



Zoning Board of Appeals Agenda
September 19, 2024

A regular meeting of the Cadillac Zoning Board of Appeals is scheduled for 5:30 p.m. on Thursday, September 19, 2024. Items of discussion are as follows.

CALL TO ORDER

ROLL CALL

1. Approval of the agenda for September 19, 2024.
2. Approval of the May 16, 2024, meeting minutes.
3. Public Comment
4. Public Hearing
 - a. Variance application filed by Woodrow Isaacs on behalf of Wexford Community Credit Union at 1021 N Mitchell St.
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.
May 16, 2024

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on May 16, 2024

ROLL CALL

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

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

APPROVAL OF MEETING AGENDA

Motion by Nichols to approve the May 16, 2024, meeting agenda. Support by Brown. The motion was unanimously approved on a roll call vote.

APPROVE THE APRIL 18, 2024 MEETING MINUTES

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

PUBLIC HEARINGS

Side Yard Setback Variance

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

1202 Sunnyside Drive, Cadillac, Michigan

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

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

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

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

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

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

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

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

Adams stated that though sufficiently large in area, the parcel does not meet the 100 feet lot width requirement of the R-1 district. However, Section 46-655(e) of the Zoning Ordinance provides that in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. The section also specifically notes that yard requirement variances may be obtained through approval

of the board of appeals. Therefore, even though undersized pursuant to lot width, under Section 46-655(e) the parcel may be developed for a single-family dwelling provided compliance with the yard requirements of the R-1 District are met or yard setback variances are obtained through the board of appeals. As presently existing, the parcel complies with the standards of the ordinance.

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

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

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

The staff review noted the following:

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

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

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

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

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

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

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

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

There being no additional public comments, Chairperson Nichols closed the public speaking portion of the hearing turning the matter over to the full board for consideration. The board discussed the staff's findings and the public comments raised. Based on concurrence with staff's report and findings, the consideration of the public's comment indicating full support for the Plan A option, and the board's review and analysis of the variance application and findings of consistency with the variance review standards provided for by the Cadillac Zoning Ordinance, it was moved by Dean, supported by Bontrager, to approve the Plan A option providing for the proposed addition calling for the addition to connect the existing dwelling and garage with the garage to retain its present location as sited providing for a setback variance of 7 feet along the north 24 feet of the west wall of the garage and a setback variance of 6 feet along the south 12 feet of the west wall of the garage subject to the following two conditions: 1) The setback variances shall be limited to the existing footprint of the garage per the applicant's Plan A site plan dated 3/23/2024. The variances shall not extend to other yard locations; and, 2) The existing privacy fence along the west side of the detached garage, or a comparable substitute, shall be retained for purposes of shielding and buffering the garage from the adjoining site at 1204 Sunnyside Drive.

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

NEW BUSINESS

None.

OLD BUSINESS

None.

BOARD MEMBER COMMENTS

None.

PUBLIC COMMENTS

None.

ADJOURN

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



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 Wexford Community Credit Union Owner Telephone (231) 775-2081
Owner Address Wexford Community Credit Union Owner Email [REDACTED]
Applicant/Representative Woodrow Isaacs Applicant Telephone [REDACTED]
Applicant Address [REDACTED] Applicant Email [REDACTED]
Subject Property Address 1021 N. Mitchell St, Cadillac, 49601
Legal Description of Subject Property *Legal Description is preferred submitted electronically in WORD Format* See attached

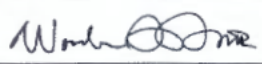
Total Acreage 0.96 Building Dimensions (LxWxH) (existing)
Construction Type (existing) Number of Stories 1
Zone Classification: Present B-3 Proposed B-3
Present Use of Property Credit union office
Proposed Use of Property Credit union office

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. Wexford Community Credit Union, jrushing@wexccu.com, (231) 775-2081, Owner
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 _____

7/9/2024
Date
7/19/2024
Date

10-084-00-079-00 – 0.221 ACRE

THE EAST 35 FT OF MDOT RAILROAD FORMERLY PENN CENTRAL FROM NORTH LINE OF GUNN STREET NORTH 20 FT OF SOUTH LOT LINE OF LOT 7 BLK V G A MITCHELL PLAT OF NE QUARTER OF SEC 33 T22N-R9W CITY OF CADILLAC

10-084-00-078-00 – 0.413 ACRE

S 20 FT OF LOT 7 & THE N 100 FT OF LOT 8 BLK 7, BLK V. G.A.MITCHELLS PLAT OF THE NE 1/4 SEC 33 T22N R9W. CITY OF CADILLAC

10-084-00-080-00 – 0.163 ACRE

S 50 FT OF N 150 FT LOT 8, BLK V. G A MITCHELLS PLAT OF NE 1/4 SEC 33-22-9, CITY OF CADILLAC

10-084-00-081-00 – 0.163 ACRE

N 50 FT OF S 100 FT LOT 8, BLK V. G A MITCHELLS PLAT OF NE 1/4 SEC 33-22-9, CITY OF CADILLAC

July 23, 2024

TO: City of Cadillac Zoning Board of Appeals

FROM: VIRIDIS Design Group, on behalf of Wexford Community Credit Union

RE: Justification for (2) variances: Dimensional variance for sign setback and parking reduction

Background

Wexford Community Credit Union (WCCU) is planning significant improvements to its existing office, located at 1021 North Mitchell Street in the City of Cadillac. These improvements include remodeling and improving the aesthetics of the building, new sidewalks and pavement, a new drive through area, new monument signage and providing new landscaping along the street right-of-way.

WCCU's parcel is zoned B-3; the surrounding area is commercial in nature with no residentially zoned property nearby.

