



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
December 8th, 2016 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

Members present:

Members excused:

Staff present:

A. APPROVAL OF AGENDA:

B. INQUIRY AS TO CONFLICTS OF INTEREST:

C. CORRESPONDENCE:

D. PUBLIC HEARINGS:

1. ZBA 2016-03: Non-Use Variance Request, 2910 Towering Pines Ct
2. ZBA 2016-04: Non-Use Variance Request, 4736 Springbrook Dr
3. ZBA 2016-05: Non-Use Variance Request, 5632 Bunker Hill

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from the July 14, 2016
2. Approve 2017 Zoning Board of Appeals Meeting Schedule

ADJOURN:



ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
December 8th, 2016 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE (7:02 pm)

ROLL CALL:

Members present: Forgette, Hoxsie, Kuncaitis, Lasusa, Maitland

Members excused: none

Staff present: Winter

A. APPROVAL OF AGENDA: (approved)

B. INQUIRY AS TO CONFLICTS OF INTEREST:

1. Forgette disclosed he is friends with Mr. McCauley, applicant for ZBA 2016-03. He also formerly worked with Mr. McCauley. Forgette recused himself from Item D (1).

C. CORRESPONDENCE:

D. PUBLIC HEARINGS:

1. ZBA 2016-03: Non-Use Variance Request, 2910 Towering Pines Ct (McCauley)
 - Kuncaitis read the public notice into record
 - Mr. McCauley, the applicant, was present and gave an overview of his request and his property's characteristics. Would like to build an accessory building on an existing concrete slab located in the defined front yard adjacent to Towering Pines Dr.
 - Kuncaitis
 - Inquired about the proposed height. Applicant stated it would be approximately 12 feet high.
 - Further inquired to staff if addresses were allowed to be assigned to private roads. There are now prohibitions on addresses being assigned to private roads
 - Asked if the address was assigned to Holiday Pines Rd would we even be here for the request. Staff indicated that it wouldn't change the need for the request because it has been based on proposed accessory building location relating to the front yard as defined by the Zoning Ordinance.
 - Maitland
 - Noted the similarities to the previous request before the ZBA regarding an accessory building and a corner lot.
 - Visited the lot and felt that it was impractical to build elsewhere on the property
 - Felt the report presented by staff demonstrated that the request met all the basic conditions
 - Kuncaitis read a letter of support into record from the Applicant's neighbor, Paul Deyo
 - Lasusa said he toured the property and noticed a couple additional sheds on the property. He asked if the garage would result in the sheds being removed, the Applicant indicated that was his plan, and that they had come with the property at the time of his purchase. Maitland mentioned that he discussed the issue with staff who recommended that they be removed. Maitland didn't feel the ZBA could require their removal.
 - Kuncaitis opened up the public comment portion, no public comment.
 - Staff indicated that the request will need an additional variance to treat the setback along Towering Pines as a side-yard setback of no less than 10 feet, in addition to the variance to place the accessory building in the front yard.
 - Motion by Lasusa to approve the nonuse variance request subject to the removal of the existing nonconforming structures (sheds) that are there and grandfathered in.
 - Maitland mentioned that he would support the motion, except he does not think we can

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

- make removal of the sheds a condition of approval.
 - Kuncaitis says the ZBA has done it in the past.
 - Support by Maitland. Motion passes unanimously, Forgette recused
2. ZBA 2016-04: Non-Use Variance Request, 4736 Springbrook Dr
- Kuncaitis read the public notice into public record
 - Mr. Sanborn, the Applicant, was present and reviewed his proposed project and requested variance.
 - Kuncaitis Asked about the properties on Springbrook Dr, whether they abutted his property. Mr. Sanborn confirmed that is the case, as well as the 38 additional acres that are being split up between himself and his three siblings. Asked staff whether a lot required frontage, or if an access road to the property is all that is required. Staff stated that frontage is required and is provided to “Parcel 4”, but is illustrated in the survey with the necessary turn radius/cul-de-sac. Clarified the location of the well and drain field with the applicant
 - Forgette asked if the drain field was immediately east of the house, applicant confirmed.
 - Maitland sought clarification if the ordinance is the same for this location where as the accessory building cannot exceed the area of the house. Staff confirmed that to be true and indicated the applicant’s site plan is not drawn to scale.
 - Kuncaitis wondered the effect on property owners further down the easement who would have to drive by the accessory building if they were to build on their lots. The applicant didn’t anticipate them building in the future. He would also be willing to plant spruce trees around the building for screening. Kuncaitis noted from experience that you never know the intentions of future property owners.
 - Hoxsie asked if the red square on the site plan created by staff meets the ordinance requirements. Staff confirmed that to be the case and was created to explore the possibility of placing the accessory building in the side yard. Wondered if the drain field would be in the way given the side yard location. Not known for sure at this point.
 - Winter said a member of the Trust called and stated the approved easement may be relocated, possibly having an effect on the location of the accessory building.
 - Kuncaitis opened up the hearing for public comment:
 - Roy Challendar, 3885 Bunker Hill Rd, expressed concern about the easement on the applicant’s and Trust’s property running adjacent to his property. Challendar showed the ZBA a site plan for a subdivision he had been planning on his property prior to the recession.
 - Maitland asked if it would be a private road. Sanborn confirmed, and Winter clarified that the land division with the easement has already been approved. Maitland stated to Challendar that the easement location is not the ZBA’s business in this hearing.
 - Maitland asked if the changes to the easement would effect the location of the accessory building, and the applicant felt that it would not.
 - Lasusa asked the applicant to show him where the red cabin was on the site plan survey, as well as the two-track.
 - Maitland stated that the ZBA needs to identify a hardship, and not blocking the view from the dining room table doesn’t constitute a hardship. Furthermore, staff has indicated that viable alternatives exist.
 - Lasusa is in agreement with Maitland.
 - Kuncaitis asked Challendar if he had any more concerns. Challendar brought up the issue of the easement and turn around on parcels 3 and 4. Kuncaitis didn’t anticipate much traffic on the easement. Challendar asked about future splits, and Kuncaitis indicated that it could be split it again but will need to wait 10 years. Kuncaitis reiterated that the easement was not part of the decision for tonight’s hearing. Maitland verified that splits like the one presented require no additional planning commission review.
 - Kuncaitis closed the public comment portion
 - Winter overviewed that not all of the basic conditions were met. If something major was to change, such as the location of the easement, the ZBA agreed to allow the applicant to come back for review.
 - Maitland recommends denying the proposed pole building in the front yard of the property based on the finding of facts that there is no hardship, and the fact that it could be built in the allowable

- setback.
- Second by Lasusa. Motion passes unanimously.
3. ZBA 2016-05: Non-Use Variance Request, 5632 Bunker Hill
- Kuncaitis read the public notice into the record.
 - The applicant, Mr. Hubbard, was not present for the hearing.
 - Kuncaitis read the letter submitted by Dennis Tuck, signed by Dennis and Jeannette Tuck, Lisa Kerkoff, and Bill and Sharon Kerkoff.
 - Conversation among the ZBA ensued regarding the lot access, relationship between the applicant and other owners on the private road (no relationships)
 - Maitland observed that the property was a mess, with plenty of debris pushed over the hillside. Asked if the applicant was aware that his request exceeded the allowable area. Winter said the applicant received a land use permit for a new house and accessory building 40' x 40' which complied with the ordinance. The request before the ZBA is for a 40' x 60' pole barn.
 - Kuncaitis felt a request to locate the accessory building in the front yard would be more appropriate, given the topography of the land and adjacent houses. Asked about the allowable height, which is 24', measured between the peak and eave.
 - Kuncaitis opened the hearing to public comment
 - Bob Pierson, 4550 Deer Valley, stated that Deer Valley subdivision has worked hard to preserve the wooded, up north feel of the development and was appalled by the request and contrast it would create with surrounding properties.
 - Lisa Kerkoff, 4660 Deer Valley Dr, summarized the contents of her submitted letter. Had concerns about the accessory building being built before the home. Winter informed her that the land use permit was issued for the house and accessory building together, to be built congruently or in sequence, which happens frequently. In cases where the accessory building was built before the home and the home was never built, the Township informed the property owner that the house needs to be build or the pole barn torn down. Kerkoff asked about the location of the house which Kuncaitis explained. Kerkoff next asked what kind of hardships are evaluated. Kuncaitis explained the different variables/scenarios that the ZBA looks at when making their decision.
 - Maitland recommended that the ZBA deny the request for a larger accessory building.
 - Winter noted that almost all of the basic conditions were unmet.
 - Pierson inquired about cleaning up the lot as required by the zoning ordinance. Winter mentioned that the junk ordinance is limited and difficult to enforce.
 - Kuncaitis closed the public comment portion of the hearing.
 - Motion by Lasusa to deny the application because it does not meet all the basic conditions, not the result of a practical difficulty, is contrary to the public interest, will negatively effect neighboring property values and is not the result of any condition of the property such as topography.
 - Second by Hoxsie. Motion carries unanimously.

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from the July 14, 2016
 - Maitland noted a change under Item D(1). A typo, changing “grating” to “granting”.
 - Motion by Maitland to approve the minutes with the above mentioned correction, second by Lasusa, motion carries unanimously
2. Approve 2017 Zoning Board of Appeals Meeting Schedule
 - Motion by Maitland to approve the 2017 meeting schedule, support by Forgette, motion carries unanimously.

ADJOURN:

Motion by Forgette to adjourn, support by Lasusa, motion carries unanimously.



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Date: November 22, 2016

Permit No.: ZBA 2016-03

Request: Non-use variance to build an accessory building in the front yard

Applicant(s): Dennis and Ranae McCauley
2910 Towering Pines Ct
Traverse City, MI 49686

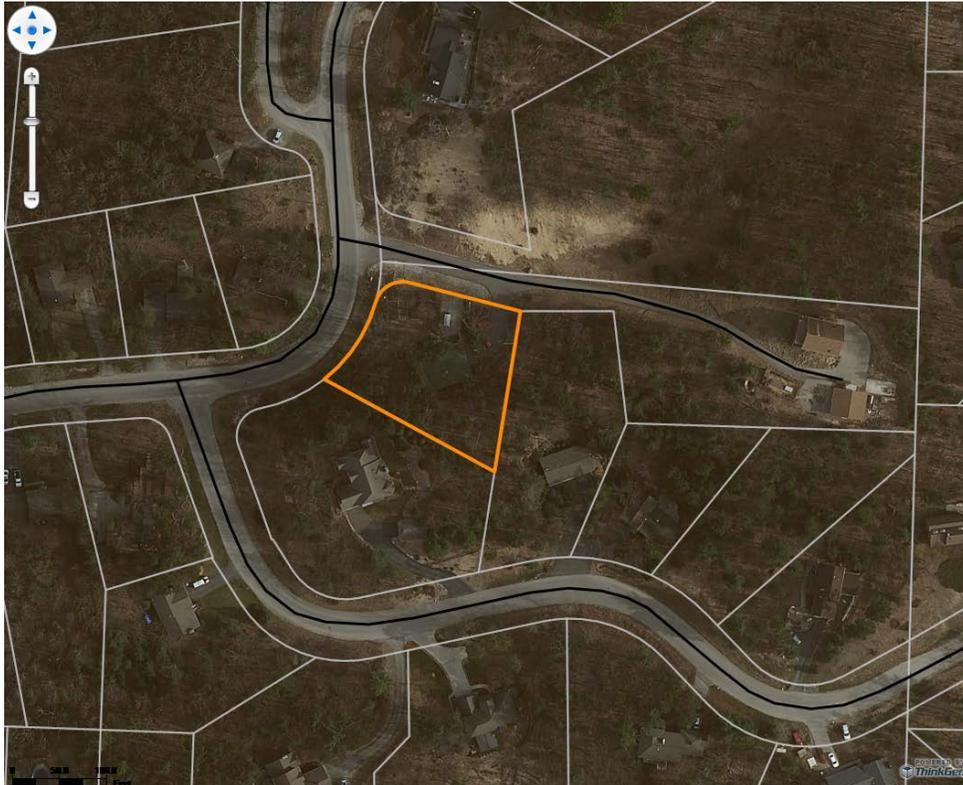
Address: 2910 Towering Pines Ct
Traverse City, MI 49686

Parcel No.: 28-01-500-021-00

Legal Description: LOT 21 HOLIDAY PINES.

Owner: Dennis and Ranae McCauley

Aerial Map:



Area: Approximately 0.585 acres

Zoning & Existing Use(s):

- R-2: One-Family Urban Residential
- The R-2 One Family Urban Residential District is designed to accommodate the development of low to medium density, one-family residential uses within those areas of the Township where public services, such as public sewer facilities, exist or are anticipated. This district includes existing one-family developments within the Township which have a similar lot area and character, as well as areas within which such development appears likely and desirable
 - Currently developed with a single-family residential home
 - Part of the Holiday Pines Subdivision

Setbacks:

- Front:* 30 feet
Side: 10 feet
Rear: 30 feet (without sewer)

Adjacent Zoning:

- North:* R-2: One-Family Urban Residential – Michael & Victoria Slawnik (across the street)
Northeast: R-2: One-Family Urban Residential – Richard & Ruby Howard
East: R-2: One-Family Urban Residential – Norman & Lucille Weichelt
South: R-2: One-Family Urban Residential – Michael L Miller Trustee
West: R-2: One-Family Urban Residential – Dolores Flowers (across the street)

Relevant Sections of the Zoning Ordinance:

§7.2 SUPPLEMENTARY USE AND AREA REGULATIONS

§7.2.1 ACCESSORY BUILDINGS:

Authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building under this Ordinance. An accessory building not attached and not made a part of the principal building shall:

- a. Not be nearer than ten feet from any other separate structure on the same lot,
- b. Not be erected in any minimum side yard setback,
- c. Not be erected in any front yard of any non-waterfront parcel,
- d. Not occupy more than 25% of a required rear yard,
- e. Not exceed one twenty-four feet in height, nor exceed the ground floor area of the main building within Residential Districts,
- f. Not be closer to the side yard lot line than the side yard setback of the principal building on a corner lot within Residential Districts.

AMENDED 01/05/10 EFFECTIVE 01/18/10 AS ZONING ORDINANCE AMENDMENT 004, AMENDED 04/08/2014 AS ZONING ORDINANCE AMENDMENT #031, EFFECTIVE 01/18/2014.

§6.13 SCHEDULE OF REGULATIONS**Zoning District:** R-2: One-Family Urban Residential (w/o public sewer)**Minimum Yard Setback (per lot, each, in feet):**

Front – 30 feet

Side – 10 feet

Rear – 30 feet

REPORT

The Applicant has requested a non-use variance to construct an accessory building in the front yard near the north property line located at 2910 Towering Pines Ct (“Property”) in order to provide additional storage. The Property has an existing concrete slab at the location where the proposed accessory building would be constructed.

The Property is part of the Holiday Pines Subdivision (“Subdivision”) and located on the corner of Holiday Pines Rd and Towering Pines Ct with a Towering Pines Ct address. The Subdivision is significantly developed with single-family homes. The terrain upon which the Subdivision exists is notably hilly with numerous steep grades throughout.

