

APPROVED
June 17, 2015

MELROSE TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF APRIL 30, 2015

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

ROLL CALL: Ch. Errol Lee, Todd Reeves, Bart Wangeman, David Beier, new member Lyon Stevens, Randy Frykberg - Zoning Administrator and Bunny Marquardt - Recording Secretary.

APPROVAL OF MINUTES OF FEB. 11, 2015 - David Beier made the motion to accept the minutes of 2/11/15 as presented. Todd Reeves seconded. ALL AYES - MOTION PASSED.

Ch. Lee opened the Public Hearing and explained the procedures. This is Case # ZBA 2-15, and Marty Gitre, on behalf of Waterline Properties, request to add a 6'4" wide inside corridor on the south side (non Springvale Rd side) of the lodge at 02594 Springvale Rd (ID# 15-010-009-058-25). Randy went on to explain that the entire building is non-conforming and the proposed structure is still in the setback. The interior hallway is for the safety of the guests (12 people in 6 rooms.)

D. Beier asked if the safety of the guests (in a recovery lodge) was for the control of the guests. Ch. Lee responded the corridor is to control ingress and egress so as to monitor the patients. Errol went on to ask Bart as Ch. of the PC what the PC decided. Bart stated the PC looked at it as a site plan review and the criteria was met and the PC approved the 6'4" corridor addition - pending ZBA approval. Todd went on to say that as far as his experience in law enforcement, the use of the corridor was needed to control and oversee the patients.

Randy gave the following background:

Marty Gitre, on behalf of Waterland Properties, has submitted an application to add a 6'4" wide X 128' long inside corridor on the south side of building "A" as shown on the attached site plan. The building was the former motel office and motel room wing. The entire building is in the 50' setback from Springvale road and thus the corridor can't be built unless a variance is granted. The building is 4 ft from the road.

Ch. Lee asked if the applicant, Marty Gitre, had anything to add. Marty added that the additional corridor was need to control the environment as all 6 rooms open into

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the corridor in order to be ADA compliance. There are only 2 rooms in the 5 county region. (both in Emmet Cty for men only).

Ch. Lee gave the following General Facts:

1. **The property is zoned B-1 General Commercial**
2. **The proposed interior hallway is for safety of guests. With the corridor, guests will need to pass the office to either enter or leave their rooms.**
3. **The corridor will serve 6 double rooms and an office.**
4. **The pre-existing non-conforming structure was built well before zoning.**
5. **The proposed corridor, as well as the entire structure, is within the 50' front yard setback of Springvale Road.**
6. **The proposed corridor will be built on the south side, opposite side of the building, than Springvale Road and will face the parking lot.**
7. **The structure is served by community water and an approved on-site septic system. The proposed addition should not affect water or waste water volumes**

D. Beier asked: Can the other buildings be used and Marty responded with all the buildings will be boxed in so to make a campus as our market research shows that detox centers in our area are under supplied. Marty then stated that there is an acute problem and the highest quality of campus is needed. Randy stated that notices were sent out to 15 property owners with no responses.

Ch. Lee closed the Public Hearing. D. Beier stated he was on board for the facility but he must look at zoning and stated our job here is to eliminate non-conforming when we can. Ch. Lee quoted 9.6 of our Zoning Ordinance.

Ch. Lee explained the Finding of Facts and the Board Finds that:

- a. The property, identified by Tax Code 15-010-009-058-25, is in the B-1 General Commercial District.
- b. The proposed interior hallway is for safety of guests and community. With the corridor, guests will need to pass the office to either enter or leave the building.
- c. The corridor will serve 6 double rooms and an office.
- d. The pre-existing non-conforming structure was built well before zoning.
- e. The proposed corridor, as well as the entire structure, is within the 50' front yard setback of Springvale Road.
- f. The proposed interior 6' 4" wide corridor will be built on the south side, opposite side of the building than Springvale Road and will face the parking lot.

All ZBA members agreed to the above 7 Findings of Fact.

Section 12.4 C Variance Criteria:

"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. **Will not be contrary to the public interest or to the spirit and intent of the Ordinance. The proposed corridor would provide an interior hallway for the safety of the guests and community while controlling ingress and egress. The corridor will not be built on the road side of the building but rather the opposite side facing the parking lot. Therefore, the Board finds that the proposed corridor will not be contrary to the public interest or to the spirit and intent of the Ordinance. *VOTE WAS 4 TO 1 IN FAVOR OF WILL NOT BE CONTRARY.***
2. **Shall not permit the establishment within the zoning district of any use that is not permitted by right within the district.** An enclosed entry way is clearly an allowed use in the B-1 District. Therefore, the Board finds that the proposed project meets this requirement. ***ALL AGREED***
3. **Will not cause any adverse effect to property in the vicinity or in the Zoning District or the Township.** The 6' 4' wide corridor would be set back further from Springvale Road than the rest of the existing structure. Therefore, the Board finds that the proposed project will not cause any adverse effect. ***VOTE WAS 4 TO 1 IN FAVOR OF WILL NOT CAUSE ANY ADVERSE EFFECT.***
4. **Relates only to property under control of the applicant?** ***ALL AGREED***
5. **Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity and have not resulted from any act of the applicant?** The entire structure was built prior to zoning and thus is a legal, non-conforming structure. The corridor will be further from the road than the rest of the building. The location of the building and the lack of a covered entryway create a practical difficulty for the proposed use and ADA approval. Therefore, the Board finds that proposed project will meet this requirement. ***ALL AGREED***
6. **The proposed corridor meets the above 5 criteria in Section 12.4 C for a variance. *VOTE WAS 4 TO 1 IN FAVOR OF MEETS THE CRITERIA.***
7. **Granting the variance would observe the Spirit of the Ordinance and provide for substantial justice. *VOTE WAS 4 TO 1 IN FAVOR OF WOULD OBSERVE THE SPIRIT OF THE ORDINANCE***

After review and discussion of the Findings of Fact, "Due to the findings of fact as stated above, Todd moved to approve to Marty Gitre's application, dated 4-9-15, to build a 6' 4" wide plus a 2' overhang X 128' long corridor on the south side of building "A" at 02594 Springvale Rd (ID# 15-010-009-

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058-25). Motion seconded by Bart. This approval is based upon the following

- 1. The corridor will be further from the Springvale Road than the rest of the building.**
- 2. Zoning Variance Application signed by Mary Gitre and dated 4-9-15**
- 3. Site Plan C1.1 drawn by ARCH 1 titled Walloon Lake Lodge and dated 7-14-15**
- 4. Revised Floor Plans & Corridor Addition drawn by ARCH 1 and dated 6-3-14**
- 5. Information of exact dimensions of the roof must be delivered to the Zoning Administrator before a Zoning Permit is issued.**
- 6. The variance is minimized to 2'4" due to the existing overhand on the existing building.**

ROLL CALL OF VOTE: CH. LEE - YES, TODD REEVES - YES, BART WANGEMAN - YES, LYON STEPHENS - YES, DAVID BEIER - NO; MOTION PASSED 4 TO 1.

OTHER MATTERS TO BE REVIEWED BY ZBA:

- A. Communications: 1 letter from Haggerty Plumbing
- B. ZBA Members: Wayne Ramsey is Alternate and we need another alternate.

REPORT OF PLANNING COMMISSION: Bart reported the PC is still reviewing and revising the Master Plan and the goal is to have the Public Hearing in August.

ADJOURNMENT AT 8:35pm.

Respectfully submitted by: Bunny Marquardt, Recording Secretary