

**Elk Rapids Township Planning Commission Meeting  
Meeting Minutes – September 8, 2020**

The meeting of the Elk Rapids Township Planning Commission was called to order by Chairperson Shen Smith at 6:30 PM at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629.

**Present:** Shen Smith, Emile Sabty, Jim Lundy, Zach Amos, Gary Peppler, and Tom Crandall.

***(Quorum Established)***

**Absent:** Aaron Isenhardt.

**Also Present:** William Derman, Township Attorney and Larry Nix, Zoning Administrator.

**Audience:** Ray and Micki Pollister *(8543 Cairn Hwy., Elk Rapids, MI)*

**Adoption of Agenda:** **Motion to approve the September 8, 2020 Agenda.**  
**MOTION/S Peppler/Lundy** **Motion Unanimously Carried.**

**Public Comments:** None

**Approval of Minutes:** **Motion to approve the August 11, 2020 meeting minutes.**  
**MOTION/S Peppler/Lundy** **Motion Unanimously Carried.**

**WELCOME!** **The Planning Commission welcomed new member Thomas Crandall!**  
**Tom is replacing Renee Mischel who is retiring.**

**Public Hearing – Continuation of the Pollister Site Plan Review Hearing of August 11, 2020:**

The Elk Rapids Township Planning Commission will conduct a Site Plan Review Hearing on Tuesday, September 8, 2020 at 6:30 PM at the Government Center, 315 Bridge Street. The purpose of this hearing meeting is to continue the Site Plan Review Hearing which was tabled during the August 11, 2020 meeting. Under consideration is a request for a Site Plan Review Hearing from Raymond F. Pollister, 8543 Cairn Hwy., Elk Rapids, MI 49629, Tax ID# 05-06-015-047-52. Through agent Great Lakes Water Permit Consulting; they are requesting an after the fact Site Plan approval for R-1 Zoned Shoreline Renovation to stabilize the steep incline skid at the same address, consistent with the provisions of Section 2.11 of the Elk Rapids Township Zoning Ordinance. The application shows Antrim County Soil Erosion and EGLE have approved the land activity.

**Site Plan Review:** **Motion to Un-table the Site Plan Review.**  
**Motion/S Peppler/Lundy** **Motion Unanimously Carried.**

**A summary of the Site Plan Review discussion follows:**

- Zoning Administrator Larry Nix referenced and reviewed his memorandum dated August 8, 2020 regarding the Raymond & Micki Pollister Site Plan Review for Shoreline Modification.
- Mr. Nix reminded the Commission that the project is complete and this is an after the fact Site Plan Review. A Township permit was not issued and the Planning Commission members did not have the opportunity to review the project prior to the construction.

- The following recommendations were provided by Zoning Administrator Nix for the Commission to consider:
  - 1) Approve the project as constructed.
  - 2) Approve the project with the condition upland rocks be removed and replaced with suitable vegetation to stabilize the bank and return the bank to a natural condition as it existed previously.
  - 3) Any other option the Planning Commission deems appropriate.
  
- Commission member Emile Sabty provided the following comments summarizing the Pollister Site Plan Review:
  - 1) The initial Elk Rapids Township application had three (3) errors that needed correction for the record. It was corrected at the 8-11-20 meeting.
  - 2) For the Planning Commission meeting of 8-11-20, County Soil Erosion Permit and MI EGLE Permits were not made available or distributed to the Commission members. Since then, the Soil Erosion Permit was distributed; the MI EGLE Permit was not.
  - 3) The work took place after Soil Erosion and EGLE permits were issued, but the applicant did not obtain the required Township permit to do the work. In Zoning and Planning “ignorance is not excuse.”
  - 4) The Elk Rapids Township Fee Schedule sets a Site Plan Review fee at \$400, and it states that, “Failure to obtain a required permit in a timely manner is triple the permit fee or special meeting fee”.
  - 5) This meeting on the Site Plan Review is taking place “after the fact”. The ground is already changed and the work is already completed. Going back to what it was before is not a practical nor desired option.
  - 6) In Zoning and Planning each case is looked at De Novo and is considered on its own merits. When that principle is adhered to, the result won’t be considered a precedent. A precedent is set when it becomes obvious that the same applied decision is repeated over time from case to case.
  
- Attorney Bill Derman noted there is a slight difference between the County permit and what was actually constructed. The County permit shows the rocks going along the entire length of the shoreline. The actual completed project has them going about half way.

