



Zoning Board of Appeals Agenda
May 16, 2024

A regular meeting of the Cadillac Zoning Board of Appeals is scheduled for 5:30 p.m. on Thursday, May 16, 2024. Items of discussion are as follows.

CALL TO ORDER

ROLL CALL

1. Approval of the agenda for May 16, 2024.
2. Approval of the April 18, 2024, meeting minutes.
3. Public Comment
4. Public Hearing
 - a. Variance application filed by Linda Sniegowski, trustee/beneficiary of 1202 Sunnyside Drive.
5. New Business
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.
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.

RECEIVED

MAR 25 2024



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 George & Barbara Trahey Trust Owner Telephone [REDACTED]
 Owner Address 1202 Sunnyside Dr. Owner Email [REDACTED]
 Applicant/Representative Linda Sniegowski (trustee/beneficiary) Applicant Telephone [REDACTED]
 Applicant Address 1202 Sunnyside Dr. Applicant Email [REDACTED]
 Subject Property Address 1202 Sunnyside Dr.
 Legal Description of Subject Property *Legal Description is preferred submitted electronically in WORD Format*
attached

Total Acreage .43 Building Dimensions (LxWxH) ≈ (38' x 46') + (10' x 12') x 30' (height)
 Construction Type wood framed Number of Stories 2
 Zone Classification: Present R-1 Proposed R-1
 Present Use of Property residential
 Proposed Use of Property residential

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

- George & Barbara Trahey Trust (see above)
- Linda Sniegowski (trustee + beneficiary) (see above) the title is in process of being transferred to Linda Sniegowski by McFadyen, Worilla, Porteous
- _____
- _____

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.

Linda Sniegowski (trustee) (beneficiary)

Signature of Owner

Linda Sniegowski

Signature of Applicant

3/22/24

Date

3/22/24

Date

Linda Sniegowski
1202 Sunnyside Dr.
Cadillac, MI 49601

RECEIVED

MAR 25 2024

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

March 25, 2024

Board Members:

The enclosures are being submitted in support of a request for variance from the City of Cadillac Code of Ordinances Article III, Division 18, Section 46-629, specifically, the least yard setback of 10ft (Plan A) and the combined side setback of 25 ft. (Plan B). The enclosures include an application for variance, a site plan containing information relevant to the application, and a certificate of survey for the property.

Plan A: It is requested that a variance of 7 ft. be granted to allow our existing home to be attached to our existing garage that is 3 ft. from the West property line. The combined setback would be 35 ft. This is the preferred addition.

Plan B: It is requested that a variance of 3 ft (combined setback) be granted to allow an addition to align with the East side of the existing main building's previous addition (09/2000) that required a variance. With this variance the setback will be 12 ft. which complies with the 10 ft. minimum and the combined setback will be 22 ft versus the requirement of 25 ft.

The planned addition is necessary to add a handicapped accessible bedroom, bathroom, and entry to the residence with minimal wall removal of the current structure. Both proposals have a new required entrance for our wheelchair bound son with Plan A being the most desirable as it provides shelter from the elements.

Thank you for taking the time to review this application.

Sincerely,

Linda Sniegowski
Linda Sniegowski

[REDACTED]

[REDACTED]

