

Approved

MELROSE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES

JULY 30, 2014

CALL TO ORDER: The meeting was called to order at 7:01 pm by Chair Errol Lee

ROLL CALL: Errol Lee, Bart Wangeman, Todd Reeves, Phyllis Cotanche and David Beier

APPROVAL OF MINUTES: Ch Lee stated that the ZBA Board will approve the minutes of the last meeting when we approve the minutes from this meeting.

SUBJECT: Case # ZBA 2-14. Weinstein/Galbraith request to build new garage facing Howard St at 00825 North Shore Dr. (ID#15-010-750-029-00)

Background: Jeff Weinstein and Susan Galbraith have applied for a 4'6" variance from the side yard setback in order to build a 26'x18' garage facing Howard St. In order to minimize the variance, the rear of the garage will be dug into the steep bank and the front of the proposed garage would be 5'6" from the Howard St. Right of Way.

Errol opened the PUBLIC HEARING and asked Todd Wright (representing the applicant and the only one in attendance) if he would like to say anything on behalf of the Weinstein/Galbraith. Todd explained the project to the board and Errol asked for a better set of drawings with lot lines and dimensions to be attached to this case before it is final. Reeves asked about the footing height and the overhang on the roof. Todd Wright stated both were included in the final measurements. Bart asked about the elevation height of the floor and Wright explained it is actually lower than the road is now. Phyllis advised they could not park or store materials on the road ending. Reeves asked Wright if the neighbors were for or against this project and Wright stated they were for the garage. Randy Frykberg was not in attendance to let us know about letters or email for or against this variance.

Errol Closed the Public Hearing for the Board to Deliberate.

1. The property, identified by Tax Code 15-010-750-029-00 is in the R-1 Single Family Residential District, Lake and Stream district and the Walloon Lake Shoreline Protection Overlay District.
2. Setback requirements for an accessory structure under 18'tall are 50'from the water, 10'from sides (including Howard St.) and 35' from the rear.
3. The request is to construct a 26' x 18' garage with the back of the garage dug into the steep bank by several feet and the front would be 5'6" from Howard St.
4. SECTION 12.4 Variance Criteria:

“The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from dimensional requirements. It shall be found by the Zoning Board of Appeals that any variances granted:”

- a. Will not be contrary to the public interest or to the spirit and intent of the Ordinance. The proposed new structure, a garage, is a common accessory structure. The portion of the proposed garage in the Howard St setback would still be further back from the road Right of Way than barriers on the other side of Howard St. Howard St. is a dead end street with two dwellings on it. Therefore, the Board finds that the proposed project will not be contrary to the public interest or to the spirit and intent of the Ordinance. Todd, Bart and Errol voted that it will not be contrary to the public interest and David and Phyllis voted that it would. The vote was 3 to 2 Stating That It WILL NOT BE Contrary to the Public Interest or to the spirit and intent of the Ordinance.
 - b. Shall not permit the establishment within the zoning district of any use that is not permitted by right within the district. Garages are clearly allowed as an accessory structure I the R-1 District. Therefore, the Board finds that the proposed project meets this requirement. ALL AGREED
 - c. Will not cause any adverse effect to property in the vicinity or in the Zoning District or the Township. The portion of the front of the proposed garage that is in the Howard St. setback would be setback further that other barriers on Howard St. Because of the terrain, the lake view corridor should not be negatively impacted. Howard St is a dead end street with only two dwellings on it. Therefore, the Board finds that the proposed project WILL NOT cause any adverse effect. ALL AGREED
 - d. Relates only to property under control of the applicant. Yes ALL GREED
 - e. The Board agreed this variance request did not result from any act of the applicant but on the question if this affects only the property subject to exceptional or extraordinary circumstances or conditions Phyllis, Dave and Errol did not think the property was exceptional or extraordinary and Todd and Bart did think it was. Therefore, the vote was 3 to 2 stating it WILL NOT MEET THIS REQUIREMENT.
5. Errol stated that the proposed project DOES NOT MEET the above 5 criteria in Section 12.4C for a variance request.
 6. Grant the Variance: After much discussion the Board agreed with the permission of Todd Wright to table the meeting. Errol asked Wright if he would go on record stating he could not reduce the amount of variance or eliminate it and Wright said he would look at it again and provide the Board with a better drawing with dimensions and property lines on it. *David Beier made the motion to table the meeting and adjourn for the night. Reeves seconded. MOTION PASSED.*

Bart gave the Planning Commission report and the meeting was adjourned at 8:35 PM.

Recording Secretary: Todd Reeves and Bunny Marquardt