ELK RAPIDS TOWNSHIP PLANNING COMMISSION
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June 13, 2002

A Special Planning Commission Meeting was held at 6:30 PM, Thursday, June 13, 2002, at the Elk Rapids Township Hall, Corner of River & Spruce Streets, Elk Rapids, Michigan 49629. The meeting was called to order by Chairman, Renee Mischel, present: Emile Sabty, Shen Smith, Renee Mischel, Jim Lundy, and Tom Dame. Arriving late – Harry Potter.. Absent: Don Glowicki, Jr. Also present: Mr. & Mrs. G. Filar, Pat Brady, M & M Bob Boziak.

Public Hearing: Use Permit Environmentally Zoned "E" Zone – Gerald H. Filar & Rosemary Filar.

The hearing was opened to the public. The purpose of this hearing will be to consider a request for a Special Use Permit in order to build a garage on Environmentally Zoned "E" Zone, for property owned by Gerald H. Filar and Rosemary Filar, 14930 Williams Drive, Elk Rapids, Michigan 49629. Property tax number – 05-06-625-002-00 – Lot #2, Subdivision – Woodlands.

Public Comments:

Gerald Filar spoke outlining the purposes of his proposed structure, being a 40 x 48 pole barn to store his pontoon boat & other storage purposes. No correspondence was received regarding this public hearing. Patrick Brady spoke voicing his concerns regarding any use of Environmental lands and the filling of wetlands in the Williams Road fish spawning areas.. Report from Elk Rapids Township Zoning Administrator was entered into the public hearing (attached).

As there was no additional public input, a motion was made by Shen Smith, 2nd by Renee Mischel to close the public hearing. **MOTION CARRIED Y-6 N-0**.

The following discussion was then undertaken by the Planning Commission:

- Concerns were expressed by Planning Commission members regarding the Filar's primary residence being in one subdivision (Birch Lake Shores), and the proposed storage structure being in another subdivision (Woodland), and that a residential storage building is an accessory structure (incidental and subordinate to a primary structure) and if a house across a street is thought to be sufficient to consider an adjoining lot "as close enough" to the primary structure, then what would stop a similar situation being created in other areas of the Township. Additional discussion was undertaken regarding a previous similar proposal on the same street with a determination that the two proposals were substantially different as the prior proposal contained no residential storage units on the primary lot, thus a hardship would have been caused by the denial of the request. It was determined that the Filar proposal is substantially a different request as the Filar primary residential lot is larger with the property already containing adequate storage units (three car garage) for a normal residential lot.

- Concerns were discussed regarding suitability of Lot #2 for non-residential uses: Lot #2, Woodlands Subdivision, Williams Road is not naturally and easily suitable for use of habitation by people, buildings and structures and cannot be easily converted to such use without dredging,

filling, clearing, excavation and drain operations which could disturb the natural character of the area and/or which might contribute to the change in the character and purity of the adjoining wetland water.

- Discussion regarding Lot Area: Under the Elk Rapids Township Zoning Ordinance lot provisions for construction within the Environmental Zone a lot shall have a minimum width at the front yard setback line of at least 150 feet. Lot #2 fronting on Williams Road is 135 feet by 220 feet. Lot #2 width and setback requirements (per the Ordinance) would require variances for any form of construction within the Environmental Zone. Planning Commission members indicated that based upon the Ordinance, environmentally zoned property requires a stricter level of protection and a greater adherence to the terms of the Ordinance.

- Discussion regarding Building a pole barn across the street from R-1 residential subdivision is contrary to the Zoning Ordinance emphasis on insuring that the spirit of the Ordinance is observed, public safety is secured and substantial justice to the neighborhood is done. Also, discussed, In this request, granting a special use permit would amount to strip zoning in an R-1 residential area which is contrary to the intent of the Zoning Ordinance.

A motion was made by Shen Smith, 2nd by Jim Lundy, to approve the Filar's request for approval of a Special Use Permit in order to build a garage on Environmentally Zoned "E" Zone, specifically Lot #2 (Woodland Subdivision). Discussion on Motion: There was no further discussion as members indicated they were satisfied with previous information and discussion. **MOTION DENIED Y-0 N-6**

Minutes of the May Planning Commission Meeting: A motion was made by Jim Lundy, 2nd by Renee Mischel, to approve the May/2002 minutes. **MOTION CARRIED Y-6 N-0**

Non-Conforming Use Amendments: Emile Sabty provided code samples from various townships. A motion was made by Shen Smith, 2nd by Jim Lundy to table further consideration until sample text could be reviewed. **MOTION CARRIED Y-6 N-0**

Open Space: tabled
Zoning Ordinance Updates: Shen Smith reported that all Ordinance updates and amendments have been incorporated into the text document. Thanks go to the assistance of Emile Sabty's for his proofreading expertise.

PC Minutes: Shen Smith reported that the minutes of the Elk Rapids Township Planning Commission are now available on the **www.elkrapids.com** web site.

Joint Township Building: a report was received from Don Glowicki, Jr. at the last meeting. Planning Commission has no part in the activities of the current committee regarding this project.

As there was no further business, a motion was made by Jim Lundy, 2nd by Tom Dame to adjourn. **MOTION CARRIED Y-6 N-0**

Meeting was adjourned at 9:10 PM.

Respectfully submitted,

Shen Smith
Secretary