Lake Cadillac

1202
Sunnyside Dr.

Plan A

↑
N

proposed addition
requested variance

45' to
East neighbor's home

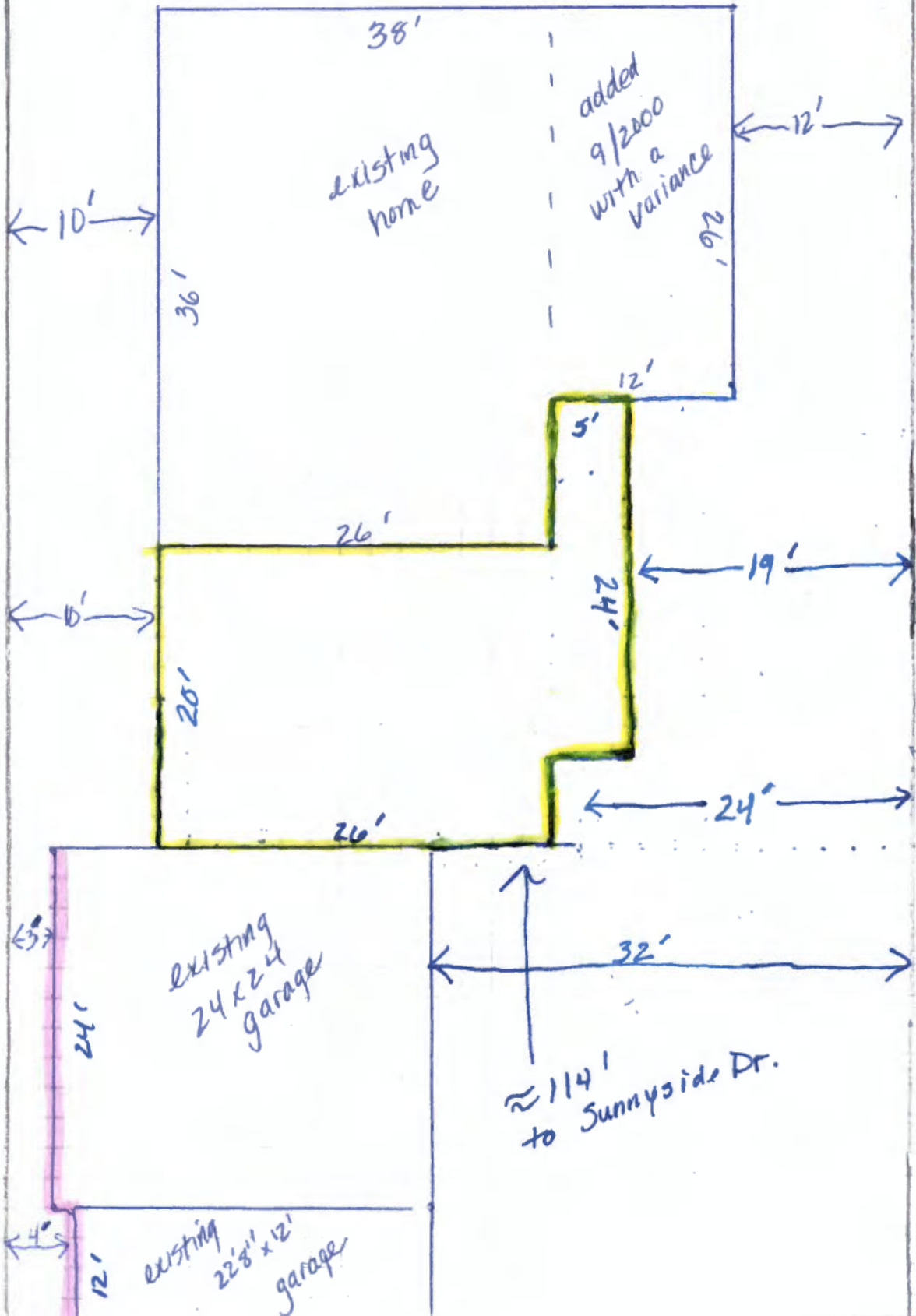
East lot line

Scale 1" = 10'

3/23/24
JH

~114'
to Sunnyside Dr.

West lot line



Plan B
1202
Sunnyside Dr.



proposed addition
requested variance

45' to
East neighbor's home

East lot line

Scale 1" = 10'

3/23/24
JH

Lake Cadillac

135'

38'

existing home

added
9/2000
with a
variance

12'

12'

12'

proposed addition

12'

26'

26'

10'

10'

114'
to Sunnyside Dr

existing
24x24
garage

existing
22'8" x 12'
garage

West lot line

10'

