

APPROVED - May 25, 2016

MELROSE TOWNSHIP  
ZONING BOARD OF APPEALS  
MINUTES OF MAY 11, 2016

CALL TO ORDER: The meeting was called to order by Ch. Lee at 7:05pm.

ROLL CALL: Ch. Errol Lee, Todd Reeves, Bart Wangeman, Lyon Stevens, Recording Secretary - Bunny Marquardt, and Randy Frykberg - Zoning Administrator. David Beier was excused and Wayne Ramsey, Alt, was absent.

APPROVAL OF AGENDA: Todd made the motion to approve the agenda and Bart seconded. ALL AYES - MOTION PASSED

APPROVAL OF MINUTES FROM JUNE 17, 2015: Bart made the motion that "on page 2 change Ferguson and Chamberlain to Performance Engineering" and Lyon seconded. ALL AYES - MOTION PASSED

PUBLIC HEARING: Ch. Lee opened the Public Hearing and Randy stated that 42 people were notified and one called to get information and a letter was received in support from Haggard's Plumbing. He went on to state the following:

**Case # ZBA 1-16, Steve & Cathy Byrnes request to add a porch and roof between two cottage at 4141 Windsor (ID# 15-010-700-012-00)**

**BACKGROUND:**

Steve and Cathy Byrnes have applied for a permit to add a porch and roof connecting their two cottages at 4141 Windsor. They recently purchased the cottages from the two different owners. The new roof will match the existing 2 roofs and make it appear as one. A Public Hearing and approval of the expansion of a nonconforming use under Section 9.6 of the ordinance by the Zoning Board of Appeals is needed in order to allow the modifications to the structure.

**GENERAL FACTS:**

1. The property is in the C-3 Village Commercial Zoning District.
2. The property is a platted lot of record.
3. The 3 cottages on the parcel were built prior to zoning. They are pre-existing, non-conforming because present zoning only permits one main structure per parcel.
4. Both of the two affected cottages meet all setbacks, and the proposed connecting porch and roof would also meet the setbacks.
5. C -3 setback requirements are 25' front, 50' rear, and 10' side.
6. The proposal is to match both porches and add a roof between the two cottages that also matches the existing two cottage roofs.
7. 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.

Ch. Lee closed the Public Hearing as no one was there to ask questions or to answer concerns from the ZBA Board. Lyon stated this would make two structures one as the new porch would connect the two existing homes. He had no problems with this. Ch. Lee asked since this is C-3 could these structures be used as B and B's, restaurants, etc, and if we vote to agree with the request this would minimize the property by 1. Bart stated that this would be less restrictive and once connected could not be separated in the future. Randy answered that yes that was true and could make stipulations on a ZBA case. If was further determined that if owner wanted to separate in the future it would require another ZBA hearing.

Ch. Lee went on to the Findings of Facts:

**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."

## Findings of Fact

1. The proposed connecting covered porch will or will not be substantially detrimental to the surrounding neighborhood.
  - a. The Board hereby incorporates by reference the facts listed above under General Facts. ALL AGREED
  - b. The Board finds that connecting the two cottages with a porch and common roof will make the cottages more like a single-family cottage. ALL AGREED
  - c. The Board finds that the existing cottages meet all setbacks. ALL AGREED
  - d. The Board finds that the proposed connecting porch and the roof will meet all setbacks. ALL AGREED
  - e. The Board, therefore, finds the expansion will not be substantially detrimental to the surrounding neighborhood. ALL AGREED
2. The proposed connecting covered porch will or 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 through 1.e. above. ALL AGREED
  - 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. ALL AGREED
  - c. The Board finds that Section 6.6A) of the zoning ordinance specifies the purpose of the C-3 Zoning District, which provision is hereby incorporated herein by reference. ALL AGREED
  - d. The Board finds that allowing the two cottages to be connected with a porch and roof, matching the existing porch and roof of the cottages does "maintain social and economic stability, property values and general character and trend of Melrose Township development". ALL AGREED
  - e. The Board, therefore, finds the proposed enclosure of the deck will not be contrary to the spirit and intent of the zoning ordinance. ALL AGREED

3. Based on the above findings of fact, the Board finds the standards for adding a covered porch connecting the 2 cottages have been met. ALL AGREED

After review and discussion of the Findings of Fact, Todd Reeves made the motion that **"Due to the findings of fact as stated above, I move to approve Steve and Cathy Byrnes request to add a covered porch connecting their two cottages at 04141 Windsor (Property ID # 15-010-700-012-00). This approval is based upon:**

1. Expansion of Non-Conforming Use Application submitted by contractor Gene Bernadyn, dated April 1, 2016; and
2. Plan Drawings Sheets A01 (demo, deck and roof plans), A02 (elevations and sections) and S01 (structural plans), drawn by M.J. Lipchik and dated 10-28-15

Bart Wangeman seconded the above motion to approve the request. ALL AYES - MOTION PASSED.

OTHER MATTERS TO BE REVIEWED BY ZBA: It was decided by all that from now on the Applicant or representative must be present or the case will not be heard from either the PC or the ZBA. Lyon made the motion and Bart seconded. ALL AYES - MOTION PASSED.

REPORT OF THE PLANNING COMMISSION BY BART: Bart stated that the PC spent many hours on the Adaption of the Master Plan and it was adopted by the Township Board last fall. They continue to work on ways to have transitional zoning districts. The use of the land not the size of the land that is important.

NEXT MEETING IS MAY 25TH AT 5 PM TO APPROVE THESE MINUTES.

MEETING ADJOURNED AT 8:05PM.. RESPECTFULLY SUBMITTED BY  
Bunny Marquardt, recording secretary