

MELROSE TOWNSHIP ZONING BOARD OF APPEALS MINUTES OF OCTOBER 24, 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 and Zoning Administrator Randy Frykberg. Absent: Lyon Stephens and Recording Secretary Bunny Marquardt.

APPROVAL OF AGENDA: Bart moved to approve the agenda as printed, Todd seconded. ALL AYES, motion carried.

APPROVAL OF MINUTES: David moved to approve the September 25 minutes with changes, Bart seconded. ALL AYES, motion carried.

Ch. Lee opened the Public Hearing at 7:12 pm by giving the instructions for the Public Hearing and he then stated the following:

Case # ZBA 5-2019 Pachuta Revocable Trust request for permission to expand a nonconforming cottage by adding a 2nd story at 04133 Windsor (Property Tax ID #15-010-700-014-54).

Randy introduced the case and reviewed his memo and letters of support from Haggard's Plumbing and Heating and Rick and Debbie Habig. Douglas Krug, Lake Custom Builders, and building owner Greg Pachuta explained how and why the expansion would be built.

Gary Scholl, President of the Village Resort Association, spoke in favor of the project and explained all owners support it as well.

With no more comments from the audience, Ch. Lee closed the Public Hearing at 7:38 pm and the Board deliberated. Ch. Lee read the Findings of Fact as prepared by Randy and adjusted by the Board:

1. The legal description of parcel ID #15-010-700-014-54 indicates that the owner has the exclusive right to use and occupy unit #4 and 1/6 interest in Village Resort property.
2. Unit #4 and the Village Resort property are in the C-3 Village Commercial district.
3. All 6 structures on the Village Resort property were built prior to zoning.
4. All 6 structures are nonconforming because of residential use on the ground floor.
5. Unit 4 is a nonconforming structure because the front yard setback is 7' 10" rather than 25'.
6. The footprint of Unit #4 would not change with the proposed 2nd story and renovation. A portion of the area enclosed by the fence will be included in the 1st story renovation and the 2nd story addition.

7. The 2nd story color and material would match the 1st story.
 8. The 2nd story would match the size of the 1st story, approximately 29' X 29'.
 9. The height to the peak of the roof after the proposed 2nd story would be about 32'. The maximum height is 35'.
 10. Unit #4 is a minimum of 37' from any of the other cabins. This would not change.
 11. Two of the 6 cottages in Village Resort are 2 stories; 4 are single stories.
 12. The owners of the 5 other cottages have provided e-mail consent to the addition of a 2nd story.
 13. The required 300' notices were mailed to owners of 24 properties on October 7, 2019.
 14. The required Public Hearing Notice was published in the Tuesday, October 8, 2019 edition of the Petoskey News Review.
- Ch. Lee then read Section 9.6 Expansion of Nonconforming Use Criteria and the Board deliberated:

Section 9.6 - Expansion of Nonconforming Use

1. The proposed addition to a nonconforming structure will not be substantially detrimental to the surrounding neighborhood.
 - a) The Board finds that the proposed addition will not change any setbacks.
 - b) The Board finds that the proposed 2nd story will make the appearance of the structure similar to most structures in the District and area.
 - c) The Board, therefore, finds the expansion will not be substantially detrimental to the surrounding neighborhood.
- 2) The proposed 2nd story 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.c. 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 6.6 A) of the zoning ordinance specifies the purpose of the C-3 Zoning District, which provision is hereby incorporated herein by reference.
 - d) The Board finds that allowing the 2nd story addition 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 2nd story addition, which will not alter any setbacks, have been met.

Due to the findings of fact as stated above, Dave Beier made the motion to approve the September 6, 2019 Pachuta Expansion of Nonconforming Use Application for addition of an upper level and renovation of the existing cottage at 04133 Windsor (ID #15-010-700-014-54). This action is also based on the Birch Design August 2019 4 pages of drawings and details regarding the proposed project. Seconded by Todd Reeves. Ayes all, Motion carried.

Acting Recording Secretary: W. Randolph Frykberg _____
Date

ZBA Secretary: Todd Reeves _____
Date