



Zoning Board of Appeals Agenda
March 20, 2025

A regular meeting of the Cadillac Zoning Board of Appeals is scheduled for 5:30 p.m. on Thursday, March 20, 2025. Items of discussion are as follows.

CALL TO ORDER

ROLL CALL

1. Approval of the agenda for March 20, 2025.
2. Approval of the September 19, 2024, meeting minutes.
3. Public Comment
4. Public Hearing
 - a. Variance application filed by David Cadwallader, owner of 808 Cotey St.
5. New Business
 - a. Vote for Officers
 - b. Vote for Meeting Dates
 - c. Fee Proposal
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.
September 19, 2024

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on September 19, 2024

ROLL CALL

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

STAFF PRESENT: Adams, Timmer, and Anne Seurnyck (City Attorney, FosterSwift, attended remotely)

APPROVAL OF MEETING AGENDA

Motion by Brown to approve the September 19, 2024, meeting agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE MAY 16, 2024 MEETING MINUTES

Motion by Brown to approve the May 16, 2024, meeting minutes. Supported by Bontrager. The motion was unanimously approved on a roll call vote.

PUBLIC COMMENT

None.

PUBLIC HEARING AND BOARD ACTION

Parking Space Reduction and Sign Setback Variance Application

Applicant: Wexford Community Credit Union
1021 N. Mitchell Street, Cadillac, Michigan 49601

Parcel No. 10-084-00-078-00

Parcel No. 10-084-00-079-00

Parcel No. 10-084-00-080-00

Parcel No. 10-084-00-081-00

Parcel No. 10-084-00-082-00

Applicant's Representative:

Woodrow Issacs, Principal
Viridis Design Group
2926 W. Main Street
Kalamazoo, MI 49006

Variance Application:

1. Parking Space Adjustment – Reduction of 4 spaces in the required number of parking spaces. Section 46-659 of the CZO requires 32 spaces. The applicant proposes 28.
2. Monument Sign Setback – Reduction of 8.0 feet in the setback of a new replacement sign from the east property line (Mitchell Street ROW). Section 46-664 requires a setback of 10 feet. The sign has a proposed setback 2 feet.

Chairperson Nichols opened the public hearing on the variance application filed by the Wexford Community Credit Union Drive calling for staff to introduce the request and provide an overview of the staff report.

Adams stated the application before the Board seeks two variances. The first is a parking space variance calling for a reduction of 4 spaces in the required number of parking spaces. Section 46-659 of the Cadillac Zoning Ordinance (CZO) requires 32 spaces. The applicant proposes 28. The second variance is for a setback reduction of 8 feet in the setback of a new replacement sign from the east property line (Mitchell Street ROW). Section 46-664 of the CZO requires a setback of 10 feet. The sign has a proposed setback 2 feet.

Adams stated that ZBA members had been provided with the full staff report providing extensive detail on the project and a review of the standards of the CZO pursuant to variance applications. He noted that required public notices for the hearing had been processed and that there have been no written or verbal responses to the public notice received to date. He stated the applicant and applicant's project design representatives were present. Adams then presented an overview of the staff report using a Power Point presentation format. Adams provided background detail on the Credit Union project stating that a range of proposed improvements are planned to include features such as a new building entry, new/relocated vehicle drive-thru stations, improved circulation/parking, a new monument sign to replace the existing pole sign, and a variety of site enhancements. The project will take place on the existing Credit Union site. No additional properties are part of the project, and the basic office building will remain.

Adams stated the site has several distinct, unique like, factors that are uncommon to the interior sites along this segment of Mitchell Street. He noted that most interior parcels on Mitchell Street possess one means of primary site access or driveway connecting directly to/from Mitchell Street. The Credit Union site has two, Mitchell Street and Gunn Street. The use of Gunn Street limits movement to/from highly traveled/often congested Mitchell Street. Though not required, the proposed site redesign maintains the Gunn Street access. Also, the site has a greenbelt of approximately 3,500 square feet extending along the south property line. Greenbelts of this size/quality are limited along the Mitchell Street corridor. Adams stated the applicant has the right to eliminate the greenbelt for purposes of meeting the required parking count. The greenbelt offers

a desirable quality to the site/area and staff is hopeful that it will be retained. The applicant proposes to integrate the greenbelt with additional landscaping placed elsewhere on the site.

Adams presented a graphic illustration of existing site conditions and the proposed improvements in which the present drive-through banking stations will be relocated to the south of the site replacing an area currently used for parking. In turn, parking will be relocated adjacent to the Credit Union building. Adams stated the modification will help reduce potential conflicts that presently exist between the circulation of people and vehicles.

Beginning with the parking variance, Adams stated the CZO requires 32 spaces. The applicant proposes 28. A variance of 4 spaces. He noted that the applicant states the requirement exceeds the parking demand experienced by the Credit Union. The applicant can meet the requirement by replacing the non-required greenbelt on the south portion of the site with parking but wishes to maintain the site's existing green space. The greenbelt is also of interest to the city as it enhances the visual quality of the Mitchell Street corridor. Adams stated that the use of the greenbelt for parking is fully counterproductive to the elimination of conflict between the movements of pedestrians and vehicular traffic which the applicant wishes to resolve based on the proposed site plan.

To help identify parking demand, Adams stated a series of random parking counts were taken by staff over an approximate one-month period. Times varied from day to day. The findings of the survey were provided in the staff packet. The Credit Union was not advised of the survey. Adams provided details on the survey methodology and offered a report of findings. Excluding counts taken on Saturdays, the findings indicate that with the provision of 28 parking spaces occupancy levels would have ranged from 29% (20 open spaces) to 75% (7 open spaces). The findings indicate the average occupancy level would have been 54% (15 spaces utilized and 13 spaces open). Adams stated Saturday counts were taken but excluded to avoid skewing the results as Saturdays are known to have very little parking demand.

Adams explained the concept of parking turnover rates noting that turnover refers to the frequency with which vehicles occupy a parking space. Though turnover rates were not calculated for the Credit Union site, he stated that banks and credit unions are known to exhibit high turnover rates as clients complete their business in limited time. During their field survey of parking counts, it was noted that most of the client spaces being used were occupied for 15 minutes or less. The turnover of spaces was constant. There were no instances in which all spaces were occupied.

Reviewing the variance standards of the CZO, Adams noted the following staff findings:

1. Light and Air – The loss of 4 spaces will not impact the availability of light and air to adjacent properties.
2. Congestion – The variance will not increase traffic nor congestion in public streets. It is noted the site retains a secondary access via Gunn Street limiting movement and congestion on Mitchell Street.
3. Public Safety - The variance will not increase the danger of fire or endanger public safety. The proposed site redesign is anticipated to approve the safety of pedestrian circulation.

