

# Elk Rapids Township Zoning Board of Appeals

## Meeting Minutes – Tuesday, August 11, 2020

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, Bob McCririe, John Conrad, Marshall Wright, Zach Amos, Vincent Cooper, and Dick Hults. **(Quorum Established)**

**Absent:** None.

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

**Audience:** Patrick & Carole Brady

**Statement of any conflicts of interest:** None.

**Adoption of Agenda:** Motion to adopt the August 11, 2020 meeting agenda.  
**Motion/S – McCririe/Conrad** **MOTION CARRIED**

**Approval of Minutes:** Motion to approve the June 9, 2020 meeting minutes.  
**Motion/S – Wright/Hults** **MOTION CARRIED**

**Public Forum:** None

**Public Hearing on ZBA-136:** Patrick & Carole Brady, owners of parcel 05-06-200-009-00 Zoned R-1 residential located at 14748 Williams Road, Elk Rapids, MI have requested two variances to construct a 10' x 12' storage shed on the west side of their property. The first variance is for a front yard variance from the required 50-foot setback to 26 feet which is a variance of 24 feet. The second is for a variance from the required side yard setback of 10 feet which is an 8-foot variance.

**The applicant/representative speaks on this request:** Patrick and Carole Brady, residing at 14748 Williams Road, Elk Rapids, MI addressed the Zoning Board of Appeals. A summary of the discussion follows:

- The Brady's have been using their finished porch on the back of their house as a storage shed for about 20 years. They would like to store things like kayaks, bikes and paddle boards in an outdoor shed, instead of their finished porch.
- Mr. Brady & Mrs. Brady expressed a desire to place the shed in the most desirable/least visible location; and try to preserve as many trees as possible on their property.

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

- The Board recognized the Brady's have a two-car garage. Mr. Brady noted they park two cars in their garage and it is also where he keeps a large collection of tools. This leaves little room for additional storage.
- In an effort to keep the proposed shed as far away from the side yard setback as possible, the members discussed the following options for the applicants to consider:
  1. Move the shed closer to the house.
  2. Move the shed closer to the lake.
  3. Consider a smaller shed.
  4. Remove a couple poplar trees to accommodate the shed; but leave the large pine tree intact.
  5. Offset the location of the shed instead of trying to match it up with the neighbors shed.
  6. There needs to be adequate room between the two sheds so that both property owners can fully access and maneuver around the sheds without accessing their neighbor's property.
  7. Zoning Administrator Nix noted he has no record of a zoning permit for the storage shed on the neighbor's property.
  8. Consideration needs to be given to the shed distance between the lot lines as property owners can change in the future. (*i.e., new owners may want to install a fence*).

**Members of the public in attendance who want to speak in favor this 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.** The Township received two communications regarding this request. Chairperson Julia Amos read the following letters/ comments out loud at this meeting. Both letters are entered into the record.

1. David & Karen Guth - Wrote the comment "*We fully support this request*" on the Public Hearing Notice they received in the mail. **(Dated: July 27, 2020).**
2. Tanya Potter - 14804 Williams Road. **(Dated: August 11, 2020 - In opposition).**

**MOTION TO APPROVE:**

**M/S Conrad / Wright**

**Motion to approve the two variances requested by Patrick & Carole Brady of 14748 Williams Drive, Elk Rapids, MI 49629, Tax Parcel 05-06-200-009-00. First variance is for 24 feet from the Williams Road property line resulting in a front yard setback of 26 feet; and a variance for 6 feet from the west property line resulting in a side yard setback of 4 feet.**

The approval of this motion is based on the following reasons:

1. The existing lot is an undersized non-conforming lot.
2. There have been other front yard variances granted for similar lots adjacent to Birch Lake that are existing non-conforming lots.
3. The applicant did not create the lot in question that is causing the desire for these two variances and there are similar sited accessory buildings on adjacent and nearby lots.
4. There will be no negative impact to the neighborhood or adjacent property owners since the proposed accessory building will be similar in location and nature to existing accessory buildings in the area.
5. The granting of the variances will preserve trees between the Brady house and the west property line advancing the natural beauty of the area.

**Roll Call Vote:**       **Conrad, McCririe, Cooper, Wright - Voting YES.**  
                              **Z. Amos, Hults, and J. Pollister Amos - Voting NO.**  
  **(4 Voting YES; 3 Voting NO)**

**MOTION APPROVED**

**Closing Notes:**

- The Brady's were instructed to work with Zoning Administrator Larry Nix on the final details of the placement and size of their storage shed.
- Mr. Wright asked Zoning Administrator Nix if the Board needs to be more specific on what size shed goes into the variance area. Zoning Administrator Nix responded that the size of the storage shed is represented on the Brady's application and cannot be more than 10' x 12'.

**Old Business:**       None.

**New Business:**     None.

**Communications:** None.

**Zoning Administrator Larry Nix:**

- Zoning Administrator Nix reported he has not received any applications for September.
- Mr. Nix reported that the Zoning Board of Appeals Online Seminar recently offered by East Bay Charter Township was very interesting. Mr. Nix will send the link to all the members and encouraged them take the time to view this informative seminar.

**Adjourn:**       Meeting Adjourned at 3:36 PM

*(Meeting Minutes Approved 11-10-20)*