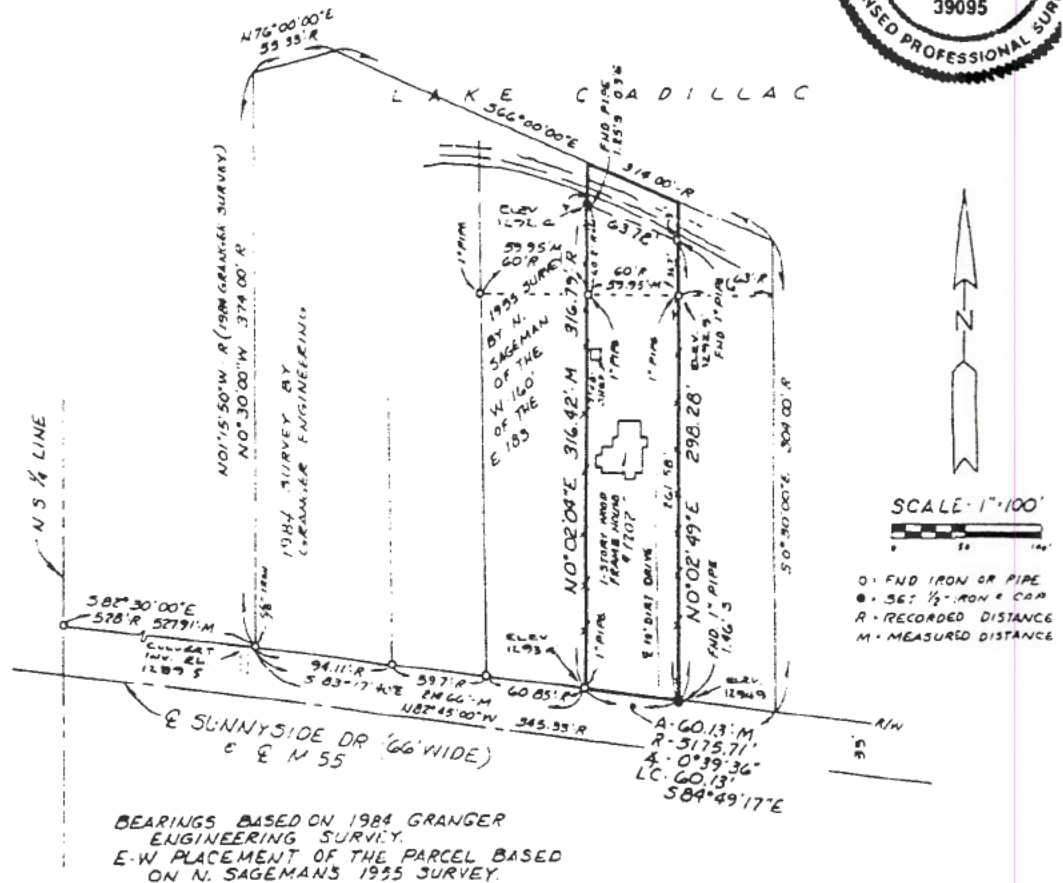
10'

3'

4'

CERTIFICATE OF SURVEY

THE WEST 60 FEET OF THE EAST 123 FEET OF A PARCEL OF LAND DESCRIBED AS COMMENCING AT AN IRON STAKE ON THE NORTH BOUNDARY OF BOULEVARD (SUNNYSIDE DRIVE); THENCE SOUTH 82° EAST 528 FEET FROM THE POINT WHERE BOULEVARD INTERSECTS THE NORTH AND SOUTH 1/4 LINE OF SECTION 8, T21N, R9W; THENCE NORTH 0°30' WEST 374 FEET TO LAKE CADILLAC; THENCE NORTH 78° EAST 55'4"; THENCE SOUTH 68° EAST 314 FEET; THENCE SOUTH 0°30' EAST 304 FEET; THENCE NORTH 82°45' WEST 345'4" TO THE POINT OF BEGINNING, CITY OF CADILLAC, WEXFORD COUNTY MICHIGAN.



I certify that I have surveyed and mapped the land platted and/or described hereon that the ratio of closure on the unadjusted field observations is at least 1/10,000 and that all of the requirements of P.A. 132 of 1970 have been complied with. There are no encroachments except as shown.

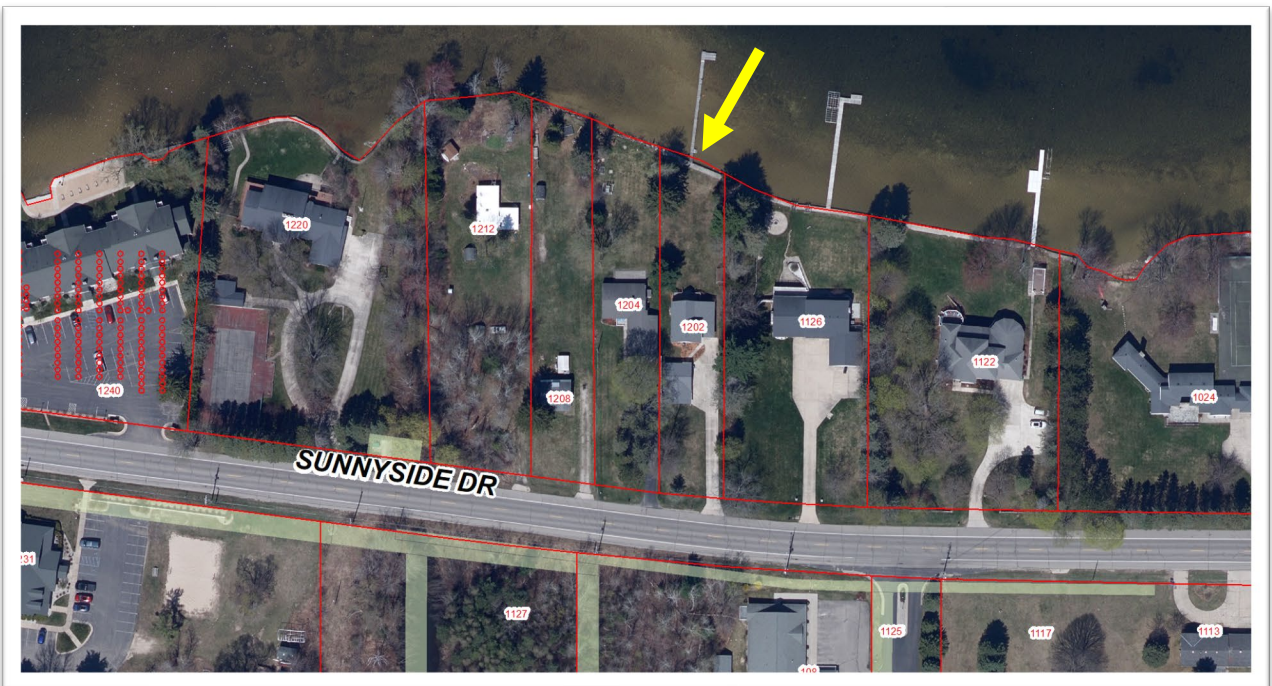
Craig J. Pullen
Craig J. Pullen, PS #39095

