

**Elk Rapids Township Special Planning Commission Meeting
Meeting Minutes – December 9, 2024**

The meeting of the Elk Rapids Township Planning Commission was called to order by Chairperson Shen Smith at 11:30 AM at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629.

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

Absent: Tom Crandall, Gary Pepler.

Also Present: Larry Nix, Zoning Administrator, William Derman and Thadd Morgan, Township Attorneys.

Audience: Mark & Kathy Cameron, Salvatore Castronovo, Kathy Stankovich, Pat & Carol Brady, Gary Sumerix, Robert Trenkle, Ken Kohlman, Marshall Wright and T. Morris.

Approval of Agenda:

Chairperson Shen Smith proposed to amend the current meeting agenda to move the Zoning Administrators Report and New Business to the bottom of the agenda in order to focus on the Birch Lake Area Lot Review first.

Amend Agenda: Motion to amend the meeting agenda.
Motion: Sabty/Lundy Motion Carried.

Approval of Minutes: Motion to approve the October 15, 2024 meeting minutes.
Motion: Amos/Lundy Motion Carried.

Public Comments: Marshall Wright applauded the Planning Commission for holding this much needed discussion to address the small lots on Birch Lake. However, he expressed disappointment that the meeting was held in the winter instead of in the summer months. He felt that more people would be in town to attend if it were held in June, July, or August.

Mr. Sabty responded he didn't think the time of year this meeting was held makes a difference. What is accomplished in the meeting is what is most important.

Salvatore Casteno – Agreed with Mr. Wright's statement that this meeting should have been held during the summer months.

Later in the meeting, Administrator Larry Nix also addressed this statement noting that over the years, it doesn't appear that audience attendance is affected by what month a meeting is held.

Township Attorney's Report: Nothing to report at this time.

Continued Birch Lake Area Non-Conforming Lots Review: Following is a summary of the comments, suggestions and dialog between the Planning Commission and the audience regarding possible Zoning Ordinance revisions concerning sixty-one undersized non-conforming lots located at the South End of the Birch Lake Area:

- The Township ZBA requested that the Planning Commission investigate and consider revising the setback requirements for undersized lots adjacent to Birch Lake.
- It is important to consider the impact on existing housing, safety, environmental issues, property rights, water quality, storm water run off and maintaining a reasonable standard for property owners with small lots.
- Chairperson Smith and Zoning Administrator Larry Nix did not receive any correspondence regarding this issue. However, they did receive several phone calls asking what the Township plans are for future zoning changes for these small lots.
- The ZBA application process for a variance can be expensive and stressful to property owners.
- Some property owners like the idea of not having to go through the ZBA process when they want to make adjustments to their property.
- One property owner stated that he likes living in a zoned community and having standards that regulate what his neighbors are doing on these small lots.
- Birch Lake residents want their neighbors to be happy and to be able to make reasonable adjustments to their property.
- Regulations on these small lots need to be realistic. They can't be punitive, and can't be too restrictive.
- Maintaining a healthy shoreline along the 25' protective area and maintaining the quality of the water, is critical.
- Audience voiced concern regarding the changing water levels on Birch Lake which change with the seasons.
- High water mark for Birch Lake raised a number of questions and will need to be addressed. The ordinary high-water mark is where water will hit the land at its highest point. There is no set number for the high-water mark as Birch Lake has never had a land elevation established.
- It was reported that Antrim County replaced a culvert on Timberlake Drive a few years ago. It was depressed so water level is set lower which affects the ordinary high-water mark.
- There was much discussion regarding options to change the front yard and waterside setbacks on Birch Lake. It was determined early on 10' was best for the side yard setback.
- Chairperson Smith asked Zoning Administrator Larry Nix to talk to Fire Chief Ken Williamson for clarification on his request for a 10' side yard setback and how that affects a two-level home.
- There was also concern for fertilizer run off and how it affects Birch Lake. It was suggested that the Township could post signs to enforce proper application of fertilizer on these small lake lots.

Based upon the discussion at this meeting, and survey of the audience members, a motion to leave the Township Zoning Ordinance unchanged was made:

Motion: Soper/Lundy:

Motion to leave the current Township Zoning Ordinance "as is" with no changes. Setbacks would continue to be 50' road side; 10' side yard; and 50' water side.

**Roll Call Vote: M. Soper - YES
 E. Sabty - NO
 S. Smith - YES
 Z. Amos - YES
 J. Lundy - YES**

4 Voting YES – 1 Voting NO

Motion Carried.

Unfinished Business:

- Chairperson Smith welcomed Thad Morgan, new Township attorney.
- The Planning Commission meeting dates for next year are on the bulletin board as well as the Township website. Meeting times are set for 11:30 AM.
- Emile Sabty announced that the Township Zoning Map approved updates became effective December 4, 2024.

Zoning Administrators Report:

- Mr. Nix received a notification from EGLE regarding the property on the North side of Birch Point Drive. Property owner made changes to the wet lands. EGLE notified owner that effective immediately, the property needs to be put back to its original condition prior to the modifications that were made.
- There were two violations last month – people living in campers on property with a house. One camper on Lake Shore Drive was removed, have not heard back regarding camper on Cairn Highway.
- Mr. Nix issued 4-5 Zoning Permits during the month of November.
- The Zoning Board of Appeals held a meeting earlier today. ZBA Meetings will now be held on the second Monday of the month at 3:00 PM.

New Business: Annual Election of Officers.

- Chairperson Smith asked if Zach Amos would continue to represent the Planning Commission at the Zoning Board of Appeals Meetings – Zach responded Yes and will continue to attend ZBA Meetings as Planning Commission representative.

Motion: Sabty/Smith

Motion to have the same Planning Commission Officers remain in place for 2025.

**Roll Call Vote: M. Soper - NO
 E. Sabty - YES
 S. Smith - NO
 Z. Amos - NO
 J. Lundy - NO**

4 Voting NO – 1 Voting YES

Motion Did Not Pass.

After some discussion, it was determined that the Planning Commission Chairman could also serve as Planning Commission representative on the ZBA. Chairperson Smith rescinded her seconded motion to keep the same Planning Commission Officers in place for 2025.

Chairperson Smith nominated Zach Amos to be Chairperson.

Motion: Smith/Lundy Motion to make Zach Amos Planning Commission Chairman effective January, 2025.

**Roll Call Vote: M. Soper - YES
E. Sabty - YES
S. Smith - YES
Z. Amos - YES
J. Lundy - YES**

5 Voting YES – 0 Voting NO

Motion Carried - Unanimously

Motion: Soper/Lundy:

Motion to nominate Shen Smith as Vice Chair to the Planning Commission.

**Roll Call Vote: M. Soper - YES
E. Sabty - YES
S. Smith - YES
Z. Amos - YES
J. Lundy - YES**

5 Voting YES – 0 Voting NO

Motion Carried – Unanimously.

Motion: Soper/Amos:

Motion to nominate James Lundy as Secretary to the Planning Commission.

**Roll Call Vote: M. Soper - YES
E. Sabty - YES
S. Smith - YES
Z. Amos - YES
J. Lundy - YES**

5 Voting YES – 0 Voting NO

Motion Carried – Unanimously.

Public Comments – None.

Member Comments – None.

**MOTION: Smith/Soper Motion to Adjourn.
Motion Carried.**

Adjournment: 2:05 PM

(An audio tape of this Planning Commission Meeting is available at the Township Office)

(Minutes Approved 2/10/2025)