Sign Setback Request

We understand that the zoning ordinance requires monument signs to be set back a distance of half the building setback (in this case 10'-0") from the street right-of-way. We are requesting a variance to reduce the setback to 2'-0" based on the following:

1. WCCU has an existing sign which does not currently comply with the ordinance, this sign is to be removed and replaced with a sign which will be lower to the ground and (in our opinion) more aesthetically pleasing. The new sign is essentially in the same location as the existing.
2. Space is limited to the east of the building; if the setback were required, there would not be space for parking and a driveway, which are needed in order to provide vehicular circulation within the site.
3. There are a number of other businesses along the Mitchell Street corridor which also do not honor the 10' setback requirements.
4. The proposed location of the sign will not affect sight distances for driveways or otherwise interfere with safety, in our opinion.

Parking Reduction Request

We understand that the zoning ordinance requires 1 parking space per 100 square feet of gross building area. We are requesting a variance based on the following:

1. WCCU is confident that the 28 parking spaces which are proposed will be adequate to serve the maximum number of employees and members at any given time. Please note, many members now use online banking and drive-through teller machines, so the number of members anticipated to park and enter the building are expected to be less than in the past.

2. Compared to other similar jurisdictions, the City of Cadillac's parking requirements for bank and credit union offices are 50% to 100% greater. We have found that a ratio of 1 space to 150 square feet or 1 space to 200 square feet is appropriate for this type of development.
3. Providing parking to meet the ordinance would require removal of the large existing evergreen trees on the south side of the parcel; WCCU prefers to keep these trees for screening purposes.
4. WCCU is planning to relocate its administrative employees to a different location, reducing the demand for staff parking.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Woodrow S. Isaacs III". The signature is fluid and cursive, with the first name "Woodrow" being more legible than the last name "Isaacs III".

Woodrow S. Isaacs III

VIRIDIS Design Group, Kalamazoo, Michigan

ZONING BOARD OF APPEALS STAFF REPORT
REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES
REDUCTION IN THE SETBACK OF A NEW MONUMENT SIGN
WEXFORD COMMUNITY CREDIT UNION
1021 N. MITCHELL STREET
CADILLAC, MICHIGAN 49601

Applicant: Wexford Community Credit Union
Property Address: 1021 N. Mitchell, Cadillac, MI 49601
Parcel Numbers: 10-084-00-078-00
10-084-00-079-00
10-084-00-080-00
10-084-00-081-00
Zoning: B-3, General Business District
Applicant's Representative: Woodrow Issacs, Principal
Viridis Design Group
2926 W. Main Street, Kalamazoo, MI 49006

Application/Variance Requests

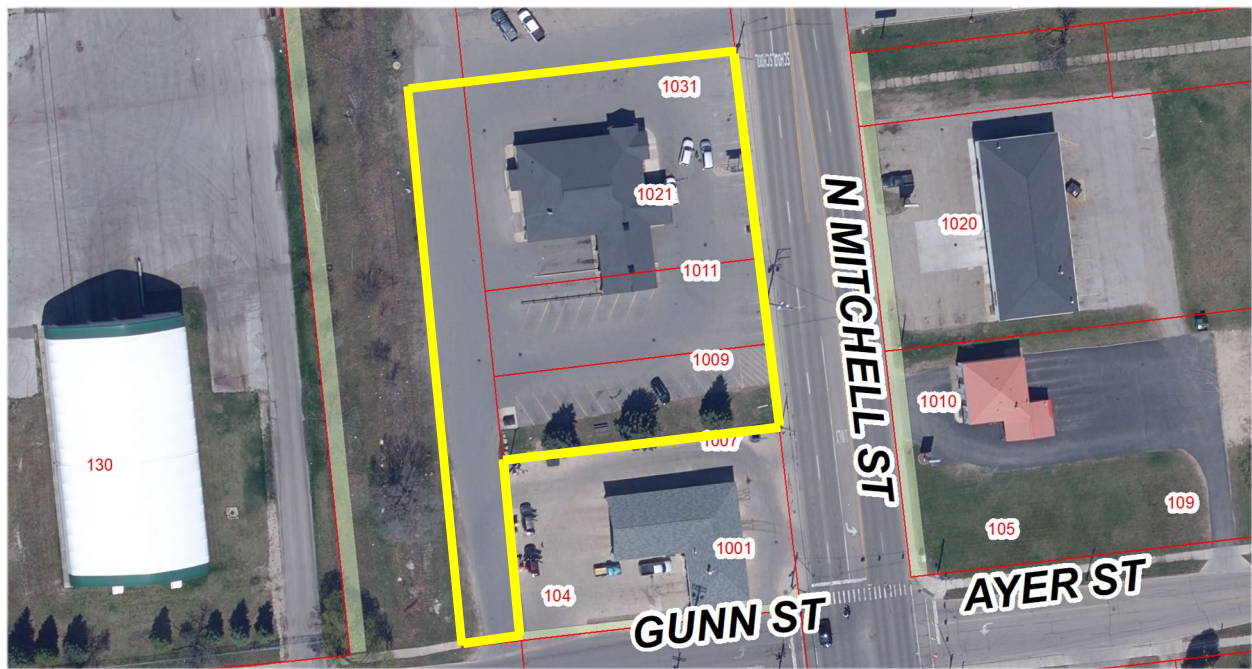
1. Parking Space Adjustment – A request for a reduction of 4 spaces in the required number of parking spaces. Section 46-659 of the Cadillac Zoning Ordinance requires 32 spaces. The applicant proposes 28.
2. Monument Sign Setback – A request for a reduction of 8.0 feet in the setback of a new monument sign from the east property line (Mitchell Street Right-of-Way). Section 46-664 requires a setback of 10 feet. The sign has a proposed setback of 2 feet.

Attachments

- 1) Variance Application
- 2) Applicant's cover letter dated July 23, 2024, addressing the variance requests.

Site and Project Information

The site, addressed as 1021 N. Mitchell, Cadillac, MI 49601, is the location of the Wexford Community Credit Union. The overall site represents a combination of four abutting parcels with 200 feet of Mitchell Street frontage. An extended paved parcel roughly 35 feet wide (east to west) by 325 feet in length (north to south) abuts the western edge of the site extending from the northern edge of the Credit Union site to Gunn Street. The extended parcel provides a secondary means of site ingress and egress for Credit Union traffic. The provision of a major secondary means of access for interior parcels is somewhat unique among Mitchell Street sites. The site also possesses a large greenbelt along its southern border. Desirable greenbelts of this size and quality are very limited along the Mitchell Street corridor. Site photos follow.





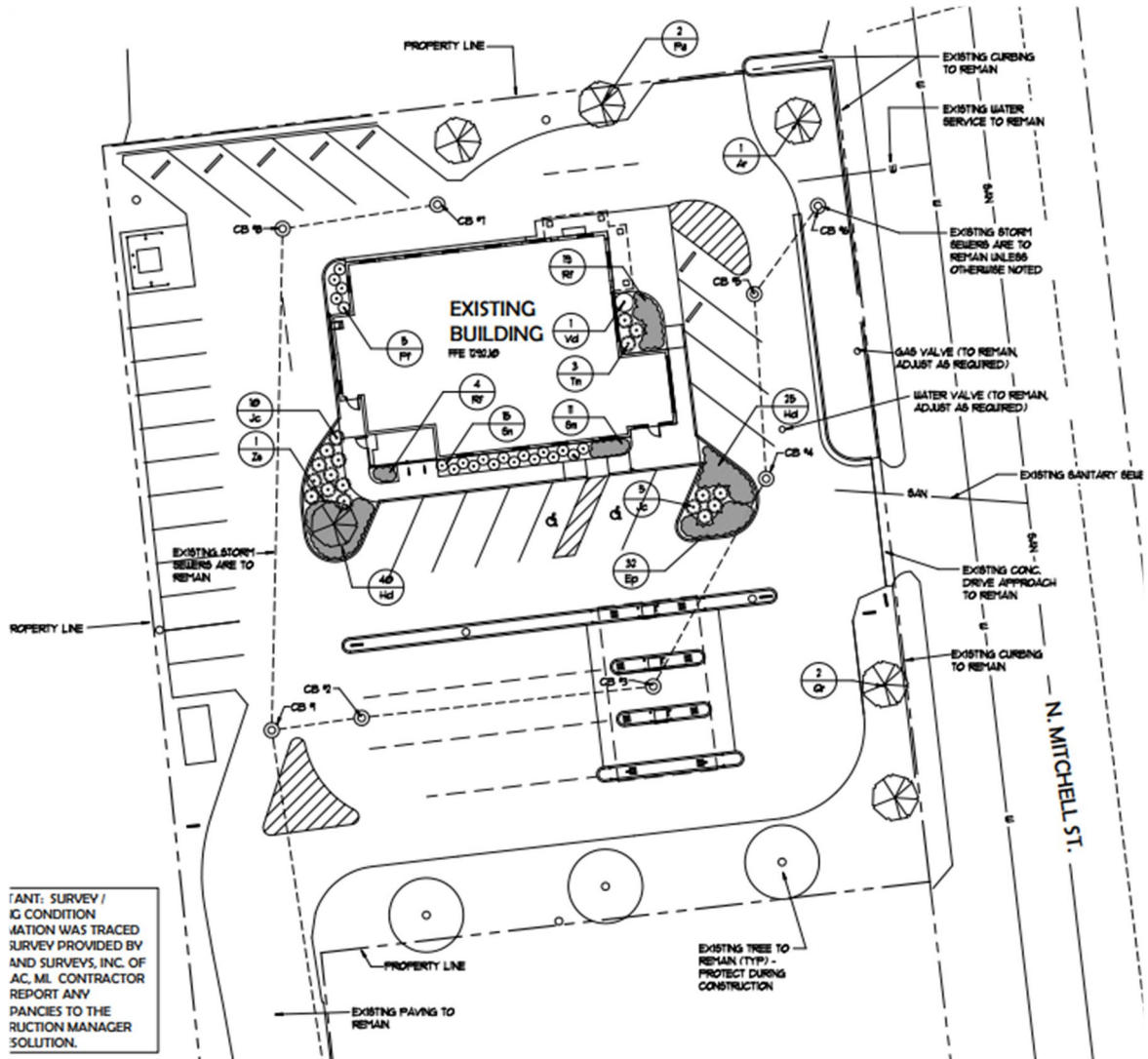
Drive-thru stations on south side of the building. Looking east (left photo) and west (right photo).



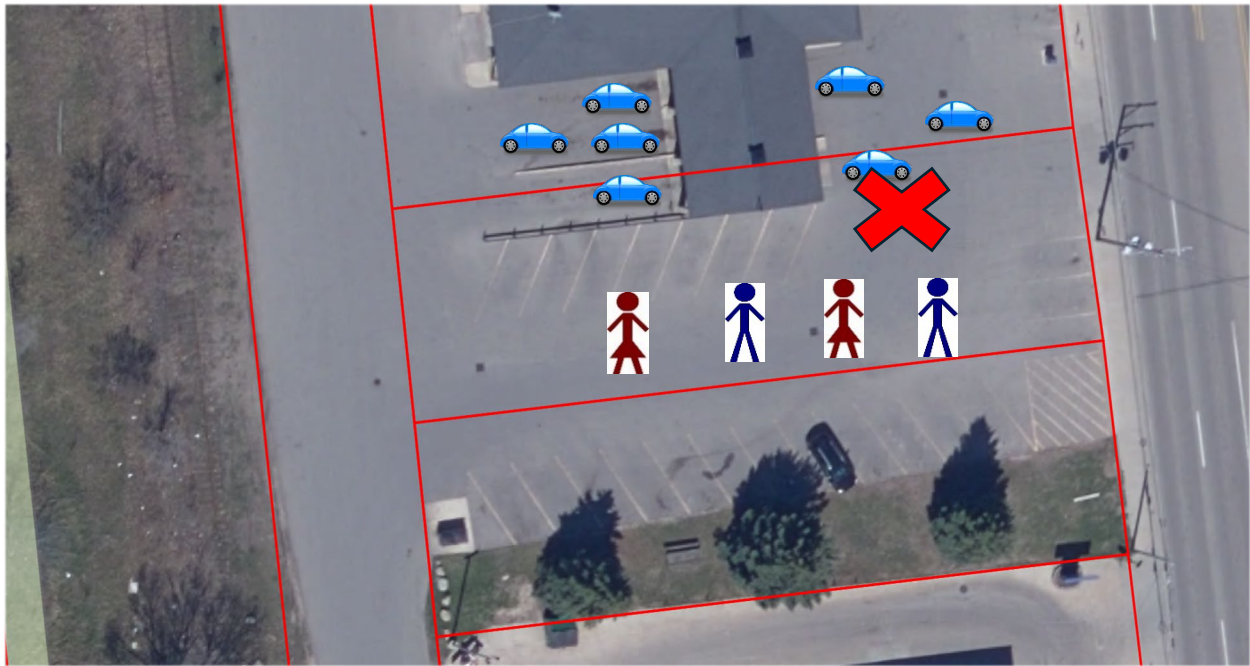
Client parking by drive-thru. Employee and client parking to the far right of the photo.

The Credit Union is proposing improvements to the existing building and site, enhancing customer service and safety. Of note is the planned separation of pedestrian traffic from the vehicular (drive-thru) stations. The current drive-thru station lanes are attached to the south side of the Credit Union building. South of the drive-thru area is customer and employee parking. Pedestrians traveling to and from parked vehicles must cross the path of vehicles exiting the drive-through lanes. The planned improvements separate the drive-thru stations from the building, relocating them to the southern portion of the site, replacing the area now used for parking and pedestrian travel. Essentially, the areas will be reversed. The stations include a new canopy and vehicular bypass lane. Other planned exterior improvements include a new main building entry, an outdoor seating area, new dumpster pad area, other parking improvements, an electronic monument sign to replace the existing pole sign along Mitchell Street, pedestrian walkway enhancements, bicycle station, and site landscaping. (Site Plan follows.)

Site Plan – Building & Site Improvements



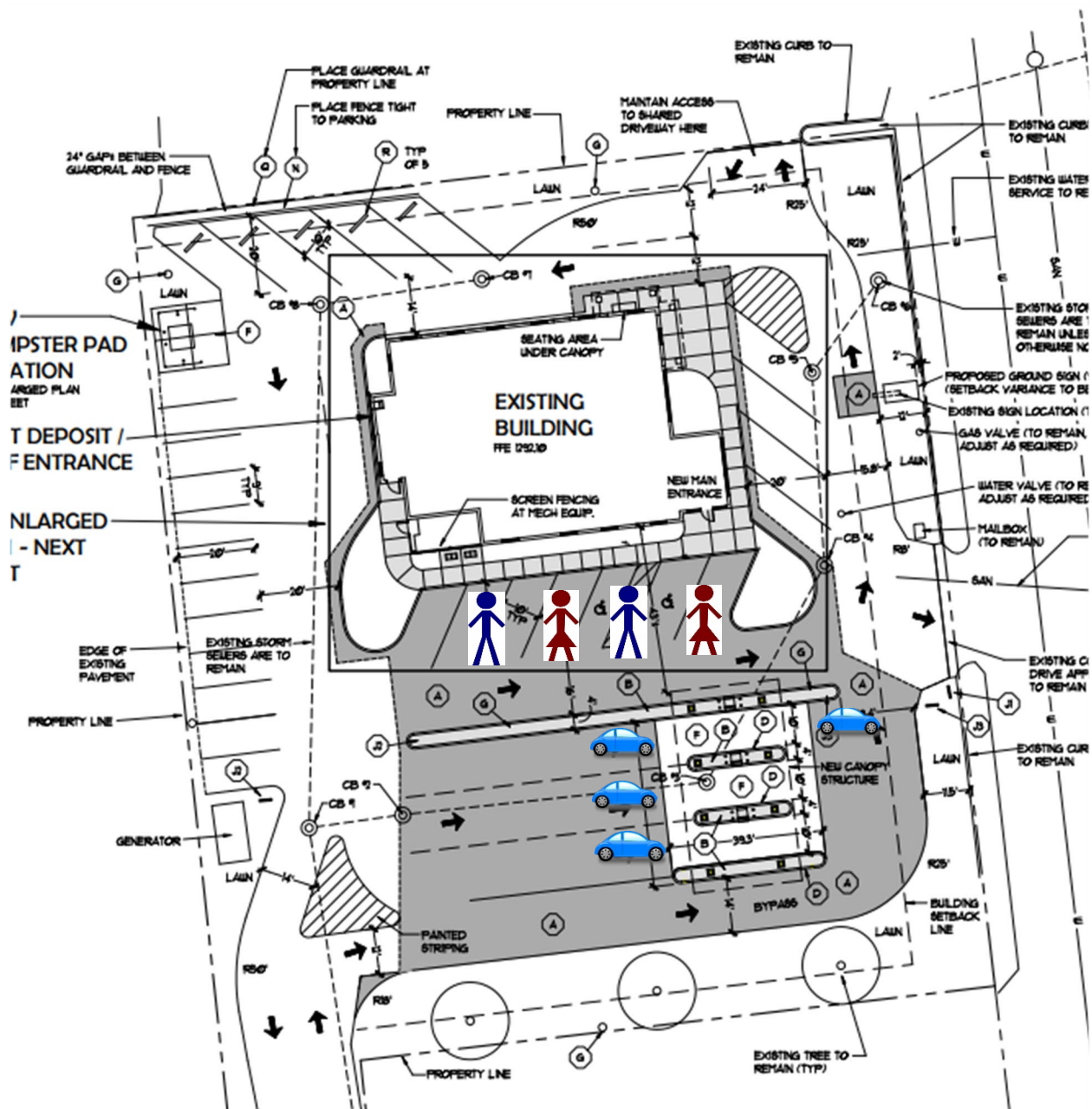
Existing Conflict - Drive-Thru Stations and Pedestrians Travel



The above graphic depicts existing client and employee parking found on the south side of the site. The present drive-thru stations are attached to the south side of the Credit Union building, between the building and parking. The design creates a potential for conflict between exiting vehicles and pedestrians moving to and from the parking area and building.

