

**ACME TOWNSHIP
Zoning Board of Appeals
June 14, 2007**

Thursday, 7:30 p.m.
Acme Township Hall
Acme, Michigan

Meeting called to Order at 7:32 p.m.

Members present: J. Kuncaitis (Chair), L. Brohl, D. Smith

Members excused: L. Belcher, D. Krause

Staff present: J. Hull, Zoning Administrator
N. Edwardson/Recording Secretary

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** None

2. **Correspondence:**

3. **Reports:** None

4. **Hearings:**

a) **Review of staff determination by Mountain Jacks, 5555 US Highway 31 N., finding that an outdoor deck for serving customers is a Major Amendment to the existing special-use permit.**

The published public hearing notice was not available in the ZBA packets so was not read into the record by Kuncaitis. Hull will have this available for the minutes.

Cindy Hamelin, General Manager, of Mountain Jack's, was introduced and Cindy gave a summary of the project. She would like to build a small deck on the south side of the parking lot 16x40 that would accommodate approximately 25-30 people. This would provide a place for the boaters of East Bay Marina and transient boaters to relax and enjoy the view. There will be no entertainment. There will be a station for the outdoor service of alcohol with 100% employee supervision. Hamelin said she had been interviewed by the Grand Traverse Sheriff's department by, D/Sgt. Chris Barsheff, and was told that since there is no entertainment that this would not be a major concern for them to pass. Hamelin also reported an interview with Jack Ogden, Michigan Liquor Control Commission who also stated that this would be a simple amendment to the existing liquor license.

Hull led a lengthy discussion about Section 8.1.5 Amendments to and Modifications of Special use permit site plans. He talked in detail about insignificant, minor and major design modifications. He reviewed a memorandum from our attorney, Chris Bzdok, on zoning ordinance on outdoor seating and minor or major amendments. Bzdok held the opinion that this would be a major amendment.

Kuncaitis expressed the opinion that he thought this request at first was stupid but after listening to Hull and the others discuss the issues he found himself

agreeing with Hull that this is a major amendment. Smith and Brohl were in agreement with Hull.

MOTION BY SMITH TO CONCUR WITH HULL'S RECOMMENDATION THAT THIS REQUEST IS A MAJOR AMENDMENT TO THE SPECIAL-USE PERMIT. BROHL SECONDED. MOTION PASSED UNANIMOUSLY.

5. **Approval of minutes from the May 10, 2007, regular meeting**

MOTION BY BROHL. SUPPORTED BY SMITH TO APPROVE THE MAY 10, 2007, AS PRESENTED. MOTION PASSED UNANIMOUSLY.

Meeting adjourned 8:25 p.m.