ELK RAPIDS TOWNSHIP PLANNING COMMISSION
ZONING BOARD
TOWNSHIP OF ELK RAPIDS - ANTRIM COUNTY, MICHIGAN
SHEN B. SMITH, SECRETARY
P.O. BOX 175
ELK RAPIDS, MICHIGAN 49629
(616) 264-5855

12/8/88

SPECIAL HEARING - MAR-JAC MOTORS

THE MEETING WAS CALLED TO ORDER BY THE SECRETARY SHEN SMITH, AT 7:35 PM, DECEMBER 8, 1988 TO DETERMINE A SPECIAL USE PERMIT FOR MAR-JAC MOTORS COMPANY AND MR. JACK WILLIAMS FOR OUTSIDE STORAGE OF MOTOR VEHICLES ON THE PARKING LOT OF MAR-JAC MOTORS LOCATED AT 11456 S. US 31, WILLIAMSBURG, MI.

ROLL CALL: PRESENT - MR. JACK HART, MR. ROBERT BRUGGER, MRS. SHEN SMITH, MR. RICHARD JOBE AND MR. RALPH MARTINEAU

A QUORUM WAS ESTABLISHED.

THE SECRETARY ASKED ROBERT BRUGGER IF HE WOULD ACCEPT THE CHAIRMANSHIP OF THE ELK RAPIDS TOWNSHIP PLANNING COMMISSION. MR. BRUGGER ACCEPTED THE CHAIRMANSHIP OF THIS COMMITTEE. A MOTION WAS MADE BY RICHARD JOBE, 2ND BY JACK HART, THAT WE APPROVE MR. BRUGGER AS CHAIRMAN. MOTION CARRIED

THE SECRETARY THEN TURNED THE MEETING OVER TO THE NEW CHAIRMAN. MR. BRUGGER ASKED FOR THE READING OF THE MINUTES FROM THE MEETING OF 10/26/88. WITH A MINOR CORRECTION, A MOTION WAS MADE BY RICHARD JOBE, 2ND BY RALPH MARTINEAU, THAT WE APPROVE THE MINUTES AS CORRECTED. MOTION CARRIED

AS THERE WAS NO OLD BUSINESS AT THIS TIME, MR. BRUGGER ASKED FOR ANY NEW BUSINESS. AS THERE WAS NO OTHER NEW BUSINESS, THE HEARING SCHEDULED FOR THIS MEETING WAS CONVENED.

THE SECRETARY REPORTED THAT SHE HAD RECEIVED NO LETTERS ON THIS HEARING, BUT ONE NOTICE OF PUBLIC HEARING FOR WALTER MEYERS WAS RETURNED AS THERE WAS NO FORWARDING ADDRESS GIVEN. MRS. VERSIL WHITE PRESENTED A COPY OF A LETTER THAT HAD BEEN MAILED BUT NOT RECEIVED, FROM MARY COOPER, A REAL PROPERTY OWNER.

MR. JACK WILLIAMS, PART OWNER AND OPERATOR OF MAR-JAC MOTORS STATED THAT HE HAD NOT BROUGHT HIS DEVELOPMENT PLAN WITH HIM, BUT PRESENTED PICTURES OF WHERE THE USED CARS WERE TO BE DISPLAYED ON THE LOT. MR. KEN SMITH, ER TOWNSHIP ZONING ADMINISTRATOR NOTED TO THE BOARD THAT MAR-JAC MOTORS WAS CURRENTLY IN BUSINESS PRIOR TO A SPECIAL EXCEPTION FOR THE OUTSIDE STORAGE OF MOTOR VEHICLES. MR. SMITH STATED THAT CARS WERE MOVED ONTO THE LOT PRIOR TO THE HEARING, AND THEN MOVED TO AN ADJACENT LOT WHEN HE NOTIFIED MAR-JAC MOTORS OF THE ZONING VIOLATIONS.

