TOWNSHIP OF ELK RAPIDS
ANTRIM COUNTY, MICHIGAN
ELK RAPIDS TOWNSHIP PLANNING COMMISSION
Shen B. Smith, Secretary
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April 24, 1996

A Special Meeting of the Elk Rapids Township Planning Commission was called to order by the chairman, Ned VerHage, on April 24, 1996, 7:05 PM at the Elk Rapids Township Hall, Elk Rapids, MI. Present: Brian Martineau, Shen Smith, Ned VerHage & John Ferrari. Absent: Dorance Amos, Felix Casillas and Dick Jobe. A quorum was established. Also present: Len Harrett, Mr. & Mrs. Michelle, Mr. & Mrs. Casantas, Dr. & Mrs. Schwert, Barney Robinson, two parties representing TC Log Homes Builders, Dennis Gretel, & various other unidentified members of the audience.

Public Hearing #1: Proposal for Non-conforming Use upgrade from "B" to "A" for lot size deficiency for property tax number 05-06-033-027-00, a 6.94 acre parcel of land zoned Agricultural and R-1 in part. Property belongs to Duff and Terry O'Shaughnessey, PO Box 148, Elk Rapids, Mi 49629. Property physical address is 11667 Arrowhead Drive, Williamsburg, Mi 49690.

The hearing was opened to the public. Report regarding this property was received from the Zoning Administrator. No correspondence was received on this hearing. Four neighbors within 300' were present and requested information as to the purpose of the proposed oversize garage. As Mr. O'Shaughnessey was not present at the meeting this question could not be answered. Len Harrett, Zoning Administrator addressed an answer to the question indicating that this building would not be used as an office for the business of Mr. O'Shaughnessey as the zoning ordinance does not consider a construction company or construction company office as an allowed use in the Agricultural zone, and that if business is conducted from this building or from the home a violation notice will be issued. Discussion regarding the two zoning classification on the property resulted in a question regarding the front yard and back yard for the proposed home and garage. It was determined that as the R-1 portion of the lot (183.37'x500' deep) has been determined to be unbuildable by the DNR, the buildable portions reside totally within the Agricultural Zone which requires 1.5 acres of lot with a width at the building line of 200', a 50' setback for the front yard and a 35' setback for the rear yard. The Agriculturally zoned portion of this lot which if oriented to front on Arrowhead Drive meets the building requirements.

Discussion regarding the easement for Arrowhead Drive was undertaken with notice being given that the current placement of Arrowhead Drive is not on the easement property but located on property belonging to John & Rene Michelle, and Mark & Tracy Morrison.

This parcel was a lot of record prior to the adoption of the Elk Rapids Township Zoning Ordinance. The public hearing was closed.

Following further discussion, a motion was made by Shen Smith, 2nd by Brian Martineau to grant an upgrade from Non-conforming "B" to "A" for this lot which does meet the requirements of the ordinance (both R-1 & Agricultural portion) if the front yard for the proposed homesite is oriented to Arrowhead Drive on the Agricultural portion, and that all front yard setbacks for Arrowhead Drive shall be measured from the recorded easement of Arrowhead Drive not from the existing road, and further, that the proposed construction and future uses of the homesite shall meet the requirements and conditions established in the Elk Rapids Township Zoning Ordinance as amended. MOTION CARRIED

It was noted on the site plan submitted by Mr. O'Shaughnessey that the proposed home site and garage site are situated on the plan but are not in conformance with the requirements of the ordinance as they are placed within the 35' rear yard setback area. These issues are to be addressed by the Zoning Board of Appeals at their scheduled public hearing on April 25, 1996.

Public Hearing #2: Proposal for Non-conforming Use upgrade from "B" to "A" for lot size deficiency for property tax number 05-06-028-027-10, a 13,900 square foot land locked parcel zoned R-1 located at 10445 N. Elk Lake Road, Williamsburg, Mi 49690 belonging to Dennis & Laurie Gretel.