Date: 07 OCT 94

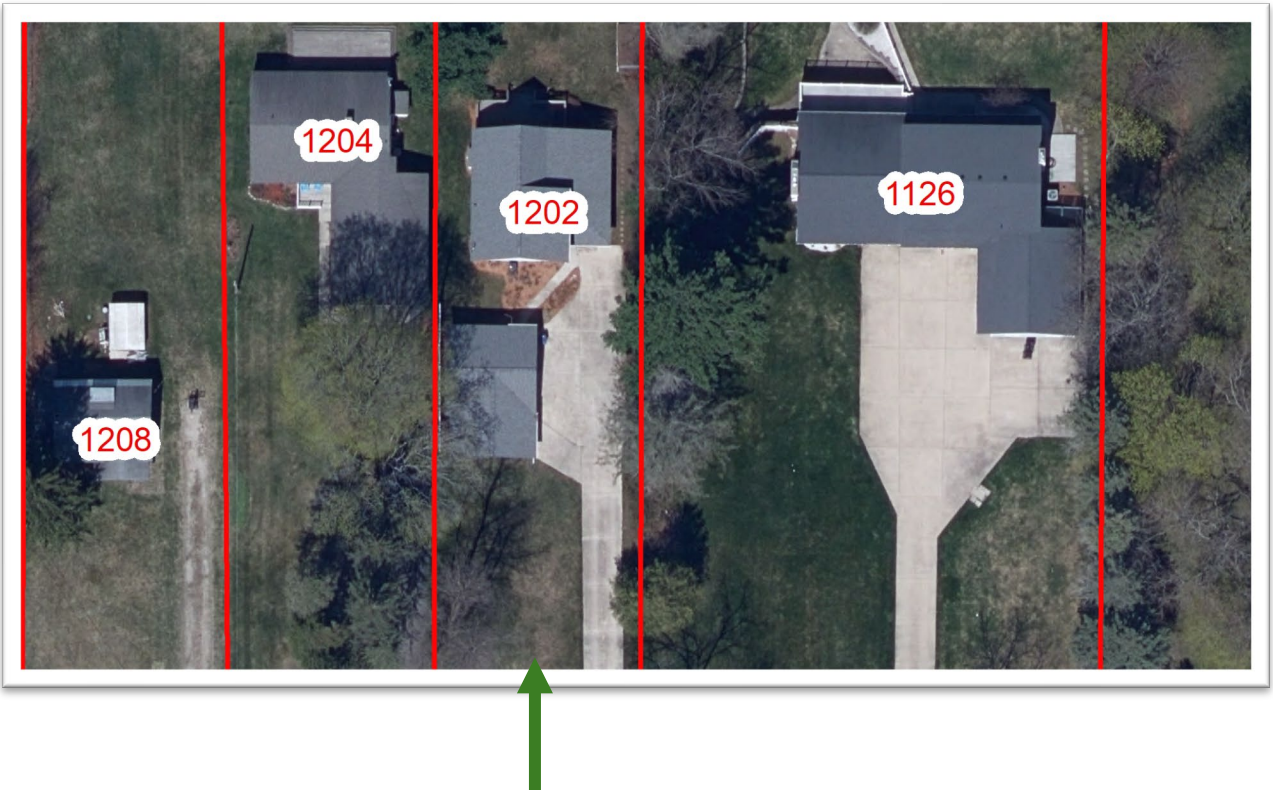
FOR	Wade-Trim, Inc.	SEC 8	T 21N	R 9W
Old Kent Bank of Cadillac, Wexford Title Co., & George M. & Barbara H. Trahey	201 N Mitchell • Cadillac, MI 49601 616-775-9754 • FAX 616-775-1771	DRAWN	JG	SHEET 1 OF
		COMPUTED	CJP	JOB CSU NO 9355-01C