4. Property Values - The variance will not diminish or impair property values within the surrounding area. The upgrading of the building and site is anticipated to serve as a positive influence on the area.
5. Public Health and Safety - The variance will not impair public health, safety, comfort, morals, or public welfare. The proposed site design is anticipated to improve the safety of pedestrian circulation.
6. Parking Space Demand – 28 spaces will be provided. With 28 spaces, field observations over a 4-week period reveal that on average 15 spaces would have been occupied and 13 spaces open. Adams stated that recent banking trends point to a decline in the demand for parking due to the use of on-line banking and drive-thru stations for many transactions.
7. Turnover – Typically, client spaces were occupied for 15 minutes or less, resulting in their continual availability.
8. Greenbelt and Safety Concerns - The variance allows for the greenbelt along the southern edge of the site to be maintained. Greenbelts of this size/quality are desired. The use of this area for parking is inconsistent with the pedestrian safety issues the new site design will resolve.
9. Public Impact – Staff findings indicate a variance of 4 spaces:
 - a) Does not appear to be a detriment to the public good.
 - b) Does not impair the intent/purpose of the ZO to provide adequate parking levels.
 - c) Provides for the site's visual enhancement through the retention of green space.
 - d) Will not be a detriment to adjoining properties.
 - e) Provides a site redesign eliminating a conflict between pedestrian/vehicle circulation.

Following the staff report, Chairman Nichols asked the Board if there were questions. Board members inquired of the basis of the required parking. Adams stated it is an ordinance requirement for bank, credit unions, financial offices, and the like. Board members inquired of the Credit Union's need for staff parking. Adams stated the parking survey and counts included both staff and client parking demands. Survey findings indicate that 28 parking spaces will handle the full range of site parking needs.

Chairman Nichols opened the public speaking portion of the hearing.

Representing the applicant, Woodrow Isaacs, Land Architect, Viridis Design Group, 2926 W. Main Street, Kalamazoo, MI 49006 introduced himself and others representing the Credit Union project. He stated that city staff had fully covered their request and voiced appreciation for it. He stated that his firm works diligently to meet local zoning requirements on projects such as this and try their best to avoid the need for variances. He indicated he has been involved with Zoning Boards of Appeals and appreciates their responsibilities. He stated that as they are dealing with an existing built site requiring vehicular circulation due to the nature of the operation, this imposes restraints on their ability to provide more parking than needed. He stated that his firm's experience with financial institutions indicates a significant decline in the demand for on-site parking. He

noted that many of the financial institutes they design projects for have significantly lowered their parking requirements. He is certain the 28 spaces called for will be adequate to meet the needs of the Credit Union. Mr. Isaacs again thanked staff and the Board for their consideration of this request and asked if there were any questions.

Board members inquired of how a drive through client's materials will be transferred between the relocated and distant drive-through stations and the office building. Mr. Isaacs stated that current technology allows the stations to function remotely without need for tubes or direct window contact. Virtually all transactions will be accomplished electronically.

Chairman Nichols called for other public comments.

Melissa Hanford (Five D's of Cadillac, LLC), 1027 N. Mitchell Street, Cadillac, MI 49601 spoke regarding traffic that enters her commercial site to access the Credit Union. Her site is located directly north of the Credit Union site. She stated that she is not opposed to the project, but that traffic destined for the Credit Union will sometimes use her site for gaining access. She noted that there are occasions when a portion of her site is used for Credit Union parking. She stated she may eventually place a greenbelt between her site and the Credit Union to limit the cross movement of vehicles. Again, she noted she is not opposed to the project.

There being no additional public comment, Chairman Nichols closed the public speaking portion of the hearing on the parking space variance. City Attorney Seurnynck stated the Board should continue with the second request.

Addressing the sign setback variance application, Adams stated that Section 46-664 of the CZO requires the proposed sign to be setback 10 feet from the east property line (Mitchell St. ROW). The applicant seeks a variance of 8.0 feet, resulting in a setback of 2 feet. Per the applicant, the variance is needed to accommodate the circular drive and parking proposed for the easterly portion of the site. The driveway functions as a vehicular circulation route for movement around the building. The parking brings clients closer to the building entry. Adams presented visual copies of the proposed site plan detailing the location of the existing and proposed sign, vehicular circulation route, and other site features.

Adams provided photographs of the existing pole sign and the proposed monument sign. He stated the CZO treats monument signs as pole signs on matters of setback and other dimensional standards. Adams stated the existing pole sign exhibits setback nonconformities pursuant to its base, top reader Board, and distance to the traveled portion of Mitchell Street. Adams provided estimates of the nonconforming setbacks based on use of the city GIS aerial maps. He stated that many of the nearby pole signs on other sites are also nonconforming pursuant to their setbacks from the Mitchell Street right-of-way. He noted that a majority of the existing pole signs have

existed for years, possibly decades. Over time, with improvements to Mitchell Street, the addition of sidewalks, ways in which past administrations may have interpreted ordinance requirements, and other such factors have contributed to the high levels of nonconformity.

Based on the sign variance review standards of the CZO, Section 46-664, Adams reviewed the variance application and staff's findings:

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

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

Standard - The applicant shall not create the hardship or practical difficulty resulting in the need of the variance.

Staff Finding - The sign will be positioned in the location of the current sign. The location allows for the safe circulation of vehicles entering the site. Due to the existing site improvements and the location of those improvements, such as the main building, Mitchell Street access point, and need for site circulation, the options for placement of a conforming setback are limited. It is also noted the proposed sign will reduce the degree of non-conformity existing with the present sign. The pole sign exhibits three instances of setback nonconformity.

Standard - The hardships or difficulties result from conditions which do not exist generally throughout the city.

Staff Finding - The applicant is improving a site possessing a pre-existing building and site features. The fixed features, such as the existing office building, position of the Mitchell Street curb cut, circulation needs, etc. impact site design flexibility. These fixed factors are unique to this site.

Standard - The applicant 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.

Staff Finding – As requested by the city, the applicant has provided sign design and related materials. The applicant will also be present to address the request.

Standard - 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.

Staff Finding – The applicant is not claiming a financial hardship.

Standard - The hardships and practical difficulties must include more than inconvenience or inability to attain a higher financial return.

Staff Finding - The applicant has not indicated a need 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.

Standard - The variance will result in justice, public benefits, reduction in hardships, and not negatively impact the rights of others.

Staff Finding: No other properties will be affected. The sign replaces an existing non-conforming sign. The sign has been positioned to provide opportunity for the placement of a vehicle circulation lane and parking. Monument signs are consistent with the sign types desired by the city for the Mitchell Street corridor.

Adams provided information on the location of the sign pursuant to possible impacts on the need for a clear vision zone. He explained a clear vision zone is field of view area needed for purposes of avoiding collisions between motorists at street and driveway intersections. Using the CZO standard for clear vision zones, Adams provided a scaled graphic detailing the location of the required clear vision zone for the intersection of the Credit Union driveway and Mitchell Street. The graphic indicated the proposed sign would be located outside the required clear vision zone.