No correspondence was received from the public. A report was received from the Zoning Administrator

regarding some concerns with this property as follows: This parcel was created partly from the abandonment of the railroad right-of-way that passed between two parcels owned by Margaret Gretel and Gretel's Cottages property on the shore of Elk Lake, and her residence on Elk Lake road. This addition of the abandoned railroad ROW make all the Gretel property contiguous. Somewhere around 1984-85, Dennis Gretel needed a place to build a home and help with the operation of the cottages. A parcel was sold to him. Margaret Gretel retained a 15' strip of property on the south boundary for access to the cottages. It is the Zoning Administrator's opinion that expansion of this unplatted property and arrangement for defined ingress and egress might be explored at this public hearing. Discussion resulted regarding various methods to increase the size of the parcel by acquisition of additional property to bring the lot into conformance with the ordinance and not cause the creation of two additional non-conforming lots from the remaining Gretel properties. This lot was not a lot of record at the time of adoption of the Elk Rapids Township Zoning Ordinance. Public hearing was closed. Discussion regarding the duties of the Planning Commission regarding Non-conforming lots of record vs. lots created after the ordinance was adopted. It was the opinion of those present that action can not be taken on lots which were not of legal creation. A motion was made by Shen Smith, 2nd by Brian Martineau to table any further discussion or action on this proposal until legal advise can be obtained from the Township Attorneys.

MOTION CARRIED

Public Hearing #3: Proposal for Non-conforming Use upgrade from "B" to "A" for lot size width deficiency for property tax number 05-06-032-010-20, two parcels known as Parcel 1 & Parcel 2 located at 11404 S. US31 N, Williamsburg, MI 49690 belonging to Dr. Robert & Kathryn Schwert. Parcel 1 contains 101.88' of width at the building line but does not contain the required total square footage (25,000) for a building lot in the R-1 Zone. Parcel 2 contains the required 25,000 square feet, but does not meet the required 100' of width at the building line. This lot was a lot of record prior to the adoption of the Elk Rapids Township Zoning Ordinance. This property is currently scheduled for a variance hearing on April 25, 1996 for relief to the requirements of the ordinance. Public Hearing was closed. A motion was made by Shen Smith, 2nd by John Ferrari to upgrade this parcel to "A" status through the combining of parcels 1 and 2 into a single parcel.

MOTION CARRIED

Questions were then asked as to the role of the Planning Commission regarding Non-Conforming lots. Do these lots need Planning Commission upgrading, or do they only need variance. This questions will be referred to the Township Attorneys for an answer.

P/D Proposal - Altonen A correction was given to Mr. Strang regarding receiving a continued hearing this date regarding the proposed Altonen rezoning request. As previously indicated from the initial aborted public hearing, new and corrected hearing notices must be placed in the newspaper and mailings sent to adjacent property owners before any hearing on this project can be commenced. Final site plans were received at this meeting. Public hearing notices will be place and a hearing schedule at the earliest date legally permissible. A revised "Proposals for Commercial P/D Agreement" dated Rev. April 12, 1996 was received and entered into the record of proposed requirements for this project.

Wooden Hammer, Ltd. Mr. Ed Hammer presented a preliminary site plan outlining his plans for parcel H-1 which he has recently purchased next to the Village Car Care property located on US 31. No outside storage is planned. Greenbelts on rear of property were discussed, along with the Green Zone, security lighting, dust control, and the driveway access. After discussion of the type of business proposed which is retail sales of materials produced on the premises, a motion was made by Brian Martineau, 2nd by Shen Smith to deem the proposed business similar in nature to a furniture store which is a listed allowed use in the Commercial Zone.

MOTION CARRIED

After additional discussion, preliminary conditions were expressed by the Planning Commission regarding requirements for this site plan review:

1. Driveway (single curb cut) shall be lengthened on the final plan before widening to provide access not only to lot H-1 but also to lot H-2 also owned by Mr. Hammer. A single curb cut for Lot H-1 and Lot H-2 shall be required.

2. Green Zone - a 50' landscaped and maintained green zone shall be required from the edge of the MDOT ROW. Trees to be planted shall not be less than 2-1/2" in diameter at the time of planting. Tree spacing to be one tree per 40' of US 31 frontage. Both Lot H-1 & Lot H-2 shall be planted with trees. A detailed landscape plan shall be submitted to the Planning Commission.

3. Building Line Setback shall be not less than 90' from the west edge of the MDOT ROW. No building structure shall encroach into the 50' reserved "Green Zone".

4. Greenbelt between "C" line and "R-2" rear line shall be two staggered rows of evergreen plantings not less than 8' apart.

A motion was made by Shen Smith, 2nd by Brian Martineau to include these conditions as part of the requirements for site plan review. MOTION CARRIED. Additional requirements may be required following review of the finalized site plan.

As the time was getting late, the minutes of the last meetings were deferred to the next scheduled meeting. A motion was made by Shen Smith, 2nd by Brian Martineau to adjourn. MOTION CARRIED.

Meeting was adjourned at 10:25 PM.

Respectfully submitted,

Shen B. Smith