

# Elk Rapids Township Zoning Board of Appeals

## Meeting Minutes – Tuesday, June 11, 2019 – APPROVED

The meeting of the Elk Rapids Township Zoning Board of Appeals was called to order at 3:02 PM at the Government Center, 315 Bridge St., Elk Rapids MI 49629.

**Roll Call/Present:** Julia Amos, John Conrad, Vincent Cooper, Dick Hults, Bob McCririe, Pug Sliger and Marshall Wright.  
*(Quorum Established)*

**Absent:** None.

**Statement of any conflicts of interest: Public Hearing No. 131 – Terry Merchant-Hufford:** Plug Sliger noted that years ago he did an appraisal for Terry Merchant. Bob McCririe noted Laurie Gretel is his second cousin and they had a conversation regarding the Township ZBA variance process. Both Mr. Sliger and Mr. McCririe stated that the decision of the Zoning Board of Appeals would not have any bearing on their vote.

Based upon the disclosures noted above, each member of the ZBA voted.

**Conclusion:** By unanimous vote, the ZBA members do not believe Mr. Sliger or Mr. McCririe need to recuse themselves from voting on Public Hearing No. 131.

**Also Present:** Larry Nix, Zoning Administrator.  
**Audience:** Sam Naser, Gary, Char, Denny & Laurie Gretel, Steven Hufford, Terry Merchant, Alison & Steve Gallagher, Diane & George Glumb, Larry DiVergilio.

**Adoption of Agenda:** Motion to adopt the June 11, 2019 meeting agenda.  
**M/S – Sliger/Hults** **MOTION CARRIED**

**Approval of Minutes:** Motion to approve the May 14, 2019 meeting minutes.  
**M/S – Wright/Sliger** **MOTION CARRIED**

**Public Forum:** None

**Public Hearing on ZBA No. 130:** Samer F. Naser owner of parcel 05-06-400-028-00, vacant lot located south of 6931 W. Harbor Drive (Lot 29 of the Inwood Harbor Sub) requests two variances to construct a single-family ranch home with an attached garage and 12 x 12 deck. (His additional information states that he is also looking at a possible Cape Cod style house.) The lot has water frontage on the east and road frontage on the west and Mr. Naser is requesting a front and rear yard variance primarily due to the limited depth of the platted lot.

**The applicant/representative speaks on this request:** Mr. Sam Naser addressed the Zoning Board of Appeals. A summary of his comments follows:

- Mr. Naser is requesting a 15' variance in the front of his property and a 5' variance in the back.

- Mr. Naser is considering building a ranch or a cape cod style home and is in the process of solicitating bids from local builders.
- Mr. Naser noted that he believes the condition of his property would entitle him to a variance and provided reasons for each of the four conditions outlined in the Township Notice of Appeal Application for a zoning variance.
- Mr. Naser believes if he is granted this variance, he would be able to build a home that would blend with the neighbors and enhance property values for everyone.

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

- Mr. Hults asked Mr. Naser when he purchased this property?  
Mr. Naser responded: 3 years ago.
- Mr. Hults asked Mr. Naser if he was aware of the restrictions when he purchased the property?  
Mr. Naser responded that he was not aware of the restrictions and was a bit confused about different rules between the Township and the Village. He also stated the realtor handling the purchase, did not inform him of any restrictions or set-backs.

**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.** Chair Amos reported that the Township received two letters regarding this request; both letters are dated June 10, 2019. The members were provided with a copy of these letters and both letters were read out loud at this meeting.

- 1) In Opposition: Richard & Nancy Thompson – 6868 W. Harbor Dr., Elk Rapids, MI
- 2) Supportive w/Concerns: Richard Walle – 6940 W. Harbor Dr., Elk Rapids, MI

**Mr. Naser responds to letters:** *(Summarized)*

- Neighbors are very important. He is willing to share all his plans with them. He stated the lot is buildable and he can build on the 24 feet, but feels it would not be a very attractive home. Wants to build something that blends in and looks nice for everyone in the neighborhood.

**MOTION/S Wright/McCrie**

**Motion to grant a variance of 15' westerly and 5' easterly on subject Lot 29 of Inwood Harbor Subdivision.**

**These variances are granted based on the following reasons/standards:**

1. **Special circumstances do exist on this lot. Lot dimensions are restrictive considering our current zoning requirements.**
2. **It would deprive property rights to limit building within the**

allowable dimensions considering the other homes in the subdivision.

3. These conditions were not caused by the applicant.
4. Granting these variances will not have an adverse impact on neighboring properties.

**A summary of the ZBA discussion on proposed motion:**

- Concern expressed over the request for the 5' easterly variance due to high water levels in the canal and possibly in the future.
- Noted that only the deck encroaches the variance – not the structure.
- Difficult to make a decision on this variance without a house plan.
- Board discussed the possibility of adding the condition that applicant would hook-up to a sanitary sewer service if and when it becomes available in the subdivision.
- It was noted that 11 setback variances have been granted in this area.
- Suggested that the previous motion be amended to specify that the 5' easterly variance is related to the deck only.

**MOTION/S Wright/Conrad**

**AMMENDED MOTION**

**Motion to grant a variance of 15' westerly and 5' easterly on subject Lot 29 of Inwood Harbor Subdivision. The East property line (canal side) variance shall only apply to the deck portion of the structure.**

**These variances are granted based on the following reasons/standards:**

1. Special circumstances do exist on this lot. Lot dimensions are restrictive considering our current zoning requirements.
2. It would deprive property rights to limit building within the allowable dimensions considering the other homes in the subdivision.
3. These conditions were not caused by the applicant.
4. Granting these variances will not have an adverse impact on neighboring properties.