The Applicant has submitted a letter providing a narrative for his request (**Exhibit A**). Also included in the application was a site plan roughly depicting the location of the existing concrete slab and proposed accessory building (**Exhibit B**), and conceptual drawings of the proposed accessory building (**Exhibit C**). The applicant proposes constructed a 26 ft. x 26 ft. building on the existing slab which currently is 24 ft. x 39 ft. The Applicant anticipates side walls that are 9 ft. tall with a 4/12 pitch roof that would bring the height to 12 ft. However, based on the proposed pitch and width of the building, the height would be closer to 14 ft.

The Applicant currently has a single car attached garage located in the basement floor of the house along with two storage sheds in the side yard (east side). The Property has a steep grade descending to the west towards Holiday Pines Rd and a steep ridge running adjacent to the south and west sides of the house. The Property is one of only two with a Towering Pines Ct address. The other property owner located on the street has submitted a letter in support of the Applicant’s request (**Exhibit D**).

This location would require two variances. The first is a non-use variance to §7.2.1(c) which prohibits the construction of accessory buildings in the front yard of a property. The other is a non-use variance to §6.13 which requires a 30 ft. front yard setback. Reviewing the site plan created by a surveyor shows the wood deck in the front of the house to be approximately 50 ft. from the front property line. The 26 feet accessory building depth combined with the minimum 10 ft. needed between structures for fire code yields 36 feet. This would place the accessory building a maximum of 14 ft. from the property line, assuming the front corner of the house is indeed 50 ft. from the property line.

Photo 1: Steep ridge in the rear and side yard of house, existing storage sheds.



Photo 2: Existing concrete slab in front yard, steep slope descending towards Holiday Pines Rd in opposite side yard



STAFF FINDINGS AND RECOMMENDATION

RECOMMENDATION:

Approval of the request does not appear to be contrary to the health, safety, or welfare of the community, particularly that of the surrounding property owners. Recommend approval.

STANDARD FOR DETERMINATION:

§5.4 Non-use Variance

The Zoning Board of Appeals shall have the authority to grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other non-use-related standard in the ordinance, PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.

FINDING OF FACT:

Staff finds the following facts regarding non-use variance request at the McCauley Property:

§5.4.1 Basic Conditions: That any non-use variance granted from this Ordinance:

- a. Is a result of practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall be evaluated in terms of the use of the particular parcel of land, and cannot be solely economic in nature.

***SATISFIED:** Having an accessory building is an allowable use in the district. The proposed location of the accessory building is based on the non-buildable ridge along the rear yard and east side yard, along with the steep slope descending away from the house in the west side yard.*

- b. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

***SATISFIED:** The location of the houses and accessory buildings throughout the subdivision vary greatly in terms of setbacks in order to better work with the topography of the land and preserve the character of the neighborhood. Some houses exhibit attached garages in the front that are the dominant feature of the house's façade due to the limitations from the dynamic terrain.*

- c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

***SATISFIED:** Although the dominant building form in the Subdivision is one in which the garage is attached on the side of the house, the siting of the accessory building in the front yard of this property will not adversely effect the property values surrounding the property. The house sits up from the road and will only be slightly obscured by the accessory building. Even though the house is a corner lot, it is one of only two on Towering Pines Ct which is the side where the accessory building will be located, and the other property owner on the street has submitted a letter supporting the request. Furthermore, the property would still maintain an approximately 60 ft setback from Holiday Pines Ct, the main road through the subdivision.*

- d. Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

***SATASFIED:** The vast majority of the houses in the Subdivision were constructed with attached two-car garages and as such were situated on the lots to accommodate the varying topography that defines the neighborhood.*

- e. Will relate only to property that is under control of the applicant.

***SATISFIED:** The accessory building will only be on the parcel in question.*

- f. Will not be permitted for a parcel of property that is not a Legal Lot of Record, as defined by this Ordinance.

***SATISFIED:** The parcel is a Legal Lot of Record.*

§5.4.2 Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a non-use variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.

***SATISFIED:** This request is the result of steep topography that prohibits siting the accessory building in the rear or side yards. Working with alternative layouts, I was unable to find a suitable location that didn't 1) violate the 10 ft minimum distance from the house, 2) encroach on a setback at a different location, 3) require extensive grading and tree removal which would jeopardize the character of the subdivision.*

Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

***SATISFIED:** Accessory buildings are a use allowable by right in the R-2: One-Family Urban Residential district. Aside from a small shed, an accessory building may not be sited on the property without extensive degradation to the land and trees, or without violating a property line setback.*

§5.4.3 Rules: The following rules shall be applied in the granting of non-use variances:

The Zoning Board of Appeals may specify, in writing, such conditions that will in its judgment, secure the objectives and purposes of this Ordinance. Any conditions imposed shall meet the requirements for conditions set forth the Michigan Zoning Enabling Act. Violation of conditions imposed shall nullify the variance.

No application for a non-use variance which has been denied wholly or in part by the Zoning Board of Appeals shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

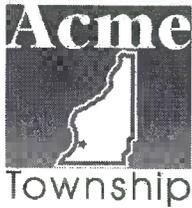
CONCLUSION:

It is respectfully recommended that the Zoning Board of Appeals grant the request for a non-use variance to allow an accessory building in the front yard approximately on top of the existing concrete slab as indicated on the submitted site plan, and no closer than (10) feet from the property line along

Towering Pines Ct for the property located at 2910 Towering Pines Ct, Traverse City, MI 49683. If the non-use variance is granted, it is recommended to require the removal of the two storage sheds on the Property.

MOTION:

Motion to adopt the finding of the Zoning Administrator and grant a non-use variance to construct an accessory building in the front yard and no closer than ten (10) feet to from the property line along Towering Pines Ct, and the removal of the two storage sheds on the Property.



Zoning Board of Appeals - Application for Hearing/Appeal

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Zoning Administrator: Shawn Winter Email: swinter@acmetownship.org

Please fill out the following application as completely and legibly as possible:

A. Applicant Information:

Applicant's Name: Dennis and Rowae McCawley
Applicant's Current Mailing Address: 2910 Towering Pines Ct.
City: Traverse City State: MI Zip Code: 49686 Phone Number: 231/649-3740

B. Purpose of Hearing:

- Appeal from a Determination by the Zoning Administrator
- Apply for a Variance Permit as Authorized by Section(s) 7.2.1 (c) of the Acme Township Zoning Ordinance
- Request Extension or Resumption of a Nonconforming Use

C. Property Information:

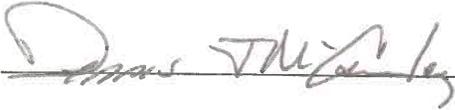
Property Address: 2910 Towering Pines Ct. Parcel Number: 28-01-
Property Owner's Name: Dennis and Rowae McCawley
Property Owner's Current Mailing Address: 2910 Towering Pines Ct.
City: Traverse City State: MI Zip Code: 49686 Phone Number: 231/649-3740
Proposed Use/Change to Property: Construct a 26 x 26 Ft garage over an existing
concrete slab, maximum height: 12 Ft, 4/12 roof pitch, 9 Ft side walls
-construct in front yard

D. Please Attach the Following Documents:

- Site Plan/Plot Plan** - drawn to scale, showing size and shape of buildings, accurate locations on lots, and accurate dimensions
- Elevation Drawings** - showing the height of the structure(s)
- Additional Drawings/Information as Listed Below:**
Photo from street showing rough outline of proposed garage
Topography of the property very much limits any alternative
- Fees** - include initial fee as required in the attached Fee Schedule
- Fee Escrow Policy Acknowledgement** - signed form with initial fee deposit (if determined applicable)

E. Affidavit:

The undersigned affirms that he/she is the Owner (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements, and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials and staff of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future special use permit and zoning ordinance compliance.

Signature of Owner/Agent:  Date: 10/27/16

FOR TOWNSHIP USE ONLY

Application No.: ZBA 2010-03
Date Received: 10/27/16
Fee Tendered: _____

Date of Advertising: 11/21/16
Date of Hearing: 12/8/16
Action Taken: _____

NOTES

November 17, 2016

Shawn Winters
Acme Township
Planning and Zoning
6042 Acme Road
Williamsburg, MI 49690

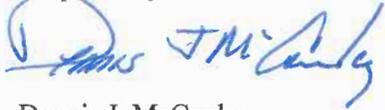
**RE: VARIANCE REQUEST FOR AN ACCESSORY BUILDING (GARAGE) AT 2910
TOWERING PINES COURT**

Mr. Winters:

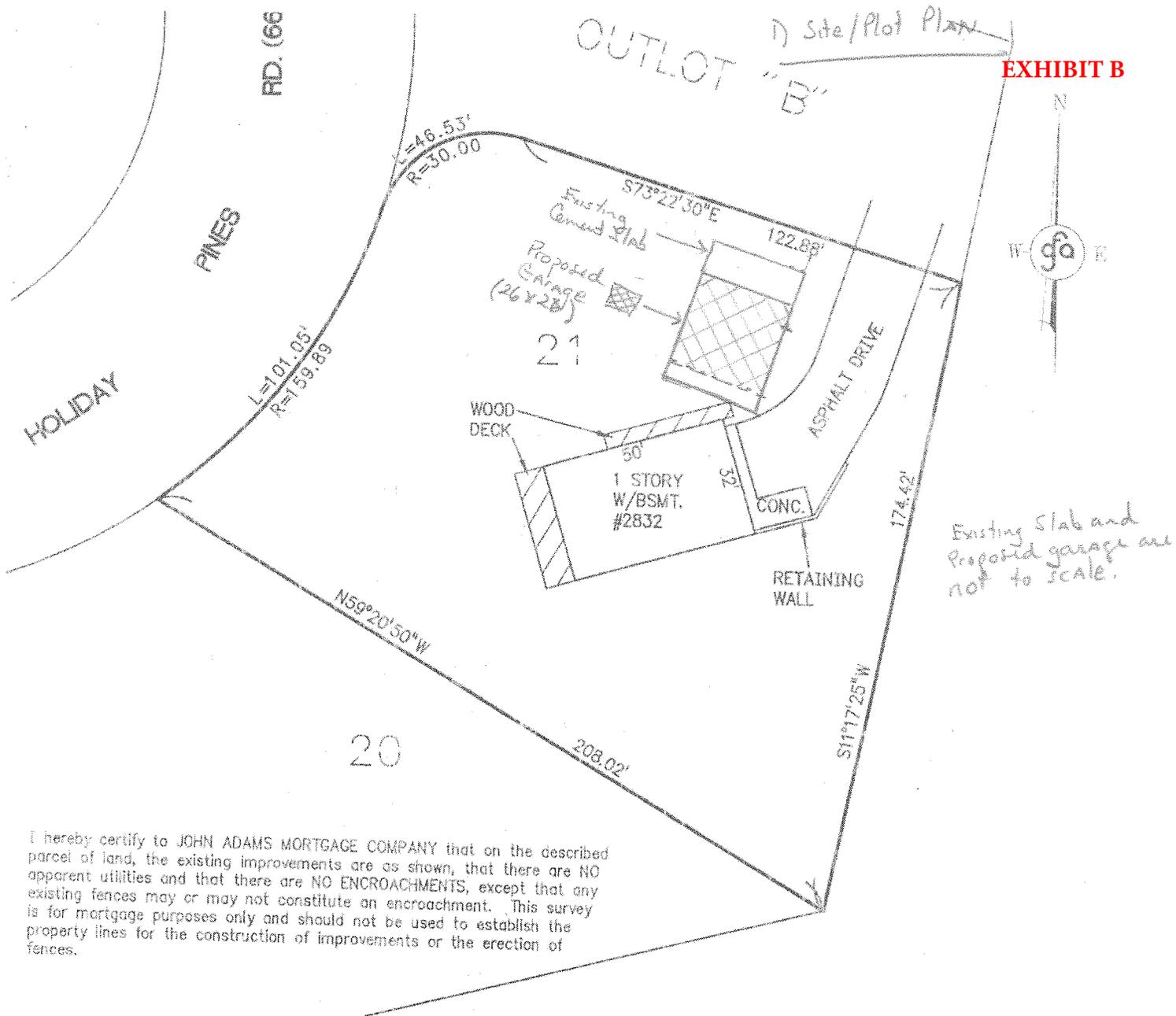
Please find enclosed with this letter additional information to support our request for a variance to build a 26X26 foot garage on our property at 2910 Towering Pines Court. The first attachment is a signed letter of support from our neighbor on Towering Pines; Chris and Paul Deyo. The second attachment is an updated conceptual site plan showing the position of the proposed garage on the existing concrete platform.

If you have any questions, or require additional information, I may be contacted anytime at 231/649-3740 and via e-mail at dmccauley@glec.com. I will look forward to meeting you and the Board on December 8th. Thank you for your consideration.

Respectfully,



Dennis J. McCauley
2910 Towering Pines Ct.
Traverse City, Michigan 49686-4400



I hereby certify to JOHN ADAMS MORTGAGE COMPANY that on the described parcel of land, the existing improvements are as shown, that there are NO apparent utilities and that there are NO ENCROACHMENTS, except that any existing fences may or may not constitute an encroachment. This survey is for mortgage purposes only and should not be used to establish the property lines for the construction of improvements or the erection of fences.

MORTGAGE REPORT FOR: ESTEL K. TANNER

LEGAL DESCRIPTION (AS FURNISHED):

LOT 21, "HOLIDAY PINES", ACCORDING TO THE RECORDED PLAT THEREOF, GRAND TRAVERSE COUNTY RECORDS, SECTION 9, TOWN 27 NORTH, RANGE 10 WEST, ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN.

SUBJECT TO EASEMENTS OR RESTRICTIONS, IF ANY.

GRAPHIC SCALE: 1 inch = 40 feet



BASIS OF BEARINGS: Recorded plat of "Holiday Pines"

PREPARED FOR: **JOHN ADAMS MORTGAGE COMPANY**

PH 231.946.5874
FAX 231.946.3703
WWW.gourdiefrazier.com

123 W. Front Street
Traverse City, MI 49604

gfa Gourdie-Frazier
Municipal | Development | Transportation

Location:

Part of the
Southeast 1/4,
Section 9, Town 27 North, Range 10 West,
Acme Township, Grand Traverse County, MI

DATE: 12-07-04

P.M.: Matt Wynema

DR: JPT CRJ: MRW

04727

SHT 1 OF 1



- 2910 Towering Pine Ct.
- Proposed Structure: 26x26 Accessory Building (garage) over an existing cement slab
- 4/12 pitch roof; approximate height = 12ft.
- 9 Foot side walls
- Existing cement slab is 24ft. wide and 39 Foot long (Flared at each corner)
- Front of proposed building will be approximately 30ft from edge of road.



