

**APPROVED**  
**MELROSE TOWNSHIP**  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MAY 28, 2020**

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. Lyon Stephens and Zoning Administrator Randy Frykberg and Recording secretary Bunny Marquardt.

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

APPROVAL OF MINUTES OF JAN. 8, 2020: Todd moved to approve the minutes of 1/8/2020 and Bart seconded. ALL AYES, motion carried.

PUBLIC HEARING FOR:

**Case # ZBA #1-2020 Jim and Elizabeth Frey at 01970 N Shore Dr (Tax ID #15-010-730-004-00)**

**Ch. Errol Lee read the following: Jim and Elizabeth Frey request to remove a detached non-conforming garage and add an addition, including an attached garage at 01979 North Shore Dr.**

Randy Frykberg stated that Jim and Elizabeth Fry have applied for permission to remove a non-conforming detached garage (that is very close to the road right-of-way), add an addition including an attached garage on the non-lake side of an existing non-conforming house. The addition and attached garage would be further back from the road than the existing detached garage and meet both side-yard setbacks.

David Beier asked if the existing structure is in the road right of way. Randy - Yes. Ch. Lee stated he had checked with the county road commission and it is a 60' wide road.

Letters went out to owners of property within 300 ft. and a public notice was published in the Petoskey News Review on May 12, 2020. The only response in favor was Haggard's Plumbing and Heating with one from David Beier written when he thought he would be unable to attend the ZBA meeting scheduled for April 1, 2020. suggesting the ZBA decline the application for a variance based on preserving the spirit and intent of Section 6, part D of the Zoning Ordinance.

Ch. Lee stated they can enlarge the structure without a variance.

Ch Lee opened the Public Hearing and Greg Presley, the architect for the Frey's stated the Frey's wanted to take the house back to its former look and they now need more storage especially with vehicles. The loft area of the proposed garage is for storage. They want a first-floor master suite addition to look like the existing



house. Bart asked Mr. Presley if the existing parking area had plenty of area to see backing out. The 10x20' area needed for parking bothers Bart as cannot park a car behind the new garage

Errol went on to state that parallel parking would only be permitted behind the proposed garage.

Matt Struck, the builder from Conquest Builders, stated is in favor of this project. Ch. Lee stated they can enlarge the structure without a variance. This proposed structure is 400 sq ft. of additional non-conforming space.

Ch. Lee then proceeded to the Finding of Facts:

**The ZBA Board finds that the following 10 facts are all YES:**

1. The address of the lot is 01970 North Shore Drive (ID # 15-010-730-004-00).
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 for this narrow lot (by formula, reduced from the standard 15') and 26' from the road right of way (by formula, reduced from the standard 35').
4. The existing house is non-conforming because the west side-yard setback is approximately 2' and the road-side setback is approximately 1' for the garage or 25' into the road side setback. Other setbacks are met.
5. The proposed new attached garage would have a road-side setback of 11' and would meet all other setbacks.
6. The proposed rest of the addition would meet all setbacks.
7. Maximum height is 35' measured from the building perimeter's average finished grade to the highest point of the roof. All additions would be below the maximum height.
8. Minimum lot area in the R-1 District is 20,000 sq. ft. and a minimum width of 100'.
9. The lot is non-conforming because it is about 50' in width and 7,400 sq. ft.
10. Approval of this demolition and expansion, along with compliance with the Walloon Lake Shoreline Protection Overlay District requirements, would be needed and administratively reviewed prior to consideration of issuing a zoning permit.

**Ch. Lee stated that 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 be contrary to the public interest or to the spirit and intent of the Ordinance.** The proposed removal of a garage within



1' of the road right-of-way and construction of an attached garage 11' from the road right-of-way with a large paved shoulder should be a safety improvement. **4 VOTED WILL AND 1 VOTED WILL NOT.**

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 R-1 District. **ALL AGREED**
3. **The granting of the variance will cause any adverse effect to property in the vicinity or in the Zoning District or the Township.** The Board finds that the proposed garage demolition and house expansion, with an increase in the rear (road) side setback of 10' **(4 VOTED WILL HAVE AND 1 VOTED WILL NOT)** have a negative impact on property values and would not 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?** **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?** **ALL AGREED IT WOULD NOT.**
6. The proposed project does not meet the above cited 5 criteria from Section 12.4 C for a variance. **ALL AGREED**
7. Granting the variance would not 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 DENY the January 23, 2020 Jim and Elizabeth Frey Variance Application for 1) Removal of an existing non-conforming garage and 2) Building an addition with an attached garage, requiring a 15' rear variance, at 01970 North Shore Dr (Property ID #15-010-730-004-00). This motion is also based on a Ferguson & Chamberlain topographic survey dated August 25, 2017, a proposed removal plan dated 1/13/2020, a proposed site plan dated 1/23/17, and architectural floor plans and elevations. LYON STEPHENS SECONDED. ALL AYES. MOTION PASSED**



**Case # ZBA#2-2020 Michael Wehrenberg request for Interpretation Section 6.0B 3 & 4 and Section 6.0 F and applicability to roads.**

Ch. Lee read the following: In the recent past there has been more than one dock at the end of Hamilton Court. Mr. Wehrenberg has requested an interpretation of Section 6.0 R-1 of the Zoning Ordinance. He went on to state that the Zoning Administrator has ruled that Hamilton Court is not a lot and Section 6.0B 3 & 4 and Section 6.0F do not apply to the lake end of Hamilton Court.

After much discussion by the ZBA board and with no representation from Mr. Wehrenberg, this request will be discussed at the ZBA's next meeting.

**Election of officers: Lyon Stephens made the motion and it was seconded by Bart that Errol remain as Chairman, David as Co Chairman and Todd as Secretary. A call for other nominations was made three times, no other nominations offered. Motion Passed- All Ayes**

Bart reported that the Planning Commission was meeting Monday, June 1 and that there has not been a meeting since the one about the BRH.

Meeting Adjourned at 8:17pm.

Recording Secretary: Bunny Marquardt Bunny Marquardt

Date: 6/24/2020

ZBA Secretary: Todd Reeves Todd Reeves

Date: 6/24/2020