Adams stated that based on Cadillac's seasonal weather involving the handling of snow, there is concern that a setback of 2 feet has the potential to result in damage to the sign when snow is removed from the abutting sidewalk and street. According to the 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. To possibly avoid or reduce potential damage, staff recommends a setback of 5 feet, consistent with the existing pole sign at its base. Adams stated this might be accomplished through a reduction in the size/design of the sign or possible relocation of the sign to the proposed, wider, greenbelt area to the north.

If a variance of any magnitude is approved, staff recommends a condition of approval be attached requiring the developer to waive any claims against the City or other public bodies for damage caused by snow removal in the public right-of-way. Furthermore, that the condition should be in the form of a recorded instrument binding on future owners. The instrument should be prepared by the City Attorney.

Closing his presentation, Adams stated the applicant was advised of staff's concerns prior to the meeting. Adams asked if the Board had questions. Board members discussed the clear vision need. Adams explained the method staff used to identify the clear vision area. He noted that it is based on the fence standards of the CZO in which specific clear vision requirements are detailed when erecting fences near street intersections.

Chairman Nichols asked the public for comment.

Representing the applicant, Woodrow Isaacs stated the proposed sign represents a high quality, modern, sign consistent with the improvements proposed for the site. The sign will be positioned within the area of the existing pole sign. The setback variance is needed to accommodate the nearby circulation drive and client parking. He stated that reducing the size of the sign would markedly impact its usefulness and legibility. The sign has been positioned for the convenience of clients pursuant to accessing the site's Mitchell Street driveway. He noted that due to the site's existing improvements and limited site area, relocation of the sign becomes a challenge. He again thanked the Board for their consideration of the sign variance application.

There being no further public comment, Chairman Nichols closed the public speaking portion of the hearing and opened the matter for Board comment. Board members inquired of the applicant the possibility of adjusting the position of the sign, such as more parallel to Mitchell Street versus perpendicular in order to improve clear vision visibility and setback compliance. Mr. Isaacs responded by stating that repositioning the sign as suggested would limit the visibility of the sign message for passing and entering motorists. Board members inquired of relocating the sign to the north where the site plan shows a larger green space. Mr. Isaacs stated the proposed location is near the site's Mitchell Street entry drive making it easier and safer for motorists to quickly identify and access the drive.

Adams stated that given the membership numbers of the Zoning Board of Appeals, that being 7, an affirmative vote of 4 members is required to approve a variance. Following discussion on the vote requirement, City Attorney Seurnyck examined the state zoning statute and confirmed the 4 vote requirement.

Board Action – Parking Space Variance Application

Based on the findings as detailed in the staff report, the review of staff's findings and agreement therewith, the review and consideration of public comment, and the Board's review and analysis of the application pursuant to the standards of the Cadillac Zoning Ordinance, it was moved by Ault, supported by Hutchinson to approve the parking space variance application of the Wexford Community Credit Union, 1021 N. Mitchell Street, for a reduction of 4 spaces in the required number of parking spaces. Said action subject to the following condition: The existing greenbelt located along the south perimeter of the site shall be retained and incorporated as part of the proposed redesign of the site.

The motion and condition were unanimously approved on a roll call vote.

Board Action – Sign Setback Variance Application

Based on the findings as detailed in the staff report, the review of staff's findings, the review and consideration of public comment, and the Board's review and analysis of the application pursuant

to the standards of the Cadillac Zoning Ordinance, it was moved by Bontrager, supported by Brown, to approve 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 condition. The Wexford Community Credit Union waive any claims against the city or other public bodies for damage caused by snow removal in the public right-of-way. The waiver shall be in a recorded instrument binding on future owners. The instrument to be prepared by the City Attorney.

The motion failed based on a three (support) to two (deny) roll call vote. Voting to approve the application were Bontrager, Brown, and Nichols. Voting to deny the variance application were Hutchinson and Ault.

Following the vote, there was brief discussion on possibly taking a revote to provide for a lessor variance, such as 5 feet. City Attorney Seurnyck advised that since a vote had already been taken a revote would not be appropriate. The Board took no further action on this matter.

NEW BUSINESS

None.

OLD BUSINESS

None.

BOARD MEMBER COMMENTS

Board members thank staff for the thoroughness of the staff report.

PUBLIC COMMENTS

None.

ADJOURN

There being no further business, Chairperson Nichols adjourned the meeting of the ZBA at 6:43 P.M.



Community Development Department

**ZONING BOARD OF APPEALS STAFF REPORT
LOT COVERAGE AND INCREASE IN THE BULK OF A PRE-EXISTING DIMENSIONALLY
NONCONFORMING STRUCTURE
ZONE DISTRICT CLASSIFICATION – R-3, ONE-FAMILY RESIDENTIAL
DAVID CADWALLADER, APPLICANT
808 COTEY STREET
PARCEL NO. 10-048-00-109-00
CADILLAC, MICHIGAN 49601**

Staff Report Attachments

Variance application, site plan, applicant correspondence and letters of support.
GIS aerial of the site and neighborhood.
Site photographs.
Public hearing notice.

Introduction – Development Project and Variance Application Requests

The applicant requests variances from the following standards of the Cadillac Zoning Ordinance (the Ordinance) for the purpose of constructing a two hundred forty (240) square feet garage (20 feet by 24 feet) to be attached to the existing dwelling at 808 Cotey Street (as noted on the applicant's application and site plan included with this report):

1. Request to Increase the Maximum Lot Coverage by Buildings – The applicant seeks approval to increase the building lot coverage from the maximum of forty (40) percent as stipulated by Section 46-629 of the Ordinance to approximately forty-seven (47) percent for purposes of constructing the garage as proposed.
2. Extension of the Bulk of a Dimensionally Non-Conforming Structure – The applicant seeks approval for the construction of an attached garage with a rear yard setback of eight (8) feet from the rear lot line. Section 46-655(5) of the Ordinance provides that structural extensions adding to the bulk of a dimensionally non-conforming structure and increasing the extent of nonconformity shall require approval by the Zoning Board of Appeals. Section 46-619 of the Ordinance provides that the required rear yard setback in the R-3 Zone District is twenty (20) feet. The existing dwelling to which the attached garage is proposed has a pre-existing rear-yard setback of eight (8) feet. The proposed garage represents a southerly extension of the dwelling maintaining a setback of eight (8) feet from the rear property line.

Site Description and Zoning Compliance

The property is in the R-3 (One-Family) Zone District. The site contains a two-story, single-family, dwelling constructed in 1926. The home is described as a Sears Craftsman Bungalow dwelling. The site is surrounded by mature residential development, primarily of a single-family character comparable to that of the subject site. Cotey Street fronts the parcel on the west, a public alley is located along the northern edge, and residential sites are located directly east and south.