EXHIBIT C

Towering Pines Court

Conceptual Outline of Proposed Garage
2910 Towering Pines Court
Traverse City, MI 49686

Dennis and Ranae McCauley

November 14, 2016

Acme Township
Planning and Zoning
6042 Acme Road
Williamsburg, MI 49690

**RE: VARIANCE REQUEST FOR AN ACCESSORY BUILDING (GARAGE) AT 2910
TOWERING PINES COURT**

Sirs:

We are writing in support of Dennis and Ranae McCauley's request for a variance to build a 26X26 foot garage on their property at 2910 Towering Pines Court. We understand that the garage will be built upon the existing cement slab on the property, facing Towering Pines Court. We have no objection to the variance.

Respectfully,



Name:

PAUL DEYO

Address:

2936 TOWERING PINES
TRAVERSE CITY, MI
49686

ACME TOWNSHIP
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-03: an application by Dennis McCauley, 2910 Towering Pines Dr., Williamsburg, MI 49690 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 2910 Towering Pines Dr., Williamsburg, MI 49690. The property is more fully described as:

LOT 21 HOLIDAY PINES.

Parcel No.: 28-01-500-021-00

ZBA 2016-04: an application by John Sanborn, HC-1 Box 355, Bois Blanc Island, MI 49775 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 4736 Springbrook Dr., Williamsburg, MI 49690. The property is more fully described as:

PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB.

Parcel No.: 28-01-111-008-10

ZBA 2016-05: an application by Jeremy Hubbard, 3857 Vale Dr., Traverse City, MI 49686 for a nonuse variance to §7.2.1(e) of the Acme Township Zoning Ordinance in order to construct an accessory building that exceeds the ground floor area of the main residential building on the lot located at . The property is more fully described as:

COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB
SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:
Shawn Winter, Zoning Administrator
6042 Acme Rd

Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 11/17/16 11:54 by dling

Acct #: 6 Ad #: 451256 Status: N
ACME TOWNSHIP Start: 11/21/2016 Stop: 11/21/2016
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 6.83 Words: 438
WILLIAMSBURG MI 49690 Total STDAD 20.49
Class: 147 LEGALS
Rate: LEGAL Cost: 150.25
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE ACME TOWNSH
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 Created: dling 11/17/16 11:48
Email: szollinger@acmetownship.org Last Changed: dling 11/17/16 11:54
Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W 11/21/16 1 11/21/16 SMTWTFS
IN AIN 97 W 11/21/16 1 11/21/16 SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 11/17/16 11:54 by dling

Acct #: 6

Ad #: 451256

Status: N

**LEGAL NOTICE
ACME TOWNSHIP
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-03: an application by Dennis McCauley, 2910 Towering Pines Dr., Williamsburg, MI 49690 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 2910 Towering Pines Dr., Williamsburg, MI 49690. The property is more fully described as:

LOT 21 HOLIDAY PINES.

Parcel No.: 28-01-500-021-00

ZBA 2016-04: an application by John Sanborn, HC-1 Box 355, Bois Blanc Island, MI 49775 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 4736 Springbrook Dr., Williamsburg, MI 49690. The property is more fully described as:

PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB.

Parcel No.: 28-01-111-008-10

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Written comments may be directed to:

Shawn Winter, Zoning Administrator
6042 Acme Rd
Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

November 21, 2016-1T

451256



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

November 17, 2016

ACME TOWNSHIP NOTICE OF PUBLIC HEARING

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SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

You are receiving this letter to satisfy the requirement of the Michigan Zoning Enabling Act to notify all property owners within 300 feet of any parcel that is seeking a variance to the provisions of the Acme Township Zoning Ordinance. All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

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Written comments may be directed to:

Shawn Winter, Zoning Administrator

6042 Acme Rd

Williamsburg, MI 49690

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swinter@acmetownship.org

MILLER MICHAEL L TRUSTEE
MILLER MICHAEL TRUST
P O BOX 269
TRAVERSE CITY MI 49685

BARSHNEY DEENA
2827 HOLIDAY PINES RD
TRAVERSE CITY MI 49686

BURROWS PATRICIA ANNMARIE
2956 CEDARWOOD LN
TRAVERSE CITY MI 49686

CONDON DANIEL J & LUANN
2939 CEDARWOOD LN
TRAVERSE CITY MI 49686

COURSON KAREN
2823 HOLIDAY PINES RD
TRAVERSE CITY MI 49686

DEYO PAUL R & CHRISTINE K TRUSTEES
DEYO PAUL R U CHRISTINE K TRUST
2936 TOWERING PINES CT
TRAVERSE CITY MI 49686

DONALDSON CAROLE
2837 HOLIDAY PINES RD
TRAVERSE CITY MI 49686

FOWLER DOLORES
2831 HOLIDAY PINES RD
TRAVERSE CITY MI 49686

GILMORE GEORGE
2882 CEDARWOOD LN
TRAVERSE CITY MI 49686

HOOPER KEVIN R & GAIL J
2822 HOLIDAY PINES RD
TRAVERSE CITY MI 49686

HOWARD RICHARD C & RUBY E
2846 HOLIDAY PINES RD
TRAVERSE CITY MI 49686

MCCAULEY DENNIS & RANAE
2910 TOWERING PINES CT
TRAVERSE CITY MI 49686

PROUX JAMES G & KIMBERLY K
2973 CEDARWOOD LN
TRAVERSE CITY MI 49686

ROCH JEAN-YVES & CECILE
2864 CEDARWOOD LN
TRAVERSE CITY MI 49686

RYSKAMP BRIAN L
2818 HOLIDAY PINES RD
TRAVERSE CITY MI 49686

SLAWNIK MICHAEL & VICTORIA
2840 HOLIDAY PINES RD
TRAVERSE CITY MI 49686

STRBIK JOSEPH J & JUDITH M (LE)
2910 CEDARWOOD LN
TRAVERSE CITY MI 49686

WEICHEL T NORMAN & LUCILLE
2921 CEDARWOOD LN
TRAVERSE CITY MI 49686



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Date: November 29, 2016

Permit No.: ZBA 2016-04

Request: Non-use variance to build an accessory building in the front yard

Applicant(s): John Sanborn
HC-I Box 355
Bois Blanc Island, MI 49774

Address: 4736 Springbrook Dr
Williamsburg, MI 49690

Parcel No.: 28-01-111-008-10

Legal Description: PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB. *(as shown in aerial)*

Owner: John Sanborn

Aerial Map:



Area: 8.0 acres as shown in aerial; 10.62 acres as of Nov. 16, 2016 due to land division/redrawing lot lines. New survey included in this report.

Zoning & Existing Use(s): R-1: One-Family Forest & Coastal

- It is the purpose of this District to encourage the development of residential properties of a semi-rural character within the following general areas of the Township: 1) where public water and sewer facilities are not now available and likely to remain without such services indefinitely, and 2) where natural resource and environmental characteristics, such as hillsides, scenic areas, wetlands, and shore lands tend to make more intensive types of urbanized development destructive to environmental values. The intent is to provide for an environment of predominately low density, one-family detached dwellings that will harmonize with the natural resource capabilities of the District.
- Currently developed with a single-family residential home
- Mostly undeveloped to the north, east and south

Setbacks:

Front: 30 feet
Side: 20 feet
Rear: 35 feet

Adjacent Zoning:

North: R-1: One-Family Forest & Coastal – Tim & Amy Jenema
Northeast: R-1: One-Family Forest & Coastal – Roy Challender
East: R-1: One-Family Forest & Coastal – Betty Sanborn Trust
South: R-1: One-Family Forest & Coastal – Lavern & Janet Andres
West: R-1: One-Family Forest & Coastal – Brookside Property Owner’s Association
R-1: One-Family Forest & Coastal – Vernon & Lorene Rains
R-1: One-Family Forest & Coastal – Chad & Mindy Williams
Northwest: R-1: One-Family Forest & Coastal – Ursula Slater

Relevant Sections of the Zoning Ordinance: §7.2 SUPPLEMENTARY USE AND AREA REGULATIONS

§7.2.1 ACCESSORY BUILDINGS:

Authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building under this Ordinance. An accessory building not attached and not made a part of the principal building shall:

- a. Not be nearer than ten feet from any other separate structure on the same lot,
- b. Not be erected in any minimum side yard setback,
- c. Not be erected in any front yard of any non-waterfront parcel,
- d. Not occupy more than 25% of a required rear yard,
- e. Not exceed one twenty-four feet in height, nor exceed the ground floor area of the main building within Residential Districts,

- f. Not be closer to the side yard lot line than the side yard setback of the principal building on a corner lot within Residential Districts.

AMENDED 01/05/10 EFFECTIVE 01/18/10 AS ZONING ORDINANCE AMENDMENT 004, AMENDED 04/08/2014 AS ZONING ORDINANCE AMENDMENT #031, EFFECTIVE 01/18/2014.

§6.13 SCHEDULE OF REGULATIONS

Zoning District: R-1: One-Family Forest & Coastal

Minimum Yard Setback (per lot, each, in feet):

Front – 30 feet

Side – 20 feet

Rear – 35 feet

REPORT

The Applicant has requested a non-use variance to construct an accessory building in the front yard near the north property line/access easement located at 4736 Springbrook Dr (“Property”). Although accessed off of Springbrook Dr, the property is not part of the Springbrook Hills Subdivision. The property has an existing residential building with an attached garage.

The Applicant wishes to build a 24 ft x 36 ft pole barn. No elevations have been submitted, nor was the intended height noted. The Property begins to drop at a considerable slope behind the house southward toward Acme Creek. The north end of the Property in front of the house is relatively flat and buildable. The Applicant requests the variance to place the accessory building in the designated front yard as to overcome the limitations the terrain provides in rear yard. A site plan with the approximate location of the proposed accessory building was submitted with the application and has been included (**Exhibit A**).

The Property changed dimensions from what is indicated on the aerial image due to redrawing the property lines and subdividing the remaining parent parcel to the west. The Property now extends north an additional 188 ft (approx.) to the property line of Tim & Amy Jenema, extends west an additional 51.8 ft (approx.), and includes a 66 ft wide easement running along the north property line providing access from Springbrook Dr to the Property and the three newly created parcels to the west. A survey that was approved through a Land Division has been included (**Exhibit B**).

I enlarged the new Property dimensions and using the scale included approximated the 30 ft front yard setback and 20 ft side yard setback. The front yard delineation line was included along the front of the house. Utilizing these dimensions, I sketched a scaled 24 ft x 32 ft accessory building as best I could. This practice does seem to indicate there is room to site the accessory building in the designated side yard atop the flat land prior to the descending slope down to the creek. This sketch has been included in the packet (**Exhibit C**).

Photo1: Side yard on the east side of the house, facing south (rear). Property slopes steeply behind the house.



Photo 2: Side yard on the west side of the house, facing southeast. Property slopes, but to a lesser degree.



Photo 3: Side yard facing east, taking from front yard. Much flatter land on this portion of the Property



STAFF FINDINGS AND RECOMMENDATION

RECOMMENDATION:

The request does not appear to be contrary to the health, safety, or welfare of the community, however, does not represent an undue hardship on the property owner. Recommend denial of request.

STANDARD FOR DETERMINATION:

§5.4 Non-use Variance

The Zoning Board of Appeals shall have the authority to grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other non-use-related standard in the ordinance, PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.

FINDING OF FACT:

Staff finds the following facts regarding non-use variance request at the Sanborn Property:

§5.4.1 Basic Conditions: That any non-use variance granted from this Ordinance:

- a. Is a result of practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall be evaluated in terms of the use of the particular parcel of land, and cannot be solely economic in nature.

NOT SATISFIED: *The non-use variance request to place an accessory building in the front yard is not the result of a practical difficulty preventing the property owner from adhering to the provisions of the*

Ordinance. From my analysis of the survey, site plan, and site visit I conclude at this time that constructing the accessory building in the permissible side yard is a viable option.

- b. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

SATISFIED: *An accessory building is a use allowed by right in the residential districts. The requested pole barn meets the area and dimensional requirements of an accessory building.*

- c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

NOT SATISFIED: *All the properties located in the vicinity of the Applicant's property have accessory buildings located in the side or rear yards, or attached as a garage. The proposed location of the accessory building is not only in the front yard, but real close to the easement providing access to the lots east of the Property, as well as potentially being a dominant visible structure for any future development by the property owners to the north.*

- d. Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

SATISFIED: *The non-use variance request is the result of the unique topography created by the Acme Creek valley located behind the primary residential structure. The Applicant is correct in concluding that the land directly behind the house is not suitable for the construction of an accessory building.*

- e. Will relate only to property that is under control of the applicant.

SATISFIED: *The accessory building will only be on the parcel in question.*

- f. Will not be permitted for a parcel of property that is not a Legal Lot of Record, as defined by this Ordinance.

SATISFIED: *The parcel is a Legal Lot of Record.*

§5.4.2 Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a non-use variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

- a. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.

SATISFIED: *The steep downward grade of the Property behind the primary residential building is the natural result of the presence of Acme Creek running through the Applicant's property. This is a unique situation that is not widespread throughout the district.*

- b. Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

NOT SATISFIED: *The Applicant is able to maintain their right to construct an accessory building on the Property within the provisions of the Ordinance.*

§5.4.3 Rules: The following rules shall be applied in the granting of non-use variances:

The Zoning Board of Appeals may specify, in writing, such conditions that will in its judgment, secure the objectives and purposes of this Ordinance. Any conditions imposed shall meet the requirements for conditions set forth the Michigan Zoning Enabling Act. Violation of conditions imposed shall nullify the variance.

No application for a non-use variance which has been denied wholly or in part by the Zoning Board of Appeals shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

CONCLUSION:

It is respectfully recommended that the Zoning Board of Appeals deny the request for a non-use variance to allow an accessory building in the front yard near the easement running along the north property line located at 4736 Springbrook Dr., Williamsburg, MI 49690. Through my site visit, review of the property survey and analysis of the property I cannot conclude that the proposed location in the front yard is the only viable, buildable location for the Applicant to construct an accessory building. This not only pertains to the placement of the accessory building along the easement, but in the front yard in general. It is my finding that the accessory building can be constructed in the side yard without encroaching into the setbacks and avoiding the steep slopes down to Acme Creek that are present in the backyard. Unless the Applicant has compelling information otherwise to present to the Zoning Board of Appeals, or if the Zoning Board of Appeals members conclude differently based on their own review of the site, I find items a. and c. under §5.4. 1 Basic Conditions "Not Satisfied", along with item b. under §5.4.2 Special Conditions.

MOTION:

Motion to adopt the finding of the Zoning Administrator and deny a non-use variance to construct an accessory building in the front yard of the Property located 4736 Springbrook Dr.