MR. SMITH STATED TO THE BOARD THAT MR. WILLIAMS AND MAR-JAC MOTORS WAS IN VIOLATION OF ZONING ORDINANCES BY THE LACK OF THE NECESSARY PERMITS NEEDED TO CONDUCT BUSINESS AND OCCUPY THE PREMISES. MR. SMITH READ THE SECTION OF THE ORDINANCE PERTAINING TO VIOLATIONS AND STATED THAT MR. WILLIAMS COULD POSSIBLY BE FINED NOT LESS THAN $25.00 AND NOT MORE THAN $500.00 PER DAY FOR EVERY DAY THAT THE VIOLATIONS EXIST.

MR. SMITH STATED THAT ON 8/31/88 HE ISSUED A BUILDING PERMIT TO MAR-JAC MOTORS FOR THE CONSTRUCTION OF SHOW ROOMS AND OFFICE. HE SAID THAT NO WORD WAS MENTIONED AS TO OUT-SIDE STORAGE AT THIS TIME. MR. SMITH STATED THAT THE PROPERTY NUMBER - 05-06-650-001-00 DOES NOT REFLECT THAT THIS PROPERTY HAS BEEN SPLIT, HE ALSO STATED THAT THERE ARE NOW PARCELS 1A - 2A AND 3A OF THE WF STEPKE SUBDIVISION. THE NUMBER GIVEN FOR THE PROPERTY DOES NOT REFLECT THE DIVISION.

THE SECRETARY STATED THAT THE NUMBER FOR THIS PIECE OF PROPERTY WAS RECEIVED FROM THE TOWNSHIP SUPERVISOR, RON GRAMMER AND THAT IF THE NUMBER IS INCORRECT, IT IS BECAUSE THE COUNTY DOES NOT HAVE IT'S ROLLS UP TO DATE. MR. VIRSIL WHITE STATED THAT THIS IS AN ILLEGAL SPLIT OF THIS PROPERTY AS IT WAS ORIGINALLY SPLIT INTO TWO PARTS. MR. KEN SMITH SAYS THAT IT NOW HAS THREE PARTS. MR. WILLIAMS STATED THAT THE SAME OWNER OWNS THE ENTIRE L-SHAPED PIECE. MR. DONALD WESTVELD IS ONE OF THE OWNERS.

A LETTER WAS READ TO THE BOARD BY JANE WHITE STATING THAT IF THE BOARD WERE TO GRANT A SPECIAL EXCEPTION, THEY MUST RESTRICT THE NUMBER OF CARS THAT WOULD BE ALLOWED ON THE PROPERTY WITH HER SUGGESTION BEING 20 CARS WHICH WOULD INCLUDE EMPLOYEES CARS. SHE STATED THAT THE GLARE OF THE SUN ON THE WINDSHIELDS OF THESE CARS WERE VERY ANNOYING TO HER, AS IS THE DUST AND THE TRAFFIC. SHE ALSO STATED THAT A GREENBELT MUST BE MAINTAINED ON THE PORTION OF THE PROPERTY THAT IS ADJACENT TO THE RESIDENTIAL AREA TO THE REAR. SHE STATED THAT THE EXISTING GREENBELT HAS BEEN DESTROYED BY TRUCKS DRIVING OVER THE TREES PREVIOUSLY PLANTED.

MR. WHITE STATED THAT AS MR. WILLIAMS IS NOT THE OWNER OF THE PROPERTY HE MAY NOT APPLY FOR THE SPECIAL EXCEPTION, THAT ONLY THE OWNER OF THE PROPERTY CAN APPLY FOR A SPECIAL EXCEPTION. THE SECRETARY STATED THAT SHE DID NOT BELIEVE THIS TO BE TRUE, AS THE ORDINANCE ONLY STATES "APPLICANT" NOT THE WORDS "PROPERTY OWNER". MR. WHITE ALSO STATED THAT A DEVELOPMENT PLAN HAD NOT BEEN SUBMITTED FOR THE HEARING, SO THE BOARD COULD NOT MAKE A DETERMINATION WITHOUT A DEVELOPMENT PLAN. MR. BRUGGER ASKED IF MR. WILLIAMS COULD HAVE A DRAWING FOR THIS BOARD IF THE HEARING WAS ADJOURNED TO THE FOLLOWING THURSDAY. MR. WILLIAMS STATED THAT HE WOULD HAVE A DRAWING AND WOULD DO ANYTHING THAT THE BOARD WISHED TO MEET ANY REQUIREMENTS PLACED ON HIM.

