

APPROVED Feb. 11, 2015

MELROSE TOWNSHIP

ZONING BOARD OF APPEALS MINUTES
MINUTES OF FEBRUARY 5, 2015

CALL TO ORDER: The meeting was called to order by Ch. Errol Lee at 7:00pm

ROLL CALL: Errol Lee, Bart Wangeman, Todd Reeves, Phyllis Cotanche, David Beier, Wayne Ramsey - Alternate, Randy Frykberg - Zoning Administrator, and Bunny Marquardt - Recording Secretary. Also present: Greg Presley, Architect for the applicant.

APPROVAL OF AGENDA: Ch. Lee suggested we change the wording of the ZBA BY-LAWS from the word Fiscal to Calendar year for the election of officers. David Beier made to motion to add this to the Agenda, and Todd Reeves seconded. Motion Passed

APPROVAL OF MINUTES FROM FEB. 11 AND JULY 30, 2014. Randy stated the variance requested was withdrawn by the applicant who was able to build the garage in a conforming way. D. Beier moved to approved the minutes of 2/11 and 7/30 as submitted, B. Wangeman seconded. All Ayes - Motion passed.

SCHEDULED PUBLIC HEARINGS: Ch. Lee explained the procedure for tonight's meeting and Randy stated the following:

Case # ZBA 1-15, Karen and Jerry Mulligan request to expand a non-conforming structure in a conforming way at 2036 North Shore Drive (ID# 15-010-700-003-00)

Karen and Jerry Mulligan have applied for permission to expand a non-conforming structure in a conforming way. The proposed one-story addition will replace an existing deck and steps with a screened porch. The new porch will meet all setbacks. The approval of the expansion by the Zoning Board of Appeals is needed in order to allow the modifications to the structure. The General Facts are:

1. The property is in the R-1 Zoning District.
2. The property is a platted lot of record. The width at the lakeside is 60' and the width at the road is 35'.
3. The structure is pre-existing non-conforming because it encroaches into both side yard setbacks. However, the proposed porch addition will meet all setbacks.
4. R-1 Setback and size requirements are 50' front (water), 10' side (because of the narrow width of the lot, rather than the 15' side yard setback for lots 100' wide or greater), 35' rear, 100' width and 20,000 square foot minimum area.
5. The lot is non-conforming because the area is approximately 11,400 square feet and the width varies from 35' to 60 feet.

6. The proposal is to remove the existing deck and steps and add a structure with a roof.
7. In 2003, the ZBA approved a second story (no change in footprint), new footings and walls (due to structural and building code issues), and a conforming deck on the road-side.
8. The structure is served by community water and an approved on-site septic system. The proposed addition should not affect water or waste water volumes,

Randy went on to explain that 32 notices were sent out to neighbors and it was also advertised in the Petoskey News Review. A letter was received from Haggard's Plumbing and Heating in support of the request.

Ch. Lee read Section 9.6 -Expansion of Nonconforming Use -

"The Zoning Board of Appeals may, upon application and notification to the property owners and occupants, as required by Section 12.3, permit expansion of a pre-existing nonconforming use, provided such expansion shall not be substantially detrimental to the surrounding neighborhood and contrary to the spirit and intent of the Ordinance."

Ch. Lee Opened the Public Hearing: Architect, Greg Presley, 5332 Indian Garden, explained this is an expansion of a non-conforming use in a conforming way and the Mulligan's live on the pathway and need more private space. They would like to remove a non-covered porch and create some private space. This does not impact the neighbors on either side. Ch. Lee asked the Board if they had questions for the applicant. Bart asked if screening a conforming deck would therefore be doing an addition. Everyone agreed it would be and the following was agreed upon:

1. The proposed addition will not be substantially detrimental to the surrounding neighborhood.
 - a. The board finds that the proposed addition will meet all setbacks.
 - b. The Board finds the expansion will not be substantially detrimental to the surrounding neighborhood.
2. The proposed addition will not be contrary to the spirit and intent of the zoning ordinance.
 - a. The Board hereby incorporates by reference its findings of fact contained in paragraphs 1.a and 1.b. above.
 - b. The Board finds that Section 1.0 of the zoning ordinance specifies the purpose of the zoning ordinance, which provision is hereby incorporated herein by reference.
 - c. The Board finds that Section 6.0 A) of the zoning ordinance specifies the purpose of the R-1 Zoning District, which provision is hereby incorporated herein by reference.
 - d. The Board finds that allowing the addition to be enclosed does "maintain social and economic stability, property values and general character and trend of Melrose Township development".

- e. The Board, therefore, finds the proposed addition will not be contrary to the spirit and intent of the zoning ordinance.
3. Based on the above findings of fact, the Board finds the standards for the addition which meets all setbacks have been met.

Findings of Fact:

The board finds that:

1. The property, identified by Tax Code 15-010-700-003-00, is in the R-1 Zoning District.
2. The property is a platted lot of record. The width at the lakeside is 60' and the width at the road is 35'.
3. The structure is pre-existing non-conforming because it encroaches into both side yard setbacks. However, the proposed addition does meet all setbacks.
4. R-1 Setback and size requirements are 50' front (water), 10' side (because of the narrow width of the lot, rather than the 15' side yard setback for lots 100' wide or greater), 35' rear, 100' width and 20,000 square foot minimum area.
5. The lot is non-conforming because the area is approximately 11,400 square feet and the width varies from 35' to 60 feet.
6. The structure is served by community water and an approved on-site septic system. The proposed addition should not affect water or waste water volumes
7. The proposed addition meets the above 2 criteria in Section 9.6 for expansion of a non-conforming structure.

ALL AGREED ON THE ABOVE FINDINGS OF FACTS

“Due to the findings of fact as stated above, David Beier moved to approve Karen and Jerry Mulligan’s request to expand a non-conforming structure in a conforming way at 02036 North Shore Drive (Property ID # 15-010-700-003-00). Todd Reeves seconded. ALL AYES - MOTION PASSED This approval is based upon:

- 1. Zoning Variance Application submitted by Karen and Gerry Mulligan, dated December 19, 2014;**
- 2. Site Plan C, dated December 17, 2014 and based on a civil survey by Ferguson & Chamberlain;**
- 3. First Floor Plan 'C' dated December 27, 2014; and**
- 4. South Elevation C and East Elevation C, dated December 27, 2014**

OTHER MATTERS TO BE REVIEWED BY THE ZBA:

- A. Rules of Procedures for Election of Officers: David Beier moved and Phyllis Cotanche seconded to change the ZBA By-Laws to read Calendar Year not Fiscal year for the election of Officers. ALL AYES - MOTION PASSED

B. Zoning Board of Appeals Members: David Beier moved and Errol Lee seconded to keep the Officers of the ZBA the same. ALL AYES - MOTION PASSED (ERROL LEE - PRESIDENT, DAVID BEIER - VICE PRESIDENT, TODD REEVES - SECRETARY

REPORT OF THE PLANNING COMMISSION: Bart reported that Planning has been quiet and the PC Board had spent much time on the Master Plan and have brought key sections up to date. He mentioned that up to 50% of Ag parcels are non-conforming (because they are less than the 10 acre minimum) and the Master Plan recommends a transitional district with minimum sizes between the 10 acre AG and 1/3 acre residential.

NEXT MEETING SCHEDULED FOR WEDNESDAY, FEBRUARY 11 AT 5 :30 PM. TO APPROVE THESE MINUTES

Ch. Lee closed the meeting at 7:50 PM.

Respectfully submitted by: Bunny Marquardt, Recording Secretary