Zoning Board of Appeals – Application for Hearing/Appeal

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Zoning Administrator: Shawn Winter Email: swinter@acmetownship.org

Please fill out the following application as completely and legibly as possible:

A. Applicant Information:

Applicant's Name: John Sanborn

Applicant's Current Mailing Address: HC-1 Box 355

City: Bois Blanc Island State: MI Zip Code: 49775 Phone Number: (231) 634-7355

B. Purpose of Hearing:

- Appeal from a Determination by the Zoning Administrator
- Apply for a Variance Permit as Authorized by Section(s) 7.2.1 (c) of the Acme Township Zoning Ordinance
- Request Extension or Resumption of a Nonconforming Use
- Request an interpretation of the Zoning Ordinance

C. Property Information:

Property Address: 4736 Springbrook Dr Parcel Number: 28-01-

Property Owner's Name: John and Suzette Sanborn

Property Owner's Current Mailing Address: HC-1 Box 355

City: Bois Blanc Island State: MI Zip Code: 49775 Phone Number: (231) 634-7355

Proposed Use/Change to Property: Construct Pole Building
- construct in front yard

D. Please Attach the Following Documents:

- Site Plan/Plot Plan – drawn to scale, showing size and shape of buildings, accurate locations on lots, and accurate dimensions
- Elevation Drawings – showing the height of the structure(s) → How tall is the proposed pole barn
- Additional Drawings/Information as Listed Below:
Building Height 11'

- Fees – include initial fee as required in the attached Fee Schedule (TBD)
- Fee Escrow Policy Acknowledgement – signed form with initial fee deposit (if determined applicable)

E. Affidavit:

The undersigned affirms that he/she is the Owner (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements, and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials and staff of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future special use permit and zoning ordinance compliance.

Signature of Owner/Agent: John Saubon Date: 11-17-16

FOR TOWNSHIP USE ONLY

Application No.: ZBA 2016-04
Date Received: 11/17/16
Fee Tendered: _____

Date of Advertising: 11/21/16
Date of Hearing: 12/8/16
Action Taken: _____

NOTES

ACME TOWNSHIP

Supervisor, Assessor
Planner (616) 938-1350

Clerk (616) 938-1380
Treasurer (616) 267-9225

Land Division Review Work Sheet

Parcel Number: 28 01 - 111 - 008 - 00

Name: Sanborn
Address: 8263 S. Southview Ct
City, State, Zip: Traverse City MI 49684

Application Complete:

- 1. Completed and signed application.
- 2. A survey map prepared on a document no larger than 8 1/2" x 14" by a land surveyor licensed by the State of Michigan of the proposed division of the parcel showing:
 - a. current boundaries (as of March 31, 1997), and
 - b. all previous divisions made after March 31, 1997(indicate when made or none), and
 - c. the proposed division(s), and
 - d. dimension of the proposed divisions, and
 - e. existing and proposed road/easement rights of way and legal description, and
 - f. easements for public utilities from each parcel to existing public utility facilities, and
 - g. any existing improvements (buildings, wells, septic system, driveways, etc.)
- 3. Review materials from the County Road Commission or MDOT for each proposed division. (See Attached Grand Traverse County Road Commission Application).
- 4. Approval from the Grand Traverse County Equalization Department for a new public/private road or easement name.
- 5. A Fee of _____ (make check payable to Acme Township) for each parcel division requested.
- 6. Zoning District for proposed divisions: R-1
- 7. Complies with minimum parcel size 1 AC
- 8. Complies with minimum road frontage _____
- 9. Complies with width to depth _____
- 10. Complies with maximum road length requirements _____
- 11. Complies with maximum number of parcels on a single road _____
- 12. Complies with minimum road width requirements _____
- 13. Adequate easements for electricity, phone, gas, water, sewer, CATV, drainage, other.



14. Easements are adequate for public utilities from each new division to existing public utility facilities (§109(1)(g)(iii)).

CONCLUSION:

_____ A. Are any of the above not checked: _____
Letter of denial, stating reason, sent to applicant on: _____

_____ B. Approved
Conditions: _____

_____ C. Date: 11-16-16

_____ D. Signature: *Shawn J. Wink*
Shawn J. Wink

E. Additional Comments:



6042 Acme Road, Williamsburg, MI 49690 Tel. 231-938-1350 Fax 231-938-1350
www.acmetownship.org

LAND DIVISION APPLICATION

Township

Complete the following:

1. Location of parent parcel to be split: ⁴⁷⁵⁰ Springbrook Drive
Address: _____
Parent Parcel ID No: 2801-111-008-00

2. Property Owner Information
Name: Betty Sarborn Trust, James B Sarborn, Mary & Samuel
Address: 8263 S. Southview Lane (Traverse City, MI 49684)
City, State, Zip: Traverse City, MI 49684 Phone: 231-499-1316

Pratt & Sarah Locke
M. P. Locke
(deceased)

3. Applicant (if not the property owner)
Contact person's name: _____
Business name: _____
Address: _____
City: _____ zip: _____
Phone: _____ email: _____

4. Proposed Division: Describe the division(s) being proposed:
A. Number of new parcels: four
B. Intended use (residential, commercial, etc.): Residential
C. The division of the parcel provides access to an existing public road by:

Check one:

- Each new division has frontage on an existing public road.
- A new public road will be created to serve the proposed divisions
Proposed road name: _____
See County Equalization application!
- A new private road or easement will be created to serve the proposed divisions
See County Equalization application!
- A recorded easement (driveway). (Cannot service more than one potential site)

5. Improvements: Describe any existing improvements (buildings, well, septic, etc.) which are on the parent parcel, or indicate name (attach extra sheets if needed): _____

6. **Affidavit and permission for municipal, county and state officials to enter the property for inspections:** I agree the statements made above are true, and if found not to be true this application and approval will be void. Further, I agree to comply with the conditions and regulations provided with this parent parcel division approval. Further, I agree to give permission for officials of the municipality, county and state of Michigan to enter the property where this parcel division is

proposed for purposes of inspection to verify that the information on the application is correct at a time mutually agreed with the applicant. I understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance, the local zoning ordinance, and the State Land Division Act (formerly the Subdivision Control Act P.A. 288 of 1967, as amended- particularly by P.A. 591 of 1996-MCL 560.101 Et. seq. and does not include any representation or conveyance of rights in any other statute, building code, zoning ordinance, deed restriction or other property rights). If this division is approved, I understand the zoning, local ordinances and State Acts change from time to time, and if changed, the divisions made here must comply with the new requirements (apply for division approval again), unless deeds, land contracts, leases or surveys representing the approved divisions are recorded with the Register of Deeds or the division is built upon before the changes to the laws are made.

Property Owners Signature: Sarah Lauder Trustee Date: 10/10/16

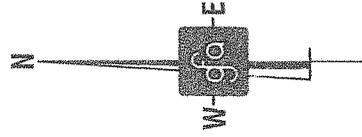
Sarah Lauder
Mary A. Pratt
Samuel A. Pratt
James B. Sarboon 10/11/16

Betty Sarboon Trust

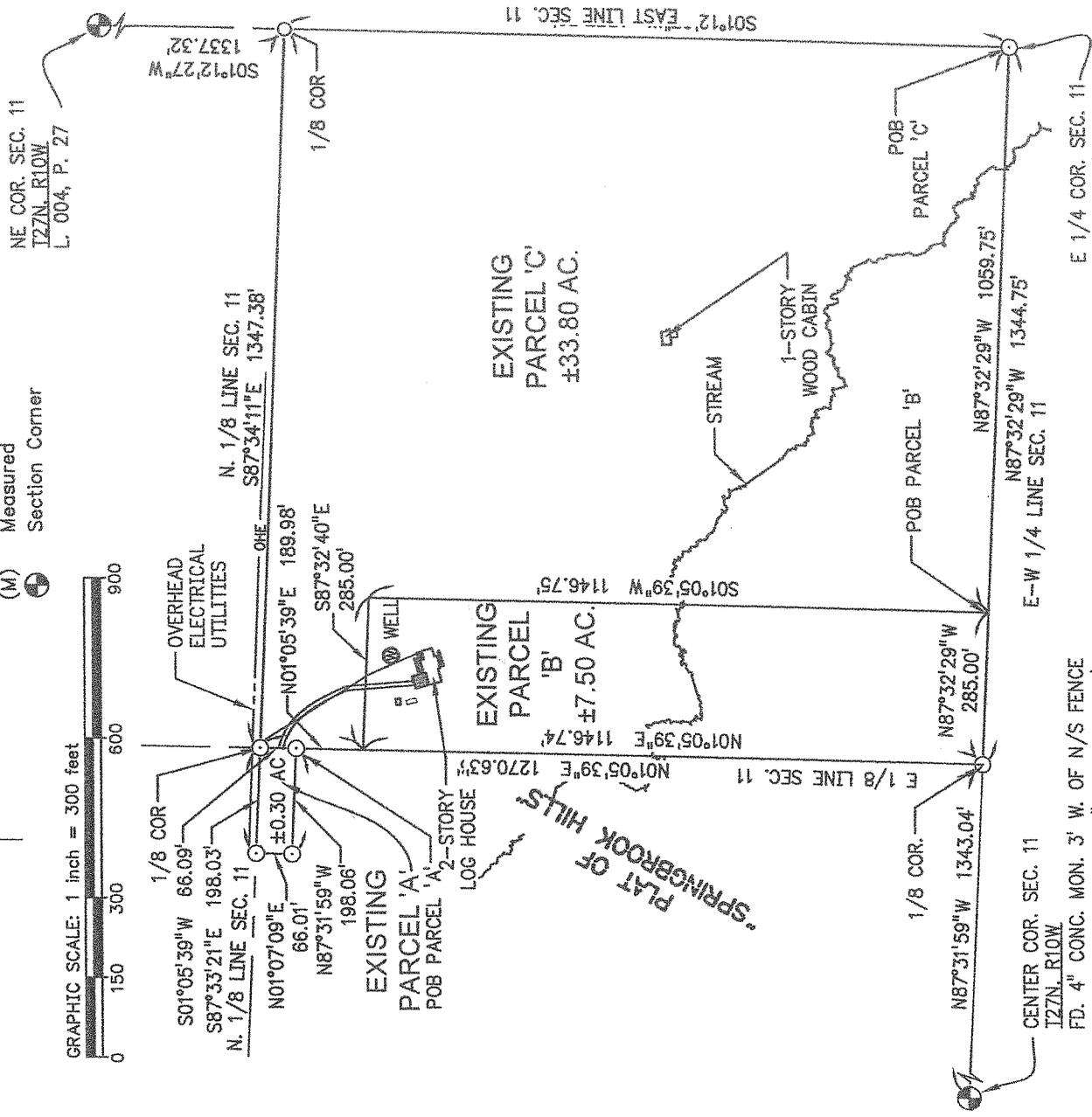
CERTIFICATE OF SURVEY

Legend

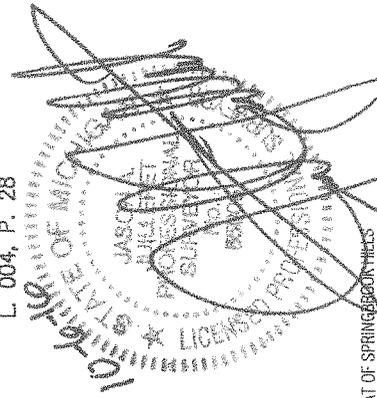
- Iron Found
- Iron Set
- ⊙ Monument Found
- ⊕ Monument Set
- ⊗ Nail Found
- ⊘ Nail Set
- ⊠ Stake Found
- ⊡ Stake Set
- ⊔ Benchmark
- ⊕ Record
- ⊖ Measured
- ⊗ Section Corner



THIS SPACE RESERVED FOR REGISTER OF DEEDS



- FD. 4" CONC. MON. 3' W. OF N/S FENCE
- S64°W SET SPIKE 8" OAK 29.00'
- S84°W SET SPIKE 18" OAK 53.35'
- N65°W SET SPIKE 10" OAK 19.90'
- S03°E 2" STEEL FENCE POST COR. 12.00'



I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE HEREON DESCRIBED PARCEL(S) OF LAND; THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS 1 IN 5000+ AND WITHIN THE ACCEPTED LIMITS AND THAT I HAVE FULLY COMPLIED WITH THE REGULATIONS OF ACT 132, P.A. 1970, AS AMENDED.

PREPARED FOR: **SANBORN TRUST**

ENGINEERING SURVEYING TESTING & OPERATIONS
123 West Front Street
Traverse City, MI 49684



<http://gfa.tc>
231.946.5874 (p)
231.946.3703 (f)

BASIS OF BEARINGS: PLAT OF SPRINGBROOK HILLS

Location: PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 SECTION 11, TOWN 27 NORTH, RANGE 10 WEST ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MI

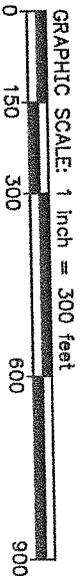
DATE:	10/8/2016
P.A.:	J.A. JUILLERET
DR.:	MJC
CHK.:	JAJ
16289	
SHT 1	OF 7

CERTIFICATE OF SURVEY

Legend

- Iron Found
- Iron Set
- Monument Found
- Monument Set
- Nail Found
- Nail Set
- Stake Found
- Stake Set
- Benchmark
- ▲ Record
- (M) Measured
- ⊙ Section Corner

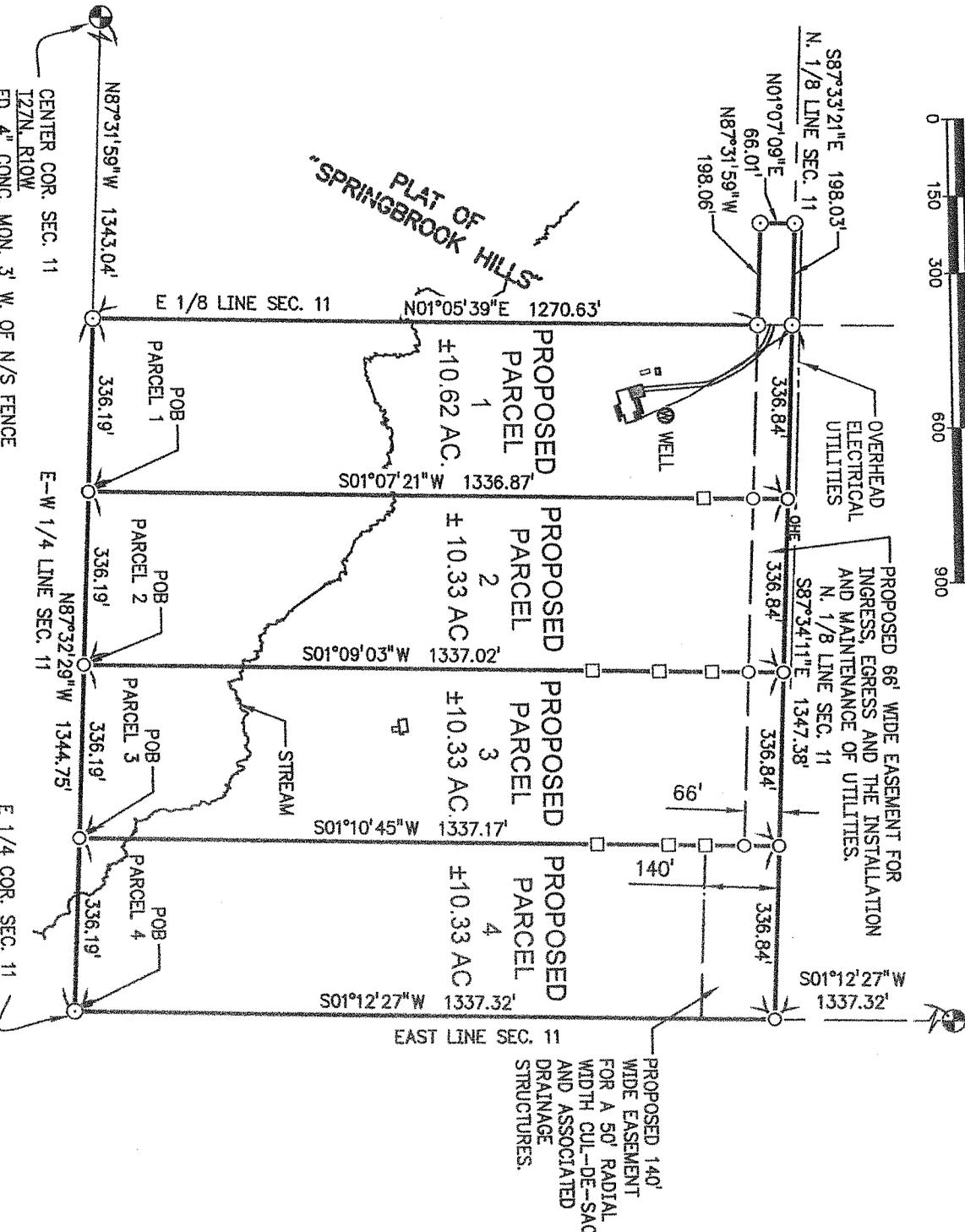
THIS SPACE RESERVED FOR REGISTER OF DEEDS



NE COR. SEC. 11

T22N, R10W

L. 004, P. 27



I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE HEREON DESCRIBED PARCEL(S) OF LAND; THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS 1 IN 5000+ AND WITHIN THE ACCEPTED LIMITS AND THAT I HAVE FULLY COMPLIED WITH THE REGULATIONS OF ACT 132, P.A. 1970, AS AMENDED.

