

ACME TOWNSHIP
Zoning Board of Appeals
July 14, 2005

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

Meeting called to Order at 7:34 p.m.

Members present: J. Kuncaitis (Chair), L. Belcher, P. Collins, D. Krause, D. Smith (7:39 p.m.)

Members excused: None

Staff present: J. Hull, Zoning Administrator
S. Corpe, Office & Planning Coordinator/Recording Secretary

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** Approved with no conflicts noted.
2. **Correspondence:** None
3. **Reports:** None
4. **Hearings:**

Public Hearing for Dennis & Lori Craig seeking a variance of §6.3.2, Uses Permitted [R-2], which required private swimming pools to be located in rear yards only, to locate a swimming pool in the front yard (Attachment A included and incorporated by reference): Belcher read the published hearing notice into the record. Mr. and Mrs. Craig were present to support their application, in addition to what Kuncaitis referred to as a very well-written request. The subject property contains a terraced hill in the back yard that was present when the Craigs purchased it. The home is approximately 600' back from the road, and a disused tennis court already exists in the front yard. The Craigs would like to replace the tennis court with an in-ground swimming pool and landscaping. An existing 15' tall fence will remain in place.

Kuncaitis noted that this property falls into the category of waterfront properties that are considered by their owners to have the "front" on the water rather than on the road as defined in the ordinance. His site visit gave him the impression of an ideal situation for the request. Krause noted that he assisted the former property owner in planting all of the evergreen trees in the photographs submitted with the application. The ones lining the driveway were intended to have their lower branches trimmed up to provide a canopy effect.

Public Hearing opened and closed at 7:43 p.m., there being no public comment.

Motion by Smith, support by Krause to approve Variance #2005-9Z as requested, all Basic Conditions and all Special Conditions having been met. Motion carried unanimously.

5. Other Business:

- a) **Request for Ordinance Interpretation of the term “back to back” in Section 7.4.1(4)b, Signs:** Dr. Mark Saunders is redeveloping the former Mercedes dealership/Beaversmith Tools building at the corner of US 31 North and Shore Road as a medical office. He would like his freestanding sign to have the two sign faces that would normally be entirely back-to-back to be set at an acute angle to each other. Hull has provided a report regarding his question as to interpretation of the precise wording of the section and whether a sign with two faces somewhat divided, as opposed to more than two faces, that are not back to back, meets the intent of the ordinance. Dr. Saunders feels that the proposed arrangement will make the signs more visible given the shape of the road in that area.

General discussion indicated that the board members feel that as long as the total sign area is no more than 64 sq. ft. with no one face exceeding 32 sq. ft. that the intent of the ordinance is being met, whether there are two sign faces or three or four. Kuncaitis did express a concern about what would happen if someone constructed a sign that was only an inch or two from being a straight line, and was therefore a very obtuse triangle – could someone essentially have a 64 sq. ft. sign face? The board reaffirmed the township’s intent to maintain relatively small signs in the township, and expressed understanding of the desire not to have a third blank face that will cause the two key faces to be decreased in size.

The proposed sign faces will be set at a 60 degree angle, an equilateral triangle lacking a third face. Landscaping may be installed in the space where the third side might be.

Krause addressed Kuncaitis’ concern with certainty that if an individual requested a sign with a small enough angle between the faces that it would appear to be and function as a single sign face, Hull would refer the matter to the ZBA for a ruling. Belcher suggested that one way of interpreting intent is that the sign is back-to-back if both faces contain identical information.

Dr. Saunders’ representative provided pictures of three signs in Acme Township which fit the same model as the sign desired (Lee Plaza, The Stained Glass Company, and the Grand Traverse Resort-The Shores).

Consensus was reached that two-faced signs with the two faces set at angles to each other are permissible, with the Zoning Administrator to exercise reasonable discretion based on the foregoing discussions, as being within the intent of the ordinance.

The ZBA recommended that the Planning Commission give consideration to an ordinance amendment that would both clarify the language in accordance with this interpretation, and that would also set a limit on the angle of the sign faces so that the Zoning Administrator and public will have clear guidelines and standards.

6. Approval of minutes from the June 9, 2005 regular meeting:

Motion by Collins, support by Belcher to approve the June 9, 2005 meeting minutes as presented. Motion carried unanimously.

Meeting adjourned at 8:13 p.m.