

Elk Rapids Township Zoning Board of Appeals

Meeting Minutes – Tuesday, March 12, 2024 – **APPROVED**

The meeting of the Elk Rapids Township Zoning Board of Appeals was called to order at 3:30 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: Applicant Bill Rich, Alex Cruz and their builder.

Statement of any conflicts of interest: None.

Adoption of Agenda: Motion to adopt the March 12, 2024 meeting agenda.

Motion: Pollister Amos

Support: Lundy

MOTION CARRIED

Approval of Minutes: Motion to approve the December 12, 2023 meeting minutes.

Motion: Lundy

Support: Z. Amos

MOTION CARRIED

Public Forum: **None.**

Public Hearing on ZBA-152: The applicant is requesting consideration of a variance to add a new front entrance with a deck and steps to the roadside face of the house. The front entrance addition and the deck will measure 3'-6"x10'-6" and 5'x6' respectively. This roadside improvement will require a 50' front yard (street side) variance from the 50' front yard setback requirement.

The applicant/representative speaks on this request. Applicant and property owner Bill Rich addressed the Board with his request to create a new front entry by removing an existing deck and creating a new entry to the North. Mr. Rich stated this was a revision from the previous variance that was not supported by the Board. He did scale back the plan and would like the Board to consider the new request that would allow them to reconfigure the interior. He reiterated this will be his retirement home, not a rental, so they are eliminating a bedroom to better suit their needs. In addition to the entry moving, the well pressure tank will be relocated.

Committee Members ask applicant/representative questions:

- Dick Hults inquired how often the owner pumps the septic system and was informed by the owner that Gmoser's will be maintaining the pumping schedule of every three years.
- Julia Pollister Amos suggested changing the direction of the entry to lessen the variance needed. Discussion with the owner to consider alternative ideas began.
- Bob McCririe commented to the applicant there has never been a full 50' set back variance to his knowledge ever approved. Larry and Pollister Amos agreed it is not something anyone has heard of the ZBA approving.
- After much discussion the variance as stated would not be agreeable to the majority of the Board. At this time further compromising ideas were shared. Most of the Board would agree to a lesser variance if the applicant would not create steps extending into the setback area.
- The builder, applicant and Board agreed to a compromise that would be appeasable to all parties.
- The applicant asked if they would need to resubmit the ZBA applicant and site plan and Larry Nix was of the opinion since the variance is lesser than the original request, no resubmission was necessary.

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.

- Larry Nix noted to the Board that he has received two letters from neighbors in support of the variance as it was submitted.

Committee members make their decision on this request.

Based on the following reasons, I Julia Pollister Amos move and Dick Hultz support granting approval of a ~~44'~~ ~~6"~~ 46' front entrance variance to Berton Rich, 8684 N. Bayshore Drive, Elk Rapids, Michigan, Tax Parcel 05-06-350-010-00. The front yard (roadside) variance is ~~44' 6"~~ 46' from the N. Bayshore Drive property line resulting in a front yard setback of the difference ~~(5' 6")~~ (4') to permit the front entry improvement. *(As corrected with approval on April 9, 2024).*

Reasons:

1. The existing lot is an undersized non-conforming lot much smaller than other lots in the area.
2. Other properties in the area have the opportunity to meet Building Code requirements that would be denied to the applicant if the variance was not granted.
3. There is no other area for the enlargement of the existing dwelling on the lot.
4. The reason for the variance request was not created by the action of the applicant.

5. There will not be substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Ordinance with the proposed front yard variance.

Motion to Approve Variance Request:

Motion: Pollister Amos

Support: Hults

Roll Call Vote:

- J. Pollister Amos – Yes**
- B. McCririe - Yes**
- V. Cooper – Yes**
- Z. Amos – No**
- L. Lundy – Yes**
- D. Hults – Yes**

**5 VOTING YES - 1 VOTING NO
(Conrad is absent)**

MOTION TO APPROVE VARIANCE REQUEST CARRIED.

Old Business: None.

New Business:

- Larry Nix mentioned there is an application for April, which is a reapplication from Janet Fairley.

Communications: None

Member Discussion of topics not on the agenda: None

Motion to Adjourn: Meeting Adjourned at 4:15 PM

Motion: Cooper

Support: Amos

(Approved April 9, 2024 3:05 pm)