ZONING BOARD OF APPEALS STAFF REPORT
DIMENSIONAL VARIANCE APPLICATION
LINDA SNIEGOWSKI
1202 SUNNYSIDE DRIVE, CADILLAC, MICHIGAN 49601
PARCEL NUMBER 10-105-00-016-00
CADILLAC, MICHIGAN 49601

Applicant: Linda Sniegowski, Trustee/Beneficiary
Property Address: 1202 Sunnyside Drive, Cadillac, Michigan 49601
Parcel Number: 10-105-00-016-00
Legal Description: W 60 FT. OF E 123 FT. OF A PARCEL OF LAND COM. AT AN IRON STAKE ON N BDY. OF BLVD: S 82DEG 5MIN E 528 FT. FROM PT. WHERE BLVD. INT. N & S 1/4 LINE OF SEC. 8-21-9: N 0DEG 30MIN W 374 FT. TO LAKE CADILLAC: N 76DEG E 55 FT. 4 INS: S 66DEG E 314 FT: S 0DEG 30MIN E 304 FT: N 82DEG 45MIN W 345 FT. 4 INS. TO BEG. CITY OF CADILLAC



1202 Sunnyside Drive



1202 Sunnyside Drive

Introduction

As noted in the applicant's cover letter and variance application packet, two options for obtaining setback relief are indicated. The preferred option is noted 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 (the placement of vehicles for transport) without having to travel outdoors during periods of inclement weather. In discussions with the applicant, she noted the extreme difficulty of having to propel and maneuver an occupied wheelchair when confronted with inclement conditions such as movement through heavy snow.

The staff report begins by addressing the applicant's Plan A. However, much of the background information regarding the applicant's site and neighboring properties applies to both options. Accordingly, the information has generally not been duplicated when addressing the options.

PREFERRED PLAN "A"

Variance Request

Ms. Sniegowski wishes to enlarge the existing dwelling at 1202 Sunnyside Drive by connecting the existing dwelling and detached garage with additional living area. The proposed addition will be used for the construction of a handicapped accessible bedroom, bathroom, and accessible entrance.

Per discussion with the applicant, the primary reason of the preferred option is to provide opportunity for a wheelchair bound son to move from the dwelling and new addition efficiently and safely to the garage without having to travel outdoors during periods of inclement weather.

Section 46-656 of the ordinance stipulates 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 main buildings. The parcel is zoned R-1, One Family Residential. Accordingly, if constructed as proposed, the garage will be subject to the R-1 (least) side yard setback requirement of 10 feet. The existing west wall of the detached garage is positioned near the west lot line of the subject parcel. The garage is to remain as currently positioned. The garage has an existing side yard setback from the west lot line of 3 feet along the north 24 feet of the structure and a setback of 4 feet along the south 12 feet of the garage. To permit construction of the project as proposed and fulfill compliance with Section 46-656, the applicant requests side yard setback variances of 7 feet and 6 feet for the above garage segments. (Refer to Site Plan, Plan A.)

Attachments

- 1) Variance Application
- 2) Applicant's cover letter dated March 25, 2024, with project detail

- 3) Site Plans dated March 23, 2024
 - a. Preferred Plan A
 - b. Option Plan B
- 4) Certificate of Survey (copy)
- 5) Site Aerial (component of staff report text)
- 6) Site Photos (component of staff report text)

Site, Area Description and Prior Variance

Addressed as 1202 Sunnyside Drive, 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 side yard setback of 12 feet verses the R-1 standard of 15 feet. The variance is noted on the attached site plan.

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.

The site is located off Sunnyside Drive (M-55 West). The roadway has a right-of-width of 66 feet, single east and west travel lanes totaling 22 feet, and 8 feet paved shoulders. The posted traffic speed limit at the site is 40 MPH. Per the Michigan Department of Transportation, the roadway experiences an average of 3,399 vehicle trips per day (2022 MDOT Traffic Count Data). The site connects to Sunnyside Drive via a paved driveway approximately 100 feet in length (garage to the roadway).

