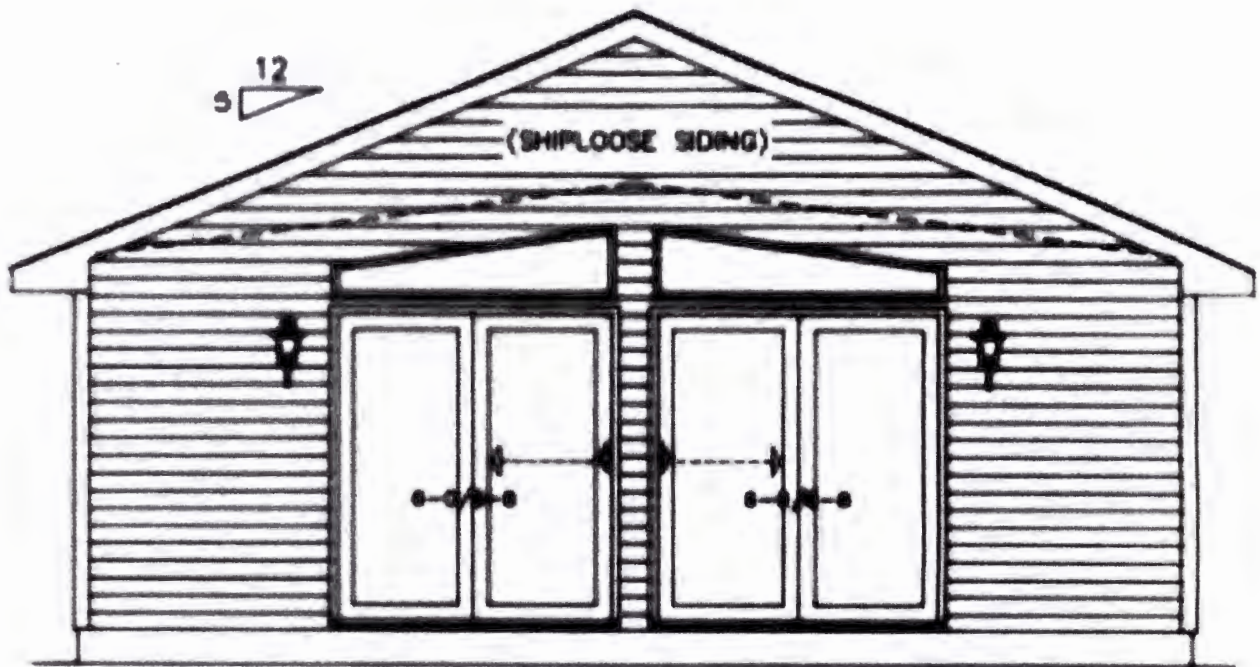
Site Plan 230 SENECA PL
Beeseman Real Estate Dev.

John W. Beeseman



(East) BACK ELEVATION

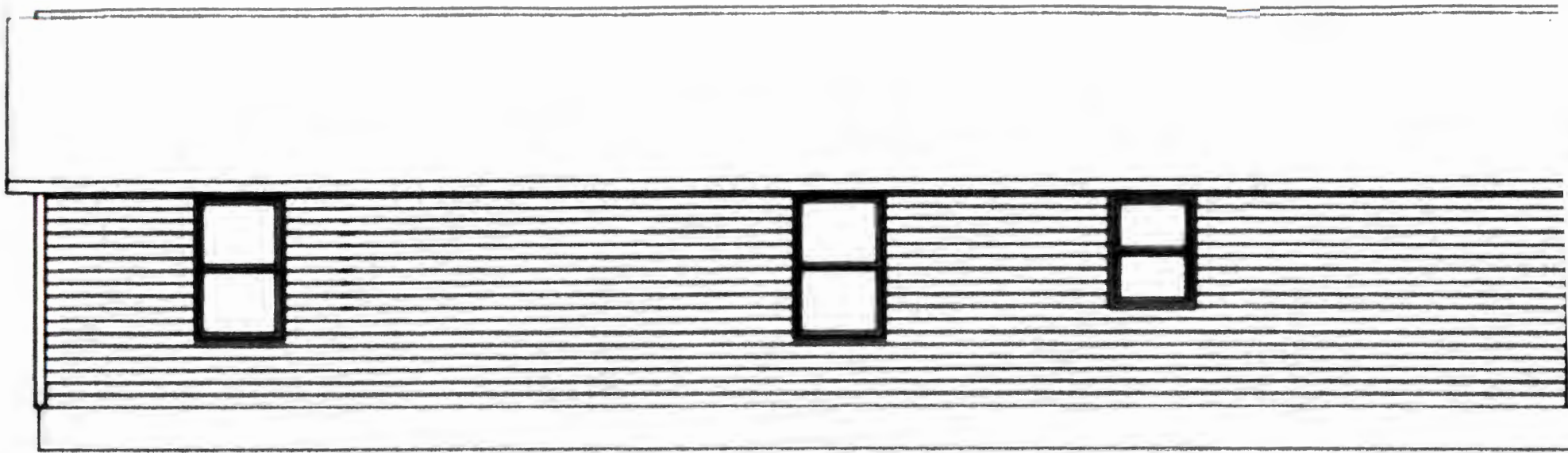
3/16"