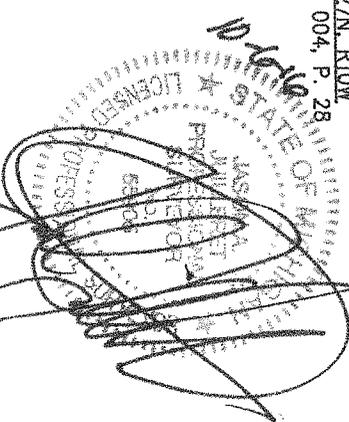
THIS PROPOSED PARCEL DIVISION MAY BE SUBJECT TO MUNICIPAL APPROVAL PURSUANT TO THE "LAND DIVISION ACT", P.A. 591, OF 1996, AS AMENDED.

PREPARED FOR: **SANBORN TRUST**

BASIS OF BEARINGS: PLAT OF SPRINGBROOK HILLS

ENGINEERING SURVEYING TESTING & OPERATIONS 123 West Front Street Traverse City, MI 49684		Location: PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 SECTION 11, TOWN 27 NORTH, RANGE 10 WEST ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MI	DATE: 10/09/2016 P.M.: J. A. JUILLET D.R.: MJC SHT 2 OF 7
http://gfo.tc		231.946.5874 (p)	
		231.946.3703 (f)	

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.
REV: ADDITION OF CUL-DE-SAC EASEMENT



EXISTING PARCEL DESCRIPTIONS

PARCEL A (AS-SURVEYED)

Part of the South 1/2 of the Northeast 1/4 of Section 11, Town 27 North, Range 10 West, Acme Township, Grand Traverse County, Michigan, more fully described as:

Commencing at a the East 1/4 corner of said Section 11;
 thence North 87°32'29" West, 1,344.75 feet,
 along the East and West 1/4 line of said Section 11;
 thence North 01°05'39" East, 1,270.63 feet,
 along the East one-eighth line of said Section
 and the East line of the Plat of Springbrook Hills
 to the Northeast corner of Lot 1
 of the Plat of Springbrook Hills
 and to the POINT OF BEGINNING;
 thence North 87°31'59" West, 198.06 feet
 along the South line of said Lot 1;
 thence North 01°07'09" East, 65.96 feet;
 thence South 87°34'15" East, 198.03 feet;
 thence South 01°05'39" West, 66.09 feet;
 to the POINT OF BEGINNING.

Said Parcel contains 0.30 acres more or less.

Subject to other easements or restrictions, if any.

PARCEL B (AS-SURVEYED)

Part of the South 1/2 of the Northeast 1/4 of Section 11, Town 27 North, Range 10 West, Acme Township, Grand Traverse County, Michigan, more fully described as:

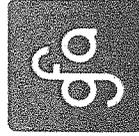
Commencing at the East 1/4 corner of said Section 11;
 thence North 87°32'29" West, 1,059.75 feet
 along the East and West 1/4 line of said Section 11
 to the POINT OF BEGINNING;
 thence North 87°32'29" West, 285.00 feet;
 continuing along said East and West 1/4 line;
 thence North 01°05'39" East, 1,146.74 feet
 along the East one-eighth line of said Section
 and the East line of the Plat of Springbrook Hills;
 thence South 87°32'40" East, 285.00 feet;
 thence South 01°05'39" West, 1,146.75 feet;
 to the POINT OF BEGINNING.

Said Parcel contains 7.50 acres more or less.

Subject to other easements or restrictions, if any.

PREPARED FOR: **SANBORN TRUST**

ENGINEERING
SURVEYING
& OPERATIONS



123 West Front Street
Traverse City, MI 49684

<http://gfa.tc>

231.946.5874 (p)

231.946.3703 (f)

BASIS OF BEARINGS: PLAT OF SPRINGBROOK HILLS

Location: PART OF THE SOUTH 1/2
OF THE NE 1/4

SECTION 11, TOWN 27 NORTH, RANGE 10 WEST
ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MI

DATE: 10/6/2016

DRAWN BY: J. A. JULLIET

DESIGNED BY: MJC | CAD: JAJ

16289

SHT 3 OF 7

PROPOSED PARCEL DESCRIPTIONS

PARCEL 1

Part of the South 1/2 of the Northeast 1/4 of Section 11, Town 27 North, Range 10 West, Acme Township, Grand Traverse County, Michigan, more fully described as:

Commencing at the East 1/4 corner of said Section 11;
 thence North 87°32'29" West, 1,008.56 feet,
 along the East and West 1/4 line of said Section 11
 to the POINT OF BEGINNING;
 thence North 87°32'29" West, 336.19 feet,
 continuing along said East and West 1/4 line
 to the East one-eighth line of said Section;
 thence North 01°05'39" East, 1,270.63 feet,
 along said East one-eighth line of said Section 11
 and the East boundary line of the Plat of Springbrook Hills
 to the Northeast corner of Lot 1 of said Plat;
 thence North 87°31'59" West, 198.06 feet
 along the North line of Lot 1 of said Plat;
 thence North 01°07'09" East, 66.01 feet
 to the North 1/8 line of said Section;
 thence South 87°33'21" East, 198.03 feet
 along said North one-eighth line of said Section;
 thence South 87°34'11" East, 336.84 feet
 along the North one-eighth line of said Section;
 thence South 01°07'21" West, 1,336.87 feet;
 to the POINT OF BEGINNING.

Said Parcel contains 10.62 acres more or less.

Subject to and together with a 66 foot wide easement for ingress and egress, and the installation and maintenance of utilities over the Northerly 66 feet thereof.

Subject to other easements, rights-of-way, reservations, and restrictions of record, if any.

PREPARED FOR: **SANBORN TRUST**

ENGINEERING
SURVEYING
TESTING & OPERATIONS



123 West Front Street
Traverse City, MI 49684

<http://gfo.tc>

231.946.5874 (p)

231.946.3703 (f)

BASIS OF BEARINGS: PLAT OF SPRINGBROOK HILLS

Location: **PART OF THE SOUTH 1/2
OF THE NE 1/4
SECTION 11, TOWN 27 NORTH, RANGE 10 WEST
ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MI**

DATE:	10/6/2016
P.L.A.:	J. A. JULLIET
D.R.:	MJC
C.V.:	JAJ
	16289
SHT	5 OF 7

PROPOSED PARCEL DESCRIPTIONS

PARCEL 2

Part of the South 1/2 of the Northeast 1/4 of Section 11, Town 27 North, Range 10 West, Acme Township, Grand Traverse County, Michigan, more fully described as:

Commencing at the East 1/4 corner of said Section 11;
 thence North 87°32'29" West, 672.37 feet
 along the East and West 1/4 line of said Section
 to the POINT OF BEGINNING;
 thence North 87°32'29" West, 336.19 feet;
 continuing along said East and West 1/4 line;
 thence North 01°07'21" East, 1,336.87 feet
 to the North one-eighth line of said Section;
 thence South 87°34'11" East, 336.84 feet
 along said North one-eighth line;
 thence South 01°09'03" West, 1,337.02 feet;
 to the POINT OF BEGINNING.

Said Parcel contains 10.33 acres more or less.

Subject to and together with a 66 foot wide easement for ingress and egress, and the installation and maintenance of utilities over the Northerly 66 feet thereof.

Subject to other easements, rights-of-way, reservations, and restrictions of record, if any.

PARCEL 3

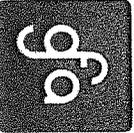
Part of the South 1/2 of the Northeast 1/4 of Section 11, Town 27 North, Range 10 West, Acme Township, Grand Traverse County, Michigan, more fully described as:

Commencing at the East 1/4 corner of said Section 11;
 thence North 87°32'29" West, 336.19 feet
 along the East and West 1/4 line of said Section;
 to the POINT OF BEGINNING;
 thence North 87°32'29" West, 336.19 feet;
 continuing along said East and West 1/4 line;
 thence North 01°09'03" East, 1,337.02 feet
 to the North one-eighth line of said Section;
 thence South 87°34'11" East, 336.84 feet
 along said North one-eighth line;
 thence South 01°10'45" West, 1,337.17 feet;
 to the POINT OF BEGINNING.

Said Parcel contains 10.33 acres more or less.

Subject to and together with a 66 foot wide easement for ingress and egress, and the installation and maintenance of utilities over the Northerly 66 feet thereof.

Subject to other easements, rights-of-way, reservations, and restrictions of record, if any.

PREPARED FOR: SANBORN TRUST ENGINEERING SURVEYING TESTING & OPERATIONS 123 West Front Street Traverse City, MI 49684 	BASIS OF BEARINGS: PLAT OF SPRINGBROOK HILLS Location: PART OF THE SOUTH 1/2 OF THE NE 1/4 SECTION 11, TOWN 27 NORTH, RANGE 10 WEST ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MI http://gfo.ic 231.946.5874 (p) 231.946.3703 (f)
THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT. REV: ADDITION OF CUL-DE-SAC EASEMENT	DATE: 10/6/2016 P.M.: J.A. JULLERET DR: MJC CO: JAJ 16289 SHEET 6 OF 7

10/6/2016 10:52:57 AM

PROPOSED PARCEL DESCRIPTIONS

PARCEL 4

Part of the South 1/2 of the Northeast 1/4 of Section 11, Town 27 North, Range 10 West, Acme Township, Grand Traverse County, Michigan, more fully described as:

Beginning at the East 1/4 corner of said Section 11;
 thence North 87°32'29" West, 336.19 feet
 along the East and West 1/4 line of said Section 11;
 thence North 01°10'45" East, 1,337.17 feet
 to the North one-eighth line of said Section;
 thence South 87°34'11" East, 336.84 feet
 along said North one-eighth line;
 thence South 01°12'27" West, 1,337.32 feet;
 to the POINT OF BEGINNING.

Said Parcel contains 10.33 acres more or less.

Together with a 66' wide easement for ingress and egress and the installation and maintenance of utilities over the Northerly 66 feet thereof.

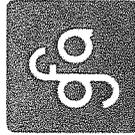
Subject to and together with a 140 foot wide easement for the construction and maintenance of a 50 foot radial width cul-de-sac and associated drainage structures over the Northerly 140 feet thereof.

Subject to other easements, rights-of-way, reservations, and restrictions of record, if any.

PREPARED FOR: SANBORN TRUST

ENGINEERING
 SURVEYING
 TESTING & OPERATIONS

123 West Front Street
 Traverse City, MI 49684



<http://gfo.tc>

231.946.5874 (p)

231.946.3703 (f)

BASIS OF BEARINGS: PLAT OF SPRINGBROOK HILLS

Location: PART OF THE SOUTH 1/2
 OF THE NE 1/4

SECTION 11, TOWN 27 NORTH, RANGE 10 WEST
 ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MI

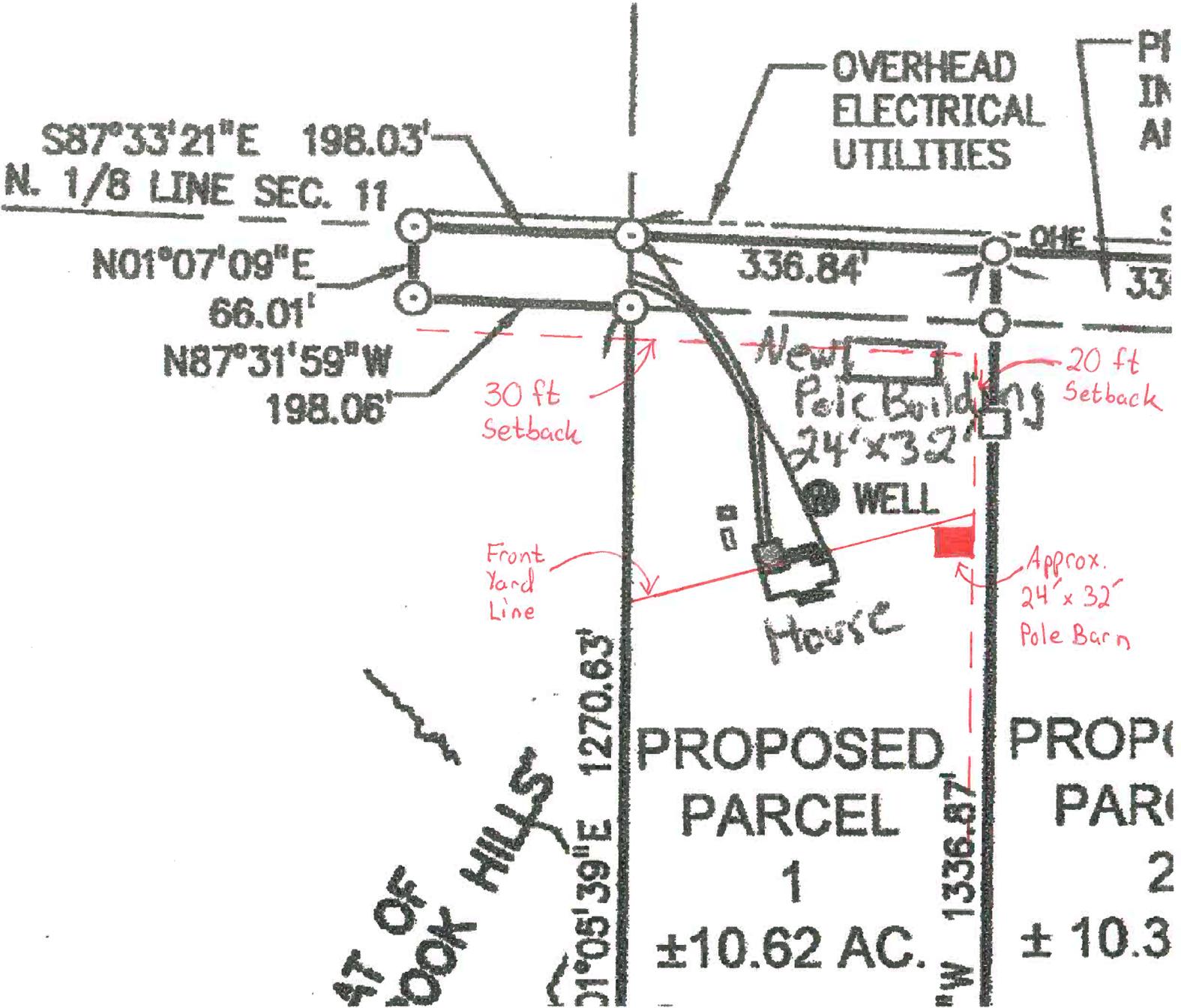
DATE:	10/6/2016
DRAWN BY:	J. A. JULLERET
DATE:	10/6/2016
PROJECT NO.:	16289
SHEET NO.:	7 OF 7

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

H:\PROJECTS\16289 DWG SURVEY\16289-ST REV.DWG (10-06-16 3:42 PM) MEGALOGAN

REV. ADDITION OF CUL-DE-SAC EASEMENT

GRAPHIC SCALE: 1 inch = 300 feet



ACME TOWNSHIP
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-03: an application by Dennis McCauley, 2910 Towering Pines Dr., Williamsburg, MI 49690 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 2910 Towering Pines Dr., Williamsburg, MI 49690. The property is more fully described as:

LOT 21 HOLIDAY PINES.