MR. SMITH STATED THAT ON 11/16/88 HE VISITED MAR-JAC MOTORS AND DELIVERED A PICTURE HE HAD TAKEN ON A SIGN VIOLATION AT MAR-JAC MOTORS. 11/16/88 - MAR-JAC INFORMED BY MR. SMITH THAT THEY NEEDED A SPECIAL EXCEPTION FOR OUTSIDE STORAGE OF MOTOR VEHICLES. 11/16/88 - MR. WILLIAMS CONTACTED ZONING BOARD TO INQUIRE ABOUT GETTING A SPECIAL USE PERMIT. SHEN SMITH SECRETARY OF ZONING BOARD STATED TO MR. WILLIAMS THAT NO SPECIAL USE PERMIT WAS NECESSARY AS OUTSIDE STORAGE FOR AN AUTOMOTIVE SALES SHOWROOM WAS LISTED IN THE ORDINANCE AS A PERMITTED USE. 11/19/88 - MR. SMITH CONTACTED SHEN SMITH STATING THAT OUTSIDE STORAGE (MOTOR VEHICLES) DOES REQUIRE A SPECIAL USE PERMIT. 11/19/88 SHEN SMITH CONTACTED MR. WILLIAMS TO INFORM HIM THAT SHE WAS INCORRECT AND HE DID NEED A SPECIAL USE PERMIT. MR. WILLIAMS APPLIED FOR A SPECIAL HEARING DATE. 1/23/88 - MAR-JAC MOTORS APPLIED FOR A SIGN PERMIT. 11/26/88 - MAR-JAC MOTORS MOVED INTO SHOWROOMS AND MOVED CARS FROM OLD LOCATION TO NEW LOCATION. 12/1/88 - MR. SMITH VISITED MAR-JAC MOTORS TO INFORM THEM OF THE VIOLATIONS AND NO PERMITS. 12/8/88 - MR. SMITH SPOKE TO THE HIGHWAY DEPARTMENT, NO INFORMATION HAS BEEN RECEIVED ON DRIVEWAY PERMIT. MR. SMITH STATED THAT THESE VIOLATIONS WERE GOING TO BE TAKEN TO THE TOWNSHIP BOARD AND A REQUEST FOR PROSECUTION ASKED FOR.

MR. BRUGGER AGAIN ASKED IF MR. WILLIAMS COULD HAVE A SITE PLAN AVAILABLE FOR A MEETING ON DECEMBER 15, 1988. MR. WILLIAMS STATED THAT HE WOULD BE AT THAT MEETING WITH PLANS. MR. SMITH REQUESTED THAT MR. WILLIAMS ALSO BRING THE OWNER OF THE PROPERTY TO THIS MEETING WITH THE PLANS.

A MOTION WAS MADE BY SHEN SMITH, 2ND BY RALPH MARTINEAU, THAT WE TEMPORARILY ADJOURN THIS HEARING UNTIL 7:30 PM ON DECEMBER 15, 1988.
MOTION CARRIED

A MOTION WAS MADE BY SHEN SMITH, 2ND BY RALPH MARTINEAU, THAT WE ADJOURN THIS MEETING OF THE ZONING BOARD. MOTION CARRIED

MEETING WAS ADJOURNED AT 9:35 P.M.

RESPECTFULLY SUBMITTED,

Shen B Smith

SHEN B. SMITH
SECRETARY