(West) FRONT ELEVATION

3/16"

SCALE 1" = 1'-0"



South Side ELEVATION

3/16"

SCALE 



North Side ELEVATION

24x52.14032 3/16"

• **DIVISION 18. - SCHEDULE OF REGULATIONS**

Sec. 46-629. - Height, bulk, density and area limitations by zoning district.

Zoning District	Minimum Zoning Lot Size*		Maximum Height of Structures (in feet)	Minimum Yard Setback** (in feet)			Maximum Percent of Lot Area Covered (By All Bldgs.)	Applicable Footnotes (set in section 46-630)
	<i>Area square feet per unit</i>	<i>Width (in feet)</i>		<i>Front</i>	<i>Side</i>	<i>Rear</i>		

R-2 One-family residential	9,000	75	40	25	least yard 8; total of both, 18	30	35	a, b, h
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Sec. 46-630. - Notes to schedule of regulations.

(a) See [section 46-631](#), averaged lot size and [section 46-632](#), subdivision open space plan, regarding flexibility allowances.

(b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in [section 46-164](#) or [46-629](#), whichever is greater.

(h) On corner lots, there shall be provided a setback of not less than 20 feet from the side street lot line.

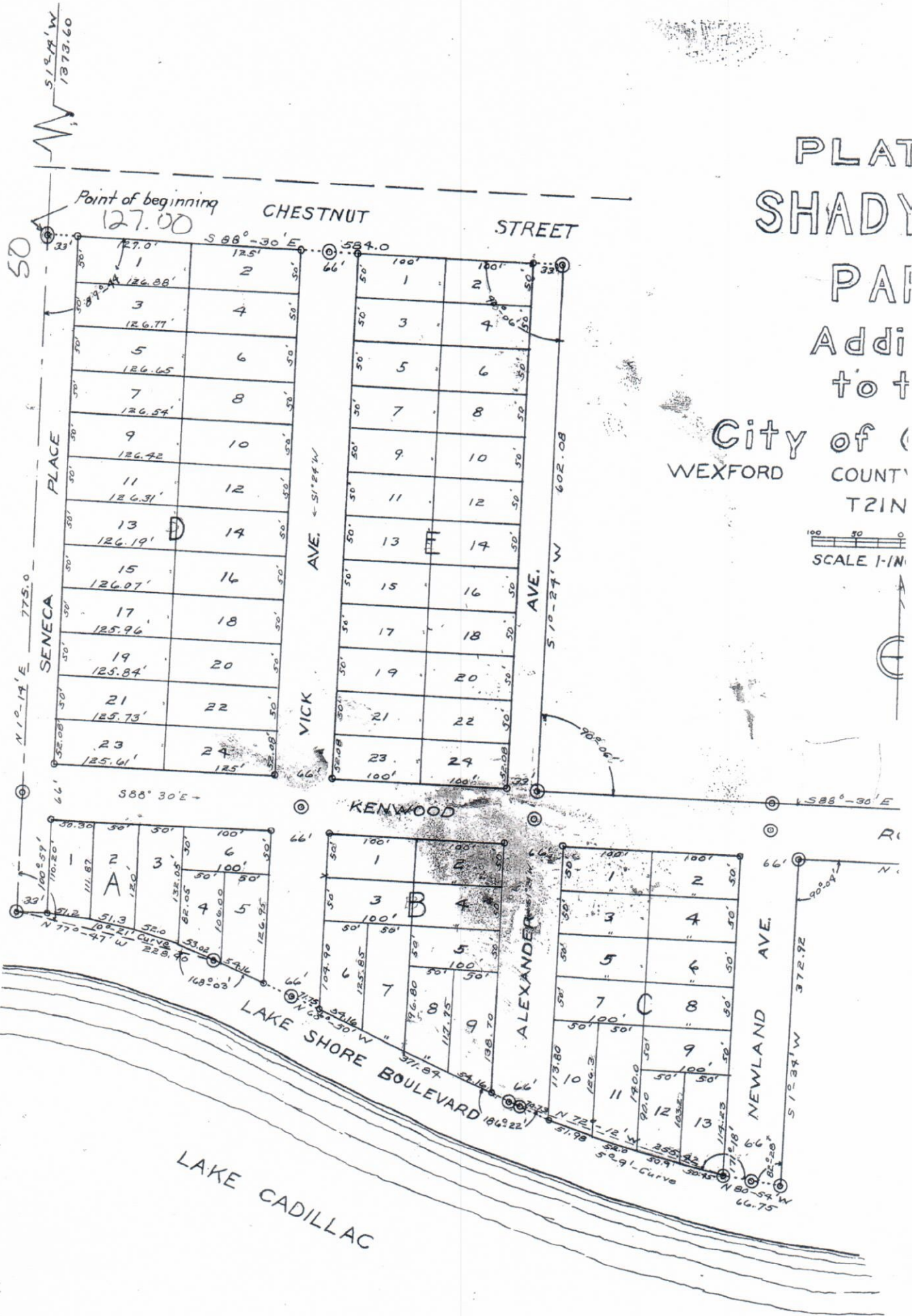
