

**ACME TOWNSHIP
Zoning Board of Appeals
January 11, 2007**

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

Meeting called to Order at 7:38 p.m.

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

Members excused: L. Belcher

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) Interpretation of Section 7.3.4, Fences, which prohibits hedge plantings taller than 3' in any residential front yard. Kuncaitis read the published public hearing notice into the record. Kuncaitis told the Board that they needed to determine if trees planted in a row constitute a hedge. He read some dictionary definitions that Hull had written into his report. Seven letters were presented and read into the minutes. Kuncaitis asked for public input at this time.

Teri Francis, 3158 Scenic Hills Drive. She lives across the street from the hedge in question. She showed pictures to the members of the Board. She said the trees planted can grow up to 100 ft in height and 40 ft in width. They will grow into a solid wall. She cited safety concerns, animals or strangers hiding in the trees for not having this planting. She also read the ordinance which prohibits hedge plantings taller than 3' in any residential front yard.

She feels that this hedge should be one; removed entirely, two cut back to 3' or thirdly: disperse to less than 50 ft apart so as not to create a hedge.

Dave Francis, 3158 Scenic Hills Drive, commented that the letters presented tonight were from the support group that had brought a lawsuit against his family.

Gary Ford, Attorney representing the Sommerfields, presented information to the Board to aid in making a decision. He showed pictures of the home. Summerfields purchased the lot and build in 1984. Ford had a overhead sketch of the house showing trees that had been planted on the eastern side about 18 ft apart. In 2004 Sommerfields purchased Lot 2 and had sprinkler systems installed. In 2006 they planted the trees now in question. Ford said that Mrs. Summerfield had contacted Hull regarding planting the trees and if there was any restrictions to which Hull replied not from the townships view but she needed to see if the subdivision called for any. The primary purpose for

the trees was privacy. Ford cited eleven addresses in the township with plantings that could constitute a hedge. Within an hour of driving around the township he found them. It helped to see if there was a pattern that the township had not regulated. Historically no concerns had been raised about any of these addresses by the township.

Ford in conclusion said common sense prevails in the approach of this ordinance. This is not a hedge nor a wall at 3171 Scenic Hills Drive.

Hull commented on four issues with Ford. He didn't believe an attorney should "cherry pick" definitions. Hull had several definitions in his report, anyone could have been used. Secondly when Mrs. Summerfield called about the trees she asked a vague questions to which Hull gave a vague answer. Thirdly Hull agreed with Ford that either way this was "a can of worms", and lastly Hull said don't fall on a stronghold of a definition. One must not legislatly assume that the definition for lot is it.

Teri Francis asked when the ordinances were adopted. Hull thought in possibly 1973. Lewis Griffith, a member of the audience, said they were adopted October 10, 1973.

Doug Fauver, 3141 Scenic Hills Drive, commented that this was not a hedge or tree but a view issue.

Public comment closed.

Hull read into record all the letters received tonight.

Kuncaitis turned to the members of the Board and asked for comments. Krause commented that when he first investigated this it appeared to be nothing but a series of trees. He sees nothing in our ordiances that would constitute this as a hedge. Krause believes this to be strictly tree planting. Smith held the opinion that a hedge was a row. He was still undecided. Brohl said they were not a hedge. Kuncaitis commented that there will be a problem with snow but did not believe this planting to be a hedge.

MOTION BY KRAUSE THAT THE PLANTINGS ON 3171 SCENIC HILLS DR DO NOT CONSTITUTE A HEDGE. BROHL SECONDED. MOTION PASSED UNANIMOUSLY.

5. **Approval of 2007 ZBA Meeting Schedule**

Kuncaitis commented that along with approving the meeting schedule for 2007 the Board also needed to elect officers.

MOTION BY SMITH. SECONDED BY BROHL TO APPOINT KUNCAITIS AS CHAIR AND BELCHER AS SECRETARY OF THE ZBA. MOTION PASSED UNANIMOUSLY.

MOTION BY BROHL. SECONDED BY KRAUSE TO APPROVE THE 2007 ZBA MEETING SCHEDULE. MOTION PASSED UNANIMOUSLY.

6.. Approval of minutes from the July 13, 2006, regular meeting

MOTION BY BROHL. SUPPORTED BY KRAUSE TO APPROVE THE JULY 13, 2006, MINUTES AS PRESENTED. MOTION PASSED UNANIMOUSLY.

Meeting adjourned 9:00 p.m.