As noted on the following graphic, the redesign of the site resolves the conflict. The drive-thru stations will be detached from the building and relocated to the extreme south. Parking will be relocated near the building.

Relocated Drive-Thru Stations and Parking



PARKING SPACE VARIANCE

The applicant seeks a reduction of 4 spaces in the required number of parking spaces. Section 46-659 of the Cadillac Zoning Ordinance requires 32 spaces. The applicant proposes 28. The applicant indicates the parking requirement exceeds the actual parking demand. As such, in lieu of paving areas currently devoted to landscaping to meet the requirement, the applicant wishes to maintain the site's existing green space.

To help verify the parking demand, a series of random field inspections were conducted over an approximate 4-week period by city staff with parking counts secured. The findings are shown in the following table. The counts include high client days, such as Mondays and Fridays. The counts reflect the number of occupied spaces, the percentage of occupied and open spaces based on providing the required 32 parking spaces, and the percent of occupied and open spaces based on the requested variance in which 28 spaces would be provided.

Excluding Saturday (typically a day limited to drive-thru service), the findings indicate that with the provision of 28 spaces, parking space occupancy levels would range from 29% to 75% (8 to 21 spaces utilized and 7 to 20 spaces open). The average level for the survey period found an occupancy level of 54% (15 spaces utilized and 13 spaces open).

Parking Space Occupancy Levels (Random Survey)

Wexford Community Credit Union

Date (2024)	Time	Occupied Spaces	Percent Occupied/Open Based On 32 Spaces	Percent Occupied/Open Based On 28 Spaces
7/26 (Friday)	1:00 p.m.	15	47% / 53%	54% / 46%
7/29 (Monday)	9:50 a.m.	20	63% / 37%	71% / 29%
7/30 (Tuesday)	12:50 p.m.	8	25% / 75%	29% / 71%
8/1 (Thursday)	10:15 a.m.	17	57% / 43%	61% / 39%
8/3 (Saturday)	11:48 a.m.	2	6% / 94%	7% / 93%
8/5 (Monday)	1:45 p.m.	21	66% / 34%	75% / 25%
8/6 (Tuesday)	3:24 p.m.	16	50% / 50%	57% / 43%
8/8 (Thursday)	12:00 p.m.	15	47% / 53%	54% / 53%
8/12 (Monday)	11:57 a.m.	15	47% / 53%	47% / 53%
8/14 (Wednesday)	12:00 p.m.	16	50% / 50%	57% / 43%
8/16 (Friday)	9:00 a.m.	12	38% / 62%	43% / 57%
8/17 (Saturday)	10:58 a.m.	2	5% / 95%	7% / 93%
8/20 (Tuesday)	12:16 p.m.	14	44% / 56%	50% / 50%
8/23 (Friday)	10:48 a.m.	11	34% / 66%	39% / 61%
Average (Saturday Excluded)	NA	15 Occupied	17 Open	13 Open

Parking Turnover and Banking Trends

Parking turnover refers to the frequency with which vehicles occupy a parking space. Exiting vehicles free up parking providing opportunity for entering vehicles to occupy the open space. Though turnover rates were not calculated, banks and credit unions are known to exhibit high turnover rates as clients and customers normally complete their business in limited timeframes. Observations during the above referenced counts revealed that most client spaces were seldom occupied for more than 15 minutes. The turnover of spaces was constant. There were never times during which all spaces were occupied.

The common occurrence of finding available space at the Credit Union site is consistent with present banking trends. Instead of in-office visits, many clients use either drive through stations or bank on-line. This trend is anticipated to both continue and grow.

Utilization of Parking for Snow Storage

Unlike many business sites in which portions of parking areas are used for snow storage during winter months, the Credit Union site appears to have ample storage locations in areas not utilized for parking, vehicular circulation, or other needs. For instance, such areas exist along the western and southern fringes of the site.

Variance Review Standards - Analysis

Section 46-69 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 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. Further, Section 46-69 (4) of the Cadillac City Code states that in consideration of a variance, the Zoning Board of Appeals shall 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 public safety.
- 4) Unreasonably diminish or impair established property values within the surrounding area.
- 5) Impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

The parking variance application was examined based on the above review standards with staff findings as follows:

Important Site Factors – Pursuant to Section 46-69, the Credit Union site has several important and desirable features distinguishing the site from most interior parcels located along Mitchell Street. These include:

- 1) Unique Site Access - Most interior parcels on Mitchell Street possess one means of primary site access, that being directly to and from Mitchell Street. Some sites also possess an alley right-of-way. However, generally, this is not considered a primary means of access. The credit union site has two primary access points. These are found on Mitchell Street and Gunn Street. A paved driveway off Gunn Street offers an efficient second means of primary access (ingress and egress). Based on field reviews, staff commonly observed the use of Gunn Street as a principal means of entering and exiting the site. The use of Gunn Street limits movement to and from highly traveled and often congested Mitchell Street. Though not required, the proposed redesign of the site maintains the Gunn Street access.

