

APPROVED
October 12, 2017

MELROSE TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 4, 2017

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

ROLL CALL: Members Present: Ch. Errol Lee, Todd Reeves, Lyon Stevens, David Beier, Bart Wangeman, Zoning Administrator - Randy Frykberg, and Recording Secretary - Bunny Marquardt.

APPROVAL OF AGENDA: Ch. Lee added Approval Of Minutes of May 25, 2016 and Election of Officers. Lyon Stevens made the motion to amend and approved the Agenda as amended. Seconded by Bart Wangeman. ALL AYES MOTION PASSED

APPROVAL OF MINUTES: Bart made the motion to Approve the Minutes of May 25, 2016. Seconded by Todd. ALL AYES MOTION PASSED

ELECTION OF OFFICERS: Motion was made to accept the following Officers: Chairman: Errol Lee, Vice Chairman: David Beier, Secretary: Todd Reeves. ALL AYES MOTION PASSED The officers were elected individually not as a group.

PUBLIC HEARING: CH. LEE opened the Public Hearing and stated the following: **Case # ZBA 1-15, Jon and Sonja Perkins request to expand a non-conforming structure in a conforming way at 00313Shadow Trails Rd East (15-010-018-043-10)**

Randy introduced Jason Black the representative for the Perkins. Mr. Black is with Glenwood Custom Builders. Randy then stated the following background: Jon and Sonja Perkins have applied for permission to expand a non-conforming structure in a conforming way. The proposed one-story addition will be built on the north end of the existing 1,400 sq.ft. single story log cabin facing the water on Shadow

Trails Rd. The 1,000+ sq.ft. addition will meet all setbacks. Approximately 100 sq.ft. of the original log cabin (a corner) is closer to the water than 50 feet. None of the structure encroaches upon the 40 ft vegetative buffer zone. A Public Hearing and approval of the expansion by the Zoning Board of Appeals is needed in order to allow the modifications to the structure.

Randy then stated:

1. The property is in the R-1 Zoning District
2. The property is a platted lot of record. The lot width is approximately 156' on the water and 160' on the road.
3. The structure is pre-existing non-conforming because a portion of the cabin encroaches into the lake (front) side setback by about a maximum of 8.8 feet,.
4. R-1 Setback and size requirements are 50' front , 15' side yard setback, 35' rear and 20,000 square foot minimum area.
5. The lot is non-conforming because the area is less than 20,000 sq. ft.
6. The proposal is to build an addition in a conforming way on the north side of the existing structure.
7. 19,500 square feet also exists across the road with a newer garage, and is also included in the same ID number.
8. In 2005 the then owners Gary and Judy Witbeck applied to the ZBA for a 40' setback rather than 100' on this side of the road the is zoned Ag in order to build a new house. When it was pointed out that only one residence per parcel is allowed, they withdrew their application.

Ch. Lee asked to hear from Jason. Jason stated that the Perkins purchased the home in late 2016 as they fell in love with the log home. The proposed addition will include 3 bedrooms, 2 baths and a laundry. It will be a ground level addition built into the hole. The exterior will be 1 x 12 cedar and they will add a dormer to the existing as built drawings. Their priority is to preserve the original log home. Some trees will need to be removed. Randy asked what will be planted to replace the trees for the Waterfront Overlay. Errol stated we need as "as built" structure for the permit and the waterfront overlay. Todd asked about the septic. It is across the street and the Health Dept stated it needed to be added to as they are increasing the number of bedrooms.

There was much discussion on the difference between a deck and a patio and it will be defined in the motion.

Ch.Lee stated that 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.”

1. The proposed conforming addition to a small log cabin will not be substantially detrimental to the surrounding neighborhood. ALL AGREED
 - a. The Board finds that the proposed addition will meet all setbacks. ALL AGREED
 - b. The Board finds that the proposed addition will keep the structure similar to the structures in the area. ALL AGREED
2. The proposed addition will not be contrary to the spirit and intent of the zoning ordinance. ALL AGREED
 - a. The Board hereby incorporates by reference its findings of fact contained in paragraphs 1.a and 1.b. 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 the Section 6.0A) of the zoning ordinance specifies the purpose of the R-1 Zoning District, which provision is hereby incorporated herein by reference. ALL AGREED
 - d. The Board finds that allowing the addition does “maintain social and economic stability, property values and general character and trend of Melrose Township”. ALL AGREED
3. Based on the above findings of fact, the Board finds the standards for the addition which meets all setbacks have been met. ALL AGREED

Ch. Lee read the following:

The ZBA has requested some assistance in preparation of findings of fact (FOF). The following draft may be considered, modified, used or totally revised by the Zoning Board of Appeals during your deliberations following the hearing:

The board finds that:

1. The property, identified by Tax Code 15-010-018-043-10, is in the R-1 Zoning District. ALL AGREED

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2. The property is a platted lot of record. The width at the lakeside is approximately 156' and the width at the road is approximately 160'. ALL AGREED
3. The structure is pre-existing non-conforming because a portion of the existing log cabin encroaches into the lake (front) side setback by about a maximum of 8.8 feet. R-1 Setback and size requirements are 50' front (water), 15' side, 35' rear, 100' width and 20,000 square foot minimum area. ALL AGREED
4. The lot is non-conforming because the area is less than 20,000 sq. ft. ALL AGREED
5. The proposal is to build an addition in a conforming way on the north side of the existing structure. ALL AGREED
6. The proposed addition meets the above 2 criteria (not contrary to the Ordinance and not detrimental to the neighborhood) in Section 9.6 for expansion of a non-conforming structure. ALL AGREED

After review and discussion of the Findings of Fact, any motion, DAVID BEIER MADE THE MOTION: **"Due to the findings of fact as stated above, I move to approve Jon and Sonja Perkins request to build a conforming addition on the north side of the existing log cabin at 00313 Shadow Trail Rd East (Property ID # 15-010-018-043-10). This approval is based upon: that the identified shaded area on the North East side at ground level be a patio to meet the definition of the Ordinance.**

1. Zoning Variance Application submitted by Jason Black for Jon and Sonja Perkins, dated August 8, 2017;
2. Topographic Survey & Proposed Site Plan, dated September 8, 2017 by Ferguson & Chamberlain;
3. Proposed elevations Sheet # a-5 and A-6 by Joseph Mosley, Architect dated August 31, 2017.

MOTION SECONDED BY LYON STEVENS: All in Favor; ALL AYES, MOTION PASSED.

IV. Other Matters to be Reviewed by ZBA: Ch. Lee made a motion to add to the Zoning Application that there be a minimum of 14 days before a meeting to have the application turned in to the Zoning Administrator. They also need to have the property visibility staked at the property line and proposed new building. Bart Wangeman seconded. ALL AYES MOTION PASSED

Ch. Lee also recommended to have the Planning Commission look into changing the Ordinance on platted non-conforming lots by a single owner to be combined. These would be platted non-conforming lots of record. Everyone agreed.

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V. Report of the Planning Commission Representative Bart Wangeman: Bart gave the Board an update on the PC.

VI. Citizens Comments on Items Not Subject to a Hearing at the Meeting None

VII. Next meeting is scheduled for 10-12-17 at 5 pm to Approve these minutes.

Meeting Adjourned at 830 pm.

Respectfully Submitted by: Bunny Marquardt, Recording Secretary

Randy/Melrose ZBA/ Case 1-17, Perkins