Parcel No.: 28-01-500-021-00

ZBA 2016-04: an application by John Sanborn, HC-1 Box 355, Bois Blanc Island, MI 49775 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 4736 Springbrook Dr., Williamsburg, MI 49690. The property is more fully described as:

PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB.

Parcel No.: 28-01-111-008-10

ZBA 2016-05: an application by Jeremy Hubbard, 3857 Vale Dr., Traverse City, MI 49686 for a nonuse variance to §7.2.1(e) of the Acme Township Zoning Ordinance in order to construct an accessory building that exceeds the ground floor area of the main residential building on the lot located at . The property is more fully described as:

COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB
SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:
Shawn Winter, Zoning Administrator
6042 Acme Rd

Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 11/17/16 11:54 by dling

Acct #: 6 Ad #: 451256 Status: N

ACME TOWNSHIP Start: 11/21/2016 Stop: 11/21/2016
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 6.83 Words: 438
WILLIAMSBURG MI 49690 Total STDAD 20.49
Class: 147 LEGALS
Rate: LEGAL Cost: 150.25
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE ACME TOWNSH
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 Created: dling 11/17/16 11:48
Email: szollinger@acmetownship.org Last Changed: dling 11/17/16 11:54
Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W 11/21/16 1 11/21/16 SMTWTFS
IN AIN 97 W 11/21/16 1 11/21/16 SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 11/17/16 11:54 by dling

Acct #: 6

Ad #: 451256

Status: N

**LEGAL NOTICE
ACME TOWNSHIP
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-03: an application by Dennis McCauley, 2910 Towering Pines Dr., Williamsburg, MI 49690 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 2910 Towering Pines Dr., Williamsburg, MI 49690. The property is more fully described as:

LOT 21 HOLIDAY PINES.

Parcel No.: 28-01-500-021-00

ZBA 2016-04: an application by John Sanborn, HC-1 Box 355, Bois Blanc Island, MI 49775 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 4736 Springbrook Dr., Williamsburg, MI 49690. The property is more fully described as:

PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB.

Parcel No.: 28-01-111-008-10

ZBA 2016-05: an application by Jeremy Hubbard, 3857 Vale Dr., Traverse City, MI 49686 for a nonuse variance to §7.2.1(e) of the Acme Township Zoning Ordinance in order to construct an accessory building that exceeds the ground floor area of the main residential building on the lot located at . The property is more fully described as:

COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:

Shawn Winter, Zoning Administrator
6042 Acme Rd
Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

November 21, 2016-1T

451256



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

November 17, 2016

ACME TOWNSHIP NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-03: an application by Dennis McCauley, 2910 Towering Pines Dr., Williamsburg, MI 49690 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 2910 Towering Pines Dr., Williamsburg, MI 49690. The property is more fully described as:

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Parcel No.: 28-01-500-021-00

ZBA 2016-04: an application by John Sanborn, HC-1 Box 355, Bois Blanc Island, MI 49775 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 4736 Springbrook Dr., Williamsburg, MI 49690. The property is more fully described as:

PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB.

Parcel No.: 28-01-111-008-10

ZBA 2016-05: an application by Jeremy Hubbard, 3857 Vale Dr., Traverse City, MI 49686 for a nonuse variance to §7.2.1(e) of the Acme Township Zoning Ordinance in order to construct an accessory building that exceeds the ground floor area of the main residential building on the lot located at . The property is more fully described as:

COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB
SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

You are receiving this letter to satisfy the requirement of the Michigan Zoning Enabling Act to notify all property owners within 300 feet of any parcel that is seeking a variance to the provisions of the Acme Township Zoning Ordinance. All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:

Shawn Winter, Zoning Administrator

6042 Acme Rd

Williamsburg, MI 49690

(231) 938-1350

swinter@acmetownship.org

HELLER TODD M & KRISTEN
2805 QUERCUS CT APT 303
ODENTON MD 21113

ANDRES LAVERN A & JANET
PO BOX 433
ACME MI 49610

SANBORN BETTY TRUST; SANBORN JAMES
PRATT S & M AND LACKIE H & S
8263 S SOUTHVIEW LN
TRAVERSE CITY MI 49684-7637

BELCHER LINDA S
4442 S RAINBOW CT
WILLIAMSBURG MI 49690

BROOKSIDE PROPERTY OWNERS ASSO
S RAINBOW CT
WILLIAMSBURG MI 49690

CHALLENGER ROY L &
CHALLENGER JEFFREY S
3885 BUNKER HILL ROAD
WILLIAMSBURG MI 49690

COUTURIER KATHLEEN
4737 SPRINGBROOK DR
WILLIAMSBURG MI 49690

FINNILA ERIC JR & FRANCES
4482 S RAINBOW CT
WILLIAMSBURG MI 49690

JENEMA TIMOTHY S & AMY E
4949 BREEDS HILL TL
WILLIAMSBURG MI 49690

MORLEY STEPHEN & CYNTHIA L
4606 S RAINBOW CT
WILLIAMSBURG MI 49690

RAINS VERNON C & LORENE C
4702 SPRINGBROOK DR
WILLIAMSBURG MI 49690

SIPKOSKI MICHAEL G
4770 SPRINGBROOK DR
WILLIAMSBURG MI 49690

SLATER URSULA R
4754 SPRINGBROOK DR
WILLIAMSBURG MI 49690

WILLIAMS CHAD & MINDY
4728 SPRINGBROOK DR
WILLIAMSBURG MI 49690

SANBORN JOHN
COOLEY-SANBORN SUZETTE
BOX 355
1629 HURON DR
POINTE AUX PINS MI 49775-9809

KULKARNI GAURAV D & SHWETA
11823 MADISON KENDALL LN
HOUSTON TX 77066-3365



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Date: December 1, 2016

Permit No.: ZBA 2016-05

Request: Non-use variance to build an accessory building larger than the floor area of the primary residential dwelling

Applicant(s): Jeremy
3857 Vale Dr.
Traverse City, MI 49686

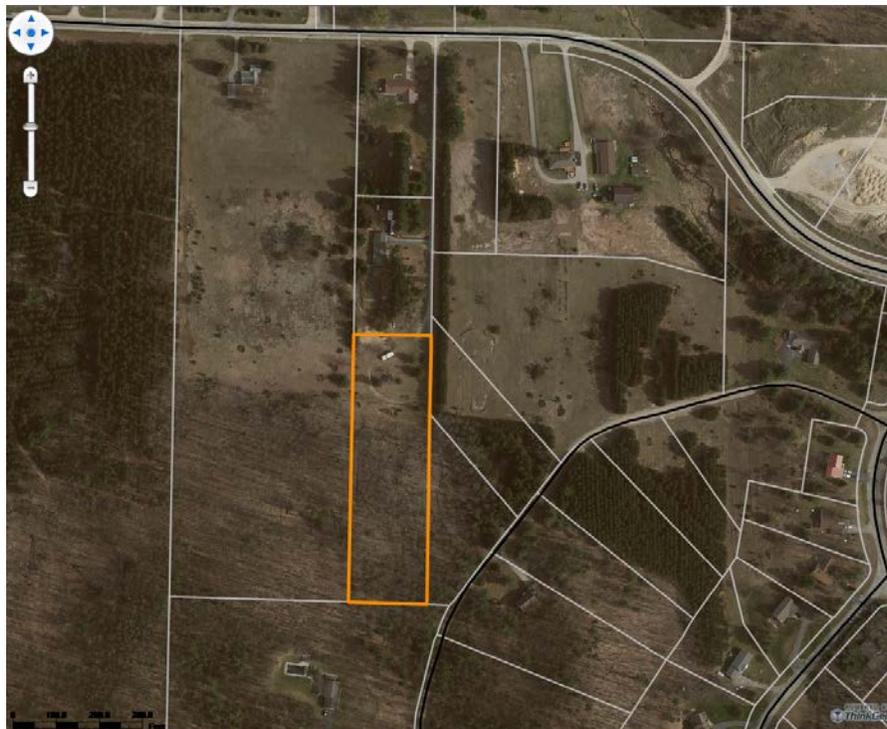
Address: 5632 Bunker Hill Rd
Williamsburg, MI 49690

Parcel No.: 28-01-112-003-03

Legal Description: COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB
SPLIT ON 06/05/2002 FROM 01-112-003-00;

Owner: Richard Opper Excavating Inc

Aerial Map:



Area: 2.74 acres

Zoning & Existing Use(s):

R-1: One-Family Forest & Coastal

- It is the purpose of this District to encourage the development of residential properties of a semi-rural character within the following general areas of the Township: 1) where public water and sewer facilities are not now available and likely to remain without such services indefinitely, and 2) where natural resource and environmental characteristics, such as hillsides, scenic areas, wetlands, and shore lands tend to make more intensive types of urbanized development destructive to environmental values. The intent is to provide for an environment of predominately low density, one-family detached dwellings that will harmonize with the natural resource capabilities of the District.
- Currently undeveloped, however, a Land Use Permit has been pulled to construct a home with an attached garage and accessory building.
- Large lot rural residential development to the north, west and south. Deer Valley Subdivision to the east and southeast with a mix of developed and undeveloped land.

Setbacks:

Front: 30 feet
Side: 20 feet
Rear: 35 feet

Adjacent Zoning:

North: R-1: One-Family Forest & Coastal – John & Marna Klaft
Northeast: R-1: One-Family Forest & Coastal – Sharon & William Kerkhoff Trust
East: R-1: One-Family Forest & Coastal – Sharon & William Kerkhoff Trust
South: R-1: One-Family Forest & Coastal – Jeannette & Dennis Tuck
West: R-1: One-Family Forest & Coastal – Cynthia & David Keevis

Relevant Sections of the Zoning Ordinance:

§7.2 SUPPLEMENTARY USE AND AREA REGULATIONS

§7.2.1 ACCESSORY BUILDINGS:

Authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building under this Ordinance. An accessory building not attached and not made a part of the principal building shall:

- a. Not be nearer than ten feet from any other separate structure on the same lot,
- b. Not be erected in any minimum side yard setback,
- c. Not be erected in any front yard of any non-waterfront parcel,
- d. Not occupy more than 25% of a required rear yard,
- e. Not exceed one twenty-four feet in height, nor exceed the ground floor area of the main building within Residential Districts,

- f. Not be closer to the side yard lot line than the side yard setback of the principal building on a corner lot within Residential Districts.

AMENDED 01/05/10 EFFECTIVE 01/18/10 AS ZONING ORDINANCE AMENDMENT 004, AMENDED 04/08/2014 AS ZONING ORDINANCE AMENDMENT #031, EFFECTIVE 01/18/2014.

REPORT

The Applicant has requested a non-use variance to construct an accessory building that exceeds the ground floor area of the primary residential dwelling to be built at 5632 Bunker Hill Rd (“Property”), accessed off of John’s Way private drive. The Applicant is not the current owner of the property, but included a letter of authorization from the property owner to with his application (**Exhibit A**). Furthermore, the Applicant intends to occupy the home and acquire ownership was the construction is complete.

The Property is currently undeveloped, however, a Land Use Permit was issued construct a new residential home with an attached garage and an accessory building. The house will be situated atop a wooded hill near the south property line, facing north with a ground floor area of 1,685 square feet. The accessory building is to be located behind the house to the southeast and has been approved at 40 ft x 40 ft for a total of 1,600 square feet, with a height of 20 ft measured to the top of the roof’s peak, and is proposed to match the design character of the house. The Land Use Permit will allow for the two structures, the primary residential dwelling and the accessory building, to be constructed concurrently. To date only site preparation has been completed, including tree removal, grading and driveway improvements.

The Applicant wishes to construct a 40 ft x 60 ft accessory building instead of the approved 40 ft x 40 ft plan. This would create an accessory building that is 2,400 square feet, exceeding the ground floor area of the primary residential dwelling and not meeting the provision of §7.2.1(e). A site plan and elevations have been included (**Exhibit B**), along with a narrative that includes a photo tour (**Exhibit C**). The locations of the photos are noted in pink on the site plan.

I have received correspondence from neighboring property owners who are opposed this non-use variance request. I have encouraged those I spoke with on the phone to submit a letter or attend the public hearing to voice their concerns. The letters I have received via email have been included (**Exhibit D**).

STAFF FINDINGS AND RECOMMENDATION

RECOMMENDATION:

The request does not appear to be contrary to the health, safety, or welfare of the community, however, does not represent an undue hardship on the property owner. Recommend denial of request.

STANDARD FOR DETERMINATION:

§5.4 Non-use Variance

The Zoning Board of Appeals shall have the authority to grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other non-use-related standard in the ordinance, PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.

FINDING OF FACT:

Staff finds the following facts regarding non-use variance request by the Applicant at the Opper Property:

§5.4.1 Basic Conditions: That any non-use variance granted from this Ordinance:

- a. Is a result of practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall be evaluated in terms of the use of the particular parcel of land, and cannot be solely economic in nature.

