Elk Rapids Township Planning Commission

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December ~~6~~ 5, 2000

The Regular Meeting of the Elk Rapids Township Planning Commission was called to order by co-chairman, Renee Mischel, at 6:30 PM, on Tuesday, December ~~6~~ 5, 2000. Present: Jim Lundy, Shen Smith, Renee Mischel & Harry Potter. Absent: Dorance Amos, Don Glowicki, Jr., and Tom Dame. A quorum was present. Also present – Zoning Administrator, Len Harrett. Also present: Emil Sabty, Tom Powers, Bob Inman, Jim Hence, Carolyn Shah.

Public Hearing – William C. & Myrna S. Holland The purpose of the hearing is to consider a request by William C & Myrna S. Holland, 14634 Williams Drive, Elk Rapids, Michigan 49629 for a Non-Conforming Structure Upgrade from Class "B" to Class "A" for property located at the same address. Property tax #05-06-200-019-00. Applicant desires to expand the primary structure toward the lakeside of the home site.

The public hearing was opened to the public with a description of the hearing notice read into the record. Mr. Holland explained to the commission his reasons for asking for an upgrade which consisted of upgrading the cottage/home into a larger retirement home with the addition of 640 sf which increases the total square footage to 2,410.

Neighbors spoke in favor of the request: Bob Inman, Jim Hence, Tom Powers. Attorney Ed Roy spoke regarding the ordinance requirements for an upgrade being met through Mr. Holland's request for an upgrade.

Zoning Administrator's Report: Renee Mischel asked for a report on the proposed upgrade from Len Harrett,, but was told that none was available.

Motion was made by Shen Smith, 2nd by Jim Lundy to close the public hearing. MOTION CARRIED 4-YES, 0-No.

Discussion regarding the property indicated a concern regarding the existing garage being located partially within the road right of way. A motion was made by Shen Smith, 2nd by Renee Mischel to approve the property upgrade from Class "B" to Class "A" with the garage and the shed not carrying an upgrade. MOTION DENIED Yes-1, No-3.

Mr. Roy objected strongly indicating the ordinance allows for an upgrade if a proposal meets the requirement and conditions of the ordinance. Harry Potter and Renee Mischel strongly indicated their feelings regarding a safety factor with the garage located so close to Williams Road. Renee Mischel requested advise from Len Harrett regarding the upgrade and was told that this information was not his to give. A motion was made by Shen Smith, 2nd by Renee Mischel to reconsider the previous motion and approve the upgrade with the garage and shed not being upgraded. MOTION TIED, Yes-2, No-2.

After additional discussion regarding conditions which might be considered to seek an approval, a motion was made by Shen Smith, 2nd by Harry Potter, to rescind the two previous motions, returning the deliberation stage of this proposal **to the point following the closing of the public hearing** so legal counsel on the issues can be requested. MOTION CARRIED Yes-4, N-0. Renee will refer the issues to the Twp Attorney, so legal counsel can review the upgrade proposal and make a recommendation as to a method to resolve the problems associated with this decision. Holland upgrade considerations was tabled to the next meeting.

Minutes of the November Meeting:
Amend Wandawood

1. amend 1. to indicate the drain field exists on the West side of Cairn Highway and belongs to the Wandawood Resort.
4. amend 4. to rentals "weekly in summer and monthly in winter".

Amend – Proposals for public hearing. Amendment #1 – "Decks" is to be added to #1 which was an omission from the original copy.

A motion was made by Harry Potter, 2nd by Jim Lundy to approve the November minutes as amended. MOTION RIED. Yes-4.

Len Harrett pointed out he felt the Planning Commission could not be conducting business unless there four members voting in the affirmative in order to pass a motion. Renee Mischel indicated that this was not reasonable as the Twp Board was a board of five and they conduct business with a quorum of three and not all are required to vote in the affirmative in order to pass a motion.

Wandawood – Garage Untabled. Renee Mischel indicated a tie vote was the same as a denial on the garage issue from the last meeting and the Planning Commission should not have increased the use of a Non-Conforming Use. A suggestion from the Twp attorneys would be to split off the lot from Wandawood Resort and maintain the lot as a normal R-1 lot. All of the cottages in the township were reviewed with none of them providing a garage. Carolyn Shah indicated that one of her cottages "Postscript" has a garage which is used for storage. Carolyn also indicated she does not wish to split off the lot as it is part of the resort and indicated her reasons for the garage being: design of building for looks, decrease of road noise, storage of resort items (life jackets, paddleboats, etc.), and a benefit for her winter rentals. A motion was made by Harry Potter, 2nd by Jim Lundy to approve the addition of a 28x28' garage attached to the cottage. MOTION CARRIED Yes-3, No-1.

Mini-Storage Amendments. After review of the materials provided by Larry Sullivan a decision was made that Mini-Storage should be an allowed use in the Commercial Zone with a definition added to the ordinance defining exactly the conditions of Mini Storage by approval with a special use permit. A motion was made by Shen Smith, 2nd by Renee Mischel, to create an amendment to the ordinance allowing Mini Storage as an allowed use by special use permit, with definitions created for Section 1.03, and conditions created for any approval. MOTION CARRIED Yes-4, N-0. Renee will relay the wishes of the Planning Commission to the Twp Attorneys for their comment before the amendment is created.

Funneling Issues. No report was received from the Twp Attorneys so the question was tabled to the next meeting.

January Meeting: As there will not be a quorum for the January meeting, the January meeting will not be held.

As there was no further business at this time, a motion was made by Jim Lundy, 2nd by Renee Mischel to adjourn. MOTION CARRIED. Y-4, N-0.

Meeting was adjourned at 9:30 PM.

Respectfully submitted,

Shen Smith

Shen Smith
Secretary