

APPROVED
MELROSE TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF
JUNE 24, 2021

- I. **CALL TO ORDER:** The meeting was called to order at 7:01 pm by Ch. Lee.
ROLL CALL: Members Present: Ch. Lee, David Beier, Todd Reeves, and Mary Pat Goldich.
Absent: Bart Wangeman and Recording Secretary Bunny Marquardt (both excused).

Staff Present: Zoning Administrator Randy Frykberg and Acting Recording Secretary Tom Mackie.

Also Present: Matt Stuck of Conquest Builders as representative for property owner Jim and Elizabeth Frey and Township Trustee Dan Nowland.

- II. **APPROVAL OF AGENDA:** David moved to approve the agenda as amended to add Annual Election of Officers, Todd seconded. ALL AYES, motion carried.

- III. **ANNUAL ELECTION OF OFFICERS:** The following officers were approved for 2021.

Dave nominated Errol as Chairman and Todd seconded.

All ayes

Dave nominated Todd as Secretary and Errol seconded.

All ayes

Todd nominated David as Vice-Chairman and Errol seconded.

All ayes

- IV. **APPROVAL OF MINUTES:** Todd moved to approve the October 21, 2020 minutes as presented. David seconded. ALL AYES, motion carried.

- V. **PUBLIC HEARING:** Ch. Lee opened the Public Hearing at 7:07 pm by giving instructions for the Public Hearing and he then stated the following:

- A. **Case # ZBA 1-2021 Jim and Elizabeth Frey conforming expansion of a nonconforming structure at 01970 North Shore Drive (Tax ID #15-010-730-004-00).**

Randy provided the staff report noting an application last year for this property requesting removal of a non-conforming garage and addition of a non-conforming addition to the house was denied by the ZBA on 5/28/2020. The current application will not impact the garage but instead requests approval for a conforming addition to the non-conforming house. This request is not a variance so Zoning Ordinance

language (Section 9.6) allows approval if “such expansion shall not be detrimental to the surrounding neighborhood and contrary to the spirit and intent of the Ordinance.” The meeting was properly advertised, with 300-foot notices mailed to 25 neighboring property owners. One letter of support was received from Haggard’s Plumbing and Heating.

Applicant representative Matt Stuck further described the one-story addition and upgrade to windows and insulation for year-round use.

With no audience to offer comment, either in support or against, Ch. Lee closed the Public Hearing at 7:14 pm and the Board began deliberations.

David noted the proposed expansion is conforming because of the setback bonus allowed for this narrow parcel. He acknowledged this is in conformance with Zoning Ordinance standards but expressed concern the liberal use of this rule in one general area could be detrimental to a neighborhood. Matt noted the proposed lot coverage of 27% is less than allowed by our regulations.

Findings of Fact

After a review of staff-provided suggestions the ZBA members unanimously adopted the following list of Findings of Fact:

The ZBA Board finds that:

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 (by formula, reduced from the standard 35’).
4. The existing house is non-conforming because the west side-yard setback is approximately 2’. All other setbacks are met.
5. The proposed addition would be 834.5 sq. ft.; the existing house footprint is 985 sq. ft.
6. The proposed single-story 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 is 100’.
9. The lot is non-conforming because it is about 50’ in width, 148’ in length, and about 7,400 sq. ft. in area.
10. On June 4, 2021, a notice of, and reason for, this hearing was mailed to owners of 25 properties within 300’ of this parcel.
11. On June 5, 2021, a notice of, and reason for, this hearing was published in the Petoskey News Review.

12. One letter was received: Haggards Plumbing and Heating, in favor of the request.
13. Approval of the zoning requirements for the R-1 district, 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.

The Board then evaluated the proposal relative to the following Zoning Ordinance standard:

Section 9.6 - Expansion of Nonconforming Use

The Zoning Board of Appeals may permit expansion of a pre-existing nonconforming use, provided such expansion shall not be substantially detrimental to the surrounding neighborhood and contrary to the spirit and intent of the Ordinance.”

1. The proposed conforming addition to a nonconforming structure will not be substantially detrimental to the surrounding neighborhood.
 - a) The Board finds that the proposed addition to the structure will be conforming.
 - b) The Board finds that the addition will make the appearance of the structure in conformance with the district and area.
 - c) 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. 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 6.0 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 conforming 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 project 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 to permit this project have been met.

Due to the findings of fact as stated above, Dave moved to approve the May 17, 2021 application for ZBA permission to construct a conforming single-story addition to an existing non-conforming structure at 01970 N. Shore Drive (ID #15-010-730-004-00). This action is also based on the survey by Ferguson & Chamberlain dated August 29, 2017 (with a "Coverage Calc" box and the proposed addition added to this survey), and four pages of untitled and undated sketches of this proposed project.

Todd Seconded. AYES ALL, MOTION CARRIED.

- VI. OTHER MATTERS TO BE REVIEWED:** None
- VII. COMMUNICATION AND CORRESPONDENCE RECEIVED:** None
- VIII. ZONING BOARD OF APPEALS MEMBERS:**

David and Mary Pat recently participated in a Zoom-based training session sponsored by the Michigan Township Association. They reported our procedures and meeting conduct are done well and are in conformance with sample procedures suggested in the training.
- IX. REPORT OF THE PLANNING COMMISSION:** None
- X. CITIZEN COMMENTS ON ITEMS NOT SUBJECT TO A HEARING:** None
- XI. NEXT MEETING:** Wednesday, July 14, 2021, 7:00 pm.
- XII. MEETING ADJOURNED AT 7:32 PM.**

Acting Recording Secretary: Tom Mackie _____
Date

ZBA Secretary: Todd Reeves _____
Date