**Roll Call Vote: Hults, Wright, Sliger, Amos, Cooper, McCririe, Conrad, all voting YES (7). 0 Voting NO.**

**MOTION UNANIMOUSLY APPROVED**

**ZBA Discussion on amended motion:** It was suggested that the applicant could make the deck smaller and be compliant. It was determined a smaller deck would not be feasible.

**Public Hearing on ZBA No. 131:** Terry Merchant-Hufford owner with her two brothers (Dennis Gretel & Gary Gretel) of parcel 05-06-028-027-00 located at 10443 S. Elk Lake Road is requesting three variances to create a separate lot for the existing house and garage (the original family home) located on the west side of the parcel.

**The applicant/representative speaks on this request:** Dr. Steven Hufford addressed the Zoning Board of Appeals. A summary of his comments follows:

- Dr. Hufford stated he and his wife (Terry Merchant-Hufford) are requesting a variance to separate family owned properties and restore/repair the existing house that was Terry's mothers' home for years.
- The parcel is owned by Terry and her two brothers. They are seeking a variance to separate the west portion of the lot. All parties are in agreement.
- There will be no changes in the footprint and no additional buildings added.
- The only construction will be to repair the house already there.
- The existing home does not meet the current code to create a new lot.
- They want to have sole ownership of the original family home as they plan to invest and repair it

**Committee Members ask applicant/representative questions:** None.

**Summary of Zoning Administrator Nix's comments on this variance request:**

- Referencing the three parcels on the survey map:  
Parcel A – Westerly Parcel – Family home – has been there the longest.  
Parcel B – Denny Gretel's home – Created in 1984 – Existing lot of record.  
Parcel C – Five cottages and a pole barn.
- Parcel A & C are currently owned by the three siblings (Terry, Dennis, Gary). Terry is petitioning to create Parcel A (buying it from her two brothers), so that she and Steve would own this parcel with the family home on it.
- Purchasing Parcel A would land lock Parcels B & C. There is an easement on Parcel A that allows Parcel B to ingress/egress. A private road along the south side of the property provides access to S. Elk Lake Road for Parcels B and C.
- This easement will require a variance of 12' (private road requirement is 30').
- Parcel B does not need any variances.
- Private Road Provisions: Since the connection to the County road already exists, Mr. Nix suggests only the Township Board should grant approval.

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

- George Glumb – Residence: 10425 S. Elk Lake Road, Williamsburg.  
Mr. Glumb stated he lives next to the property to the North of Gretel's. He stated that he doesn't think the requested variances will affect him in any way. He has no objection to their request.

**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:** Hults/Sliger

**Motion to approve this request for a 12' variance to the width of a private road right-of-way, a 49' variance to the front yard setback adjacent to a private**

road and require only the Township Board to approve the private road for the following reasons:

1. The existing land use arrangement of a house adjacent to S. Elk Lake Road, a house in the middle of the property and cottages adjacent to Elk Lake have existing for several decades and is not proposed to change with the variance request.
2. The land division proposed of creating a lot with the S. Elk Lake Road house and the lake side cottages will be consistent with the zoning standards to the R1 Residential District.
3. The granting of the variance will not create a detriment to the neighboring property and will not be contrary to the spirit and purpose of the Zoning Ordinance.

**Conditions:**

1. A road maintenance agreement must be presented to the Township Board for final approval with review by the Zoning Administrator and Township Attorney prior to presentation to the Board for approval.
2. The private road shall be given a name and approved by the Township Board and submitted to Antrim County for final approval.
3. The applicant will need to submit a Land Division Application to accomplish the land division.

**ZBA Discussion on the Motion:**

- Members discussed and expressed concern if the Gretel parcel to the south of the subject property would need a 50' variance?
- The Board asked Zoning Administrator Nix if anything approved today will affect or restrict these properties if ownership changes?
- Mr. Nix responded that Mr. Denny Gretel does not have to apply for a variance. His parcel was created in 1984 and is an existing lot of record. Nothing is being changed on this parcel. The non-conformities and setbacks are pre-existing conditions. Nothing the Board approves at this meeting increases, decreases or changes the setbacks that are currently non-conforming.
- All current owners have signed off and are in agreement to the easement.
- The issues on the subject property need to be corrected and resolved today to eliminate any negative impact to possible new owners in the future.

**Roll Call Vote:** Hults, Wright, Sliger, Amos, Cooper, McCririe, Conrad, all voting YES (7). 0 Voting NO.

**MOTION UNANIMOUSLY APPROVED**

**Old Business:** None.

**New Business:** Chair Amos reported there is a training opportunity she plans to attend at Shanty Creek – July 9 & 10, 2019. If anyone is interested in attending, please contact her for more information.

**Communications:**

- Mr. Nix reported there is a variance request on deck for next month. This will be discussed at the next ZBA Meeting scheduled for **Tuesday, July 9, 2019 - 3:00 PM.**

**Adjourn:**

**MOTION/S: Wright/Cooper**

**MOTION TO ADJOURN**

**Meeting Adjourned at 3:58 PM**

*(Meeting Minutes Approved 7/9/19)*