



**MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
December 15, 2016**

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on December 15, 2016.

ROLL CALL

MEMBERS PRESENT: Allen, Nichols, Paveglio, Ault, Genzink
MEMBER ABSENT: Bontrager, Engels, Walkley, Knight-Alternate
STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Coy asked that the agenda be amended to not include the November 17, 2016 minutes because the minutes are not completed. Motion by Paveglio that the agenda be amended as stated but include his displeasure that the November minutes are not available. Supported by Allen. The motion was unanimously approved on a roll call vote.

Public Hearing

This is a continuation of the variance request for 2013 Sunnyside Drive heard on October 20, 2016 by the Board of Appeals. Barbara Durant wishes to rebuild a new home on the site after demolition. A new site plan, floor plan is proposed including a second floor. Dean DeKryger, architect with DK Design Group attended.

Applicant

Barbara Durant
6571 W. 84th Place
Los Angeles, CA 90045

Site and Zoning

The property site is described as; W 50 FT. OF LOT 4, BLK. 3 SUNNYSIDE PARK ADD. CITY OF CADILLAC, (Tax Identification Number 10-093-00-022-00). As noted, the common address is 2013 Sunnyside Drive, Cadillac, MI 49601

Chairman Nichols opened the case stating that the applicant has returned with a new design and new setbacks. He referred the matter to staff for comment.

Mike Coy, Community Development Analyst while using a power point presentation discussed the **ZBA staff report**. Coy started by saying that Barbara Durant has come back to the ZBA with a newly designed site plan and footprint taking into consideration comments made by the neighbors and suggestions the Board of Appeals recommended.

The property is located in an R-1 One-Family Residential Zoned District. The parcel is 50 feet wide and 126 feet deep. Coy added that there are a number of nonconformities with the lot and current home. The current home's footprint is 2,158 square feet. Coy said the new footprint being proposed is slightly under the current home. The combined side yard setbacks in an R-1 zoned district should be 25 feet with the least side yard setback being ten feet. The home on its west side appears to be three feet from the property line. The new proposed west side yard setback is eleven feet. The minimum rear yard setback in an R-1 zoned district is 35 feet. The attached garage on the south side of the lot near the alley sits eight feet from the property line. The new proposed rear yard setback is twenty feet. Coy added this will put the garage 25 feet from the traveled portion of the alley. Coy referred to the new architectural drawings and pictures on the overhead screens. Coy added that none of the current home dimensions he is referring to include soffits and the new proposed setbacks do not include soffits.

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

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

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

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

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

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

Finding – All of these standards were discussed at the October 20th meeting.

Coy added that this variance request needs to also be reviewed according to Section 46-655(d) parts (1) and (9) from the City Code of Ordinances which addresses nonconforming lots and structures.

He read the following from Section 46-655(d) parts (1) and (9).

(1)

No such nonconforming use of structure or land shall be enlarged, increased, extended or altered to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived. An exception to this restriction can be made where an otherwise lawful structure exists that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, the zoning board of appeals may approve the reestablishment, expansion,

alteration, or extension upon evidence of demonstrable hardship or practical difficulty resulting from conditions which do not exist generally throughout the zone.

- (9)
Structures which are nonconforming due to their having an insufficient setback may not be reestablished in their nonconforming condition in any zoning district after damage or destruction, if the estimated expense of reconstruction exceed 50 percent of the value, except with approval of the board of zoning appeals. The value is determined in this subsection as the original cost, indexed to present day replacement cost and discounted for physical depreciation and physical obsolescence, as determined by the city assessor. A variance shall be granted by the board only when the strict application of the requirements of this chapter would pose demonstrable hardship or practical difficulty resulting from conditions which do not exist generally throughout the zone. The terms hardship and practical difficulty shall not be deemed financial hardship or mere inconvenience.

Coy said at the October 20th meeting that in his opinion there may be a condition that does not exist throughout the immediate neighborhood. The property at 2013 Sunnyside Drive is smaller in size than the surrounding properties.

Coy said that notification of this public hearing on this application was not required because it was a continuation of a previous request. He added that as a courtesy he notified property owners and residents within 300 feet of the subject site of today's meeting. Also a notice was put in the Cadillac News. These notices were provided not less than 15 days prior to the hearing date. Coy added that two of the three neighbors who wrote letters opposing the previous site plan contacted him to say they appreciated the changes and were in favor of approving the new site plan.

Coy concluded his presentation with "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 in order to achieve compliance with the standards of the ordinance.

Staff Recommendation

Coy recommended that gutters be required on the soffits to control water runoff from the roof which possibly could affect neighboring properties.

Nichols opened the meeting for public comment.

Dean DeKryger with DK Design spoke. He said that Ms. Durant is changing the interior design taking into consideration the recommendations made by this board at the October 20th meeting. It fits within the existing side yard setbacks of the basement increasing the setback on the west from three feet to eleven feet. The parking area behind the garage is being increased to allow for vehicles to be parked and not extend into the alley.

William Paul representing his mother who lives immediately east of the applicant at 2009 Sunnyside and his sister Susan Rose who owns property to the south spoke. He said this new design “looks really good” and will be a “nice addition to the neighborhood”.

Ault said the changes look good and mentioned the gutters as a condition. DeKryger asked to speak. He said that requiring gutters would not necessarily prevent water run-off problems. He said that new construction standards require grading to prevent water runoff from going onto neighboring properties. They will do that with this site.

Nichols closed the public comment.

Ault made a motion to approve the site plan as is with the condition that no water runoff from the roof flows onto the neighbor’s property. Support by Allen. The motion was unanimously approved.

Public Comments - None

Board Member Comments - None

ADJOURN

Chairperson Nichols adjourned the meeting at 5:52 pm