PLAT SHADY

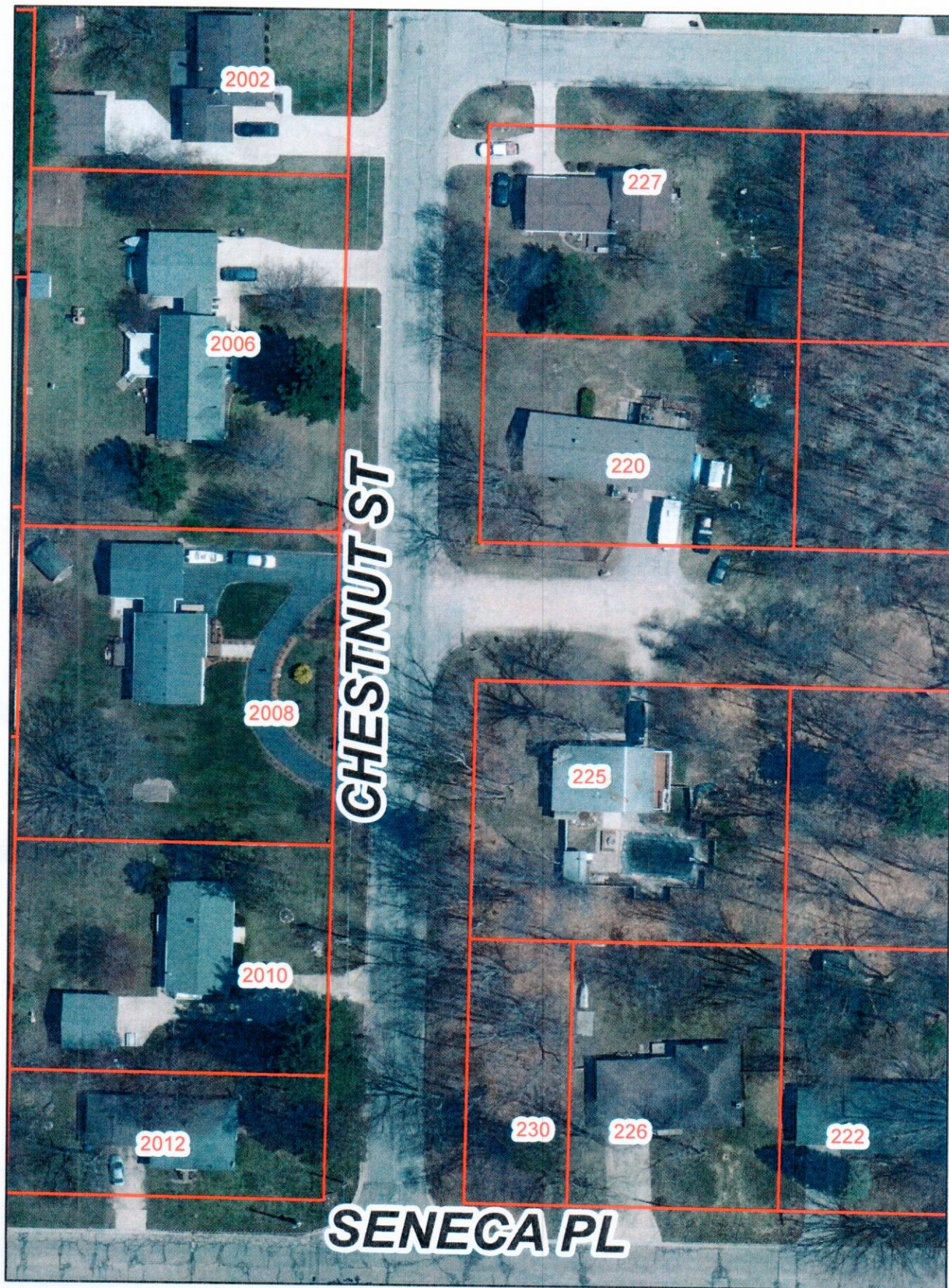
PAI

Addi
to t

City of
WEXFORD COUNTY
T21N

SCALE 1-IN







CHESTNUT ST

2012

2010

230

226

ZONING BOARD OF APPEALS STAFF REPORT
DIMENSIONAL VARIANCE APPLICATION
GEESEMAN REAL ESTATE DEVELOPMENT, INC.
JEFF GEESEMAN
230 SENECA PLACE, CADILLAC, MICHIGAN 49601
PARCEL NUMBER 10-090-00-029-00
CADILLAC, MICHIGAN 49601

Applicant: Jeff Geeseman, Property Owner
Property Address: 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.

Attachments

- 1) Variance Application
- 2) Applicant's cover letter dated March 18, 2024, with project detail
- 3) Quit Claim Deed
- 4) Subdivision Layout
- 5) Site Plan
- 6) Building Elevation
- 7) Site Aerial

Site and Proposed Development

The vacant site, addressed as 230 Seneca Place, is zoned R-2, One-Family Residential. The site is a corner parcel located at the southeast corner of the Seneca Place and Chestnut Street intersection. Both streets are classified as local city streets, possess 66 feet of public right-of-way, and are designed as two-way traffic systems (single lane each way) with approximately 28 feet of paved surface. The parcel has 50 feet of frontage on Seneca Place, 127 feet along Chestnut Street, and an overall area of 6,350 square feet. The size and shape of the site remains as originally subdivided decades ago. Abutting lots to the immediate south (226 Seneca Place) and east (225 Vick Avenue) are developed, each possessing a residential dwelling. The neighborhood area is residentially developed with homes on lots of varying sizes. The Country Acres Manufactured Home Park lies approximately 190 feet to the west.

The applicant, Mr. Geeseman, proposes the construction of a single-family dwelling on the vacant parcel. The planned dwelling is sized as 24 feet by 52 feet (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 will require a variance as detailed in this report.

R-2 Lot Area Requirement and Area Development

The R-2 zone district requires a minimum lot size of 9,000 square feet. As noted, the subject site has an area of 6,350 square feet. 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 resulting in a range of dwelling sites. For example, the following table identifies the lot sizes of the parcels immediately surrounding the subject site as they presently exist.