The southerly yard area of the site contains the northerly one-half of a detached accessory building possessing (overlying) dual lot coverage with the neighboring parcel and home addressed as 503 E. River Street. The mid-point of the building is generally situated on a common property line shared by 503 E. River Street and 808 Cotey Street. The building is jointly shared and used by the owners/residents of both properties for miscellaneous storage and vehicular parking. The building is roughly 496 square feet in area with each property possessing approximately 248 square feet.

As noted by the following table, the site of the applicant is dimensionally non-conforming pursuant to required minimum lot area, required front and rear yard dwelling setbacks, and the required accessory building setback. As will be discussed in the information following the table, the non-conformities appear to be long-standing, pre-dating present ordinance standards.

R-3 Dimensional Element	Existing*	R-3 District Standard
Lot Area	3,600 Sq. Ft.	6,000 Sq. Ft.
Lot Width	72 Ft.	50 Ft.
Dwelling Setback – Front Yard	9 Ft.	18 Ft.
Dwelling Setback – Side Yard	8 Ft. (Least) / 43.4Ft. (Total)	7 Ft. (Least) / 15 Ft. (Total)
Dwelling Setback – Rear Yard	8 Ft.	20 Ft.
Lot Coverage by Buildings	34%	40%
Accessory Dwelling Setback	0 Ft.	5 Ft. (Building Code Requirement)
*Based on the applicant's site plan.		

Variance Authorization – Parcel Uniqueness

Section 46-69(b)(2) of the Ordinance provides that the ZBA may authorize a variance from the strict application of the provisions of the Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter 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.

Pursuant to the above, the following is noted:

1. The small size of the parcel is unique to the area. The R-3 District requires a minimum lot area of 6,000 square feet. The subject site, 808 Cotey Street, is undersized possessing 3,600 square feet. A review of abutting residential sites and neighborhood parcels indicates an average lot area of 7,200 square feet. Given the existence and size of the pre-existing dwelling, the small size of the parcel significantly limits the area available for additional development without benefit of a variance.
2. The location of the accessory building on multiple sites with a zero lot line setback represents an infrequent and unique condition when compared to the neighborhood and the city's residential zone districts as a whole.
3. The non-conforming site characteristics have pre-existed for a lengthy period. Based on the age of the subject dwelling (1926) and the ages (1905 and 1954) and development patterns of the abutting homes, it is staff's opinion the site development patterns of the subject parcel have existed for an extended period of time, pre-dating current ordinance standards.

4. The need for the variances is not self-created. Staff notes that the above factors existed prior to the applicant's purchase of the site (1/21/2022, per the Wexford County Equalization website).
5. Use of the site for an attached garage of the size and design requested is a normal and common component of residential sites within the neighborhood area.

Variance Review Standards

The following is staff's review of the application pursuant to the variance review standards of Section 46-69(4) of the Ordinance.

Standard – Light and Air. The variance shall not impair an adequate supply of light and air to adjacent property
Finding – Based on the proposed location of the garage, the distance of the attached garage from nearby homes and other structures, and the limited height of the garage, the variances are not anticipated to impair an adequate supply of light and air to adjacent property.

Standard – Street Congestion. The variance shall not unreasonably increase the congestion in public streets.
Finding – Construction of the garage as proposed is not anticipated to increase the congestion in public streets. Based on the use, the proposed project is not anticipated to increase traffic levels beyond pre-existing levels. It is also noted the site has direct access to an improved public street.

Standard – Fire and Public Safety. The variance shall not increase the risk of fire and the public safety.
Finding – Construction of the garage is subject to the city's Building and Fire Safety Codes. The codes are designed and implemented to decrease the danger of fire and to increase public safety.

Standard – Property Value Impact. The variance shall not impair established property values in the area.
Finding – The project as proposed is not anticipated to diminish or impair established property values within the surrounding area. It is anticipated that the project will increase the property and taxation values of the subject site and will maintain and enhance the integrity and value of the neighborhood area as a result of the new development.

Standard – Public Health, Safety, Comfort, Morals and Welfare. The variance shall not impair the public health, safety, comfort, morals, and welfare.
Finding – Based on the use, the planned design and location of the use, consistency of the use with surrounding neighborhood properties, and compliance of the use with Building and Fire Safety Codes, the variances are not anticipated to impair the public health, safety, comfort, morals or welfare of the city's inhabitants.

Letters of Support

The staff report notes that the residents of 432 E. River Street, 503 E. River Street, and 505 E. River Street have submitted correspondence in support of the variance application. The homes at 503 and 505 E. River Street abut the subject site. The site addressed as 432 E. River Street is located directly west of 808 Cotey Street, separated by the street. Copies of the correspondence are attached in the zoning application.

Conditions for the Board's Consideration

Section 46-69 of the Ordinance provides that in granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed development as it may deem reasonable in furtherance of the purpose of the Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.

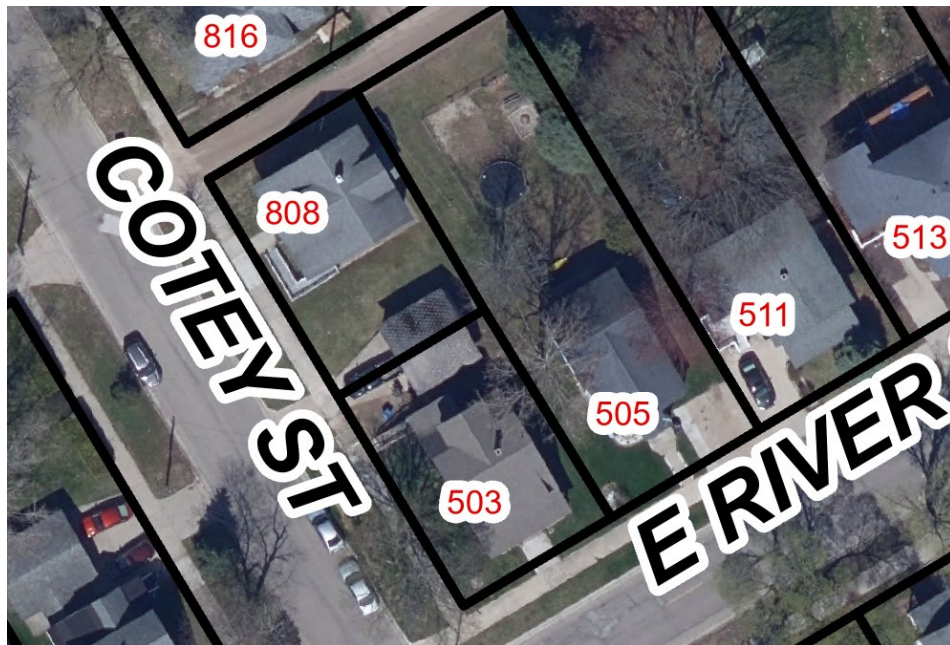
Pursuant to the above, staff offers the following conditions for the board's consideration with the authorization of the variances:

1. Fire-Rating Condition - Based on the limited separation of the existing and proposed garages (5 feet) and the potential for the storage of flammable contents therein, both structures shall be fire-rated per the requirements of the City Building Code.
2. Use and Maintenance of the Existing Accessory Building Condition – Pursuant to the use and maintenance of the accessory building located on the common property line of 808 Cotey Street and 503 E. River Street, approval of the variances shall not negate existing use and maintenance arrangements, written or verbal, that may exist among the property owners and occupants of the parcels upon which the existing accessory building is located.
3. Open Space Condition – Until such time that the existing accessory building located on the common property line of 808 Cotey Street and 503 E. River Street is removed, the proposed yard space between said accessory building and the new attached garage at 808 Cotey Street shall be maintained as an open space area for purposes of fire safety, emergency access to the rear yard, and the avoidance of visual blight.