- 2) Green Belt - The site possesses a sizable greenbelt of approximately 3,500 square feet extending the full length of the south property line. The greenbelt has an average depth of

approximately 22 feet. Greenbelts of this size, placement, and quality are very limited along the Mitchell Street corridor. The applicant has the right to eliminate the greenbelt for purposes of meeting the required parking count. It is the staff's opinion the greenbelt offers a desirable aesthetic quality that should be retained.

The application was also examined pursuant to Section 46-69(4). Please note:

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

Finding – A reduction in the required parking by 4 open spaces (28 spaces verses 32 spaces) will not result in the reduction of light and air to adjacent properties.

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

Finding – The project is not anticipated to add additional traffic volumes to the nearby street systems. The reduction in parking will not increase congestion in public streets. The proposed parking arrangement and vehicular circulation system have been designed to safely accommodate the onsite entry, exit, and parking demands of the business operation. Unlike many business parcels located on Mitchell Street (131 BR) possessing only one means of site access, the credit union site provides a secondary means of site access (ingress and egress) via Gunn Street. Based on field inspections, staff observed the common use of Gunn Street as a means of site ingress and egress, thereby reducing movements and congestion on highly traveled Mitchell Street.

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

Finding – The variance will not increase the danger of fire or endanger public safety. Field inspections reveal that 28 spaces are adequate to accommodate the on-site parking needs of the Credit Union.

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

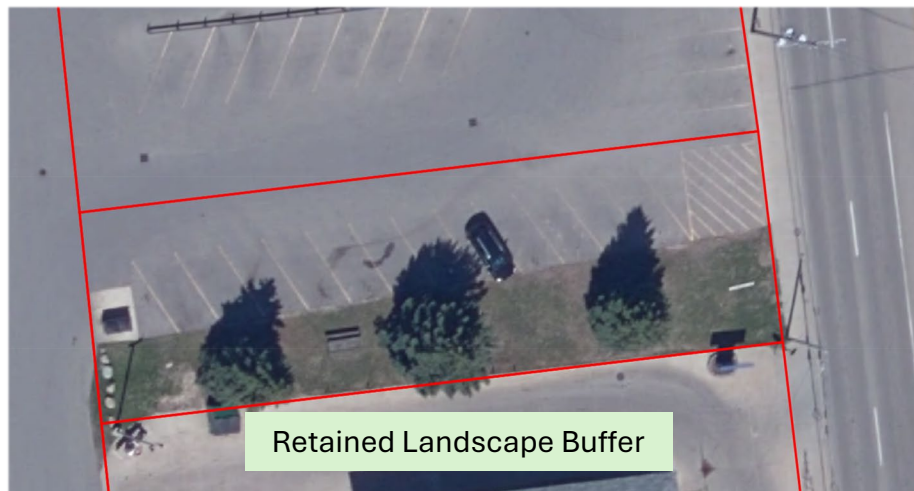
Finding – The variance will not result in diminished property values in the surrounding area. Rather, the project is expected to enhance area values. The level of requested parking (28 spaces) is anticipated to exceed the parking demand, and the proposed parking and overall site design will improve public safety. As noted, the project provides for a range of building upgrades and an increase in site landscaping. These factors are anticipated to further enhance area values.

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

Finding – The variance and overall site redesign are anticipated to advance public safety by reducing pedestrian and vehicular points of conflict presently existing on the site. The proposed

use is permitted within the underlying zone district and is consistent with the character of development of neighboring properties.

Additional Observation – As noted, the applicant can place additional parking spaces along the southern border of the site. This location possesses a desirable greenbelt, one of the few found along the Mitchell Street corridor. The greenbelt, as existing, is not an ordinance requirement. The addition of parking would negatively impact the greenbelt.



Summary of Findings (Parking Space Variance)

1. Light and Air - The variance is not anticipated to impair an adequate supply of light and air to adjacent properties. A reduction in the level of required parking by 4 open spaces will not result in the reduction of light and air to adjacent properties.
2. Congestion – The variance will not generate additional traffic and the reduction in parking will not increase congestion in public streets.
3. Public Safety - The variance will not increase the danger of fire or endanger public safety.
4. Property Values - The variance will not unreasonably diminish or impair established property values within the surrounding area.
5. Public Health and Safety - The variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.
6. Parking Space Demand - Based on the provision of 28 parking spaces, filed observations and parking counts reveal that on average 15 spaces are utilized while 13 spaces are open. At no time was full occupancy of the lot observed.
7. Turnover of Spaces - Field observations indicated most client spaces were seldom occupied for more than 15 minutes, resulting in the constant availability of spaces for client parking.
8. Greenbelt - The variance will allow for the existing greenbelt along the southern edge of the site to be maintained.
9. Public Impact - The findings indicate the requested variance of 4 spaces may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Ordinance.

SIGN VARIANCE

The applicant seeks a variance of 8.0 feet in the setback of a new monument sign from the east property line (the Mitchell Street Right-of-Way). Section 46-664 of the ordinance requires a setback of 10 feet. The proposed sign has a setback 2 feet. Per the applicant, the variance is needed to accommodate the driveway and parking proposed for the easterly portion of the site. The driveway has been designed to function as a vehicular circulation route for movement around the building.

As a component of the site and building redesign, the credit union wishes to replace the existing pole sign with an electronically activated message monument sign. Pole signs and monuments signs are treated the same under the Cadillac Zoning Ordinance. The existing sign consists of a main sign board and a secondary reader board sign mounted on two poles (pylons). The proposed sign will possess a solid (single) background to include the Community Credit Union logo and an electronic reader board screen. The north and south sides of the sign will be identical. The message board will be visible by north and southbound Mitchell Street motorists.

The existing pole sign is non-compliant with the sign regulations of the ordinance. As opposed to the required 10 feet setback from the east property line, the existing sign has a setback of approximately 5 feet at its base (the sign's easterly pylon) and a setback of approximately 3.5 feet between the eastern edge of the sign's top reader board and the right-of-way. Due to its height, the existing sign is also required to have a setback of 12 feet from the traveled portion of Mitchell Street (Section 46.664). The existing setback is approximately 9.0 feet. The setback inconsistencies are fairly common with pole signs in this general area along Mitchell Street. In some instances modifications to the roadway, such as the prior widening of the traveled portion of the street or the addition of sidewalks, have resulted in sign setback nonconformities.