Lot Sizes of Parcels Adjacent to 230 Seneca Place

Address	Lot Size (Square Feet)
226 Seneca Place	12,700
227 Seneca Place	8,500
305 Seneca Place	26,875
225 Vick Avenue	18,750
2010 Chestnut Street	16,500
2012 Chestnut Street	9,000
<i>230 Seneca Place</i>	<i>6,350</i>

Within the ZBA's hearing notice area for this application (300 feet), approximately 84 percent of the existing 25 parcels meet or exceed the 9,000 square foot minimum lot size requirement due to the past combining of lots, or portions of thereof, as referenced above. Of the few undersized parcels, the lot subject to this variance is the only parcel still undeveloped. All possess dwellings.

Zoning Provision for the Development of Undersized Lots

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.

R-2 Setback Requirements and Compliance of Nearby Parcels

The R-2 district requires a front yard setback of 25 feet and, for corner lots, a side street yard setback of 20 feet. Based on the city GIS mapping system, within 300 feet of the subject parcel, there are 5 existing developed dwelling sites non-compliant with the R-2 setback standards. These lots range in size from 9,000 square feet to 17,500 square feet. Three have side street yard setbacks varying from approximately 12 to 18 feet and two have front yard setbacks ranging approximately 20 to 23 feet.

Subject Parcel – Compliance with Yard Setbacks and Setback Variance Request

As a corner lot, the site has street frontage on both Seneca Place and Chestnut Street. Pursuant to Section 46-629 (Schedule of Regulations) of the ordinance, the R-2 zone district has a front yard setback requirement of 25 feet from the street right-of-way and a side street yard setback of 20 feet. For corner parcels, the ordinance does not specifically address the positioning of a dwelling unit pursuant to yard orientation.

Based on the site plan accompanying the application and noted by the following table, the proposed placement of the dwelling unit is compliant with the required front, south, and east lot line yard setbacks. The proposed side street line (Chestnut Street) experiences a deficiency of 2 feet.

Yard	Setback Requirement (Feet)	Proposed Setback Distance (Feet)
Front (Seneca Street)	25	25
South Lot Line (Side Yard)	8	8
East Lot Line (Rear Yard)	30	50
Side Street Line	20	18

As noted on the site plan, Mr. Geeseman proposes the construction of a single-family dwelling sized 24 feet by 52 feet (1,248 square feet). To accommodate the proposed placement of the dwelling and meet other yard setbacks, Mr. Geeseman is requesting a setback of 18 feet from the side street lot line as opposed to 20 feet, thereby necessitating a variance of 2 feet. Regarding downsizing the proposed home to meet the 20 feet standard, staff notes that the size planned by Mr. Geeseman (1,248 square feet) is already significantly less than that of nearby homes, ranging in size from approximately 1,650 to 2,278 square feet.

Access to Additional Property

Given the developed character of the parcels directly abutting the site (226 Seneca Place and 225 Vick Avenue) and the associated rights-of-way of Seneca Place and Chestnut Street, there is not a readily available or apparent opportunity to increase the size of the subject lot through combination with another parcel or acquisition of additional land.

Variance Review Standards

Section 46-69 (b)(2) of the Cadillac City Code states that the Zoning Board of Appeals may authorize a variance from the strict application of the provisions of the Zoning Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Ordinance 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 the Ordinance.

Section 46-69 (4) of the Cadillac City Code states that in consideration of a variance, the Zoning Board of Appeals shall first determine that the proposed variance will not result in conditions which:

- 1) Impair an adequate supply of light and air to adjacent property
- 2) Unreasonably increase congestion in public streets
- 3) Increase the danger of fire or endanger the public safety
- 4) Unreasonably diminish or impair established property values within the surrounding area
- 5) In any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Section 46-69(b)(2)

The application was examined based on the variance authorization and review standards of the ordinance. The findings follow:

Authorization Standard – The Zoning Board of appeals may authorize a variance from the strict application of the provisions of the Zoning Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Ordinance 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 the Ordinance.

