

APPROVED ON JAN 25, 2022

WITH MINOR CORRECTIONS

MELROSE TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF SEPT. 8, 2021

CALL TO ORDER: The meeting was called to order at 7:00pm by
Ch.Lee

ROLL CALL: Members present: Ch.Lee, Todd Reeves, Bart
Wangeman, Lyon Stephens and recording secretary,
Bunny Marquardt. Absent Mary Pat Goldich and David
Beier.

STAFF PRESENT: Zoning Administrator: Vern Goodman (called in
to meeting when needed.)

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

APPROVAL OF MINUTES: Todd moved to approve the minutes of
July 14, 2021 and Bart seconded. ALL AYES, motion
passed.

PUBLIC HEARING: Ch. Lee opened the Public Hearing by giving
instructions for the Public Hearing and he then stated the
following:

**Case # ZBA #3-2021, Barney Bishop: conforming
expansion of a non-conforming structure on a non-
conforming platted lot at 1730 North Shore Drive
(Tax ID #15-010-730-030-00)**

Ch. Lee stated the following:

Barney Bishop has requested permission to expand, in a conforming way, a non-conforming structure on a non-conforming platted lot, at 1730 North Shore Drive, She would like to add a conforming 15' X 20' addition on the west side of the existing house. The addition would consist of a master bedroom and bath. At present, there is no sleeping facility on the ground floor, only upstairs. The home predated zoning by many decades and sits 6.5' in the road (north side setback and 5' into the east sides setback. The lot is non-conforming because it was platted at only about 80' wide.

This case is not a variance, and the expansion can be approved by the ZBA provided that "such expansion shall not be detrimental to the surrounding neighborhood and contrary to the spirit and intent of the Ordinance" (Zoning Ordinance Section 9.6).

The only letter received was from Haggard's Plumbing and Heating in support of this applicant.

Ch.Lee asked to hear from the Applicant and Greg Presley of 325 E Lake St. Petoskey spoke on behalf of the applicant. He stated he has been an architect for 25 years and has done over 100 design projects on Walloon Lake. He stated the applicant wanted to save the house on North Shore but needs a first floor master bedroom. He also stated the site is non conforming but the addition would be conforming to the set back requirements.

Ch.Lee then asked to hear from those in attendance: John Clements 1716 N Shore on he West side of property and said he likes the idea of saving the home and supports the changes. Dana Lapekas 1740 N Shore on the East side of property said she was all for it. Barney Bishop, the applicant stated she loved the old cottages and had been coming to Walloon since she was 7 and loved North Shore and wants to keep the integrity of the older homes. Linda Clements formerly of 1730 North Shore stated her family had been coming here since 1932 and is in favor of project. Lou Douche (90 year old). urged the board to approve her request.

Ch .Lee closed the Public Hearing and the Board began deliberations. Ch.Lee asked about the 6" overhang and Mr. Presley stated those were met. Bart checked the Zoning Ordinance and Article 6 Page 2 did make a reference to this situation,

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 non-conforming house is 1730 North Shore Drive (ID # 15-010-730-030-00).
2. The non-conforming lot is in the R-1 Lakefront Residential Zoning District.
3. Minimum lot area in the R-1 District is 20,000 sq. ft. and a minimum width is 100'.
4. The lot is non-conforming because it is about 80' in width, 150' in length, and about 12,000' sq. ft. in area.
5. Setbacks for this R-1 lot are a minimum of 50' from the water, 12' sides for this narrow, 80' wide lot (by formula, reduced from the standard 15'; 0.8X 15') and an average of 26 ' from the road.
6. The existing house is 32.5" from the lot line and about 59' (at the closest point) from the North Shore Drive pavement. All other setbacks are met.
7. The proposed addition would be 15' X 20' and be attached to the west side of the house.
8. The proposed addition, a new bedroom, would need to be set back further than the front of the house to meet the 26" setback per ordinance.
9. A new health department permit may be needed due to the addition of a bathroom. This would be confirmed prior to issuance of a zoning permit if this expansion is granted by the ZBA.
10. The proposed single-story addition would meet all setbacks.
11. On August 23, 2021, a notice of, and reason for, this hearing was mailed to owners of 27 properties within 300' of this parcel.
12. On August 25, 2021, a notice of, and reason for, this hearing was published in the Petoskey News Review.
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 standards

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 (answer after considering all the following, a through c).
 - 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 be (answer after considering all the following, a through c).
 - 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, Todd moves to approve the August 3, 2021, application for ZBA permission to construct a conforming up to 15' X 20' master bedroom addition to an existing non-conforming structure at 01730 North Shore Dr. (ID #15-010-730-030-00). This action is also based on two pages of drawings by Presley Architect, dated 8-2-21 and labelled Sheet 1 and Sheet 2. Motion seconded by Bart. All Ayes, Motion Passed

OTHERS MATTERS TO BE REVIEWED BY ZBA: None

COMMUNICATIONS AND CORRESPONDENCE RECEIVED: None

REPORT OF PLANNING COMMISSION: Bart reported the Tiny Homes issue was tabled until Spring. Emily from Michigan waterways.ORG that were 2-3 spots on Bear River that needed attention and the PC referred this to the Township Board.

CITIZEN COMMENTS: none

NEXT MEETING: To be determined

MEETING ADJOURNED AT 7:52 PM

Recording Secretary: Bunny Marquardt _____

Date

ZBA Secretary: Todd Reeves _____

Date