SIGN RENDERING
NTS

Sign Variance Standards

Sign variances are subject to the specific standards of Section 46-664(j). The section provides that variances may be granted when it can be demonstrated that a hardship or practical difficulty will exist if the variance is not granted. Staff's review of the section follows:

1. Standard - The fact that other larger signs constructed under prior sign ordinances do exist in the area shall not be sufficient reason to declare hardship nor practical difficulty.

Finding – An increase in the size of the sign is not being requested.

2. A variance shall not be granted if it is determined that the appellant has created the hardship or practical difficulty.

Finding - The location of the proposed sign closely mirrors that of the existing non-conforming sign. The applicant's options for the sign's placement are limited due to several pre-existing factors. These include the restricted site area (set back) between the existing office building and the Mitchell Street right-of-way, the need to position the sign near the existing Mitchell Street driveway to maximize the safe and efficient movement of motorists entering the site, and the need to maintain a suitable circulation route for motorists after entering the site.

3. Before a variance is granted, it must be shown that the alleged hardships or particular peculiar difficulties of the person requesting the variance result from conditions which do not exist generally throughout the city.

Finding – The applicant is renovating a site with a range of pre-existing elements. As a developed site, the difficulties encountered tend to be unique or distinctive to the site as opposed to general circumstances existing throughout the city. For this site, factors such as the existence and location of an older building to be retained and rehabilitated, the pre-existence of the Mitchell Street (MDOT permitted) site access drive, the need to safely and efficiently manage the constant on-site circulation of vehicles, the desire to separate pedestrian and vehicle travel, and other site conditions result in design and development challenges.

4. The applicant for a variance shall be prepared to furnish a site drawing, photographs, and/or any other means of proof to the board of appeals to indicate that hardship or practical difficulty does in fact exist.

Finding - The applicant has provided a site drawing and sign graphic depicting the location, size, and design of the sign in relationship to the proposed site and building redesign.

5. The term "hardship" shall not be deemed financial hardship relating to the cost of the sign or the size of the sign or to the fact that the sign has already been constructed, or the fact that the sign is only available in standardized sizes and/or materials.

Finding –The applicant is not claiming financial hardship.

6. The alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance must include substantially more than mere inconvenience, or mere inability to attain a higher financial return.

Finding - The applicant has not indicated a need for the variance due to inconvenience or to attain a higher financial return. The applicant wishes to replace an existing non-conforming sign

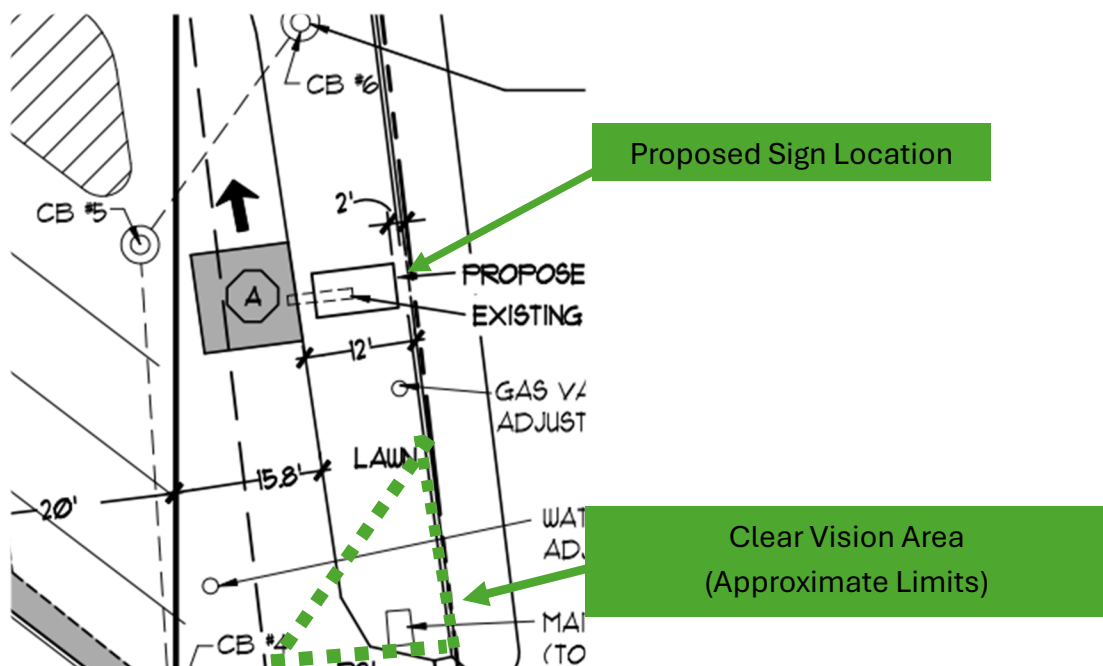
with a modern sign consistent with the proposed site and building improvements. The location has been programmed to position the sign near the existing Mitchell Street entry driveway and to allow for the accommodation of a necessary site circulation drive providing for the safe and efficient movement of traffic.

7. It must be shown that allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this section, the individual hardships that will be suffered by a failure of the board to grant a variance, and especially the rights of others whose property would be affected by the allowance of the variance.

Finding - Pursuant to this standard, no other properties will be affected by the allowance of the variance. Specifically, the sign has been positioned to provide an opportunity for the placement of a vehicular circulation lane. The lane is necessary to accommodate the redesign of the site for the safe and efficient movement of traffic entering the site from Mitchell Street and thereafter circulating on the site for purposes of parking or to access a drive-thru client banking station.

