

ACME TOWNSHIP
Zoning Board of Appeals
March 18, 2004

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

Meeting called to Order at 7:30 pm

Members present: J. Kuncaitis (Chair), P. Collins, N. Knopf

Members excused: L. Belcher, H. Smith

Staff present: J. Hull, Zoning Administrator

1. **Review and approval of the agenda, inquiry as to conflicts of interest:**
Approved; none noted.

2. **Correspondence:** None

3. **Reports:** None

4. **Hearings:**

- a) **Public hearing on the application of Cindy Walerych and Robert Wilson, 4065 Westridge Dr., Williamsburg, MI 49690, for a non-use variance of §6.11.1, Schedule of Regulations, which requires a twenty (20) foot side-yard setback on a property currently zoned R-1, One Family Forest and Costal Zone:** Kuncaitis read the published hearing notice into record. Mr. Wilson was present to support his application. He noted that there is a question as to the precise amount of variance required, as a drawing by Hull indicates a smaller need than the information submitted by the applicant. Mr. Wilson stated that his measurements were taken by visual estimation from existing monuments. Measured from the front corner of the existing garage, he thought it would be an approximate 5' encroachment. He is seeking to place a proposed garage 4' back from existing garage, but Hull's drawing indicates that by setting back 10' no variance would be needed. However, doing so may block windows on side of house.

Collins asked how much of an overhang the building would have. Mr. Wilson was unsure, saying that his builder provided sketches and would try to match the rest of house, which has an approximate 2' overhang. The same builder who created the 1995 addition would do this work. Unique because of easement & bend.

Kuncaitis asked for clarification on the easement width, which is 20'. He also asked if anyone has called with concerns about the application; Hull reported that there was one call seeking information only. Kuncaitis also observed that there is an existing shed in violation of the Zoning Ordinance and asked if it would be removed and replaced by the proposed garage. Mr. Wilson stated he had no firm plans for the shed at this time, but that it would be moved to accommodate the new garage. Kuncaitis noted that the 10' required distance

between buildings serves as a measure of protection to keep fires from spreading too easily between structures, and asked when construction is planned to begin. Mr. Wilson seeks to build sometime this spring or summer.

Kuncaitis noted that the distance between the garage and the easement can be affected by varying the forward location of garage, depending on taking more accurate measurements when the weather is suitable. The overhang must also be taken into account, to avoid directing roof drainage onto neighboring properties. This may not be a major concern, as the yard slopes downward and major digging will be required.

Public Hearing opened and closed, there being no public comment.

Collins does not feel that a request for a 5' variance seems out of line, given the circumstances.

Motion by Collins, support by Knopf to approve a 5' variance of the twenty (20) foot setback requirement, contingent on more exact measurements of where the property line lies. All Basic Conditions and Special Condition B has been met. Motion carried unanimously.

Mr. Wilson and Hull will work together to identify the appropriate measurements.

5. Other Business:

- a) **Request for interpretation of § 7.2.5 regarding outdoor storage of boats:** Hull is seeking clarification regarding the referenced section of the ordinance. This is the only significant mention of this issue anywhere in the ordinance, apart from specific references in particular zoning districts. Hull has received complaints regarding outdoor storage of boats and other recreational equipment, and has experienced difficulty addressing them. He perceives the ordinance statements to be ineffectively broad and general, and finds it hard to believe that a waterfront community would impose such a restriction. Hull recommends that the ordinance be forwarded to the Planning Commission for further consideration and, possibly, amendment.

Knopf interprets the restriction against outdoor storage of boats as referring particularly to those that are unlicensed. Kuncaitis is less certain because of the placement of a comma that may indicate a separation. Collins agreed. Kuncaitis believes there is a need to make provision for storage of seasonal recreational items due to the nature of our region; however, he would favor some sort of time limit such as six months.

Knopf asked to which zoning districts the restriction applies. Kuncaitis responded that it would be applicable to all but commercial uses. Knopf is concerned because this paragraph can apply to uses year-round. In the past, the township has taken commercial landowners to court over outdoor sales and/or storage activities, and just granted a permit to Tom's for an enclosed outdoor garden center space. Kuncaitis feels that the question isn't that broad; that it's limited to boat storage. Knopf would favor a restriction to only one boat per property to avoid creation of massive outdoor storage areas.

She agreed that the Planning Commission should be directed to examine the section further with an eye to changes with suitable restrictions on the number of boats to be permitted.

6. Approval of minutes from the December 23, 2003 regular meeting:

Motion by Knopf support by Collins to approve the minutes of the December 23, 2003 meeting as presented. Motion carried unanimously. .

Meeting adjourned 8:00 p.m.