

Elk Rapids Township Zoning Board of Appeals

Meeting Minutes – Tuesday, September 14, 2021 - 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: John Conrad, Bob McCririe, Vince Cooper, Julia Pollister Amos, Zach Amos, and Dick Hults.
(Quorum Established)

Absent: Marshall Wright

Also Present: Larry Nix, Township Zoning Administrator

Audience: Luke Gingerich, Golden Rule Construction, Lynn & Mark Chaisson.

Statement of any conflicts of interest: None.

Adoption of Agenda: Motion to adopt the September 14, 2021 meeting agenda as corrected. *(Address of subject property on agenda should read 8768 N. Bayshore Drive instead of 8968).*
Motion - Pollister Amos Support – Hults

MOTION CARRIED

Approval of Minutes: Motion to approve the November 10, 2020 meeting minutes.
Motion - McCririe Support – Pollister Amos

MOTION CARRIED

Public Forum: None

Public Hearing on ZBA-138: Scott Epskamp is requesting a front yard variance on Tax Parcel 05-06-350-022-00 located at 8768 N. Bayshore Drive to construct a closet to the home in the required front yard. The front yard requires a 50' setback and the proposed addition will be setback 30' from the property line requiring a variance of 20'.

The applicant/representative speaks on this request: Luke Gingerich, representative for Scott Epskamp and Nancy Baker addressed the Zoning Board of Appeals. A summary of the discussion follows:

- Mr. Gingerich stated the home was remodeled 15 years ago and now the owners are in the process of doing some additional remodeling to make this home their permanent residence.
- Mr. Gingerich further noted the owners have been dealing with water in the basement due to high water tables and can no longer utilize the basement for storage.

- The owners have tried utilizing sump pumps but eventually the water comes back. Sometimes the basement is dry, sometimes it is not. Therefore, storage in the basement is not reliable or practical.
- Mr. Gingerich stated that the storage bump out will have no impact on the exterior and the location selected is the most practical and easiest storage solution for the homeowners.

Board members ask applicant/representative questions:

- The Board asked Mr. Gingerich to elaborate on some of the water issues the owners are having.
- The Board asked if the owners have considered going further to the west of the home to add the closet so a variance would not be required?
- The Board noted if the closet was built in the proposed location, the applicant would have to move an A/C unit and access to the basement door.
- Mr. Gingerich stated that moving the storage closet to the west side of the house would not be practical because of location of stairway and existing bathroom and would also be an extra financial hardship on his clients.
- The Board noted that a variance was granted on this property to Mr. & Mrs. Flowers on April 30, 1997 for closet space. It was further noted that the Flowers added an addition to the home, but made some adjustments and did not require the variance. The addition was all within the setback requirement.

Members of the public in attendance who want to speak in favor this this request.

- Mr. Chaisson (residing at 8777 N. Bayshore Dr.), stated he has lived across the street from the applicant for 44 years and thinks the Board should grant the variance because the bump out closet affects no one.
- Mr. Chaisson further stated that the applicants do a beautiful job taking care of their property and the addition will have no negative impact on the neighborhood.

Board Responses:

- The Board recognized the applicant's home is already non-conforming, and by adding the closet addition makes it even more non-conforming.
- The Board further noted the ZBA is in place to protect the integrity of the Township Zoning Ordinance, protect its residents and uphold local laws.
- The more variances that are granted sets a precedence in the community.

Members of the public in attendance who want to speak in opposition to this request.

- None.

Written communications from the public on this request. The Township received three communications regarding this request. Chairperson John Conrad read the letters out loud at this meeting. The letters are entered into the record.

- 1) Anne Morrison Perry & Tim R. Perry – 8732 N. Bayshore Drive. (In Support)
- 2) Lynn & Mark Chaisson – 8777 N. Bayshore Drive. (In Support)
- 3) Tim Lebel – 8723 N. Bayshore Drive. (In Support)

**MOTION TO APPROVE VARIANCE REQUEST:
M/S Cooper/McCrie**

Motion to approve the variance requested by Scott Epskamp and Nancy Baker of 8768 N. Bayshore Drive, Elk Rapids, MI 49629, Tax Parcel 05-06-350-022-00. The variance is for 19'-4" from the N. Bayshore Drive property line resulting in a front yard setback of 30'-8".

Reasons:

1. **The existing lot is an undersized non-conforming lot.**
2. **There have been other front yard variances granted for similar lots adjacent to N. Bayshore Drive that are existing non-conforming lots.**
3. **The applicant did not create the lot in question that is causing the desire for the variance.**
4. **There will be no negative impact to the neighborhood or adjacent property owners since the proposed addition is on the north side of the existing building and generally not visible to neighbors and the motoring public.**

Roll Call Vote: Pollister Amos **NO**, McCrie **YES**, Cooper **YES**, Conrad **YES**, Z. Amos **NO**, and Hults **NO**. (*M. Wright is Absent*)
3 Voting YES; 3 Voting NO – TIE VOTE – NO DECISION.

MOTION TO APPROVE DENIED

Comments: Julia Amos – If the applicant has other options, no variance should be granted.
Dick Hults – Agreed. There are other options for the applicant to obtain additional storage and be in compliance.

**MOTION TO DENY VARIANCE REQUEST:
M/S Pollister Amos/Z. Amos**

Motion to deny the variance requested by Scott Epskamp and Nancy Baker of 8768 N. Bayshore Drive, Elk Rapids, MI 49629, Tax Parcel 05-06-350-022-00.

Reasons:

1. **Scott Epskamp and Nancy Baker had full knowledge of the Zoning Ordinance regulations prior to the purchase of the property and the construction of their home.**
2. **There are no special conditions or circumstances which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zone.**
3. **The literal interpretation of the provisions of this Ordinance would not deprive the applicant of property rights commonly enjoyed by other**

properties in the same zone under the terms of this Ordinance if the variances were not granted.

4. There is sufficient space between the existing house and the required setbacks to construct a small addition for storage as requested by the applicant.

Roll Call Vote: Pollister Amos **YES**, McCririe **NO**, Cooper **NO**, Conrad **NO**, Z. Amos **YES**, and Hults **YES**. (*M. Wright is Absent*)
3 Voting YES; 3 Voting NO – TIE VOTE – NO DECISION.

MOTION TO DENY DENIED

MOTION TO TABLE VARIANCE REQUEST DECISION:
M/S Pollister Amos/Conrad

MOTION CARRIED

Board Comments:

- Board confirmed the variance request is now tabled and applicant can come back to petition the ZBA for the variance.
- The applicant will not need to pay another fee if they decided to come back to the ZBA for another review.
- The Board encouraged Mr. Gingerich to discuss other storage options with his clients.
- The interior of the home would not need to be changed. Existing closet could remain where it is and an additional storage closet and door could be added compliant with the setback requirements.

Old Business: None

Communications: Zoning Administrator Nix reported he does not have any completed applications at this point in time, however, if that changes this week, he will notify the Board.

New Business:
M/S Pollister Amos/Z. Amos

Motion to nominate John Conrad as Chairman, Bob McCririe as Vice Chairman and Vincent Cooper as Secretary to continue as officers for the next year.

MOTION CARRIED

Motion to Adjourn: Meeting Adjourned at 3:47 PM
M/S Pollister Amos/McCririe

(Meeting Minutes Approved 3/8/2022)