

**Elk Rapids Township Planning Commission Meeting
Meeting Minutes – December 14, 2021**

The meeting of the Elk Rapids Township Planning Commission was called to order by Chairperson Shen Smith at 1:30 PM at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629.

Present: Shen Smith, Emile Sabty, Matt Soper, Jim Lundy, and Zach Amos.
(Quorum Established)

Absent: Gary Pepler, Tom Crandall.

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

Audience: Jim Muth, Heidi Schaffer, Tim Tran and Phan Hieu, Jeff and Ruth Martin.

Adoption of Agenda: **Motion to approve the December 14, 2021 Agenda.**
MOTION/S Lundy/Amos **Motion Unanimously Carried.**

Public Comments: None.

Approval of Minutes: **Motion to approve the October 12, 2021 meeting minutes.**
MOTION/S Lundy/Amos **Motion Unanimously Carried.**

Open Public Hearing: **Motion to Open Public Hearing.**
MOTION/S Lundy/Soper **Motion Unanimously Carried.**

Site Plan Review Hearing – Chairperson Smith opened the public hearing. Under consideration is a request for a site plan review from property owner Tim Tran of Holt, MI, current owner of 14455 Birch Pointe Drive, Kewadin, MI 49648, Tax ID #05-06-375-012-00. Mr. Tran has submitted a site plan for review. The request is to consider approval of the existing alterations made to the 25’ wide strip of natural lake shoreline traversing the property, as provided in Section 2.11 of the Elk Rapids Township Zoning Ordinance.

Zoning Administrator Larry Nix provided a summary of his report regarding this site plan request and answered Planning Commission questions.

A summary of the Tim Tran Site Plan Review discussion follows:

- Mr. Nix noted that he has been in communication with Mr. Tran for months and informed the applicant that his property project in the 25’ protection zone between the lake and the house was not permitted and was in violation of the Township Zoning Ordinance.
- Mr. Tran was cited for this violation.
- Early on, Mr. Tran agreed to remove the concrete patio; but then recanted that he was going to leave the concrete patio as is.
- Mr. Tran is now requesting an “after the fact” site plan review from the Planning Commission hoping to seek approval of his patio constructed within the 25’ Native Protection Strip.
- Mr. Tran approached the microphone and stated he was not familiar with the Township Zoning Ordinance and did not know permits were required for his patio project.
- Mr. Tran assumed the contractor he hired would know the ordinance and would secure any permits that were necessary.

- The Commission asked Mr. Tran if any trees were removed from his property for this project. Mr. Tran stated he did not remove any trees on his property.
- Mr. Tran now realizes his concrete patio is in violation but comes before the Planning Commission hoping to receive forgiveness for his error.
- The applicant also commented on the financial burden he has been under to try and correct this violation.
- Mr. Tran has hired an attorney to help him file a proper application and site plan.

Public Comment:

- Antrim County Soil Erosion Officer Heidi Schaffer, indicated the applicant acquired the erosion permit after the fact. She has encouraged Mr. Tran to landscape the area with plantings and/or wildflowers to soften the impact of the concrete patio and reduce the impact of water runoff into Birch Lake.
- Jim Muth, Birch Lake Association President indicated the Board strongly supports the preservation of the 25’ buffer strip between the house and the lake for environmental reasons. He also noted the Tip of the Mitt Council also supports protecting water quality and shoreline damage in this 25’ protected zone.

Planning Commission Comments

- Concrete is not a reasonable material adjacent to a lake due to runoff and environmental impacts.
- The applicant showed disregard for Township and County permit process.
- The property owner has the responsibility to assure all permits are obtained by either himself or the contractor.
- The quality of water and keeping trees along the shoreline is very important to the Elk Rapids community.

**Close Public Hearing:
Motion/S Lundy/Soper**

**Motion to Close the Public Hearing.
Motion Unanimously Carried.**

Planning Commission Discussion

1. Generally the Planning Commission did not support the idea of the concrete patio extending into the 25’ buffer zone and desires to have it removed by the owner.
2. The commission also discussed the retention of a 4’ wide walkway from the patio to the boat dock as the removal may be more detrimental to water quality than leaving it.
3. The commission also discussed the need for a restoration plan including landscaping of the area where the concrete patio will be removed. Planting six River Birch trees was suggested. Planting grass or sod to stabilize the soil where the concrete had been located was also suggested.

**Motion to Table:
M/S Smith/Lundy**

**Motion to Table the Tim Tran Site Plan Review request
until the March 8, 2022 Planning Commission Meeting.**

Roll Call Vote:

**Soper YES; Lundy YES; Amos YES; Smith YES; Sabty YES.
5 VOTING YES. (Crandall and Pepler are absent)**

MOTION UNANIMOUSLY CARRIED.

Conclusion:

The Planning Commission agreed to table this site plan review to provide time for the applicant to submit a new site plan which incorporates and addresses the following concerns:

1. Removal of the concrete from 25' landward from the water's edge.
 2. Illustrate the planting of six (6) trees between the lake and the house.
 3. At a minimum, plant grass seed where the concrete was removed.
 4. These actions will permit a positive motion to retain a 4' concrete walkway to the dock from the existing patio.
- The Commission further noted that Mr. Tran would need to submit a professional site plan which can be prepared by a nursery or landscaper.
 - Zoning Administrator Nix agreed to work with Mr. Tran to ensure the new site plan and appropriate requirements are followed.
 - The Commission also noted the revised site plan needs to be submitted to Zoning Administrator Larry Nix **no later than FEBRUARY 22, 2022** to be considered at the March 8, 2022 Planning Commission meeting.

Township Zoning Administrator Report - (Larry Nix): This report was deferred to the March 8, 2022 Planning Commission Meeting.

Township Legal Staff Report - (Bill Derman): This report was deferred to the March 8, 2022 Planning Commission Meeting.

Unfinished Business: None.

New Business: None.

Public Comments: Mr. Jeff Martin, Birch Lake property owner approached the microphone. A summary of his points to discuss at the next Planning Commission meeting follows:

- This was not an act that he approved in hopes of getting something he wanted. Mr. Martin noted he has people that will attest to this. This was not a planned activity.
- Wants to have a conversation regarding the availability of 4" trees and split River Birch trees and what the required diameters need to be. The Martins want to plant trees in the spring.
- Mr. Martin wanted the Board to know they have received emails from people explaining they must not be very comfortable with going forward with building their home.

MOTION/S Lundy/Soper

**MOTION TO ADJOURN.
MOTION CARRIED.**

Meeting Adjourned at 3:10 PM