**Motion to Close Site Plan Review**

**M/S Sabty/Pepler**

**Motion Unanimously Carried.**

- Micki Pollister approached the microphone to address the Commission. She noted that she was very specific about any tree removal on her property and tried to save as many trees as possible.

**M/S Sabty/Pepler**

**Motion to approve the after the fact request for R-1 zoned shoreline renovation on property owned by Raymond F. Pollister, 8543 Cairn Highway, Elk Rapids, MI, Tax ID #05-06-015-047-52. (Per Township Zoning Fee Schedule)**  
*(Reference: Resolution #2018-12 – Township Zoning Fee Schedule: NOTE:*

*FAILURE TO OBTAIN A REQUIRED PERMIT IN A TIMELY MANNER IS TRIPLE THE PERMIT FEE OR SPECIAL MEETING FEE).*

**Roll Call Vote:      Peppler, Lundy, Amos, Smith, Sabty, Crandall all voting YES  
(6) 0 voting NO. (Isenhart is absent).  
                                 MOTION UNANIMOUSLY APPROVED**

**Township Zoning Administrator Report:**

1.     David J. & Janice L. Lerg of 14343 Birch Pointe Drive, Kewadin, MI 49648 have requested a tree determination within the 25' Protection Zone. Under Section 2.11(C), the Zoning Administrator can seek the input of the Planning Commission where there is a question. (In the event the Zoning Administrator questions the removal of a tree, the request may be referred to the Planning Commission for consideration). The members were provided with pictures of the tree and property to aid in a final determination.

After much discussion and review of the applicant's pictures and letter, the Commission determined the tree could be removed with the following conditions:

- 1) The tree stump and root system must remain in place.
- 2) The tree must be replaced. (consider a performance bond).

Zoning Administrator Nix will address and handle this request with David and Janice Lerg.

2.     Williams Drive – Lot #11 – Birch Lake Shores Subdivision. Zoning Administrator Nix has been in communication with a couple who wants to build a home on this lot and will be going to the ZBA in October to request front and rear sides setback variances. The lot size is approximately 110' wide x 105' deep.

The lot is a little low and there are about 68 trees in the first 25' of the protected zone. The applicant is allowed to remove 30% of the trees, but the remaining trees in this 25' protected area, must be kept alive.

The lot grading would be about 2%. Technically, any grade changes would come to the Planning Commission. Zoning Administrator Nix asked the Commission, based on the information given, does the Planning Commission want to see the application in October?

After much discussion the Commission concluded the following:

- 1) It is very important that the trees located in the 25' protected area remain alive. The Commission suggested the applicant hire a certified professional arborist to review the property and all the trees on the lot to determine what is the best way to ensure the trees that remain in the 25' protected area do not die as a result of the 2% rise in the surface grade.

- 2) The applicant should not cut down any trees until after the project review by the certified arborist is completed.
- 3) The Commission asked that Zoning Administrator Nix to handle this request and communicate the Commissions suggestions to the applicant.
- 4) Based on the above recommendations, the Commission determined they do not need to see the application.

3. Orchard View Site Condo and Private Road Application. Zoning Administrator Nix has been in contact with this applicant and has all their updated information. This request has 9 sites on 31 acres. Mr. Nix will prepare a report to be presented to the Planning Commission for their review at the October 13, 2020 meeting.

**Township Private Road Ordinance:** Chairperson Shen Smith reported that Supervisor Dorance Amos requested the Planning Commission start working on a Township ordinance that addresses new private roads. The Commission agreed that this should be addressed after the October meeting and encouraged Attorney Derman and Zoning Administrator Nix to consider how to address future private road requests.

**Township Legal Staff Report:**

- The Village of Elk Rapids recently passed an amendment to their short-term rental ordinance.

**Unfinished Business:** None

**New Business:** Nomination of Planning Commission Officers.

**M/S Pepler/Crandall**

**Motion to nominate Shen Smith as Chairperson, Zach Amos as Vice Chairman, Jim Lundy as Secretary and Emile Sabty as Assistant Secretary.**

**Motion Unanimously Carried.**

**Public Comments:** None.

**Member Comments:**

**The Planning Commission recognized the dedication and service of Renee Mischel. Renee served on the Planning Commission from October 9, 1997 to Present. Her many years of service is very much appreciated.**

**Adjournment: Meeting Adjourned at 7:35 PM**

*(Meeting Minutes as of 9/14/20 – 1:30 PM)*