The neighborhood area is residential in orientation. Single-family dwellings exist to the immediate east (1126 Sunnyside Drive) and west (1204 Sunnyside Drive). The easterly parcel has approximately 135 feet of street frontage, a depth of approximately 275 feet, and a site area of

approximately 37,125 square feet. The parcel to the west has approximately 60 feet of street frontage, a depth of approximately 325 feet, and a site area of approximately 19,500 square feet. Neither dwelling on the abutting lots is 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 parcel (1127 Sunnyside Drive), Sunnyside Assisted Living facility (108 Wildwood Court), Wildwood Condominiums (via Wildwood Court), and a detached accessory (garage type) building positioned on the parcel addressed as 1117 Sunnyside Drive.

Subject Parcel –Building Setbacks

Pursuant to Section 46-629 (Schedule of Regulations) of the zoning ordinance regarding the dwelling and any attached accessory structures, the R-1 zone district has a minimum front yard setback requirement of 35 feet from the shoreline, 35 feet from the street right-of-way, and side yard setbacks of 10 (least side yard) and 15 feet (greatest side yard).

As noted, the applicant proposes the construction of an addition to the main dwelling. The addition has been proposed to physically connect the existing dwelling with the detached garage. The addition will be used for a bedroom, bathroom, and entrance that will be handicapped accessible. The connection is important to the applicant in that it provides opportunity for physically challenged (wheelchair bound) occupants and others to travel to and from the dwelling unit and the new addition to the garage without having to navigate outside during periods of inclement weather.

Based on the site plan, the existing dwelling is compliant with the required yard setbacks of the R-1 zone district and with that of the side yard variance issued September of 2000 (Refer to the following table.)

Yard Setbacks of Existing Dwelling

Yard	Setback Requirement (Feet)	Existing Setback Distance (Feet)
Front (Shoreline Setback)	106*	135
Street (ROW) Setback	35	114
East Property Line (Greatest)	15	12**
West Property Line (Least)	10	10

*Represents the required setback of the subject parcel per Section 46-715(a) of the zoning ordinance. Said section indicates that shoreline setbacks shall be based on the average distance of the setbacks of the main structures of neighboring parcels.

**Setback variance issued 9/2000

Similar to the dwelling, the current placement of the detached garage is compliant with required yard setbacks. (Refer to the following table.)

Yard Setbacks of Existing Detached Garage

Yard	Setback Requirement (Feet)	Existing Setback Distance (Feet)
Front (Shoreline Setback)	NA	NA
Street (ROW) Setback	3	85
East Property Line	3	32
West Property Line	3	Varies from 3 to 4

With the physical connection of the dwelling and garage, the applicant's site plan indicates the new, handicapped accessible, addition will maintain a compliant yard setback distance of 10 feet (consistent with the existing dwelling). It is proposed the garage will maintain the existing setbacks of 3 feet and 4 feet.

To construct the addition as proposed, attaching the dwelling to the garage, requires the garage to receive a side yard setback variance from the west lot line of 7 feet for the northerly 24 feet of the garage and 6 feet for the southerly 12 feet.

Setbacks of Attached Structures from the West Lot Line

Element	R-1 Standard (Feet)	Setback
Main Structure	10	10
New Addition	10	10
Garage (Attached With Variance)	10	3 (North 24 Feet) 4 (South 12 Feet)

In reviewing the application, various site factors were noted.

1. **Acquiring Additional Property to Achieve Setback Compliance Is Not Practicable** – The dwelling located on the site directly west of the subject parcel (1204 Sunnyside Drive) is generally setback and in-line with the dwelling of the subject parcel. The dwelling is nonconforming pursuant to its east side yard setback and within approximately 5 feet of the west lot line of the subject parcel. The driveway serving 1204 Sunnyside Drive is within approximately 3 to 5 feet of the subject parcel. The driveway provides a direct connection to the attached garage of 1204 Sunnyside Drive. As such, the potential to acquire property from 1204 Sunnyside Drive to expand the land area adjacent to the garage at 1202 Sunnyside Drive to mitigate the need for variances or to reduce their extent is not considered practicable.

2. Non-compliance of Neighboring Property - The attached garage located directly west of the subject site is non-compliant with Section 46-656 of the ordinance. Based on the city's GIS aerials, the attached garage is setback approximately 3 to 5 feet from the east property line as opposed to the required 10 feet.
3. Shielding - The existing detached garage of the subject site has been visually shielded from the neighboring property to the west (1204 Sunnyside Drive) by a well-maintained solid privacy fence. If the variance is approved, it is recommended a condition be attached calling for the fence, or a comparable substitute, be retained.
4. Housing Needs – The project design affords handicapped accessible living accommodations for the applicant's son who is wheelchair bound. The option provides an opportunity for the residents and guests of the dwelling to move from the dwelling and new addition efficiently and safely to the garage (the location of the parking of vehicles for transport) without having to travel outdoors during periods of inclement weather. In discussions with the applicant, she noted the extreme difficulty of having to propel and maneuver an occupied wheelchair when confronted with inclement conditions such as heavy snow.

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.

Pursuant to the above, the application was examined based on the variance authorization and review standards of the ordinance. The observations and findings follow:

Observations:

1. Inability to Enlarge Parcel - As noted earlier, development of the lot as proposed is confined to the existing lot area.
2. The attached garages located west (1204 Sunnyside Drive) and east (1126 Sunnyside Drive) of the subject site are non-compliant with Section 46-656 of the ordinance. Based on the city's GIS aerials, the attached garages are setback approximately 3 to 5 feet and approximately 8 feet respectively from side lot lines as opposed to the required 10 feet.
3. Along the west lot line, the existing garage of the subject site is shielded by a well-maintained privacy fence serving to visually buffer the garage from the adjoining site. The attachment of the addition to the garage will not impact the fence placement.

As noted, the application was examined based on the review standards of Section 46-69 (4) as follows:

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

Finding – Based on the size, design, and placement of the addition and garage relative to the open space areas and locations of structures of surrounding properties, the addition is not anticipated to significantly impair adequate supplies of light and air to adjacent properties.

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

Finding – As there is no change in use, the proposed addition is not anticipated to result in an increase in the level of traffic presently generated by the site and its use. The present use is estimated to generate approximately 9.6 trips per day (typical for a single-family detached dwelling). Sunnyside Drive has been designed and constructed to support trip levels beyond the present average daily traffic levels.

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 addition and linkage to the garage 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. It is noted the Building Code requires additional fire safety provisions when linking a dwelling with a garage.

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

Finding - The use provided for by the variance creates an upgrade to an existing dwelling that is consistent with the purpose and existing character of the R-1 zone district and neighborhood area. The homes to the immediate east and west possess attached garages. The addition will add value

to the parcel thereby adding a positive benefit to the value of the neighborhood. The requested variance provides setback relief in a fashion afforded abutting dwellings with attached garages.

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 handicapped accessible addition providing manageable living accommodations for persons in need with indoor (shielded) access to the garage without having to travel outdoors during periods of inclement weather. The city desires to meet the housing needs of all people. 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 R-1 zone district lot width standards, 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 opportunity to seek relief from the Zoning Board of Appeals.
2. The proposed development is confined to the existing lot area.
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 design is consistent with neighborhood dwelling designs and construction trends.
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 increase congestion in the public streets.
7. The requested variance is not anticipated to increase the danger of fire or endanger public safety.
8. The requested variance is not anticipated to 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.
10. 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.
11. Section 46-715(b) of the zoning ordinance governing lots having water frontage on Lake Cadillac 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, it is noted the present placement of the garage will maintain consistency with said section pursuant to location and setback.

SITE PLAN OPTION “B”
1202 SUNNYSIDE DRIVE, CADILLAC, MICHIGAN 49601
CADILLAC, MICHIGAN 49601

As noted, the applicant offers an alternative project design (site plan B) should the preferred option (site plan option A) be denied. Plan B also calls for a handicapped accessible addition to the existing dwelling. As with Plan A, the Plan B addition is located along the south side of the home and includes a handicapped accessible bedroom, bathroom, and accessible entrance. The overall size of the addition is roughly 650 square feet. No connection with the garage is proposed.

Pursuant to setbacks, the addition will be compliant with the required 10 feet on the west side of the addition and 35 feet on the south. Based on the site plan, the north 20 feet of the addition will be positioned 12 feet from the east lot line. The south 10 feet of the addition is shown as 10 feet from the east lot line. In both instances, the R-1 zone district requires a setback of 15 feet.

The site plan notes that a (east) side yard setback variance for the north 26 feet of the existing home was authorized by the ZBA in the year 2000. The variance provided for an addition to be added to the home with a setback of 12 feet, representing a variance of 3 feet. The addition was subsequently constructed.