Public Hearing Notice

The public and neighborhood property owners were notified of the Board's hearing on this application as required by law. A copy of the public notice is attached.

Aerial Image of Property



Site Photos





**NOTICE OF RESCHEDULED PUBLIC HEARING
AND CANCELLATION OF FEBRUARY 20, 2025 MEETING
CADILLAC ZONING BOARD OF APPEALS**

The regular meeting and public hearing of the City of Cadillac Zoning Board of Appeals scheduled to be held on Thursday, February 20, 2025, at 5:30 p.m. for the receipt of comment on an application filed by David Cadwallader, owner of 808 Cotey St, has been cancelled due to an anticipated lack of quorum. The property is zoned R-3, One Family Residential. The applicant requests the following variances from the standards of the Cadillac Zoning Ordinance (the Ordinance) for purposes of constructing a two hundred forty square feet attached garage. 1. Increase the lot coverage by buildings from the maximum of forty percent as stipulated by Section 46-629 of the Ordinance to forty-seven percent. 2. Extend the bulk of the dimensionally non-conforming dwelling with an attached garage with the full structure having a rear yard setback of eight feet. Section 46-619 of the Ordinance provides that the required rear yard setback in the R-3 Zone District is twenty feet.

The public hearing on the Application has been rescheduled and will be held on Thursday, March 20, 2025, at 5:30 p.m. at the regularly scheduled meeting of the Cadillac Zoning Board of Appeals. The public hearing will take place in the council chambers located at City Hall, 200 N. Lake Street, Cadillac, MI 49601.

The Application may be reviewed at the city offices at 200 N. Lake Street between the hours of 9:00 a.m. and 5:00 p.m. Questions or written comments regarding the Application should be directed to the Community Development Department, 200 N. Lake Street, Cadillac, MI 49601. Written comments must be received at the Cadillac Administrative Offices no later than 5:00 p.m. of the public hearing date to be included in the public hearing record.

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 the Community Development Department, 231-775-0181, at least three (3) business days prior to any such meeting.



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.

RECEIVED

DEC 02 2024

Zoning Applications

☐ Rezoning \$200	☒ Zoning Board of Appeals \$150
☐ Planned Unit Development (PUD)	☐ Planning Commission 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 David Cadwallader Owner Telephone [REDACTED]
Owner Address [REDACTED] Owner Email [REDACTED]
Applicant/Representative David Cadwallader Applicant Telephone [REDACTED]
Applicant Address [REDACTED] Applicant Email [REDACTED]
Subject Property Address 808 Coffey
Legal Description of Subject Property *Legal Description is preferred submitted electronically in WORD Format*

Total Acreage _____ Building Dimensions (LxWxH) 24'x20'x12'
Construction Type Pole Barn Number of Stories 1
Zone Classification: Present R3 Proposed R3
Present Use of Property Residence
Proposed Use of Property Residence

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

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

1. _____
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.

David Cadwallader
Signature of Owner
David Cadwallader
Signature of Applicant

11-29-24
Date
11-29-24
Date

Letter of INTENT- VARIANCE

To Whom it may Concern,

We are requesting a variance to our property to build an attached garage to our home due to the awkward shape of our lot, shared garage between 2 homes, and lack of storage for lawn/maintenance tools. The variance is needed to allow us enough room, in this new garage to park a car with storage space for our ski equipment – hiking equipment with our lawnmower, snow blower and other essentials/tools for maintenance of the house. The new garage would match the Craftsman style of our house, improve the aesthetics of the neighborhood while being conscientiousness of our neighbors. This space is seldom used currently, see attached survey.

Referring to site drawing #1, our intensions are clear. First, our home is 7 feet off the lot line from our backyard neighbor Nick (N Marinelli, 505 E River St- see attached letter from him giving the ok to build the new *garage to same line as the back of the home*) Second, to the side, where a shared garage has the lot line going thru the middle of it; our neighbor Jesston (J Whitley, 503 E River St- see attached letter from them explaining the awkward shared space and how they need room for their ladders and lawn care) Asking to *give variance to us to build new garage to stop storage and parking problems between us two neighbors*. Again, the placement of this proposed garage was chosen with care and conscientiousness of our neighbors. See attached letter from Joe Barrand, another neighbor who supports this request of variance. (J Barrand, 423 E River St)

We believe we fulfill the hardship requirements for a variance and kindly ask you to review and grant such variance.

Referring to site drawing #2, you can see in a couple of years the neighbors (Whitley) are gearing up to have the entire garage torn down and a new one built- ideally, turning the lot lines in a more

808 Cotey Street, zoned R-3



Prepared By
Community Development
City of Cadillac
Cadillac, MI 49601
231-775-0181



024 8 12 16

Feet

Date of Aerials
2021

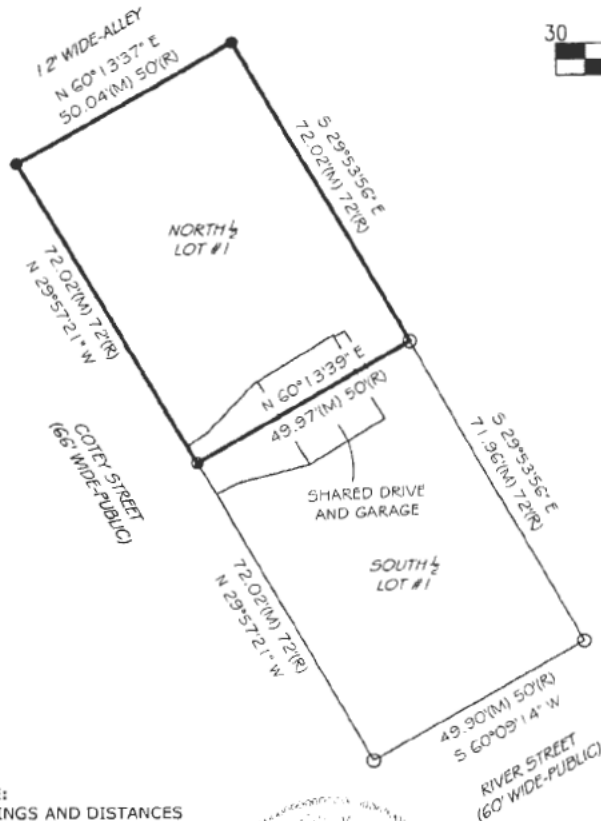
CITY OF
CADILLAC
MICHIGAN

Note:

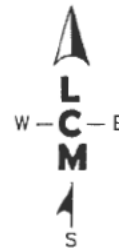
*This is not a LAND or
BOUNDARY LINE SURVEY
and may not be used for the
construction of any improvements.*

SPACE RESERVED FOR REGISTER OF DEEDS

CERTIFICATE OF SURVEY



30 0 30
Scale 1" = 30'



NOTE:
BEARINGS AND DISTANCES
ARE REPORTED IN MICHIGAN
STATE PLANE COORDINATES-
MICHIGAN CENTRAL GRID-
(2112)-(NAD-83)(G.P.S.)



LEGAL DESCRIPTION: AS FURNISHED
N 1/2 LOT 1, BLK 221 CHITTENDEN &
WHEELERS ADD & EASE AGREEMENT L
641 PG 2535 CITY OF CADILLAC
(PART OF SECTION 33, T22N - R09W,
HARING TOWNSHIP, WEXFORD COUNTY,
STATE OF MICHIGAN)

I WILLIAM SIKKEMA P.S. 4001045505 BEING A LICENSED PROFESSIONAL SURVEYOR, HEREBY CERTIFY TO TINA CADWALLADER THAT I HAVE SURVEYED AND MAPPED THE PARCEL(S) HEREON DESCRIBED AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING AND THAT ALL THE REQUIREMENTS OF P.A. 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

William E. Sikkema

William E. Sikkema, P.S. No. 4001045505

LEGEND

- Set Spike/P.K. Nail
- Set Wood Lath On Line
- Set 1/2" Rerod Iron & Cap
- Fd. Iron of Record
- ◇ Fd. Concrete Monument
- ⊙ Section 1/4 Corner
- ⊙ Section Corner
- R Record Distance
- M Measured Distance



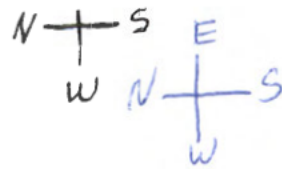
Surveying & Engineering INC
1-888-223-4235
PH. 231-743-3000 Fax. 231-743-3001
225 E. MAIN ST. MARION, MI 49665

DATE: 01/25/2022
DRN BY: FTW
CHD BY: WES/CJM
SHEET 1 OF 1

CLIENT: TINA CADWALLADER
N 1/2 LOT 1, BLK 221 CHITTENDEN & WHEELERS
ADD & EASE AGREEMENT L 641 PG 2535 CITY OF
CADILLAC (PART OF SECTION 33, T22N - R09W,
HARING TOWNSHIP, WEXFORD COUNTY, STATE
OF MICHIGAN)

FB/PG:
see file
JOB NO.:
22018

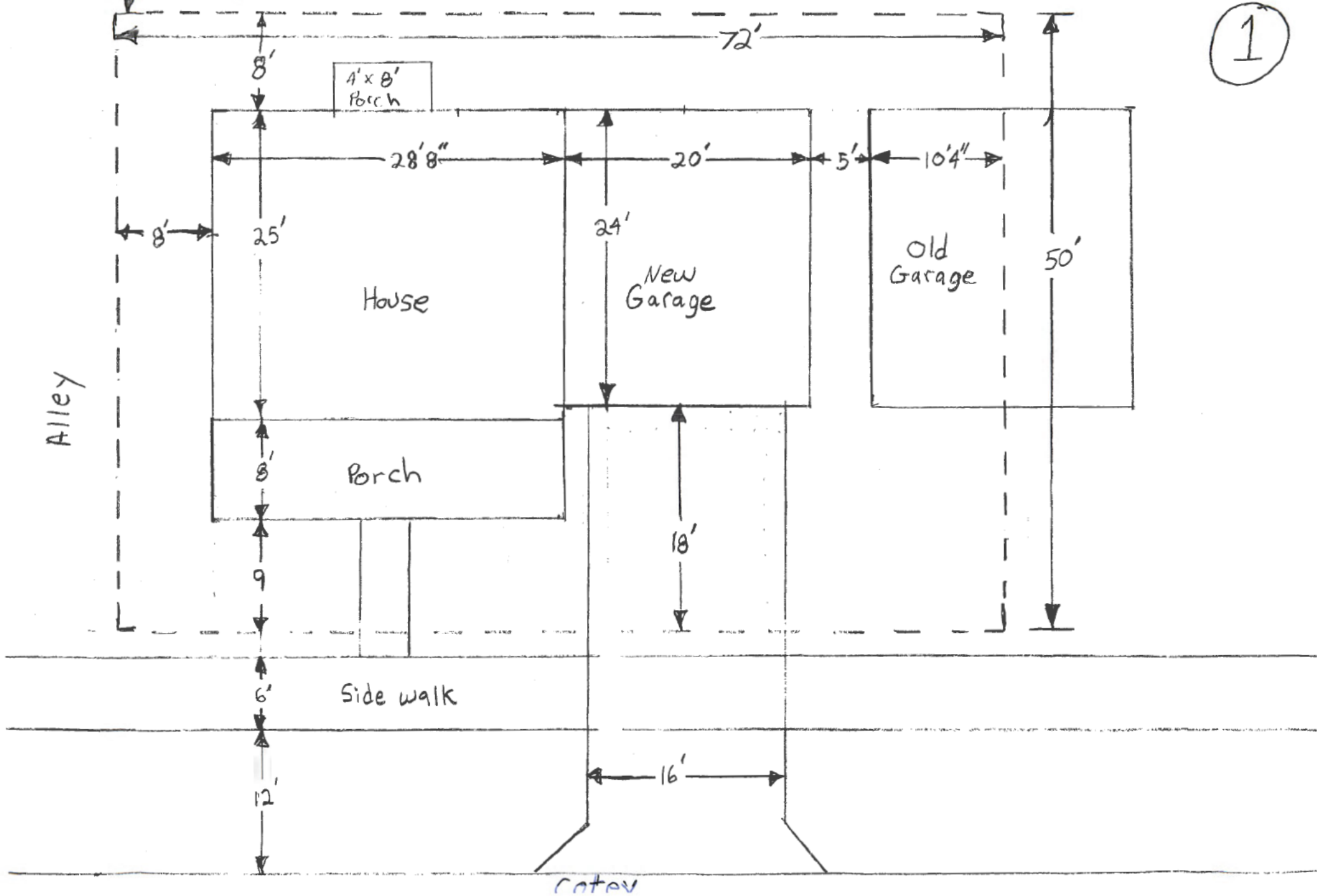
■ = 2'

