

# Elk Rapids Township Zoning Board of Appeals

## Meeting Minutes – Tuesday, November 12, 2019 – 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, Vincent Cooper, Dick Hults, Bob McCririe, John Conrad, Marshall Wright and Zach Amos.  
*(Quorum Established)*

**Absent:** None.

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

**Audience:** Brook Goss, Owner, BG Homes, Inc.

**Statement of any conflicts of interest:**

1. Dick Hults noted that Brook Goss is his nephew. The ZBA members did not have a problem with Mr. Hults voting on this variance request.
2. Julia Pollister Amos recused herself because her son Chris works for Mr. Goss.

**Adoption of Agenda:** Motion to adopt the November 12, 2019 meeting agenda.  
**M/S – Hults/McCirie** **MOTION CARRIED**

**Approval of Minutes:** Motion to approve the July 9, 2019 meeting minutes.  
**M/S – McCririe/Hults** **MOTION CARRIED**

**Public Forum:** None

**Public Hearing on ZBA No. 133:** BG Homes, Inc. submitted a variance request on behalf of Eric & Marcy Larson owners of tax parcel 05-06-033-003-20 located at 11347 Hanel Road. They are requesting a variance to construct a new deck on the east side of the home spanning the entire length of the home with a walkway and stairs on the south side of the existing dwelling for access. The deck would replace the two-existing small decks on the east side of the dwelling.

**The applicant/representative speaks on this request:** Brook Goss, Owner of BG Homes, Inc. addressed the Zoning Board of Appeals. A summary of the discussion with Mr. Goss and the Zoning Board of Appeals members' follows:

- Mr. Goss is requesting a variance to build a walkway and stairs on the south side of the Larson home.
- Mr. Goss further noted that the Larson's mother comes to stay with them and utilizes a wheel chair. Having the walkway along the south side of the house would make it easier for her to access the deck from the driveway.
- The house, deck and stairs are already encroaching the property line.

- Mr. Goss stated he is replacing the existing deck and stairs and they will not encroach any further south than it already is.
- In addition, Mr. Goss plans to build a walkway on top of the existing retaining wall.
- Mr. Nix noted the retaining wall and window wells are at grade level; are not encroaching; and are building code compliant.
- The house was built in 1989 and is 8' off the property line. The house is supposed to be back 10' from the property line.
- Zoning Administrator Nix reported a reasonable alternative for the applicant would be to build the walkway and stairs for access to the deck, on the north side of the house. This alternative would not require a variance.
- The ZBA members asked Mr. Goss if the Larson's might consider the north side alternative? Mr. Goss reported he had not asked the Larson's about building the walkway on the north side. He further stated, building the walkway on the south side would be easier and more convenient for the family. In addition, he had already invested time and money into requesting this variance for the south side of the house.

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

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

**Written communications from the public on this request:** None.

**MOTION/S Conrad / Wright**

**Motion to approve this request for Larson's a 6' variance from the south property line to construct a walkway and deck. This variance was granted based on the following reasons:**

1. **Special circumstances do exist on this lot. The existing home encroaches into the side yard setback by 2' and the existing deck and stairs also encroach into the required side yard setback requirement.**
2. **It would deprive the property owner the right to construct a reasonable wheel chair access to the deck.**
3. **These conditions are not caused by the applicant.**
4. **The existing retaining wall adjacent to the south wall of the house Provides a physical encroachment into the side yard setback And boundary for the walkway and deck project.**

**Roll Call Vote: Hults, Wright, Cooper, Conrad, Zach Amos all voting YES. McCririe voting NO. Julia Pollister Amos abstaining. (5 Voting YES; 1 Voting NO; 1 Abstaining)**

**MOTION APPROVED**

**Old Business:** None

**New Business:** Welcome to new ZBA member Zachary Amos!

**Election of Officers:**

**MOTION Wright**

**Motion to continue the present slate of officers for another year.  
MR. WRIGHT WITHDREW HIS MOTION.**

**MOTION/S McCririe / Hults**

**Motion for Julia Pollister Amos to continue as ZBA Chair and elect John Conrad to serve as Vice Chair for the upcoming year.**

**MOTION UNANIMOUSLY PASSED**

**MOTION/S Hults / Wright**

**Motion for Vince Cooper to continue as ZBA Secretary for the upcoming year.**

**MOTION UNANIMOUSLY PASSED**

(It was noted the ZBA Secretary should sign all approved ZBA Meeting Minutes).

**Approval of 2020 Zoning Board of Appeals 2020 Meeting Schedule:**

**MOTION/S McCririe / Cooper**

**Motion to approve the 2020 ZBA Meeting Schedule.**

**MOTION UNANIMOUSLY APPROVED.**

**ZBA Members List:**

An updated ZBA members information list was distributed. It was noted the personal information contained on this list is currently posted on the Township website. After some discussion, and a straw poll vote, the general consensus of the members was to remove all personal information from the website and only list board member names and their term of office. Zoning Administrator Nix noted he would also take a survey at the Planning Commission Meeting and prepare a report to the Township Board on the ZBA opinion to remove personal information from the website.

**Communications:**

Zoning Administrator Nix reported there is nothing on deck for the ZBA to address next month, and therefore, no meeting will be held in December.

**Adjourn:**

**MOTION/S: Cooper / J. Amos    MOTION TO ADJOURN**  
Meeting Adjourned at 3:44 PM

*(Approved 4/14/2020)*