Findings

1. Inability to Enlarge Parcel - As noted earlier, the neighborhood of the subject parcel was originally subdivided as lots ranging in area from approximately 5,000 to 6,350 square feet. Over time, a majority of the neighborhood's subdivided parcels were combined and developed resulting in dwelling sites ranging in size from 9,000 square feet and greater. The undeveloped subject parcel remains as originally subdivided pursuant to size. Given the developed character of the parcels directly abutting the site (226 Seneca Place and 225 Vick Avenue) and the associated rights-of-way of Seneca Place and Chestnut Street, there is no apparent or readily available opportunity to combine lots or otherwise enlarge the parcel through acquisition of additional property. Therefore,

based on the above, development of the lot for residential purposes is confined to the existing lot area.

2. Opportunity Afforded Neighboring Properties – As noted early, within 300 feet of the subject parcel are 5 existing developed dwelling sites non-compliant with the R-2 setback standards. The lots range in size from 9,000 square feet to 17,500 square feet. Three have side street setbacks ranging from approximately 12 to 18 feet (as opposed to the required 20 feet) and two have front yard setbacks of approximately 20 to 23 feet (as opposed to the required 25 feet). The requested variance offers the applicant an opportunity to develop the subject parcel in a manner consistent with the reduced setback opportunities afforded neighboring properties.

3. Modification of Planned Building Size and Design - It is noted a dwelling of modified size could be constructed to achieve compliance with the R-2 setback standards. Further, a dwelling possessing a smaller footprint with two stories might also achieve compliance and dwelling area needs. However, it is the staff's opinion that the applicant's proposed design is reasonable and generally consistent with neighborhood dwelling designs, construction trends, and the city's affordable housing needs. Mr. Geeseman's proposed dwelling unit (1,248 square feet) is already significantly less than that of nearby homes that range in size from approximately 1,650 to 2,278 square feet. Moreover, based on recent trends, the addition of an upper story adds significantly to construction costs potentially limiting the ability to develop the site for an affordable home. [Note for instance - Home Guide estimates \$125 to \$250 per square foot for an upper story (Jan. 2024) and Forbes Home estimates \$100 to \$300 per square foot (February. 2024)] It is the staff's opinion the applicant's proposed design is reasonable and generally consistent with neighborhood dwelling designs and construction trends and helps meet the city's affordable housing needs.

Section 46-69(4)

The variance application was further examined based on the review standards of Section 46-69 (4).

Standard – The requested variance will not impair an adequate supply of light and air to adjacent property.

*Finding –*The dwelling will be positioned compliant with the R-2 setbacks standards as measured from the Seneca Place ROW and the south and east property lines. Along the north property line, the site abuts and retains the open presence of the Chestnut Street ROW (66 feet in width). The depth of the ROW, combined with the proposed dwelling setback of 18 feet, will offer supplies of light and air typically greater than received by many of the surrounding interior lots.

Standard - The requested variance will not unreasonably increase congestion in public streets.

Finding – Based on the trip generation manual of the Institute of Transportation Engineers (ITE), for developments composed of single-family detached homes, the average residential trip generation rate is 9.6 trips per day per dwelling unit. Based on their design capacities and low

traffic volumes, the additional traffic (9.6 trips daily trips) generated by the occupants of the proposed dwelling is not considered significant pursuant to the use and congestion of Seneca Place, Chestnut Street, and neighboring streets.

Standard – *The requested variance will not increase the danger of fire or endanger public safety.*

Finding – The requested variance will not place the home in a position likely to increase the danger of fire to surrounding properties nor endanger public safety. The proposed dwelling will be subject to the receipt of a building permit and all construction must conform to modern building code and fire safety standards. The construction will be subject to inspection by qualified building code personnel.

Standard – *The requested variance will not unreasonably diminish or impair established property values within the surrounding area.*

Findings

1. The requested variance (reduced setback) is contiguous to the 66 feet “open space” ROW of Chestnut Street. The ROW distance, combined with the proposed yard setback of 18 feet, creates an open space distance that effectively negates potential impacts on other dwellings.
2. The use provided for by the variance is consistent with the purpose and existing character of the R-2 zone district and neighborhood area.
3. The dwelling will occupy a vacant parcel thereby adding value to the site and neighborhood.
4. The requested variance is no greater than that of other neighborhood homes in which yard setbacks have been permitted.

Standard – *The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.*

Finding – The proposed use is permitted within the underlying zone district and is consistent with the residential character of neighboring properties. The variance will provide opportunity for the construction of a home of modest size on a site that has been historically vacant. Housing has been identified as a major need in the city. In addition to zoning, the use of the property is regulated by environmental ordinances governing factors such as noise, blight, and the like.

