

# Elk Rapids Township Zoning Board of Appeals

## Meeting Minutes – Tuesday, September 12, 2023 – **APPROVED**

The meeting of the Elk Rapids Township Zoning Board of Appeals was called to order at 3:00 PM at the Government Center, 315 Bridge St., Elk Rapids MI 49629.

**Roll Call/Present:** Julia Pollister Amos, Bob McCririe, Vince Cooper, Lisa Lundy, and Zach Amos.

*(Quorum Established)*

**Absent:** John Conrad and Dick Hults

**Also Present:** Larry Nix, Township Zoning Administrator.

**Audience:** Applicants William Holdsworth, Jeff and Terri Tomczak, also Bob & Louise Holdsworth, and Jerry Tomczak.

**Statement of any conflicts of interest:** None.

**Adoption of Agenda:** Motion to adopt the September 12, 2023 meeting agenda.

**Motion:** Pollister Amos

**Support:** Lundy

**MOTION CARRIED**

**Approval of Minutes:** Motion to approve the August 8, 2023 meeting minutes.

**Motion:** Pollister Amos

**Support:** Lundy

**MOTION CARRIED**

**Public Forum:** None.

### Public Hearing on ZBA-147:

Marion & William Holdsworth, LLC are requesting consideration of a front yard variance to construct a 12 x18' addition to the roadside face of the existing house located at 14530 Willaims Drive, Elk Rapids, Michigan. The lot is a traditional Birch Lake lot measuring 50'x100' that prevents the placement of an enlargement to the house in compliance with zoning setback requirements. The request is for a 24' variance from the 50' front yard setback requirement from the Williams Drive property line The building would be 26' from the Williams Drive property line.

**The applicant/representative speaks on this request.** Applicant's brother Bob Holdsworth approached the microphone and explained some history of the property. His family acquired the building in 1962 from the original owners. The proposed porch addition would provide needed room for upgrades to the electrical and plumbing. He also presented photos showing the proximity of neighbors and surrounding buildings to the board.

**Committee Members ask applicant/representative questions:**

- Pollister Amos discussed the location was hard to find as there was no emergency address sign, which could cause issues if services were ever needed.
- The board agreed the variance that is requested makes sense.

**Members of the public in attendance who want to speak in favor of this request.** None.

**Members of the public who want to speak in opposition to this request.** None.

**Written Communications from the public on this request.**

- Neighbor Mr. Lundy reviewed the proposal and provided verbal approval of the request.

**Committee members make their decision on this request.**

- The Board did not have further questions regarding the request.

**Motion to Approve Variance Request:**

**Motion:** Pollister Amos

**Support:** McCririe

Based on the following reasons, Julia Pollister Amos moves and Bob McCririe supports granting approval of the variance to Marion & William Holdsworth LLC, as represented by William J and Robert M. Holdsworth at 14530 Williams Drive, Elk Rapids Michigan Tax Parcel 05-06-175-007-00. The variance is 24 feet from the Williams Drive property line resulting in a front yard set back of 26 feet to permit an 18' x 12' addition to the street side face of the existing house.

**Reasons:**

1. The existing lot is an undersized non-conforming lot.
2. There have been a variety of front yard variances granted along Williams Drive.
3. There has been no action by the applicant to cause the need for this variance as the lot was created long before the zoning regulations were created.
4. There will be no negative impact on the neighborhood or adjacent property owners.
5. There will not be substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Ordinance with the proposed addition.

**5 VOTING YES - 0 VOTING NO**

**(Conrad and Hults are absent)**

**MOTION TO APPROVE VARIANCE REQUEST CARRIED.**

- Zoning Administrator Nix will be sending a letter verifying the action taken by the board.

**Public Hearing on ZBA-148:** Jeff and Theresa Tomczak are requesting consideration of a variance to expand the volume of the existing house with the construction of a 32' x 23' second level addition over the existing garage located 8404 N. Bayshore Drive, Elk Rapids, Michigan. There will be no expansion of the footprint of the garage. The request is for a volume expansion variance over the existing garage only. The building will remain 35' from N. Bayshore Drive but will have a second story over the garage.

**The applicant/representative speaks on this request.** Applicant's brother Jerry Tomczak is helping out and is a commercial contractor and former Zoning Administrator. The owners were unaware of the non-conforming state of the home. They are not increasing the footprint of the house. The second story will provide a master bedroom and bath. Merchant Builders have provided an architect's drawing showing the finished project.

**Committee Members ask applicant/representative questions:**

- Julia Pollister Amos mentioned the need for emergency signage, expressing that address numbers are often hard to find.
- The applicant agreed and mentioned it had actually happened to them at that address and will be installing the needed location sign.

**Members of the public in attendance who want to speak in favor of this request.** Graham Martin, adjacent neighbor, and architect, has no objection to the proposal.

**Members of the public who want to speak in opposition to this request.** None.

**Written Communications from the public on this request.** None.

**Committee members make their decision on this request.**

**Motion to Approve Variance Request:**

**Motion:** Pollister Amos

**Support:** Lundy

Based on the following reasons, Julia Pollister Amos moves, and Lisa Lundy supports granting approval of the variance to Jeff and Theresa Tomczak, 8404 N. Bayshore Drive, Elk Rapids, Michigan, Tax Parcel 05-06-335-005-00. The variance is 15 feet from the N. Bayshore Drive property line resulting in a front yard set back of 35 feet to permit the second story on the existing house.

**Reasons:**

1. The existing lot is an undersized non-conforming lot.
2. There is other two story homes adjacent to N. Bayshore Drive less than the required 50' from the N. Bayshore property line.
3. There is no other option for the enlargement of the existing dwelling on the lot.
4. There will be no negative impact on the neighborhood or adjacent property owners.

5. There will not be substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of the Ordinance with the proposed second level.

**Old Business:** None.

**New Business:**

- Larry Nix does not have anything for the next meeting at this time.

**Communications:** None

**Member Discussion of topics not on the agenda:**

- Election of Board members for 2024.
- Julia Pollister Amos motioned to elect John Conrad as Chair, Bob McCririe as Vice Chair, and Vince Cooper as Secretary for the year 2024.
- Lundy supported the motion.

**5 VOTING YES - 0 VOTING NO**

**(Conrad and Hults are absent)**

**Motion to Adjourn:** Meeting Adjourned at 3:30 PM

**Motion:** Lundy

**Support:** McCririe

*(Approved December 12, 2023 3:05 p.m.)*