

Elk Rapids Township Zoning Board of Appeals

Meeting Minutes – Tuesday, April 9, 2024 – **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, John Conrad, Vince Cooper, Zach Amos, Lisa Lundy, and Dick Hults.

(Quorum Established)

Absent: Bob McCririe.

Also Present: Larry Nix, Township Zoning Administrator.

Audience: Applicant Janet Fairley, Joseph Mosey; architect, and Mary Lou Nagy.

Statement of any conflicts of interest: None.

Adoption of Agenda: Motion to adopt the April 9, 2024 meeting agenda.

Motion: Cooper

Support: Hults

MOTION CARRIED

Approval of Minutes:

- Julia Pollister-Amos had a correction for the minutes. Her motion last meeting stated 44'6" it should have been 46', and 5'6" should have been 4'.

Motion to approve the March 12, 2024 meeting minutes as corrected.

Motion: Pollister-Amos

Support: Hults

MOTION CARRIED

Public Forum: None.

Public Hearing on ZBA-153: The applicant, Janet Fairley of 8128 N. Bayshore Drive, is requesting consideration of a variance to expand the existing house with the construction of a 22'-9" x14'-4" second level addition. This addition will be over approximately 30% of the north side of the existing house. The front face of the existing house is at the N. Bayshore Drive property line and the addition is proposed to be parallel with the existing house. The existing house location is not compliant with the zoning requirements. This will require a 50' front yard setback requirement and a volume expansion variance for the second floor expansion.

The applicant/representative speaks on this request. Applicant and property owner Janet Fairley addressed the Board with her request to add volume to the existing home, presenting a plan that will not increase the footprint or eliminate any trees. These items she feels were of concern to her neighbors. Joseph Mosey, architect for the applicant, spoke about the new revision of the plan of raising the roof for additional living space.

Committee Members ask applicant/representative questions:

- Hults asked about the setback variance requested and volume variance.
- Mr. Nix stated section 4.02b states that the variance is because any time there is a volume increase in a non-confirming structure it needs to be brought before the board to see if there is any reasonable alternatives.
- Board member Lundy asked if the applicant had considered building on the acreage across the street she owns as was suggested at the last request. Owner replied that option would include possible relocation of septic and tree removal that she felt was not desirable.
- Pollister-Amos suggested research to see if the land across the road is buildable before discounting the option.

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.

Board opens discussion regarding ZBA -153

- Pollister-Amos stated to the Board there is no history of granting a 50 ft setback variance.
- Hults restated the section code that a non-confirming structures shall not be enlarged or altered in any way that increases it's degree of non-conformity unless the Board grants a variance.
- Larry reminded the Board that having an alternative solution makes this a difficult decision, and previous situations for others often involved hardships for them to comply. There also are other owners that only built on the East side and used the smaller parcel for access to the water. A lot of consideration has been given to property owners when there is no alternative option.
- This home was purchased recently and should have been researched regarding any future additions and their viability was commented by Pollister-Amos.

Committee members make their decision on this request.

Motion to Deny

Based on the following reasons, I, Julia Pollister-Amos moves and John Conrad supports denying the variance requested by Janet Fairley, 8128 N. Bayshore Drive, Elk Rapids, Michigan, Tax Parcel 05-06-016-007-00.

Reasons:

1. This parcel contains over 2 acres of land and can accommodate a new dwelling that complies with all zoning requirements east of N. Bayshore Drive.
2. There are no special circumstances of the property that warrant a variance for this property since the entire parcel contains 2.277 acres of land.
3. The subject property enjoys the same rights as other properties in the neighborhood.
4. There are no special circumstances or conditions that exist on the property that prohibit a reasonable enjoyment of the property.

Motion to Deny Variance Request:

Motion: Pollister Amos

Support to Deny: Conrad

Roll Call Vote: J. Pollister Amos – Yes

J. Conrad - Yes

V. Cooper – Yes

Z. Amos – Yes

L. Lundy – Yes

D. Hults – Yes

6 VOTING YES

(McCririe is absent)

MOTION TO DENY VARIANCE REQUEST CARRIED.

Old Business: None.

New Business: No May meeting.

Communications: None.

Member Discussion of topics not on the agenda: None.

Motion to Adjourn: Meeting Adjourned at 3:30 PM

Motion: Cooper

Support: Amos

(Approved July 9, 2024 3:05 pm)