NOT SATISFIED: *Then non-use variance request to construct an accessory building larger than the ground floor area of the house is simply the desire to have additional outbuilding storage space. The non-use variance request to place an accessory building in the front yard is not the result of a practical difficulty preventing the property owner from adhering to the provisions of the Ordinance. From my analysis of the survey, site plan, and site visit I conclude at this time that constructing the accessory building in the permissible side yard is a viable option.*

- b. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

NOT SATISFIED: *The Property is located in a residential district where the vast majority of accessory buildings are compliant with the dimensional requirements of the Ordinance. The instances where accessory buildings exceed the ground floor area of the primary dwelling unit were constructed prior to the amendments to the accessory building provisions in 2010 and 2014.*

- c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

NOT SATISFIED: *Property owners in the adjacent subdivision have expressed concern about the size of the pole barn being out of scale with the neighborhood, to which I agree. The proposed accessory building would be larger than many of the primary residential dwellings that define the immediate area, and the district as a whole. A 2,400 square foot pole barn is more akin to an industrial zone.*

- d. Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

NOT SATISFIED: *The non-use variance request is not a result of specific conditions on the Property. It is simply a request to exceed the maximum area provision of the Ordinance.*

- e. Will relate only to property that is under control of the applicant.

SATISFIED: *The accessory building will only be on the parcel in question. Although the Applicant does not control the Property, the owner who does control the Property has granted the Applicant permission.*

- f. Will not be permitted for a parcel of property that is not a Legal Lot of Record, as defined by this Ordinance.

SATISFIED: *The parcel is a Legal Lot of Record.*

§5.4.2 Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a non-use variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

- a. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.

NOT SATISFIED: *There are no site conditions or limitations related to the non-use variance request.*

- b. Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

NOT SATISFIED: *The Applicant is able to maintain their right to construct an accessory building on the Property within the dimensional provisions of the Ordinance.*

§5.4.3 Rules: The following rules shall be applied in the granting of non-use variances:

The Zoning Board of Appeals may specify, in writing, such conditions that will in its judgment, secure the objectives and purposes of this Ordinance. Any conditions imposed shall meet the requirements for conditions set forth the Michigan Zoning Enabling Act. Violation of conditions imposed shall nullify the variance.

No application for a non-use variance which has been denied wholly or in part by the Zoning Board of Appeals shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

CONCLUSION:

It is respectfully recommended that the Zoning Board of Appeals deny the request for a non-use variance to allow the construction of an accessory building the exceeds the ground floor area of the primary residential dwelling to be built at 5632 Bunker Hill Rd, Williamsburg, MI 49690. This request is not the result of a hardship created by natural conditions or unique lot lines and dimensions. Nor does the denial of request prevent the Applicant from developing an accessory building on the Property as allowable by right. The request is merely to allow a dimension that exceeds what is permissible by the Ordinance. Granting approval of this request without meeting the basic and special conditions would set an unfortunate precedent in the Township.

MOTION:

Motion to adopt the finding of the Zoning Administrator and deny a non-use variance to construct an accessory building larger than the ground floor area of the primary residential dwelling at the Property located at 5632 Bunker Hill Rd.



Zoning Board of Appeals – Application for Hearing/Appeal

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Zoning Administrator: Shawn Winter Email: swinter@acmetownship.org

Please fill out the following application as completely and legibly as possible:

A. Applicant Information:

Applicant's Name: Jeremiah Hubbard

Applicant's Current Mailing Address: 3857 VALE DR.

City: Traverse City State: MI Zip Code: 49686 Phone Number: 616-318-2106

B. Purpose of Hearing:

Appeal from a Determination by the Zoning Administrator

Apply for a Variance Permit as Authorized by Section(s) 7.2.1 (e) of the Acme Township Zoning Ordinance

Request Extension or Resumption of a Nonconforming Use

C. Property Information:

Property Address: 5632 Bunker Hill Parcel Number: 28-01-112-003-03

Property Owner's Name: Jeremy Hubbard

Property Owner's Current Mailing Address: 3857 VALE DR.

City: Traverse City State: MI Zip Code: 49686 Phone Number: 616-318-2106

Proposed Use/Change to Property: 40'x60' Barn / out building
-exceeds ground floor area of the house

D. Please Attach the Following Documents:

- **Site Plan/Plot Plan** – drawn to scale, showing size and shape of buildings, accurate locations on lots, and accurate dimensions

- **Elevation Drawings** – showing the height of the structure(s)

Additional Drawings/Information as Listed Below:

I have included pictures of the proposed building site.

Fees – include initial fee as required in the attached Fee Schedule

Fee Escrow Policy Acknowledgement – signed form with initial fee deposit (if determined applicable)

E. Affidavit:

The undersigned affirms that he/she is the Other (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements, and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials and staff of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future special use permit and zoning ordinance compliance.

Signature of Owner/Agent: [Signature] Date: 11-21-16

FOR TOWNSHIP USE ONLY

Application No.: ZBA 2016-05
Date Received: 11/21/16
Fee Tendered: _____

Date of Advertising: 11/21/16
Date of Hearing: 12/8/16
Action Taken: _____

NOTES

November 17, 2016

Township of Acme, Grand Traverse County, Michigan
6042 Acme Rd.
Williamsburg, MI 49690

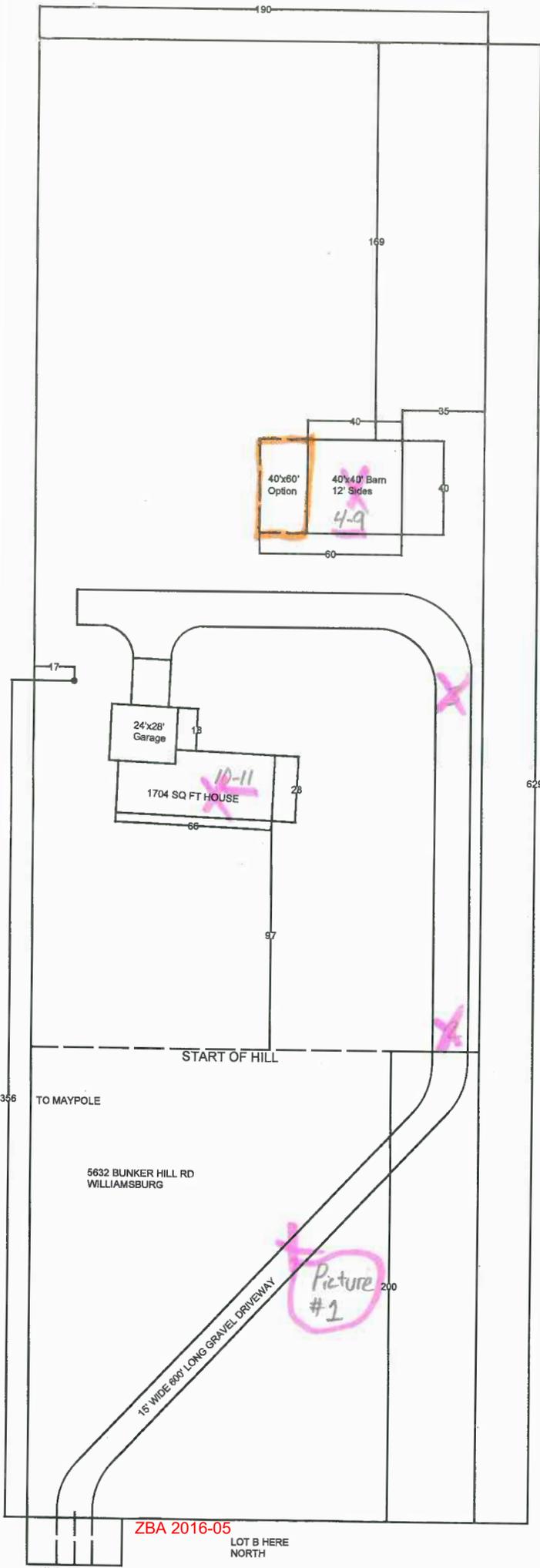
RE: 5632 Bunker Hill Rd, Williamsburg, MI 49690

Jeremy Hubbard has my permission to apply for a variance at this address.

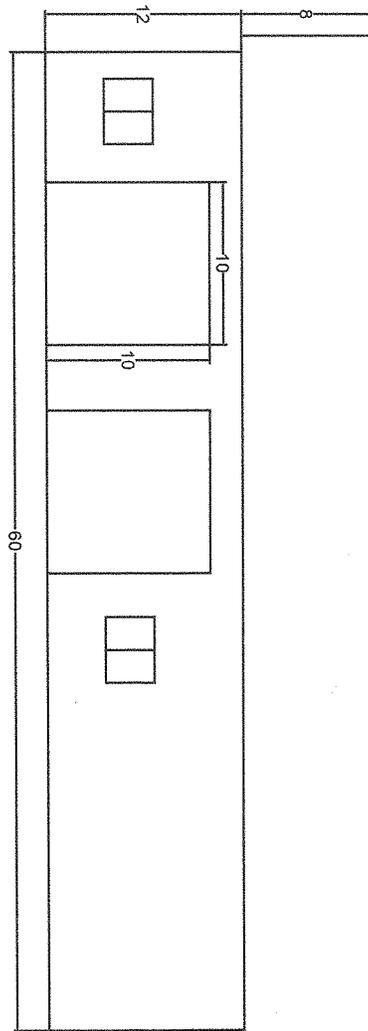
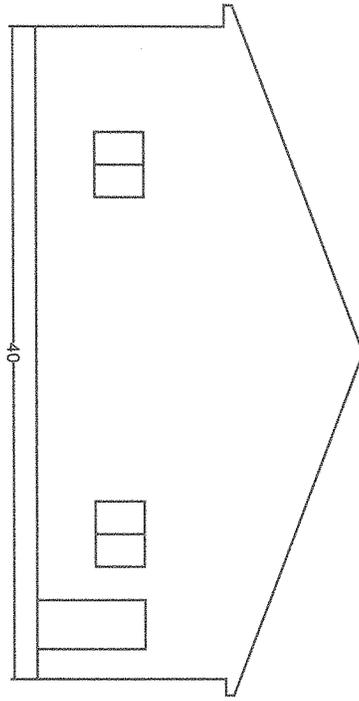
Regards,

A handwritten signature in cursive script that reads "Richard Oppen".

Richard Oppen



* Location of pictures
Marked in pink.



Jeremy Hubbard

3857 Vale Dr.

Traverse City, MI. 49686

Application for variance

5632 Bunker Hill Rd. Williamsburg MI, 49690

I am in the process of building a 1700 ft² ranch at the above mentioned address. It will have a basement almost doubling the living area, but in theme of the Acme Township zoning rules, we will not be taking that into consideration.

I wish to build an outbuilding (Pole type construction) at the same time the house is constructed. This outbuilding will match the theme of the house. It will have the same size overhangs, and similar siding and roof colors.

I believe Acme rules state that the maximum building square footage may not exceed the homes main level square footage (excluding the garage). This essentially limits the building to a 40'x40' (1600 ft²).

I am writing to ask for your consideration of a variance that would allow me to build a 40'x60' outbuilding.

There are two neighbors within a (300) foot radius of this proposed project. However due to the wooded area around the site, direct line of sight is not possible. For this reason and others I believe this project will not adversely affect property values of this or nearby homes.

I have attached pictures, taken from the planed location of the building. Please note the pictures are marked with direction and specifics regarding the closest houses.

Let's take a tour!

The driveway as it passes between two pine trees (note the log retaining walls protecting the trees. How cool?!) It turns to the south as we head up the hill. Directly behind where this picture was taken is a 200yd³ pile of 22A road gravel. We are waiting till the cement trucks are finished pouring the foundation to complete the drive.



As the drive heads up the hill the location of the house will be on the left, on top of the hill.



The proposed building would be in sight as we reach the top of the hill. Although we are still facing south, the drive will turn to the left where the house will be located.



This picture is taken from the center of the buildings proposed location facing due south. This is the direction of one neighbors home. Notice even with most leaves off the trees the home cannot be seen.



Facing southwest the corner stake can be seen. Note we will be recessing this side of the barn in the hill slightly. Either pressure treated tongue and groove siding will be used below grade, or a small retaining wall will be utilized.



Facing due west.



Facing north. The drive is on the left behind the temporary log pile. The house will be on the flat center/right.



Facing east/south east.



Facing due east. The other neighbor is located in this direction thru the trees. Notice direct line of sight is not possible. (The tree/brush pile will be removed)



This is the view (south) from the location of the house looking at the outbuildings proposed location. The outbuildings grade will be approximately 6' lower than that of the house.



One more picture facing north from where the house will be (just for fun!).



Thank you for your consideration regarding the size variance. I am eager to hear your decision. If there is anything else I can provide please don't hesitate to ask.

November 28, 2016

Acme Township - Planning and Zoning
Attn: Shawn Winter - Zoning Administrator
swinter@acmetownship.org

Ph: 231.938.1350

Subject: Zoning Variance - Jeremy Hubbard
Pole Barn Exceeds Square Footage of House
ZBA 2016-5, Parcel No. 28-21-112-003-03

Shawn:

This letter is to try to gain some answers for us "typical landowners". We are not familiar with lawyer speak, and are looking for some general answers for some general questions.

1. Please explain to us how the zoning variation request will benefit Acme Township or the neighbor's property values? Why are zoning rules enacted if they are only to be defeated in a "notice of public hearing" appeal?
2. How can a pole barn be larger than a residential house? Where is the reasoning behind this? We thought that zoning rules were in place for a reason.
3. Both Lisa Kerhoff's and Dennis Tuck's property will be de-valued by a pole barn blocking access to our view from our living room. In our opinion, the pole barn will be built long before any taxable housing is built. In our opinion, the pole barn is being built for commercial purposes, to house Opper Excavating's (father-in-laws) equipment. The equipment consists of a D3 dozer, excavator, bobcat, etc. This is in violation of Acme's zoning ordinance regarding storing construction equipment.
4. As can be seen by the attached pictures, the site is in complete disarray and has been since early September. Both Dennis Tuck and Lisa Kerkoff are concerned the rubbish piles will create a safety hazard. Final grading appears to be done, however, there are stacks of firewood beyond the site preparation and bordering Lisa Kerkoff's and Dennis Tuck's property. The firewood appears to be abandoned in place with no way of disposal since the site is fine graded. The stacks of rubbish present a severe fire hazard, especially after the August 2015 windstorm added to the burn pile.
5. While not relevant to this zoning ordinance variation, the property in question has had two burning permit violations. The second burn permit violation occurred in early November; the fire department was called after we observed flames burning 30' high. Dennis Tuck ran to the sight with 2 large fire extinguishers only to find nobody attending the fire and nobody within yelling distance. The fire department arrived; the landowner representative was ordered to extinguish the fire or the fire department would extinguish the fire and the cost billed to the landowner. The landowner representative extinguished the fire with his bulldozer, no further issues that night.

Sincerely:

Dennis and Jeannette Tuck, 231.463.3860

Lisa Kerkoff, 231.883.9393

Bill and Sharon Kerkoff, 231.938.9881

Excerpts from the Acme Township Master Plan are given below for reference:

"Any dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within one year from date of issuance of a land use permit or one year from the date of occupancy whichever occurs last, but not to exceed a total of two years."