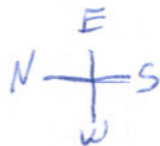
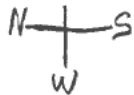


David Ladwig 1991



①

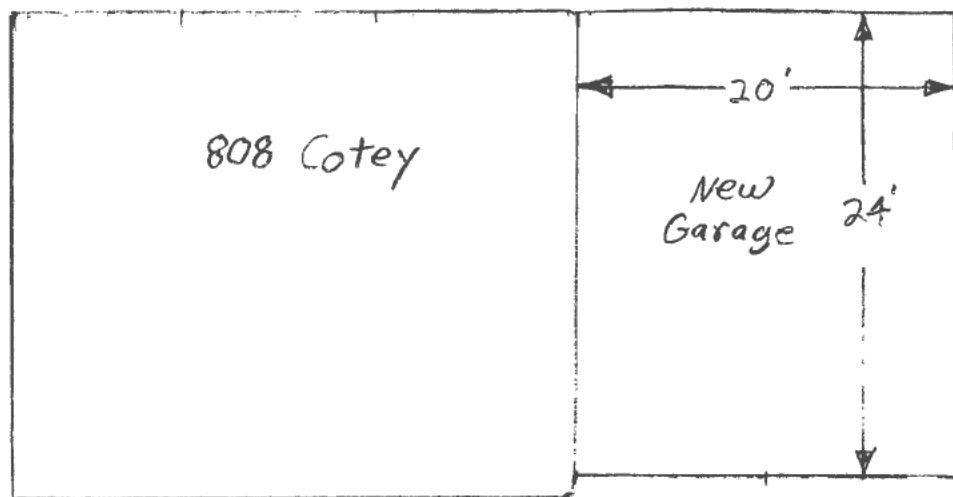




2' = 2'

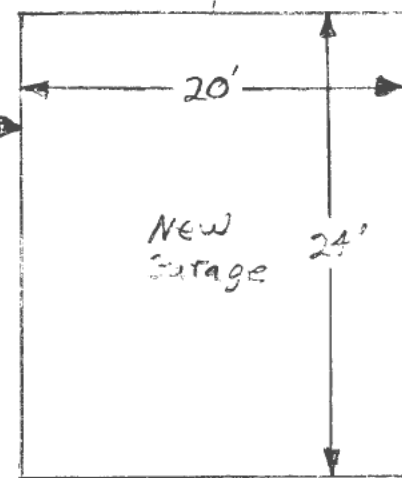
2

Property Line



17'

15'



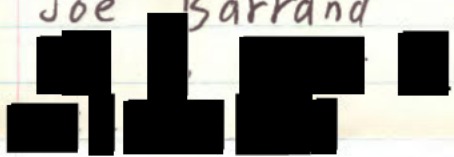
808 Cotey

November 26th, 2024

I am writing to show support for Dave & Tina Cadwallader who will be requesting a variance on their property on 808 Cotey St, Cadillac, for adding a garage. I have known them for over two years and have lived across the street. During this time, they have put much effort into their property - improving both their home as well as the homes around them. I feel the garage is a reasonable request and would be welcomed. Please give your consideration to Dave & Tina and feel free to contact me for any input that may be of help.

Sincerely,

Joe Barrand

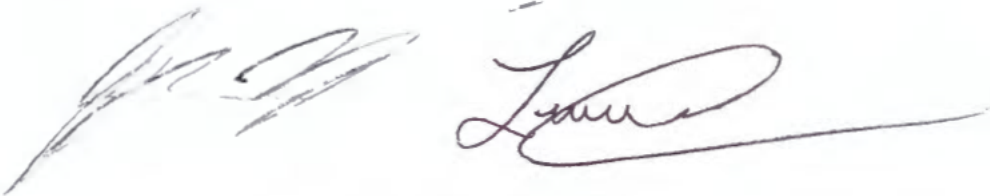


To whom it may concern,

Cochwalladers

We have been in talks with the ~~Cochwalladers~~, whom we share our garage with. My wife and I along with our neighbors find this to be a tricky situation. By sharing the garage, we are often having to coordinate moving vehicles in our driveway for each other to leave and perform daily tasks such as going to work. Our neighbors, the ~~Cochwalladers~~, want to build their own garage so that this isn't an issue anymore. However, they need your permission to do so. I am asking that you support this build so that we can get out of this tricky situation with sharing a garage between two separate households. They have our support in this project and I hope they will have your support as well.

Sincerely,

Two handwritten signatures in dark ink. The first signature on the left is stylized and appears to be 'Jesston'. The second signature on the right is more cursive and appears to be 'Elizabeth'.

Jesston and Elizabeth Whitley

[Redacted]

[Redacted]

Nick and Laura Marinelli
Nov.29th 2024



To whom it may concern,

We understand that our neighbors, at address 808 Cotey St, would like to build an attached garage and need permission to ask for a variance to do so. Our house and backyard at 505 E. River St align with their property line at the west side. I understand that they would like to align their garage with their house, which leaves room in the shared yard between the two houses with plenty of room from the property and we see no discernible problems with this and they have our full support in this project. I know that this has been a difficult situation with our other mutual neighbors, Mr. and Mrs. Whitley, and I know that this new garage will be a relief to them as well.

Sincerely,

Handwritten signatures of Nick and Laura Marinelli in black ink.

Nick and Laura Marinelli

ZONING BOARD OF APPEALS

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

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

SHARI AULT (V-CH)

628 N Lake St

Term Expires 01/19/2028

LARRY BONTRAGER

644 S Lake St

(H) 231-876-0687

Term Expires 01/21/2026

LOUIS NICHOLS (CH)

357 Marble St

(H) 231-779-1283

Term Expires 01/01/2028

STEVE BROWN

668 Holly Rd

(C) 734-502-6028

Term Expires 01/16/2027

KELLY HUTCHINSON

(C) 231-620-93

Term Expires 05/20/2027

VACANCY (2)

VACANCY - ALTERNATE (2)



200 N. Lake Street, Cadillac, MI 49601
Telephone: 231-775-0181 www.cadillac-mi.net

ZONING BOARD OF APPEALS
2025 Meeting Dates

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

<u>MEETING DATE</u>	<u>APPLICATION DEADLINE</u> <u>FOR ALL BUSINESS</u>
January 16, 2025	December 17, 2024
February 13, 2025	January 21, 2025
March 20, 2025	February 18, 2025
April 17, 2025	March 18, 2025
May 15, 2025	April 15, 2025
June 19, 2025	May 20, 2025
July 17, 2025	June 17, 2025
August 14, 2025	July 15, 2025
September 18, 2025	August 19, 2025
October 16, 2025	September 16, 2025
November 20, 2025	October 21, 2025
December 18, 2025	November 18, 2025

NOTE:

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

Budget Proposal

Re: Zoning Fees

The Community Development Department has completed a multi-year research project into departmental fees in the City of Cadillac compared to 12 other municipalities. Community Development offers many administrative services at no charge to the community. Below is a comprehensive list of services performed by the department.