Clear Vision Zone

In the examination of the application, staff reviewed the sign location pursuant to its impact on clear vision requirements. Section 46-664(d)(1)k provides that signs having the potential to obstruct visual clearance by exceeding 30 inches in height shall not be permitted within the triangular area formed at the intersection of the traveled portion of any street, driveway or alley by a straight line drawn between them at a distance 25 feet from their point of intersection. Based on measurements using the applicant's site plan and the city's aerial maps, the proposed sign will be positioned outside the limits of the clear vision zone. (Refer to the following graphic.)



Potential Sign Damage Due to Snow Removal - A Factor of Concern

Staff are supportive of the new sign. However, based on Cadillac's seasonal weather involving the handling of snow, there is concern that a setback of two feet has the potential to result in damage to the monument sign during periods in which snow is removed from the abutting sidewalk and Mitchell Street. As proposed, the base of the sign would rest 2 feet from the sidewalk and roughly 8 feet from the street. According to the City Public Works Department, snow is removed from the sidewalk using a V-plow and blower. Snow is removed from Mitchell Street by larger equipment having the potential to propel snow significant distances depending on the speed of the truck, shape of the plow, moisture content of the snow, and other factors. It is also not uncommon for snow to bind with items such as ice and stones that have been dropped by passing vehicles. These may be propelled as well.

Consideration of Sign Size and Sign Placement Options

In reviewing the variance request, staff identified the following options for possible consideration. The applicant has been advised of the options and asked to comment accordingly at the ZBA's meeting at which this item will be addressed.

1. Reduce the sign size to achieve or approve compliance. It is the staff's opinion a minimum setback of at least 5 feet is desired for the purposes of improving clear vision site lines and reducing the potential for sign damage due to the removal of snow from the public right-of-way.
2. Relocate the sign to the planned lawn area along Mitchell Street to the north. The green area provides additional width possibly allowing for an increase in the sign's setback.

Recommended Sign Setback Condition

If a setback variance of any distance is granted, the staff recommends that the Zoning Board of Appeals impose a condition requiring the developer to waive any claims against the City for damage caused by snow removal in the public rights of way as the City does not want to expose itself to claims by virtue of having granted a variance. Furthermore, that the condition to be provided in a recorded instrument so that it is binding on future owners. The instrument to be prepared by the City Attorney.

Summary of Review Findings (Sign Variance)

1. Request for a Sign Size Increase - An increase in the size of the sign is not being requested.
2. Self-Created Hardship - The options for the placement of the sign are limited due to pre-existing factors as detailed in the staff report.
3. Site Conditions – The site possesses a range of pre-existing elements impacting compliance as detailed in the staff report.
4. Application Documents – Furnished.
5. Financial Hardship - The applicant is not claiming a financial hardship.
6. Inconvenience and Greater Financial Return – The applicant is not claiming any inconvenience or need for a greater financial return.
7. Substantial Justice/Impact on Others - No other properties will be affected by the allowance of the variance. Specifically, the sign has been positioned to provide an opportunity for the placement of a vehicular circulation lane. The lane is necessary to accommodate the redesign of

the site for the safe and efficient movement of traffic entering the site from Mitchell Street and thereafter circulating on the site for purposes of parking or to access a drive-thru client banking station.

8. Clear Vision Zone – As proposed, the sign's placement meets the clear vision zone requirements.

9. Impact of Snow Removal from the Public ROW - based on Cadillac's seasonal weather involving the handling of snow, there is concern that a setback of two feet has the potential to result in damage to the monument sign during periods in which snow is removed from the abutting sidewalk and Mitchell Street.

10. Options for Consideration – a) Reduce the sign size to achieve or approve compliance. It is the staff's opinion a minimum setback of at least 5 feet is desired for the purposes of improving clear vision site lines and reducing the potential for sign damage due to the removal of snow from the public right-of-way. b) Relocate the sign to the planned lawn area along Mitchell Street to the north. The green area provides additional width possibly allowing for an increase in the sign's setback.

11. Recommended Condition - If a variance is approved, it is recommended a condition of approval be attached requiring the developer to waive any claims against the City for damage caused by snow removal in the public rights of way as the City does not want to expose itself to claims by virtue of having granted a variance. Furthermore, that the condition to be in a recorded instrument so that it is binding on future owners. The instrument to be prepared by the City Attorney.

Public Comments – Parking and Sign Variance

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 Statements and Board Action (Example Only)

Parking Space Variance Application

Based on the findings as detailed in the staff report, the receipt and consideration of public comment, and the Board's review and analysis of the application, it was moved by _____, supported by _____ to _____ the parking space variance request of the Wexford Community Credit Union, 1021 N. Mitchell Street, for a reduction of 4 spaces in the required number of parking spaces. Section 46-659 of the Cadillac Zoning Ordinance requires 32 spaces. The applicant proposes 28. Said action subject to the following conditions (if any).

Conditions: If none, indicate none.

Roll call vote:

Support -

Deny –

Abstain – If abstaining, state reason.

Monument Sign Variance Application

Based on the findings as detailed in the staff report, the receipt and consideration of public comment, and the Board's review and analysis of the application, it was moved by _____, supported by _____ to _____ the monument sign variance request of the Wexford Community Credit Union, 1021 N. Mitchell Street, for a reduction of 8 feet in the required sign setback from the east property line (Mitchell Street right-of-way) resulting in a sign setback of 2 feet from said right-of-way. Said action subject to the following conditions (if any).

Conditions: If none, indicate none. If a variance is approved, it is recommended a condition of approval be attached requiring the developer to waive any claims against the City for damage caused by snow removal in the public rights of way as the City does not want to expose itself to claims by virtue of having granted a variance. Furthermore, that the condition to be in a recorded instrument so that it is binding on future owners. The instrument to be prepared by the City Attorney.

Roll call vote:

Support -

Deny –

Abstain – If abstaining, state reason.