

# Elk Rapids Township Zoning Board of Appeals

## Meeting Minutes – Tuesday, May 16, 2023 – 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:** Julia Pollister Amos, Bob McCririe, Vince Cooper, Zach Amos, Lisa Lundy and Dick Hults.

*(Quorum Established)*

**Absent:** John Conrad.

**Also Present:** Larry Nix, Township Zoning Administrator.

**Audience:** Jim Lynch, prospective buyer, Wayne Toteff, and Woody Wright.

**Statement of any conflicts of interest:** None.

**Adoption of Agenda:** Motion to adopt the May 16, 2023 meeting agenda.

**Motion:** Pollister Amos

**Support:** Lundy

**MOTION CARRIED**

**Approval of Minutes:** Motion to approve the May 9, 2023 meeting minutes.

**Motion:** Lundy

**Support:** Hults

**MOTION CARRIED**

**Public Forum:** None

**Public Hearing on ZBA-145:** Mr. Donald Ross is requesting consideration of two alternative locations to place a 20' x 24' garage at 6870 Birchwood Drive. The preferred location is on the east parcel requiring a 30' front yard variance and a 29' variance from the rear property line. This would provide a front yard of 20' from Birchwood Drive property line and rear yard of 6. The required front yard setback is 50' and the rear yard setback is 35'. The second option is to place the 20' x 24' garage on the lakeside parcel south of the existing dwelling. This would require a front yard variance of 35' for a front yard of 15' from the property line.

**The applicant/representative speaks on this request.** Jim Lynch approached the microphone to explain he is the potential buyer who requested Don Ross, the current owner, to request this variance. A summary of his comments and the Board discussion is outlined below:

- Mr. Lynch explained the preferred option and the alternative option for the placement of the garage.
- Mr. Lynch said the size of the garage is of a smaller size, sufficient for him to protect and store items such as fishing, boating, and lawn care items.
- Mr. Lynch explained the non-preferred site has a magnificent healthy tree that would need to come down if that site was chosen.

- Also, the preferred placement would not affect the view of the water from Birchwood Drive.

**Committee Members ask applicant/representative questions:**

- Mr. Lynch was asked if he was a permanent resident or just summer; Mr. Lynch replied he is a summer resident at this time, hoping to spend more time here in the future.

**Members of the public in attendance who want to speak in favor of this request. None.**

**Members of the public who want to speak in opposition to this request. None.**

**Written Communications from the public on this request. None.**

**The Committee members begin discussion of the variance.**

- Julia Pollister Amos asked the committee if adjacent property owners wanted similar variances, would it cause any issues with fire code etc. She was concerned about the 6' rear yard variance and future development in this area.
- Pollister Amos also asked if the front yard could be 16' variance as opposed to the 20' requested and if it would be acceptable to the applicant.
- Larry Nix explained the 20' driveway would allow for additional parking however the applicant does have parking area next to the driveway.
- The committee asked the applicant if the change from 20' to 16' would be acceptable and Mr. Lynch replied it would not be a game changer for him.
- Woody Wright asked if the adjacent property owner, Mr. Rohloff, provided any comments or concern of the proposed setback requested by Mr. Ross. No comment has been received from Mr. Rohloff.
- Bob McCririe asked if the board would agree that the east location across the street from the house is the preferred site. Also, the board thought the rear setback would be better is 10'.

**Committee members make their decision on this request.**

**Motion to Approve Variance Request:**

**Motion: Pollister Amos**

**Support: Hults/Lundy**

**I move to approve this variance based on the following reasons:**

- 1. The existing lot is an undersized non-confirming lot.**
- 2. There have been numerous similar variances granted in the same area.**
- 3. There is another alternative, but the alternative would diminish the view of Birch Lake from the road and from property owners east of the site.**
- 4. There will be no negative impact on the neighborhood or adjacent property owners.**
- 5. There is neighbor support for the variance.**

Based on the following reasons, I Julia Pollister Amos moves and Dick Hults supports granting approval of the preferred variance to Donald E. Ross 6870 Birchwood Drive, Kewadin, Michigan, Tax Parcel 05-06-250-004-001. The front yard variance is 34 feet from the Birchwood Drive property line resulting in a front yard setback of 16 feet and a 25 feet variance from the rear property line for a rear yard setback of 10 feet. This is for the construction of a 20'X 24' garage as illustrated in the site plan submitted.

**In Favor- ALL, Opposed-NONE**

**MOTION TO APPROVE VARIANCE REQUEST CARRIED.**

**Old Business: None**

**New Business: There is not a June meeting scheduled**

**Communications: None**

**Motion to Adjourn: Meeting Adjourned at 3:20 PM**

**Motion: Cooper**

**Support: Lundy**

*(Approved August 8, 2023 as of 3:30)*