

Melrose Township
Zoning Board of Appeals (approved 05-11-2022)
April 26, 2022

Call to Order/Roll Call: The meeting was called to order by Ch. Lee. Those present were: Todd Reeves, Lyon Stevens, Zoning Administer, Vern Goodwin, and Recording Secretary Bunny Marquardt. Those excused: Bart Wangeman, David Beier and Mary Pat Goldich.

Approval of Minutes: Todd made the motion to approve the minutes of Feb. 1, 2022, Lyon seconded. All Ayes

Scheduled Public Hearing: Ch. Lee read the following:
Case ZBA#2-2022, 1880 North Shore Dr. Hunter and Tara Carlile
(Tax ID #15-010-730-013-00)

Ch. Lee explained to applicant that since we did not have a full board he could postpone hearing until a later date. Mr. Carlile decided to proceed tonight and would make that decision before the vote. Ch. Lee agreed.

Ch.Lee read the following:

Hunter and Tara Carlile have requested permission to remove and replace a non-conforming house, on a non-conforming platted lot, at 1880 North Shore Drive. They would like to build a new home requiring one corner yard setback and a rear yard setback variance. The current house encroaches on the rear yard set back by 1.48' and the one corner yard setback by 8.1'. The existing garage lies totally within the rear yard setback with a portion of the garage in the road right of way. There is currently a guest house lying totally within the rear yard setback and which violates Sec. 6.0-R-1 B) 1) one (1) single family dwelling on each lot.

This case is a variance, and the variance can be approved by the ZBA provided that "such variance shall not be detrimental to the surrounding neighborhood and contrary to the spirit and intent of the Ordinance" (Zoning Ordinance Section 9.5 and Sec. 12.4 C and D

Vern explained the garage is in the road right of way and it is a

busy street and this request makes this less detrimental to the surrounding neighbors. Hunter Carlile is trying to conform and make the congestion in the area less. The road end will stay the same.

Ch.Lee asked the audience who was in favor of this request. Justin Roberts of 4497 4th St. stated he likes the feel of the neighborhood and is full support of the request. Susan Gilmette of North Shore also is in favor of the proposed variance request. (See her attached letter in support). Cale Sebold of 4438 3rd St. stated he was also in favor of the request. Wm. Brown, the General Contractor is in support and stated the new footprint makes sense. There was no opposition so Ch.Lee closed the Public Hearing.

Ch. Lee stated the following:

The ZBA has requested some assistance in preparation of findings of fact (FOF). The following draft may be considered, modified, used or totally revised by the Zoning Board of Appeals during your deliberations following the hearing:

The ZBA Board finds that:

1. The address of the non-conforming house is 1880 North Shore Drive (ID # 15-010-730-013-00). All Agreed
2. The non-conforming lot is in the R-1 Lakefront Residential Zoning District. All Agreed
3. Minimum lot area in the R-1 District is 20,000 sq. ft. and a minimum width is 100'. All Agreed

4. The lot is non-conforming because it is about 75.32' in width, 181.03' in length, and about 13,603 sq. ft. in area. All Agreed
5. Setbacks for this R-1 lot are a minimum of 50' from the water, side yard of 15' street side or a corner lot 35' and rear yard of 35'. Article VI Sec.6.0 D) describes the reduction of side yard and rear yard setbacks by percentage resulting in a side yard setback of 10.2', a rear yard setback of 31.68' and a corner side yard setback of 23.8'. This section also addresses the setbacks for accessory buildings. Accessory buildings are defined in Article III Sec.3.1 definitions. All Agreed
6. The new house will meet the front yard setback and the side yard setback. All Agreed
7. The new house, as proposed, will need a corner yard setback of 2.74 ft. Variance and a rear yard setback variance of 4.67 ft..All Agreed
8. The new house will be required to hook up to the Melrose Township Sewer system and currently is hooked up to the Walloon Lake Water System. All Agreed
9. On April 4, 2022, a notice of, and reason for, this hearing was mailed to owners of 28 properties within 300' of this parcel. All Agreed
10. On April 8, 2022, a notice of, and reason for, this hearing was published in the Petoskey News Review. All Agreed
11. 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. All Agreed

12. The removal of the existing garage, home and guest house along with the building of the new house and garage will significantly reduce the size of the rear yard setback encroachment, the corner side yard setback encroachment and completely eliminate the second dwelling nonconformance. All Agreed.

Ch.Lee then proceeded with:

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 new non-conforming structure will not be substantially detrimental to the surrounding neighborhood (answer after considering all the following, a through c). All Agreed
 - a) The Board finds that the proposed new structure will not be conforming. All Agreed
 - b) The Board finds that the new structure will make the appearance of the structure in conformance with the district and area. All Agreed
 - c) The Board, therefore, finds the new structure will not be substantially detrimental to the surrounding neighborhood. All Agreed

- 2) The proposed new structure will not be contrary to the spirit and intent of the zoning ordinance (answer after considering all the following, a through c). All Agreed
- a) The Board hereby incorporates by reference its findings of fact contained in paragraphs 1. a) through 1. c) above. All Agreed
 - 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. All Agreed
 - 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. All Agreed
 - d) The Board finds that allowing the non-conforming structure does “maintain social and economic stability, property values and general character and trend of Melrose Township development”. All Agreed
 - e) The Board, therefore, finds the proposed project will not be contrary to the spirit and intent of the zoning ordinance. All Agreed

Todd asked if the porches and patios are in compliance and meet the accessory structure standards. Hunter responded YES.

3. Based on the above findings of fact, the Board finds the standards to permit this project have been met.

After review and discussion of the above Findings of Fact, **Lyon moved to Approve the March 25, 2022, application for ZBA permission to construct a non-conforming structure at 01880 Northshore Dr. (ID #15-010-730-013-00). This action is also based on two pages of drawings by Carrie May Engineer, dated 3-22-22 and labelled Sheet C1.1 and Sheet C1.2. All existing buildings must be removed prior to construction of the new building. This variance request is for 2 variances: 2.74ft. corner yard setback and a 4.67ft rear yard setback. Todd seconded. All Ayes, Motion passed.**

Planning Commission Report: the PC has referred the property decision on the old Ingall property to the ZBA.

Next Meeting is May 11th at 7pm

Meeting Adjourned at 7:35pm.

Respectfully submitted by:
Recording Secretary:

ZBA Secretary:
