

ACME TOWNSHIP
Zoning Board of Appeals
April 14, 2005

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. Belcher, P. Collins, D. Kipley, D. Krause

Members excused: D. Smith

Staff present: J. Hull, Zoning Administrator
S. Corpe, Recording Secretary
J. Christopherson, Township Counsel

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** Approved with none noted.
2. **Correspondence:** None
3. **Reports:** None
4. **Other Business:**
 - a) **Approve final language of 3/16/5 ZBA interpretation finding the uses under §6.8 to require special use permit approval** (Attachment E included and incorporated by reference): It was agreed at the last meeting that a formal resolution would be prepared for this meeting reflecting the determination made by the ZBA at the last meeting that uses under Section 6.8 of the Ordinance require SUP approval.

Kipley expressed a concern about the resolution, noting that Bzdok, the township's primary legal counsel at this time, stated at the meeting that he would have found reason to support either the interpretation that the uses require SUP approval or that they did not. This is not reflected in the proposed resolution. Christopherson noted that this should be reflected in the minutes of the last meeting. It might be beneficial to consider approval of the minutes and the resolution concurrently. The board paused to consider approval of the minutes of the March 16, 2005 meeting.

Hull noted that on page 6, third line down he would remove the word "inconsistent" and substitute the word "equivocation" to more accurately express the logical concept being employed. The ZBA approved the change.

Motion by Kipley, support by Collins to approve the minutes of the March 16, 2005 meeting as amended. Motion carried unanimously.

Kuncaitis asked Hull if he believes that the resolution as drafted is appropriate; Hull stated it is.

Motion by Collins, support by Kipley, to adopt the resolution as presented. Motion carried unanimously.

5. Hearings:

- a) **Hearing for Wolverine Power Cooperative under §5.4 Essential Services to erect a new substation to replace the existing substation at 6033 Arnold Rd.** (Attachment A included and incorporated by reference): Mr. Rod Sneller, Environmental Services Coordinator for Wolverine Power addressed the ZBA. Wolverine is a power generation and transmission cooperative that supplies power to five electric service providers. They own the substation at the corner of M-72 and Arnold Roads. Cherryland Electric, which purchases power from Wolverine, has indicated that the substation is overloaded due to growth in the area and has requested installation of a new substation. The existing substation would be removed after the new one is constructed and on-line. Mr. Sneller provided revised site plans for the new substation. The appearance of the changes should be fairly minimal, with the fence enclosure being somewhat larger. He also had photographs available of comparable recently-constructed facilities.

Kuncaitis asked Belcher to read the public hearing notice into the record. Kuncaitis read Section 5.4 of the Ordinance into the record as well.

Kipley asked if the facility makes noise while operating. Mr. Sneller indicated that there is a hum, but that the noise level should not increase.

Public Hearing opened at 7:52 p.m.

Jay Zollinger, 4232 Williamston Court, asked about portable generators being stored on-site. One might be present for a short while.

Public Hearing closed at 7:52 p.m.

Motion by Belcher, support by Kipley to approve Application #2005-4Z for Wolverine Power. Motion carried unanimously.

- b) **Public hearing for Thomas Tracy seeking a variance of §6.11.1 to allow a lot width less than the required 330' at 4860 Brackett Road.** (Attachment B included and incorporated by reference): Kuncaitis noted that the following application is for an adjacent property and similar circumstance. He asked if both applicants might be able to utilize one easement; Dr. Tracy remarked that this would require relocation of a barn. Belcher read the public hearing notice into the record.

Kuncaitis expressed a concern that when the 40' wide easement is subtracted from the frontage of the parcel on Brackett Road, proposed Parcel A would only have approximately 320' of frontage on Brackett Road. This is less than the required 330' in the ordinance for agriculturally-zoned properties. Corpe suggested that the way to correct this problem is to designate that in the future the front lot line of Parcel A is along the proposed new easement. The zoning ordinance defines lots as being exclusive of access easements, so the amount of the frontage taken up by the easement

must be excluded from proposed Parcel A. Belcher believes that due to the amount of land that a landowner in the agricultural district must give up to create the necessary easements under the existing ordinance requirements, the Planning Commission should consider changing these rules about whether or not easements are included in lot areas. Nels Veliquette believes that these issues are related to his belief that the township needs to abandon its minimum 5-acre requirement for parcels in the agricultural district. Krause concurs, feeling that a clustering requirement should be substituted for the minimum 5-acre requirement.

Public Hearing opened and closed at 8:20 p.m., there being no public comment.

Motion by Krause, support by Collins to approve Application #2005-5Z permitting proposed Parcel B to have 40' of frontage on its access easement under the condition that the front lot line for Parcel A will become the east property line abutting the proposed new easement and that the lot shall become a grandfathered non-conformance. All Basic Conditions and Special Condition A were found to be met. Motion carried unanimously.

- c) **Public hearing for Larry Street seeking a variance of §6.11.1 to allow a lot width less than the required 330' at 4788 Brackett Rd.** (Attachment C included and incorporated by reference): Belcher read the public hearing notice into the record. Mr. Street's request is nearly identical to Dr. Tracy's, although his land has nearly 398' of frontage on Brackett Road. After subtraction of the new easement width, Parcel A will still have more than 330' of frontage.

Public Hearing opened and closed at 8:27 p.m., there being no public comment.

Motion by Belcher, support by Kiple to approve Application #2005-5Z permitting proposed Parcel B to have 40' of frontage on its access easement. All Basic Conditions and Special Condition A were found to be met. Motion carried unanimously.

The ZBA commended Hull on the helpful drawings he provided relative to the foregoing two applications.

- d) **Public hearing for the Sweetwater Evening Garden Club seeking a variance of §7.4.1 to allow an Acme welcome sign at 5074 US Highway 31 North.** (Attachment D included and incorporated by reference): Belcher read the public hearing notice into the record. Sharma Zollinger, President of the garden club was present in support of the application. The club would like to create a sign welcoming people to Acme Township on the southernmost portion of the BayView Inn property.

Kuncaitis asked whether properties with frontage on two roads are entitled to one sign on each road. Corpe responded that the ordinance allows for one sign on one major thoroughfare on which a property may abut, and she

believes that the ZBA has previously ruled that a lot with frontage on two major roads may have one sign only. Kuncaitis also asked if it would be more appropriate for the Planning Commission or the Board to render a decision; Hull stated that the Board could make a decision as well but that it is appropriate for the ZBA to do so.

Mrs. Zollinger reported that the Acme Civic Association has volunteered to pay \$2,500 for installation of a sign very close to the intersection of US 31 and Five Mile Road but not where it would obstruct traffic views if the Garden Club would pursue maintenance and installation. Overall sign height would be 12'; the size would be roughly 8' x 4'. Final design has been deferred until they know if the project can move forward. A semi-circular flower bed would be installed at the base of the sign in a raised bed 2-4 courses of pavers high. The trees on the BayView Inn property would form a backdrop.

Krause asked why the proposed location has been chosen. He feels that a welcome sign would be more appropriate on M-72. Visitors from that direction cannot as readily identify where the township begins, whereas most people probably know where the southern border of Acme along US 31 is (near the Burger King). Mr. Zollinger also stated that water for the plants will be accessible to the proposed site. Krause also noted that the sample sign mentions the Village of Acme, but Acme is a Township and not a Village. Mrs. Zollinger stated that she discovered this recently herself. Krause asked what materials would be used for the sign; this has not been decided but it would be something durable. He also suggested that for traffic traveling at high speed, a readable message would have to be fairly uncomplicated.

Kipley stated that he is a member of the Acme Civic Association. They decided during the last Christmas Tree sale to fund this project. He only just realized that this might constitute a conflict of interest. The ZBA did not seem too concerned that this would be a problem.

Public hearing opened and closed at 8:42 p.m., there being no public comment.

Krause asked what body of the township would have review and approval of the sign design? While it would not be a township-owned sign, it is a civic sign in nature and he feels that design approval from the Township Board should be required. Kuncaitis mentioned that liability issues could also arise; if someone crashes into the sign they might seek to sue the township or Frank Zarafonitis, the landowner.

Motion by Belcher, support by Kipley to approve Application #2005-7Z for placement of a civic sign on the BayView Inn property placed in accordance with the Historical Markers section of the ordinance on the condition that the landowners and the Township Board of Trustees approve the design and placement of the sign and that all other conditions of the Sign Ordinance shall be met without variance. All Basic Conditions and Special Condition A have been met. Motion carried unanimously.

6. **Approval of minutes from the March 16, 2005 regular meeting.** (Attachment F included and incorporated by reference): Addressed previously in the agenda under item 4, Other Business.

Meeting adjourned at 8:49 p.m.