Section 46-655(d)(5) of the ordinance specifies that structural alterations or extensions adding to the bulk of a structure which is nonconforming shall be permitted without prior approval of the board of zoning appeals; provided, that such structure alteration or extension shall not increase the extent of nonconformity and shall satisfy all other site development regulations which are applicable. Based on the above and given the prior 12 feet side yard setback variance previously approved by the ZBA for the dwelling, it is staff’s opinion the setback of 12 feet for the northern 20 feet of the proposed addition represents a structural “extension” adding to the bulk of the home that does not increase the extent of “side yard” setback nonconformity previously granted. Accordingly, it is the staff’s opinion that that portion of the addition may be constructed without benefit of ZBA approval. It is the proposed southerly 10 feet of the addition that does not meet the above criteria. At this location the addition has a planned side yard setback of 10 feet, representing an increase in the extent of nonconformity previously granted. Notwithstanding the above, the public hearing notice does include both of the above addition segments for variance consideration by the ZBA.

Review Standards - Section 46-69(b)(2)

Like Option A, the Plan B site plan was examined based on the variance authorization and review standards of the ordinance. The findings follow:

Observations:

1. Enlarge Parcel – enlargement of the parcel to create a compliant setback distance is not considered practical due to the developed character and active use of the adjoining property from which additional land would have to be secured.
2. Size of the Addition – the addition has been designed consistent with the external and internal character of the existing dwelling unit.
3. Consistency with Neighboring Setback Relief - The dwelling units of the abutting parcels (1204 and 1126 Sunnyside Drive) possess nonconforming side yards setbacks of approximately 5 feet and 8 feet respectively (based on the city's GIS aerial photos).

The variance application was specifically 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 – Based on the size, design, and placement of the addition and garage relative to the open space areas and locations of structures of surrounding properties, the addition is not anticipated to significantly impair adequate supplies of light and air to adjacent properties.

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

Finding – As there is no change in use nor an increase in the level of housing density (number of units located on the site), the proposed addition is not anticipated to result in an increase in the level of traffic presently generated by the site and its use. The present use is estimated to generate approximately 9.6 trips per day (typical for a single-family detached dwelling).

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 addition and linkage to the garage 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. It is noted the Building Code requires additional fire safety provisions when linking a dwelling with a garage.

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

Finding - The use provided for by the variance creates an upgrade to an existing dwelling that is consistent with the purpose and existing character of the R-1 zone district and neighborhood area. The homes to the immediate east and west possess attached garages. The addition will add value to the parcel thereby adding a positive benefit to the value of the neighborhood.

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 handicapped accessible addition providing manageable living accommodations for persons in need. The city desires to meet the housing needs of all people. 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 R-1 zone district lot width standards, 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 opportunity to seek relief from the Zoning Board of Appeals.
2. The proposed development is confined to the existing lot area.
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 addition is consistent with the design of the main dwelling and that of homes on neighboring properties.
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 increase congestion in the public streets.
7. The requested variance is not anticipated to increase the danger of fire or endanger public safety.
8. The requested variance is not anticipated to 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.
10. 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.

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.

Site Plan Option A - Finding Statement and Board Action (Example)

Based on the following findings, it was moved by _____, supported by _____ to _____ the following:

Approve the construction of a handicapped accessible living area (addition to the home) per the Applicant's Plan A that will connect the existing dwelling at 1202 Sunnyside Drive to the existing detached garage of said address as presently sited providing for garage setback variances of 7 feet along the north 24 feet of the west wall of the garage and 6 feet along the south 12 feet of said wall of the garage. Said setbacks noted on Plan A on the site plan (dated 3/23/24) accompanying the variance application dated March 25, 2024.

Conditions: If none, indicate none.

Note: Should the variance application be approved, following are possible conditions the ZBA may wish to consider:

1. Variance Limits - The setback variances provided for shall be limited to the existing footprint of the garage per the applicant's Plan A site plan dated 3/23/2024 submitted with the variance application. The variances shall not extend to other yard setback locations.
2. Maintain Privacy Fence - 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 (1204 Sunnyside Drive).

Site Plan Option B - Finding Statement and Board Action (Example)

Based on the following findings, it was moved by _____, supported by _____ to _____ the following:

Approve the construction of a handicapped accessible living area as an addition to the existing dwelling unit per the applicant's Plan B site plan dated 3/23/2024 authorizing an east side yard setbacks of 12 feet and 10 feet respectively as detailed on said site plan.

Note: Should the variance application be approved, following are possible conditions the ZBA may wish to consider:

Variance Limits - The setback variances provided for shall be limited to the existing footprint of the proposed addition per the site plan (Plan B) submitted with the variance application dated 3/23/2024. The variances shall not extend to other yard setback locations.

Conditions: If none, indicate none.

Roll call vote:

Support -

Deny –

Abstain – If abstaining, state reason.