

MEMORANDUM

TO: Elk Rapids Township Planning Commission
FROM: Larry Nix, PCP Consulting
DATE: October 8, 2024
RE: Birch Lake Setback Suggestions



A couple of months ago, the Zoning Board of Appeals requested the Planning Commission to investigate and consider revising the setback requirements for undersized lots adjacent to Birch Lake. The original zoning ordinance for Elk Rapids Township did not consider the size of existing lots in the Birch Lake area and caused a large number of nonconforming lots. This generated the need for consideration of a variance before a property owner could consider an improvement to the house or to build a new house on the undersized lot. Over the past 30 years, this situation has caused a considerable workload for the ZBA.

During the period of 1997-1998, the ZBA and the Planning Commission formed a subcommittee to study this situation and created a guideline for considering future variances. After months of study and considerable public input, the committee determined the following setbacks would be appropriate for undersized lots in the Birch Lake area.

- 38' Front Yard
- 30' Lakeside Yard
- 10' Side Yard

Over the past 8-10 years, the ZBA have granted a few front yard variances to permit a front yard of 20'-35' for a new house or expansion and a waterside setback to 30' adjacent to Birch Lake. Small accessory buildings less than 200 sq ft and no more than 12' in height have been granted a front yard setback from 0' to 10'. In all cases, the variance granted was considered the best for the situation presented. An adjustment to the required setback would permit many property owners to design an improvement or a new dwelling on their property without the need to secure a variance from the Zoning Board of Appeals.

No matter what setback adjustment is pursued for consideration, it will not eliminate all requests adjacent to Birch Lake or the ability of a property to request a variance.

For your consideration are the following setbacks for small lots adjacent to Birch Lake.

- 30' Front Yard. This is suggested since the major asset of a lake front lot is the water side of the property. This also allows one or more vehicles to be parked between the structure and the property line without infringing on the public street vehicle traffic.

- 35' Waterside Yard. This is the most important setback on a waterfront lot. It is not only where most of the family activity will occur, but it serves a vital role in maintaining the water quality in Birch Lake. There is also the 25' natural zone from the waters' edge landward.
- 8' Side Yard. Most Fire Departments like to keep an adjacent building in a residential area as far apart as possible. A 20' separation is good, but is 16' acceptable? I would suggest we seek the input of the Fire Chief on this adjustment.

The minimum building footprint in the Zoning Ordinance for a dwelling is 960 sq ft. This is about 30+'x30+'. A two story house would yield about 1,800 sq ft. On a lot 50'x105' in size and applying the proposed setbacks, the following could occur.

- Lot depth of 105' less the two proposed setbacks (30'+35') yields a building pad of 40' deep.
- A lot width of 50' less the two proposed side yard setbacks (8'+8') yields a building pad of 34'.
- This yields a building pad of 40'x34' or 1,360 sq ft in area, or 25.9% of the total lot area. The current lot coverage for a residential lot is 30%.

I would also suggest consideration of a permitting a small accessory building not to exceed 120 sq ft in area and a height of not more than 12' at the peak be permitted in the front yard with a front yard setback of 15' and a side yard of 8'.

Public input will be important prior to taking this idea forward to a public hearing. Our discussion on Tuesday, October 15, 2024 will be a good starting point on this topic.

CC: Ken Williamson, Fire Chief