

**APPROVED**  
**MELROSE TOWNSHIP**  
**ZONING BOARD OF APPEALS**  
**MINUTES OF**  
**JULY 14, 2021**

- I. **CALL TO ORDER:** The meeting was called to order at 7:00 pm by Ch. Lee.  
**ROLL CALL:** Members Present: Ch. Lee, Todd Reeves, Bart Wangeman, and Lyon Stephens.  
Absent: Mary Pat Goldich, David Beier, and Recording Secretary Bunny Marquardt.

**STAFF PRESENT:** Zoning Administrator Vern Goodwin

- II. **APPROVAL OF AGENDA:** Todd moved to approve the agenda as amended to correct the prior meeting minutes date, Bart seconded. ALL AYES, motion carried.
- III. **APPROVAL OF MINUTES:** Bart moved to approve the June 24, 2021 minutes as presented. Todd seconded. ALL AYES, motion carried.
- IV. **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 2-2021 Richard and Susan Fox conforming expansion of a nonconforming structure at 1073 Sweet Pea Lane (Tax ID #15-010-017-065-00).**

Vern provided the staff report. Dave Anolick, an owner of property adjacent to the application parcel, spoke as representative of the applicant. He stated he is a neighbor and has no opposition to the application.

Errol asked for public comment from anyone either in favor of, or in opposition to, the application. No comment was offered so Errol closed the public comment portion of the hearing and the Board began deliberations.

**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 01073 Sweet Pea Lane (ID # 15-010-017-065-00).

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 35' from the road.
4. The existing garage/sleeping room is non-conforming because it is in the west side-yard setback. All other setbacks are met.
5. The proposed addition would be 14' X 12' and be attached to the lake and N.E. side of the garage.
6. The proposed addition would be used as an art room.
7. The proposed single-story addition would meet all setbacks.
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 55' in width, 286' in length, and about 16,200 sq. ft. in area.
10. On June 29, 2021, a notice of, and reason for, this hearing was mailed to owners of 13 properties within 300' of this parcel.
11. On June 26, 2021, a notice of, and reason for, this hearing was published in the Petoskey News Review.
12. 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, Bart moved to approve the June 1, 2021 application for ZBA permission to construct a conforming 12' X 14' single-story addition to an existing non-conforming structure at 01073 Sweet Pea Lane (ID #15-010-017-065-00). This action is also based on the survey by Ferguson & Chamberlain dated 11/01/06 and with the condition that the existing non-conforming sleeping area not be expanded in any way.***

***Todd Seconded. AYES ALL, MOTION CARRIED.***

- V. OTHER MATTERS TO BE REVIEWED:** None
- VI. COMMUNICATION AND CORRESPONDENCE RECEIVED:** None
- VII. ZONING BOARD OF APPEALS MEMBER COMMENTS:** None
- VIII. REPORT OF THE PLANNING COMMISSION:** Bart reported the Planning Commission recently approved a Special Use permit for commercial storage units in the Farm and Forest District and is currently discussing minimum structure size regulations in the FF District (Tiny homes).
- IX. CITIZEN COMMENTS ON ITEMS NOT SUBJECT TO A HEARING:** None
- X. NEXT MEETING:** To be determined
- XI. MEETING ADJOURNED AT 7:32 PM.**

Acting Recording Secretary: Vern Goodwin \_\_\_\_\_  
Date

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