MELROSE TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES OF
JULY 24, 2019
APPROVED SEPTEMBER 25, 2019

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

ROLL CALL: Members Present: Ch. Lee, Bart Wangeman, David Beier, Todd Reeves , Zoning Administrator Randy Frykberg and recording secretary Bunny Marquardt. Lyon Stephens was excused.

Bart made a motion to amend the agenda to add the Election of Officers. Todd Seconded. Motion Passed.

David made the motion to approve the minutes of Oct. 3, 2018. Todd seconded. Motion passed.

ELECTION OF OFFICERS: The following officers were approved:
David nominated Errol Lee as Chairman and Todd seconded. All Ayes
Bart nominated David as Vice Chairman and Todd seconded. All Ayes
David nominated Todd as secretary and Bart seconded. All Ayes

Ch.Lee opened the Public Hearing by giving the instructions for the Public Hearing and he then stated the following:

Case # ZBA 1-2019. Dean Berkompas request to build a living room addition at 02161 Springbrook Rd N (Property ID # 15-010-150-023-10)

Randy stated we had all walked the property and the home was built in 1964 before zoning and then remodeled in 1994 and the lot was enlarged in 2003. The zoning is R2. He went on to say:

Dean Berkompas has applied for a variance in order to build a living room addition that would be within 25' from the rear property lot line. The 10' X 50' addition would be on the northwest corner of the house with the 10' toward the rear property line. The living room and dining room are together and contain a free-standing wood stove. A fireplace would be added with the addition and the free-standing stove would be removed.

Berkompas memo ZBA Case 1-2019

The applicant, Dean Berkompas, stated he was not aware of where the pins were and needs a survey to determine where the old lot lines were and were the new ones are.

Public Comment: No comment just support from Challenge Mountain and Haggart Plumbing and Heating. Ch. Lee closed the Public Hearing

Ch. Lee stated the ZBA needed and accurate survey plus the new dimensions and the Height of the new addition. David B. stated we table it until survey and drawings with elevations were complete.

Mr. Berkompas stated he would table the request and get the information needed. Both Errol and David stated he may or may not need a variance.

David made the motion to table this request and Todd seconded. This was based on lack of information. All Ayes Motion Passed

Ch. Lee opened the second Case and stated the following;

Case # ZBA 2-2019 Christine Sherman request to add a 14' X 16' accessory building behind home at 05315 Maple Hill Rd (Property ID #15-010-004-011-00)

Errol read the following:

Christine Sherman has applied for a variance in order to add a 14' X 26' accessory building behind her home that is on a lot less than 1 acre in the Farm and Forest District. The home is 57.7' from the rear property line. Due to water, existing well and septic, small lot size, location of the house and setback regulations for residences in the Farm and Forest District, there appears to be limited area to add a shed for this small house. The accessory building would be 29.7' from the rear property line and the requirement without a variance is 60' from the rear property line in this district. The home was built in 1998 and she bought it in 2011. It was a prebuilt building by Richie Construction. Christine would need to make one copy of elevations for the Charlevoix County permits.

The applicant thanked the members of the ZBA for coming out and there were no further comments.

Randy stated it was a nonconforming lot and Errol stated she would need a 32 ft Variance. David stated it was his focus to get things more conforming and less non conforming. Bart stated this lot should not be AG and not FF and Errol agreed. Randy stated the following:

1. The 190' deep X 165' wide lot at 05315 Maple Hill Rd, identified more accurately as Property ID #15-010-004-010-00, is in the FF, Farm and Forest District. ALL AGREED
2. FF regulations for residential use are Setbacks of at least 35' front, 25' each side and 60' rear, lot area of at least 5 acres, square footage of 720 sq. ft. if single story and a minimum width of 200'. ALL AGREED
3. The house is non-conforming due to its size of less than 600 sq. ft. ALL AGREED
4. The 190' X 165' lot is non-conforming because of its size of only 0.72 acres and its width of only 165'. ALL AGREED
5. The land is bordered by the Township Cemetery and Ernie Fitzpatrick on the south, Maple Hill Rd on the east, and Abe and Cynthia Walter on the north and west. ALL AGREED
6. The land has several wet spots, especially toward the south and north. The drain field is in the dry area to the southeast. ALL AGREED
7. The well is on the northwest side of the house. ALL AGREED

8. The requested 14' X 26' accessory building would be 14' from the rear of the house. ALL AGREED
9. The required 300' notices were mailed to owners of 4 properties on July 5, 2019. ALL AGREED (HAGGARD'S WERE IN SUPPORT)
10. The required Public Hearing Notice was published in the Friday, July 5, 2019 edition of the Petoskey News Review. ALL AGREED

Section 12.4 C Variance Criteria:

1. **The variance will not be contrary to the public interest or to the spirit and intent of the Ordinance.** The proposed 14' X 26' pre-built accessory building would be about 30' from the rear property line. This area is wooded and undeveloped. The accessory building will give some inside storage space for a very small house. 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.** Residential uses are an allowed use in the FF District including accessory buildings. 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 proposed accessory building will be in the rear of a small lot toward an undeveloped portion of a large developed lot. The house is small and needs inside storage space. Granting the accessory building at this location will not have a negative impact on property values and would maintain the general character and trend of Melrose Township development. ALL AGREED
4. **Does the variance relate only to property under control of the applicant?** Yes. ALL AGREED
5. **Does the variance affect only property subject to exceptional 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 the lot are non-conforming due to small size, part of the property is wet, there is a drain field in the southeast corner. Therefore, granting the variance for the accessory building in this position would affect only property

subject to exceptional or extraordinary circumstances or conditions. ALL AGREED

6. The proposed project meets the above cited 5 criteria from Section 12.4 C for a variance. ALL AGREED

a. Granting the variance would observe the Spirit of the Ordinance and provide for substantial justice. ALL AGREED

"Due to the findings of fact as stated above, David Beier moved to approve Christine Sherman's June 26, 2019 Variance Application for adding a 14' X 26' accessory building 14' behind the house and at least a 29.7' setback from the rear lot line at 05315 Maple Hill Rd (Property ID #15-010-004-010-00). Motion seconded by Todd reeves. ALL AYES AND MOTION PASSED.

The applicant, Christine Sherman stated this was an amazing experience and thanked the ZBA board for their time.

PLANNING COMMISSION REPORT BY BART: Bart reported that the Planning Commission has two new members; Charlie Zimmer and Tim Lagasse and they are working on the new Recreation Marijuana law. Mr Borish has not come back since April on his PUD preliminary plans.

NEXT MEETING: David will be out of town from Aug 20 - Sept 12. Another meeting will be scheduled to approve these minutes.

MEETING ADJOURNED AT 8:40 PM.

RECORDING SECRETARY
Bunny Marquardt Bunny Marquardt DATE 9/25/19

ZBA SECRETARY
Todd Reeves_____DATE_____

Randy/Melrose ZBA/ Case ZBA 2-2019 Sherman