

**MELROSE TOWNSHIP**  
**ZONING BOARD OF APPEALS**  
**APPROVED MINUTES OF SEPTEMBER 5, 2018**  
(Approved as amended on Sept. 26, 2018)

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

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

APPROVAL OF AGENDA: Todd Reeves made the motion to change the date of minutes of last meeting to March 28, 2018. Bart seconded, Motion Passed with all Ayes.

APPROVAL OF MINUTES OF MARCH 28, 2018: Bart made the motion to approve the minutes as presented. Seconded by Todd. Motion Passed with all Ayes.

PUBLIC HEARING: CH. Lee opened the Public Hearing and stated the following: **Case # ZBA 4-18, Laurie Lowrance 05521 Country Club Shores (Property ID # 15-010-006-011-00).**

Owner Laurie Lowrance has applied for a variance to add two dormers (one on the north side and one on the south side) on a two-story non-conforming garage. The height and footprint of the garage will not be altered with the remodeling and addition of two dormers.

The garage is less than 18 feet tall and thus the side yard setback requirement is 10 feet rather than 15 feet. The garage is in the south side yard setback. The steps to the second story are on the south lot line side of the garage and 1.5' from the lot line. This will not be altered by the project.

Randy stated that letters went out to 12 residences within the 300 ft area and it was published in the Petoskey News Review. Only Haggards responded in favor of the request.

Ms. Lowrance's architect, Jonathan Lee stated they added two dormers and repaired the structure to the existing garage. Randy stated the work was completed by builder Steve Spsychalski at Po Box 205, Conway Mi 49722 with no building permit and no zoning permit was issued. At this time to issue a permit it would triple the Township fee and the County fee would be double.

Lorenzo Baker who resides to the North of this property stated he was in support and Jan Baker stated they cannot see the garage and has no problem with the improvements. Cynny Hermann also stated she has no problem with the improvements.

Laurie Lowrance, the owner of the property stated she apologized for not getting the correct permits was was not aware of the situation until she returned this spring and realized the county has stopped the work. Ch Lee stated that architect Mr. Lee has to bear some responsibility and Bunny Marquardt asked if he had worked in Melrose Twp before and knows our Zoning Ordinance.

Ch. Lee closed the Public Hearing and Bart stated this is a non conforming situation and needs a variance to work in the set backs. It is an expansion of a non-conforming structure. After discussion t was determined a 1 ft. variance is needed in the side yard setback.

After considering the facts of this project and of the Public Hearing, the Board needs to consider a motion to pass, deny, or pass with conditions the application.

CH. Lee States the following:

**The ZBA Board finds that:**

1. The lot at 05521 Country Club Shores, identified as Property ID # 15-010-006-011-00, is in the R-1 Zoning District and the Walloon Lake Shoreline Protection Overlay District.
2. R-1 Setback requirements are 50' front (lakefront), 10' side (for an accessory building less than 18' tall), 35' rear, 20,000 square feet and 100' width at the water line.
3. The lot is conforming.
4. The garage is non-conforming because it is situated 1.5' from the south side lot line.
5. Before issuance of a zoning permit, conformance with Zoning Ordinance Section 6.11, Walloon Lake Shoreline Protection Overlay District, shall be determined by the Zoning Administrator.
6. The south side of the lot and/or the lot to the south is wooded.
7. The proposed remodeling and addition of dormers on each side of the existing ridge will not change the footprint or the height. Therefore, the setback will be unchanged.
8. The remodeling is adding structure to meet today's snow loading requirements.
9. The required 300' notices were mailed on September 5, 2018 to 12 properties.
10. The required Public Hearing Notice was published in the Monday, August 20, 2018 edition of the Petoskey News Review.

**Section 12.4 C 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 variance granted:"**

- 1. The variance will not be contrary to the public interest or to the spirit and intent of the Ordinance.** The project is not changing the garage footprint or its height. Snow load requirements will be met, and the dormers will be more aesthetically pleasing. ALL AGREED
- 2. The variance does not permit the establishment within the zoning district of any use that is not permitted by right within the district.** Garages are an allowed accessory use in the R-1 District. ALL AGREED
- 3. The granting of the variance will not cause any adverse effect to property in the vicinity or in the Zoning District or the Township.** The garage is well hidden by the house and the woods. There will be no change in the footprint or height. ALL AGREED
- 4. Board finds that the proposed expansion will not have a negative impact on property values, and would maintain the general character and trend of Melrose Township development.** ALL AGEED
- 5. Does the variance relate only to property under control of the applicant?** Yes. ALL AGREED
- 6. Does the variance affect only property subject to exceptionally or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity?** The Board finds that the house and garage were built prior to zoning and the garage footprint and setback will not be changed. ALL AGREED
- 7. The proposed project meets the 5 criteria in Section 12.4 C for a variance.** ALL AGREE
- 8. Granting the variance would observe the Spirit of the Ordinance and provide for substantial justice.** ALL AGREE

**Due to the findings of fact as stated above, Todd Reeves moved to Approve Laure Lowrance Variance Application for remodeling and addition of two dormers on a non-conforming garage at 05521Country Club Shores (Property ID # 15-010-006-011-00). This approval is based upon:**

1. Zoning Variance Application signed by Laurie Lowrance on August 6, 2018;
2. Location Survey, Benchmark Engineering, dated April 13, 2018;  
and
3. Garage loft floor plans A-1.0 and A-1.1 by Lowrance Residence, dated 5-15-18 and 5-24-18 respectively
4. No sleeping is allowed in the building above the garage.
5. The motion was based upon a side yard variance of up to 1 ft.

**Lyon Stevens seconded the motion ALL AYES MOTION PASSED**

PLANNING COMMISSION REPORT: Bart reported the PC had a Public Hearing at their last meeting and they voted to change the Ag district to FF Farm Forest making the minimum lot size to be 5 acres. It now goes to Charlevoix County for approval and then to the Melrose Twp Board for approval. Next PC meeting is Sept 24th at 5:30pm.

NEXT MEETING SCHEDULED IS SEPT 26TH.

MEETING ADJOURNED

Recording Secretary: Bunny Marquardt \_\_\_\_\_  
date

ZBA Secretary: Todd Reeves \_\_\_\_\_  
date