Customary Accessory Uses and Buildings: Accessory buildings such as farm buildings, a detached garage or boathouse for the storage of automobiles and boats shall be permitted with a single-family dwelling, PROVIDED that the farm building and/or garage complies with the setback restrictions for this District and, PROVIDED FURTHER that a boathouse complies with the side yard setback requirements for this District and has a maximum floor area of three hundred square feet. A guest house separate from a single-family dwelling shall be permitted if the lot is twice the minimum width required in this District, and the guest house is so located as to be qualified as a single-family dwelling in its own right on one-half the width of the lot of the principal dwelling.

7.2.1 ACCESSORY BUILDINGS:

Authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building under this Ordinance. An accessory building not attached and not made a part of the principal building shall:

- a. Not be nearer than ten feet from any other separate structure on the same lot,
- b. Not be erected in any minimum side yard setback,
- c. Not be erected in any front yard of any non-waterfront parcel,
- d. Not occupy more than 25% of a required rear yard,
- e. Not exceed one story or fourteen feet in height, nor exceed the ground floor area of the main building within Residential Districts,
- f. Not be closer to the side yard lot line than the side yard setback of the principal building on a corner lot within Residential Districts.

7.7.5 The area utilized for the home occupation shall not exceed one-fourth of the floor area of one story of the dwelling whether or not the dwelling or an accessory building is so utilized.











Shawn Winter

From: lisa.kerkhof@gmail.com
Sent: Tuesday, November 29, 2016 10:34 PM
To: Shawn Winter
Cc: lisa.kerkhof@gmail.com
Subject: Zoning Variance - Jeremy Hubbard
Attachments: IMG_3837.JPG; IMG_3838.JPG; IMG_3839.JPG; IMG_3840.JPG

Shawn,

Thursday, December 8, 2016 I will be attending the public hearing in the Acme Township Hall. My attention is focused in particular on ZBA 2016-05, Jeremy Hubbard. Thank you for the letter notifying me of this application. You might recall I contacted you earlier with a concern when Mr. Hubbard first started clearing the site. The news of the nonuse variance isn't welcoming. My family and Deer Valley neighbors are opposed.

Areas where insight from the Zoning Board of Appeals are needed:

1. The ordinance reads an accessory building shall be permitted with a single-family dwelling. There isn't a single-family dwelling. I don't understand how he is constructing an accessory building at all plus being considered for a variance to the provisions of the zoning ordinance.
2. What is your criteria for approving a structure that would otherwise not be allowed by your zoning.
3. In the event a special use is granted does this exempt him from building a primary residence and if it doesn't what are the repercussions for not completing one.
4. Where is the location on the parcel for the dwelling and proposed accessory building.

Photos views show the lower level of the site. They include a section that is staked out for something. You are welcome to tour Deer Valley for a up-close roadside view of the site. It's a different perspective then from John's Rd off Bunker Hill. I'll see you next week.

My best,
Lisa Kerkhof





ACME TOWNSHIP
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-03: an application by Dennis McCauley, 2910 Towering Pines Dr., Williamsburg, MI 49690 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 2910 Towering Pines Dr., Williamsburg, MI 49690. The property is more fully described as:

LOT 21 HOLIDAY PINES.

Parcel No.: 28-01-500-021-00

ZBA 2016-04: an application by John Sanborn, HC-1 Box 355, Bois Blanc Island, MI 49775 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 4736 Springbrook Dr., Williamsburg, MI 49690. The property is more fully described as:

PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB.

Parcel No.: 28-01-111-008-10

ZBA 2016-05: an application by Jeremy Hubbard, 3857 Vale Dr., Traverse City, MI 49686 for a nonuse variance to §7.2.1(e) of the Acme Township Zoning Ordinance in order to construct an accessory building that exceeds the ground floor area of the main residential building on the lot located at . The property is more fully described as:

COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB
SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:
Shawn Winter, Zoning Administrator
6042 Acme Rd

Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 11/17/16 11:54 by dling

Acct #: 6 Ad #: 451256 Status: N
ACME TOWNSHIP Start: 11/21/2016 Stop: 11/21/2016
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 6.83 Words: 438
WILLIAMSBURG MI 49690 Total STDAD 20.49
Class: 147 LEGALS
Rate: LEGAL Cost: 150.25
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE ACME TOWNSH
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 Created: dling 11/17/16 11:48
Email: szollinger@acmetownship.org Last Changed: dling 11/17/16 11:54
Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W 11/21/16 1 11/21/16 SMTWTFS
IN AIN 97 W 11/21/16 1 11/21/16 SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 11/17/16 11:54 by dling

Acct #: 6

Ad #: 451256

Status: N

**LEGAL NOTICE
ACME TOWNSHIP
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-03: an application by Dennis McCauley, 2910 Towering Pines Dr., Williamsburg, MI 49690 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 2910 Towering Pines Dr., Williamsburg, MI 49690. The property is more fully described as:

LOT 21 HOLIDAY PINES.

Parcel No.: 28-01-500-021-00

ZBA 2016-04: an application by John Sanborn, HC-1 Box 355, Bois Blanc Island, MI 49775 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 4736 Springbrook Dr., Williamsburg, MI 49690. The property is more fully described as:

PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB.

Parcel No.: 28-01-111-008-10

ZBA 2016-05: an application by Jeremy Hubbard, 3857 Vale Dr., Traverse City, MI 49686 for a nonuse variance to §7.2.1(e) of the Acme Township Zoning Ordinance in order to construct an accessory building that exceeds the ground floor area of the main residential building on the lot located at . The property is more fully described as:

COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:
Shawn Winter, Zoning Administrator
6042 Acme Rd
Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

November 21, 2016-1T

451256



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

November 17, 2016

ACME TOWNSHIP NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-03: an application by Dennis McCauley, 2910 Towering Pines Dr., Williamsburg, MI 49690 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 2910 Towering Pines Dr., Williamsburg, MI 49690. The property is more fully described as:

LOT 21 HOLIDAY PINES.

Parcel No.: 28-01-500-021-00

ZBA 2016-04: an application by John Sanborn, HC-1 Box 355, Bois Blanc Island, MI 49775 for a nonuse variance to §7.2.1(c) of the Acme Township Zoning Ordinance in order to construct an accessory building in the front yard portion of the lot located at 4736 Springbrook Dr., Williamsburg, MI 49690. The property is more fully described as:

PT SE 1/4 OF NE 1/4 SEC 11 T27N R10W COME 1/4 CNR; W 1058.5' TO POB; W 285'; N 1146.97'; E 285'; S 1146.97' TO POB.

Parcel No.: 28-01-111-008-10

ZBA 2016-05: an application by Jeremy Hubbard, 3857 Vale Dr., Traverse City, MI 49686 for a nonuse variance to §7.2.1(e) of the Acme Township Zoning Ordinance in order to construct an accessory building that exceeds the ground floor area of the main residential building on the lot located at . The property is more fully described as:

COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB
SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

You are receiving this letter to satisfy the requirement of the Michigan Zoning Enabling Act to notify all property owners within 300 feet of any parcel that is seeking a variance to the provisions of the Acme Township Zoning Ordinance. All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:

Shawn Winter, Zoning Administrator

6042 Acme Rd

Williamsburg, MI 49690

(231) 938-1350

swinter@acmetownship.org



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November 22, 2016

ACME TOWNSHIP NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold three public hearings at a meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

ZBA 2016-05: an application by Jeremy Hubbard, 3857 Vale Dr., Traverse City, MI 49686 for a nonuse variance to §7.2.1(e) of the Acme Township Zoning Ordinance in order to construct an accessory building that exceeds the ground floor area of the main residential building on the lot located at **5263 Bunker Hill Rd, Williamsburg, MI 49690**. The property is more fully described as:

COM AT N 1/4 CNR SEC 12 T27N R10W TH S 89 DEG 24'39" E 420.01' TH S 00 DEG 16'24" W 693.01' TO POB TH S 89 DEG 24'39" E 190' TH S 00 DEG 16'24" W 629.48' TH N 89 DEG 05' 33" W 190' TH N 00 DEG 16'24" E 628.41' TO POB
SPLIT ON 06/05/2002 FROM 01-112-003-00;

Parcel No.: 28-01-112-003-03

A previous letter was sent to all property owners with 300 feet on November 17, 2016 and omitted the address where the variance is being requested. Please note the included address highlighted above.

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:

Shawn Winter, Zoning Administrator
6042 Acme Rd
Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

KEEVIS DAVID J & CYNTHIA A
PMB 192
35A SMITHFIELD BLVD
PLATTSBURGH NY 12901-2111

RICHARD OPPER EXCAVATING INC
19750 PINE LAKE AVE
SAND LAKE MI 49343

KERKHOF LISA M
4660 DEER VALLEY
WILLIAMSBURG MI 49690

KLAFT JOHN L & MARNA M
5616 BUNKER HILL RD
WILLIAMSBURG MI 49690

STREET LARRY D & NANCY L
4788 BRACKETT RD
WILLIAMSBURG MI 49690

TUCK DENNIS E & JEANNETTE L
4605 DEER VALLEY
WILLIAMSBURG MI 49690

WOODS GRANT
GRAY CHRISTINA
5678 BUNKER HILL RD
WILLIAMSBURG MI 49690

KERKHOF WILLIAM J & SHARON J TRUSTE
KERKHOF WILLIAM J & SHARON J TRUST
4747 DEER VALLEY DR
WILLIAMSBURG MI 49690-9393



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
July 14th, 2016 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE (7:00 p.m.)

ROLL CALL:

Members present: D. Hoxsie, L. LaSusa, J. Maitland (Vice Chair), J. Kuncaitis (Chair), T. Forgette

Members excused: none

Staff present: S. Winter – Zoning Administrator

A. APPROVAL OF AGENDA:

- Approved

B. INQUIRY AS TO CONFLICTS OF INTEREST:

- None

C. CORRESPONDENCE:

1. Letter submitted by Vern Steinfort (Applicant) dated June 21, 2016 detailing the proposed nonuse variance request to his neighbor, Steve VandeVeer. S. VandeVeer signed the letter acknowledging his support of the request. S. Winter read the letter into record and will incorporate it into the hearing packet.

D. PUBLIC HEARINGS:

1. ZBA 2016-02: Non-Use Variance Request, 10751 Dumas St
 - Kuncaitis read the Notice of Hearing into the record
 - Applicant Vern Steinfort of 6154 Plum Drive in the Orchard Shores Subdivision provided an overview of his nonuse variance request §7.2.1(c) to construct an accessory building in the front yard, as defined in the Ordinance, on the property located at 10751 Dumas Drive in the Orchard Shores Subdivision. The overview summarized the information provided in the Application and presented in the Staff Report included in these minutes.
 - Kuncaitis noted that only two neighboring properties would be affected by this location. Steinfort confirmed, noting that one neighbor, Gordie LaPointe, had submitted a letter of support of the request in the application and was present at the hearing, and presented a letter from the other neighbor, Steve VandeVeer, acknowledging his support. That letter has been included in these minutes (Exhibit D) and is referenced as item 1 under C. CORRESPONDENCE.
 - Winter read the letter from VandeVeer into the record.
 - Kuncaitis acknowledged that, presumably, the only reason this lot exists on Dumas Dr. as opposed to Plum Dr. is to meet the frontage requirements for a legal lot, and if the portion fronting Plum Dr. was able to be considered the front there wouldn't even be a need for this request.
 - LaSusa asked Steinfort if LaPointe's property was to the southwest and if VandeVeer's is across the street. Steinfort confirmed. Kuncaitis noted the VandeVeer's is elevated too.
 - Kuncaitis opened the hearing for public comment.
 - LaPointe noted he sent a letter both as a homeowner and the President of the HOA's Board of Directors supporting the request. He mentioned that the proposed location of the new house is consistent with the location of homes throughout the subdivision, pushed back as far as possible along the wooded ravine. Moving the house forward to have room for an accessory building in the back would obstruct views and be inconsistent with the other houses in the subdivision.
 - Winter noted this is the only house in the subdivision not on Plum Dr., providing a different lot orientation from all the other properties.
 - Maitland asked what the L-shaped property goes back towards the Bay. Steinfort stated that it was

- common ground, and that there was no walkway in that portion, per Maitland's inquiry.
- Kuncaitis inquired about the big mound to the east. Steinfert stated that it was common ground. LaPointe confirmed that there are no more buildable lots to the north or east of the subject property.
 - Kuncaitis closed the public comment period.
 - Kuncaitis referenced the Staff Report that indicated that all the Basic Conditions under §5.4.1 and one of the Special Conditions under §5.4.2 have been satisfied.
 - Winter recapped that there are two request to consider based on the application that was submitted: 1) a nonuse variance to allow an accessory building to be placed in the front yard of the subject property, and 2) to allow a setback of no less than 10 feet from the east property line along Dumas Dr.
 - Maitland asked if that what was requested, Steinfert and Winter confirmed. Winter noted the proposed location would be encroaching into the 30 feet front yard setback, as defined and designated.
 - Steinfert clarified the process he used to create preliminary site plan, using LaPointe's building footprint as reference and drawing out the proposed location of the accessory building to scale, with the dimensions of 40' x 40'. Winter confirmed the accuracy of the site plan.
 - Motion by Maitland to approve the variance request to allow the accessory building on the lot as proposed and to allow a 10-foot setback from the property lines due to lot configuration. Maitland verified that after reviewing the recommendations included in the Staff Report by the Zoning Administrator that all the Basic Conditions under §5.4.1 and one of the Special Conditions under §5.4.2 have been met that would allow the grating of the variance.
 - Second by LaSusa. Motion carries unanimously.

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from the June 9, 2016
 - Motion by Forgette, second by Maitland to approve ZBA minutes from June 9, 2016. Motion carries.

ADJOURN:

- Motion by Forgette to adjourn, Second by Hoxsie. Motion carries.



MEMORANDUM

Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

To: Zoning Board of Appeals
From: Shawn Winter, Planning & Zoning Administrator
CC:
Date: December 1, 2016
Re: 2017 Meeting Schedule

It is the time of year to adopt the 2017 Zoning Board of Appeals meeting schedule. Historically, the Zoning Board of Appeals has meet on the second Thursday of the month at 7:00 pm. I've created a calendar for next year based on that tradition. Please look over the dates for correctness and to see if there are any conflicts with holidays that would prevent us from meeting on the regularly scheduled date.



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ZONING BOARD OF APPEALS

2017 Regular Meeting Schedule

The Zoning Board of Appeals meets the second Thursday of each month at 7:00 pm.

Acme Township Hall
6042 Acme Rd
Williamsburg, MI 49690

Meeting Dates
January 12
February 9
March 9
April 13
May 11
June 8
July 13
August 10
September 14
October 12
November 9
December 14

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at (231) 938-1350 or cdye@acmetownship.org

For planning and zoning questions please contact Shawn Winter, Planning and Zoning Administrator, at (231) 938-1350 or swinter@acmetownship.org