Summary of Findings

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.
3. The requested 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 design is generally consistent with neighborhood dwelling designs and construction trends and helps meet the city’s affordable housing needs.

5. The requested variance is not anticipated to impair an adequate supply of light and air to adjacent properties.
6. The requested variance will not unreasonably increase congestion in public streets.
7. The requested variance will not increase the danger of fire or endanger public safety.
8. The requested variance will not unreasonably diminish or impair established property values within the surrounding area.
9. The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Public Comments

Notification of the public hearing on this application was given via first-class mail to all property owners within 300 feet of the subject site and a notice of the hearing placed in the Cadillac News. These notices were provided not less than 15 days prior to the hearing date. As of the date of this staff report the city has not received any written communication from the public.

Board Action

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 to achieve compliance with the standards of the ordinance.

Finding Statement and Board Action (Example Only)

Based on the following findings, it was moved by _____, supported by _____ to _____ a side street yard setback variance of 2 feet from the Chestnut Street ROW the for the construction of single-family detached dwelling on property addressed as 230 Seneca Place, Cadillac, Michigan 49601. Said dwelling to be positioned 18 feet south of the Chestnut Street ROW, as opposed to the required 20 feet, with all other yard setback requirements to be complied with. Said action subject to the following conditions (if any).

Findings:

Conditions: If none, indicate none.

Roll call vote:

Support -

Deny –

Abstain – If abstaining, state reason.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals consists of seven regular members and two alternate members appointed by City Council. The Board is responsible for rendering interpretations of the City Zoning Ordinance, hearing and deciding appeals of official zoning decisions, and acting on applications for zoning variances.

Number of Members..... 7
Years of Term..... 3
Meeting Dates..... 3rd Thursday of each month
Meeting Time..... 5:30 p.m.
LocationMunicipal Complex Council Chambers

SHARI AULT (V-CH)

628 N Lake St

Term Expires 01/19/2025

LARRY BONTRAGER

644 S Lake St

(H) 231-876-0687

Term Expires 01/21/2026

LOUIS NICHOLS (CH)

357 Marble St

(H) 231-779-1283

Term Expires 01/01/2025

BENJAMIN DEAN

6610 Crosby Rd

(C) 616-422-4256

Term Expires 09/07/2024

STEVE BROWN

668 Holly Rd

(C) 734-502-6028

Term Expires 01/16/2027

VACANCY (2)

VACANCY - ALTERNATE (2)



200 N. Lake Street, Cadillac, MI 49601

Telephone: 231-775-0181 www.cadillac-mi.net

ZONING BOARD OF APPEALS **2024 Meeting Dates**

The Cadillac Zoning Board of Appeals generally meets on the third Thursday of each month at 5:30 p.m. All meetings are held in the Council Chambers of the Municipal Complex, 200 N. Lake Street. The meeting dates for the Board for the 2024 calendar year are listed below in the left column. The right column represents the deadline dates when applications must be received by the Zoning Administrator's office in order to appear on the Board's agenda. All business requiring a public hearing requires a minimum of thirty (30) days between application and the meeting date (applications must have staff approval before they will be scheduled to appear on the Board's agenda). Therefore, it is important to contact the Community Development Director or Zoning Board well in advance (4-6 weeks) of a target meeting date.

MEETING DATE

January 18, 2024
February 15, 2024
March 21, 2024
April 18, 2024
May 16, 2024
June 20, 2024
July 18, 2024
August 15, 2024
September 19, 2024
October 17, 2024
November 21, 2024
December 19, 2024

APPLICATION DEADLINE **FOR ALL BUSINESS**

December 19, 2023
January 16, 2024
February 20, 2024
March 19, 2024
April 16, 2024
May 21, 2024
June 18, 2024
July 16, 2024
August 20, 2024
September 17, 2024
October 22, 2024
November 19, 2024

NOTE:

The City of Cadillac complies with the "Americans with Disabilities Act". If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, 200 N. Lake Street, Cadillac, MI 49601, (231) 775-0181, at least three (3) business days prior to any such meeting.