

**ACME TOWNSHIP
Zoning Board of Appeals
October 16, 2008**

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, B. Hopkins, D. Krause
D. Smith (7:37)

Members excused: None

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) **Application # 2008-04Z for Thomas and Helen Ropers, 4802 Five Mile Road, Williamsburg, for a variance of Section 7.3.4, Fences, which prohibits fences exceeding three feet in any residential front yard.**

Belcher read the published hearing notice into the record. Kuncaitis said applicants seek to erect a fence along the side lot line that would exceed the three-foot height limit in the front yard.

Ropers introduced his wife, Helen, and himself. He made a correction to the spelling of his name, it should be Ropers. He asked if Board members had received the amended sketch. Ropers said in redoing the sketch he noticed that he had inadvertently shown the proposed fence extending along the side of the neighbors front yard. The new sketch shows the proposed fence would end at the rearmost point of their front yard. Ropers said in constructing this fence it would mask-out what Ropers considers to be an unsightly condition on the neighbors side. Ropers also showed photos to the Board. Ropers said an issue arose over the southern rear of the property after which the Eilers planted lots of shrubs along with a metal chain-link fence. At that time Ropers relocated driveway over to their property. ~~It became a sour point with the Eilers.~~

Ropers believes he has met all the Basic Conditions required by this application for a Variance.

Wendall Johnson, Attorney, for neighbors, Ed and Sheila Eilers, spoke opposing the application. Johnson stated that the application was legally not right according to the Zoning ordinance. He stated that the Ropers and Eilers had shared the driveway from May of 2002 until about a month ago with no complaints. He believes a ruling in favor of the Ropers would have a substantial impact on the neighborhood.

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Kuncaitis said for a point of reference that there has been two incidents on this Board that such a request like Ropers had been granted.

Carolene Herman, 4820 Five Mile Road, commented that her property borders on Ropers property. She said her husband was a stroke victim and found pleasure in looking out the windows of their home at the neighborhood. She mentioned their own home being brokened into last winter. She said she feels the Eilers property is very well maintained and would not like to see the proposed fence.

Sheila Eilers, 4782 Five Mile Road, commented their current view will be blocked. She said that traffic is very loud on US 31 N even when sitting on their side deck. When Ropers attorney wrote up the agreement on the easement the Eilers did everything right. She believes it is God's gift to view her surroundings and that no one should take away that right.

Ed Eilers commented also on losing their viewshed. He also showed pictures to the ZBA of the different lot lines in question.

Helen Ropers believes their view will be blocked. She expressed disappointment in the chain-link fence the Eilers put up. Herman responded that she thought the fence was fine.

Pat Salathiel, 4882 Five Mile Road, reluctantly spoke in favor of the Ropers. She is a neighbor to both parties. She believes in fairness, Ropers, request should be granted.

Sheila Eilers, commented on how Ropers had stopped at their house while she was away and knocked on her door, calling for Sheila. Sheila's mother, who lives with them, was very upset. Ropers apologized for his actions, not realizing he had cause Eilers's mother undue stress.

MOTION BY KRAUSE TO APPROVE APPLICATION PERMIT 2008-04Z, FOR A NON-USE VARIANCE OF SECTION 7.3.4 FENCES, NOT ACCORDING TO THE FIRST SKETCH BUT THE AMENDED SKETCH, TO STOP THE FENCE AT THE BACK OF EILERS HOME. ALL BASIC CONDITIONS HAVE BEEN MET WITH SPECIAL CONDITIONS A AND C HAVING BEEN MET. SECONDED BY HOPKINS. MOTION CARRIED UNANIMOUSLY.

5. **Draft of legal-compliant, "content-neutral" Zoning Ordinance re-write**

Board members were all provided with draft copies of Zoning Ordinance re-write. Hull commented that the Planning Commission, along with legal counsel and staff drafted a proposed "content neutral" re-write of the Acme Township Zoning Ordinance. This re-write is intended to accomplish the following objectives: 1. To meet the requirements of state statutes, 2. address any potential constitutional or case law issues; 3. streamline language, eliminate duplication, and excise unnecessary legalese 4. where possible, improve organization.

6. Approval of minutes from the July 10, 2008, meeting

MOTION BY BELCHER TO APPROVE THE July 10, 2008, MEETING MINUTES AS PRESENTED. SECONDED BY SMITH. MOTION PASSED UNANIMOUSLY.

ADJOURNED AT 9:15 pm