

Elk Rapids Township Zoning Board of Appeals

Meeting Minutes – Tuesday, December 13, 2022

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: John Conrad, Bob McCririe, Julia Pollister Amos, Dick Hults
Vince Cooper, and Zach Amos.
(Quorum Established)

Absent: Lisa Lundy.

Also Present: Larry Nix, Township Zoning Administrator.

Audience: Robert J. Trenkle and Marshall Wright.

Statement of any conflicts of interest: None.

Adoption of Agenda: Motion to adopt the December 13, 2022 meeting agenda.

Motion: Pollister Amos

Support: McCririe

MOTION CARRIED

Approval of Minutes: Motion to approve the November 14, 2022 meeting minutes.

Motion: McCririe

Support: Pollister Amos

MOTION CARRIED

Public Forum: None

Public Hearing on ZBA-142: Robert Trenkle of 14485 Williams Dr., Elk Rapids, MI 49690, Tax Parcel No. 05-06-175-031-00 is requesting a 48.0' variance from the front yard setback adjacent to the Williams Drive property line for the construction of a house and attached garage. The property line is a front yard, and the required setback is 50'. The request would provide a 2.0' front yard.

The applicant/representative speaks on this request. Applicant Robert Trenkle approached the microphone to explain why he is requesting this variance. A summary of his comments and the Board discussion is outlined below:

- Mr. Trenkle apologized to the Board for previously measuring his property incorrectly in the original application as presented at the last ZBA meeting. He measured from the road instead of his property line.
- Mr. Trenkle provided the Board with a copies of property maps and Google satellite pictures of his property and the surrounding area and provided information and clarification on each picture.
- Mr. Trenkle noted that he needs a 48' front yard variance to build his house and garage because of the wetlands and the angle of his property.

Committee Members ask applicant/representative questions:

- The Board asked Mr. Trenkle if he had considered building his house further south of his property south of the wetlands in the upland area since his property is 900' deep?
- Mr. Trenkle responded that he does not want to build across the wetlands because he would be behind a garage on the adjacent property. He would also need to build some kind of a bridge or culvert which would be an added expense. He is not even sure the State would allow him to build on that location.
- Mr. Trenkle said he had not seriously looked into building behind his upland area; but is sure it would be much more expensive for him to do so.
- Mr. Trenkle stated he would be willing to remove the deck from his house and would try to push his house back another 2-feet if possible. With this alteration, he asked the Board to consider a 36' variance.

Members of the public in attendance who want to speak in favor of this request.

- Marshall Wright approached the microphone stating he was in favor of Mr. Trenkle's variance request. He believes what Mr. Trenkle has submitted to the Board will work for the area.

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

Written Communications from the public on this request. None.

Committee members make their decision on this request.

- The Board recognized the applicant put in a lot of time and effort into trying to make this variance request work. They also acknowledged moving the structure behind the wetlands would create more expense to construct a dwelling on the parcel.
- The Board discussed the revised 36' variance request.
- The majority of the Board felt granting this large variance request would set a precedence in the Township for the future.
- The Board recognized the challenges on the applicant's property, however, further noted the applicant has a large lot with a possible alternative to build in the upland area of his property which would not require a variance.

Motion to Deny Variance Request:

Motion: Conrad

Support: Pollister Amos

Motion to deny the front yard variance of Robert Trenkle, Tax Parcel 05-06-175-031-00 based upon the following reasons:

- 1) **The wetlands on the property only consume a small portion of the property and there is a large portion of the property considered upland area that can be built upon and permitting a compliant dwelling to be constructed on the property consistent with Township setback standards.**

- 2) The applicant would not be deprived of any rights other neighbors enjoy.
- 3) The applicant did not create the lot in question and there is building land area available for the applicant to construct a dwelling.
- 4) The granting of the variance would create a new standard for a front yard setback when a lot contains a reasonable building site that avoids the granting of a variance.

Discussion: The Board empathized with the applicant and recognized all the efforts he had gone through to make this work. However, the majority of Board was concerned that granting this large front yard variance would set a precedence in the Township.

Roll Call Vote to Deny Variance:

**Pollister Amos YES; McCririe YES; Cooper NO; Conrad YES;
Amos YES; Hults YES. (5 VOTING YES - 1 VOTING NO)
(Lundy is absent)**

MOTION TO DENY VARIANCE REQUEST CARRIED.

The Board wished Mr. Trenkle well with hopes that he could still make this project work in the upland area of his property.

Old Business: None.

New Business: Election of Officers for 2023.

Motion: Pollister Amos
Support: Hults

Motion to re-elect existing ZBA officers for 2023.

MOTION CARRIED.

Communications:

- Zoning Administrator Larry Nix noted there are no variance requests on deck for next month.
- Larry shared a number of projects and requests he is currently working on within the Township. He does not believe anything will need to be addressed by the ZBA until the spring of next year.

Member Discussion of topics not on the agenda: None.

Motion to Adjourn: Meeting Adjourned at 3:51 PM
Motion: Pollister Amos
Support: McCririe

(Meeting Minutes Approved - 3/14/2023)