

Elk Rapids Township Zoning Board of Appeals

Meeting Minutes – Tuesday, August 8, 2023 – 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, Bob McCririe, Vince Cooper, John Conrad, Zach Amos, and Dick Hults.

(Quorum Established)

Absent: Lisa Lundy.

Also Present: Larry Nix, Township Zoning Administrator.

Audience: Applicants Jon & Judy Martin, Kathi Pioszak, Betsy & Dick Garner.

Statement of any conflicts of interest: None.

Adoption of Agenda: Motion to adopt the August 8, 2023 meeting agenda.

Motion: Pollister Amos

Support: Amos

MOTION CARRIED

Approval of Minutes: Motion to approve the May 16, 2023 meeting minutes.

Motion: Hults

Support: McCririe

MOTION CARRIED

Public Forum: None

Public Hearing on ZBA-146: Mr. Martin is requesting consideration of three variances to place a 24' x 24' garage on the subject property. The lot is odd shaped with non-parallel property lines that prevent the placement of a detached accessory building in compliance with zoning setback requirements. The request is for a 20' and 13' variance from the 50' front yard setback requirement from both Williams Ct. and Pine Street respectively, and a 5' side yard variance from the north property line. The required side yard setback is 10'. The building would be 37' from the Pine Street property line, 30' from the Williams Ct. property line and 5' from the north property line.

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

- Mr. Martin explained his request is more toward Williams Ct. because of the grade of land and large trees on the Pine Street side. He would rather not remove trees. It was mentioned Pine Street is a dirt road not really a street that is maintained.

- The board commented that there was no zoning setbacks in place when the subdivision was designed.

- Mr. Martin feels like after staking out the garage, it appears he is within the setbacks, but admits he may have done something wrong. He is looking for the variance to be sure he can get the 24' x 24' garage he would like.

Committee Members ask applicant/representative questions:

- The board also discussed the location was hard to find as there was no address sign, which could cause issues if MMR was ever needed. Mr. Martin agreed that when the garage was built he would put up a sign with house numbers.
- The board agreed the variance that is requested makes sense.

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

- Neighbor Kathi Pioszak of 7266 Williams Ct., spoke in full support of variance commented it was well thought out.
- Betsy and Dick Garner, 7414 Williams Ct., commented that many neighbors have also put similar buildings in the area, and are in full support of the plan.

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.

- Larry Nix suggested that the applicant has the condition applied to the variance that before the construction begins, Larry would give a final inspection so that the setbacks are proper before any work starts because of the skewed angles of the lot.

Motion to Approve Variance Request:

Motion: Pollister Amos

Support: McCrie

Based on the following reasons, Julia Pollister Amos moves and Bob McCrie supports granting approval of the preferred variance to Jon Martin, 7388 Williams Court, Elk Rapids, Michigan, Tax Parcel 05-06-600-006-00. The variance is 20 feet from the Williams Court property line resulting in a front yard setback of 30 feet, a 13 feet variance from the Pine Street property line for a front yard setback of 37 feet, and variance of 5 feet from the north property line for a side yard setback of 5 feet. This is for the construction of a 24' x 24' garage as illustrated in the site plan submitted. One condition is to have the assistance of zoning administer Larry Nix before starting construction.

Reasons:

- 1 The existing lot is an undersized non-conforming lot.**
- 2 There have been numerous similar variances granted in the Birch Lake area.**

- 3 There is another alternative, but the building size would not be practical.
- 4 There will be no negative impact on the neighborhood or adjacent proper owner.
- 5 There have been no neighbor objections to the proposed variance.

6 VOTING YES - 0 VOTING NO
(Lundy is absent)

MOTION TO APPROVE VARIANCE REQUEST CARRIED.

- Zoning Administrator Nix will issue a permit and it will be ready in the next few days.

Old Business: None.

New Business: None.

Communications:

- Zoning Administrator Larry Nix noted there are two variance requests on deck for next month for the September 12, 2023 meeting.

Member Discussion of topics not on the agenda:

- Harbor Days went well.

Motion to Adjourn: Meeting Adjourned at 3:30 PM

Motion: Cooper

Support: McCririe

(APPROVED SEPTEMBER 12, 2023 – 3:10 PM)