

**MELROSE TOWNSHIP  
ZONING BOARD OF APPEALS  
APPROVED MINUTES OF  
NOVEMBER 6, 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 Acting Recording Secretary Tom Mackie. Absent: Lyon Stephens, Recording Secretary Bunny Marquardt, and Zoning Administrator Randy Frykberg.

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 October 24 minutes as corrected to remove a redundant paragraph number from page 1, Bart seconded. ALL AYES, motion carried.

Ch. Lee opened the Public Hearing at 7:05 pm by giving instructions for the Public Hearing and he then stated the following:

**Case # ZBA 7-2019 Craig & Kathryn Dean removal of a non-conforming shed and porch and addition of a conforming two-story addition on a non-conforming structure at 01339 S Shore Dr.  
(Property Tax ID #15-010-017-048-00).**

Tom noted the application is for removal of some non-conformities with the addition of a conforming 2-story addition on the main structure. No variances are being requested. The meeting was properly advertised, with 300-foot notices mailed to 15 property owners. One letter of support was received from Haggard's Plumbing and Heating.

Applicant representative Jacob Hall indicated the project includes removal of a 670 sq. ft. non-conforming porch that would be replaced with a 1,100 sq. ft. addition that conforms to zoning ordinance requirements. The rest of the structure's footprint will not be changed but will be remodeled. He then noted this project is harmonious with recent renovation efforts on neighboring properties.

Ch. Lee noted setbacks are measured from a structure's dripline rather than a wall and drawings submitted with the application are ambiguous as to conforming with this regulation. Jacob acknowledged this requirement and stated the project will comply.

With no audience to offer comment, Ch. Lee closed the Public Hearing at 7:10 pm and the Board deliberated. Ch. Lee read the Findings of Fact as prepared by Randy and adjusted by the Board:

1. The address of the lot is 01339 S. Shore Drive (ID # 15-010-017-048-00).
2. The lot is in the R-1 Lakefront Residential Zoning District.

3. Setbacks for this R-1 lot are a minimum of 50' from the water, 10' sides (15' unless lot is less than 100' wide) and 31.3' from road (35' unless lot is less than 200' deep).
4. Maximum height is 35' measured from the building perimeter's average finished grade to the highest point of the roof.
5. Minimum lot area in the R-1 District is 20,000 sq. ft and a minimum width of 100'.
6. The lot is nonconforming at 7,876 sq. ft. and an average width of 44'.
7. The existing house is nonconforming because it is less than 2' from the southeast lot line and 7.5' from the northwest lot line. *Ch. Lee noted the lot has been surveyed.*
8. The existing connected porch that would be removed is nonconforming because it is 7' from the southeast lot line.
9. The existing shed that would be removed is nonconforming because it is entirely in the road-side setback and 3' from the southeast lot line.
10. The proposed new 23.5' X 34' two-story addition would be conforming and would replace the nonconforming porch.
11. Approval of this conforming expansion, along with compliance with the Walloon Lake Shoreline Protection Overlay District requirements, would be needed prior to consideration of issuing a zoning permit.
12. The required 300' notices were mailed to owners of 15 properties on October 18, 2019.
13. The required Public Hearing Notice was published in the Friday, October 18, 2019 edition of the Petoskey News Review.
14. One letter was received: Haggard's Plumbing who is in support of the application.

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 and removal of a shed and porch will improve setbacks.
  - b) The Board finds that the proposed removal of the non-lake side porch improves side yard setbacks.
  - c) The Board finds that the 2-story addition will make the appearance of the structure in conformance with the District and area.
  - d) The Board finds that removal of the nonconforming shed will put the lot in conformance with the road-side setback requirements.

- e) The Board, therefore, finds the expansion will not be substantially detrimental to the surrounding neighborhood.
- 2) The proposed addition 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.
    - 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 6.0 A) of the zoning ordinance specifies the purpose of the R-1 Zoning District, which provision is hereby incorporated herein by reference.
    - d) The Board finds that allowing the removal of the shed, removal of the porch and adding the 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 project, have been met.

Bart expressed concern for erosion control and stormwater runoff due to a steep slope from South Shore Drive and a loss of permeable surface in the rear yard. Jacob Hall noted neighboring parcels with similar topography also have paved driveways. He also indicated this project will continue to have plantings in the rear yard and gutters with retention areas on site.

***Due to the findings of fact as stated above, Bart Wangeman moved to approve the October 4, 2019 Dean Application for an up to 34' X 24' conforming expansion of a nonconforming structure, removal of a nonconforming shed and removal of a nonconforming porch at 01339 S. Shore Dr. (ID #15-010-017-048-00). This action is also based on the Johnathan Lee Architects September 23, 2019 plans showing: Existing site plan; Proposed site plan; Elevations all dated 9/23/2019; and site photo page. Due to the diminutive size of the lot and topographical challenges, approval is contingent upon applicant submitting an engineered drainage plan to ensure the project's compliance with the Zoning Ordinance's stormwater control regulations. Ayes all, Motion carried.***

REPORT OF THE PLANNING COMMISSION: Bart noted the Planning Commission has met one time since the last ZBA meeting. They approved "Housekeeping" changes to their bylaws.

MEETING ADJOURNED AT 7:31 PM.

Acting Recording Secretary: Tom Mackie \_\_\_\_\_  
Date

ZBA Secretary: Todd Reeves \_\_\_\_\_  
Date