- Lot Combinations
- Design Concept Review and Creation
- Building Permit Coordination and Zoning Reviews **the city collects 5% of building permits*
- Developer Meetings
- Realtor meetings and inquiries
- Assignment and changing addresses
- Administration and Coordination of Boards and Commissions
 - Historic Districts Commission
 - Cadillac West Corridor Improvement Authority
 - Planning Commission **application fees apply*
 - Downtown Development Authority
 - Zoning Board of Appeals **application fees apply*
 - Joint Planning Commission **application fees apply*
 - Brownfield Redevelopment Assistance
- General public inquiries/meetings
- Ordinance violations and enforcement
- Prepare and update public assistance materials
- City of Cadillac/CAPS Recreation Plan (every 5 years)
- Committee Projects – staff sits on many local committees such as Chamber Ambassadors, Diggins Hill, Housing, etc.
- Update and amend City Master Plan and Zoning Ordinance
- Grant research, application, implementation and reporting
- Site visits with developers and citizens
- Assist with grants for private and public projects with other agencies and developers

Application Type	Current Cadillac Rate	Ludington	Manistee	Petoskey	Saginaw	Traverse City	Midland	Mt. Pleasant	Big Rapids	Gaylord	Grayling	Muskegon	Clare	Alpena
PUD	\$200.00	\$500.00	\$1,200.00	\$2,000.00	\$1,000	\$2,160	\$750.00	\$450.00	\$225.00	\$500.00	\$500 + \$20/acre	\$600prelim \$600 final	\$150	\$400 prelim \$400 final
Sign Permit	\$20.00	\$50.00	\$50.00	\$30-50 per sign		\$50.00			\$60 Perman ent \$30 Temp.	\$100.00	\$50 free standing \$25 other			\$25 1 sided \$50 2 sided
Site Plan Review Commercial Minor	\$35.00	\$300.00	\$100.00		\$400.00		\$250.00	\$200.00		\$100.00	\$200.00	\$200.00	\$150	
Site Plan Review Commercial Major	\$85.00	\$300.00	\$200.00	\$1,000.00	\$600.00	\$1,380	\$400.00	\$430.00	\$225.00	\$200.00	\$400 plus \$20/ acre	\$400.00	\$150	\$300.00
Special Land Use Application	\$150.00	\$500.00	\$1,000.00	\$800.00	\$450.00	\$1,960	\$500.00	\$1,050	\$225.00	\$500.00	\$250 + site plan fee	\$250 plus Site plan review fee	\$150	\$400.00
SLU Major Change (requires Public Hearing)	\$ -	\$500.00	\$500.00	\$1,500.00		\$1,080			\$225.00		\$400 plus \$20/ acre	\$600.00	\$150	\$400.00
SLU Minor Change	\$ -		\$200.00	\$500.00		\$85.00								
Street & Alley Vacating	\$200.00		\$1,000.00			\$2,115	\$600.00						Time and materi al	
Land Division	\$50 or \$200 PC									\$125.00	\$150.00		\$50/ split	\$50/ split
Zoning Verification Letter				\$75.00			\$75.00		\$15.00	\$50.00				
Zoning Board of Appeals	\$150.00	\$500.00	\$1,200.00	\$400.00	\$500.00	\$420.00	\$400.00	\$300.00	\$225.00	\$100.00	\$300.00	\$300.00	\$150	\$300.00
Zoning Change & Rezoning	\$200.00	\$500.00	\$1,000.00	\$600 - 2100	\$450.00	\$1,050	\$600.00	\$990.00	\$225.00	\$500.00	\$400 + \$1/acre	\$400 plus \$10/ acre	\$150	\$400.00

The following table is a comparison of the current rates charged by this department, the average of our current and the current rates of the above communities, and finally the proposed rates.

Application Type	Current Cadillac Rate	Average of All	Proposed Rate
PUD	\$200.00	\$830.45	\$400.00
Sign Permit	\$20.00	\$54.00	\$35.00
Site Plan Review Commercial Minor	\$35.00	\$193.50	\$75.00
Site Plan Review Commercial Major (includes \$50 Fire Charge)	\$85.00	\$436.15	\$200.00
Special Land Use Application	\$150.00	\$640.42	\$300.00
SLU Major Change (requires Public Hearing)	\$ -	\$550.56	\$200.00
SLU Minor Change	\$ -	\$196.25	\$50.00
Street & Alley Vacating (PC)	\$200.00	\$978.75	\$300.00
Land Division	\$50 or \$200(PC)	\$137.50	\$50 or \$200(PC)
Zoning Verification Letter	\$ -	\$53.75	\$50.00
Zoning Board of Appeals	\$150.00	\$374.64	\$300.00
Zoning Change & Rezoning (PC)	\$200.00	\$551.36	\$400.00

The following is a comparison of the current rates versus the average administrative costs to process each application cost, and the proposed rate.

** 1 public hearing on average costs \$250 for notice in the papers and letters to citizens

** Average hourly wage is \$30

Application Type	Current Rate	Average Administrative Costs	Proposed Rate
PUD	\$200.00	1 Public Hearing 28 Hours TOTAL: \$1090	\$400.00
Sign Permit	\$20.00	2 hours TOTAL: \$60	\$35.00
Site Plan Review Commercial Minor	\$35.00	2 hours TOTAL: \$60	\$75.00
Site Plan Review Commercial Major (includes \$50 Fire Charge)	\$85.00	10 hours TOTAL \$300	\$200.00
Special Land Use Application	\$150.00	1 Public Hearing 20 Hours TOTAL: \$850	\$300.00
SLU Major Change (requires Public Hearing)	\$ -	1 Public Hearing 2 hours TOTAL: \$610	\$200.00
SLU Minor Change	\$ -	5 hours TOTAL: \$150	\$50.00
Street & Alley Vacating (PC)	\$200.00	1 Public Hearing 6 Hours TOTAL: \$430	\$300.00
Land Division	\$50 or \$200(PC)	5 hours TOTAL: \$150	\$50.00 or \$250.00 (PC)
Zoning Verification Letter	\$ -	2 Hours TOTAL: \$60	\$50.00
Zoning Board of Appeals	\$150.00	1 Public Hearing 20 Hours TOTAL: \$850	\$300.00
Zoning Change & Rezoning (PC)	\$200.00	1 Public Hearing 23 Hours TOTAL: \$940	\$400.00