



ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
June 14th, 2017 7:30 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE (7:30 pm)

ROLL CALL:

Members present: Balentine, Hoxsie, LaSusa, Kuncaitis, Maitland

Members excused: none

Staff present: Winter

A. APPROVAL OF AGENDA:

B. INQUIRY AS TO CONFLICTS OF INTEREST: none

C. CORRESPONDENCE: none

D. PUBLIC HEARINGS:

1. ZBA 2018-01: Non-Use Variance and Extension of Legal Non-Conformity Requests, 3800 Shore Rd, Shawn Merchant
 - LaSusa read the public notice into the record
 - Kuncaitis asked the applicant, Shawn Merchant, to summarize his project and request. Merchant described the project, new garage addition, and additional living space needs. The roof design will be different to cover the existing L-shaped house under one roof. Will include a 24' x 24' basement, storage space above garage addition.
 - Kuncaitis expressed concern about the roof grade towards the neighbor's house to the west and any negative effects from rain runoff. Merchant expressed his desire to use gutters to protect both his and his neighbor's foundations.
 - Tom Beery (6253 Mannor St): asked if any work would extend the building to the south. Merchant confirmed it will not.
 - Karen Beery (6253 Mannor St): expressed concern about fire hazards, rain run-off, basement humidity. Inquired about changing the lot line between the subject property and property to the west.
 - Maitland asked about the Scholl's who live to the west, wondering if they were concerned. The owners do not live at the property, but live in the neighborhood. Merchant claims they have no problem with the proposal.
 - **Motion by Balentine to adopt the findings of the Planning & Zoning Administrator and grant the non-use variance and extension of a legal non-conformity requests to allow the proposed addition as indicated on the site plan submitted by the applicant, Shawn Merchant, for the property located at 3800 Shore Rd, Williamsburg, MI 49690, with the additional requirement that gutters be added. It has been determined that all basic conditions and at least one special condition have been met. Second by LaSusa. Motion carries unanimously.**

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 08/30/17
 - **Motion by LaSusa to adopt the Zoning Board of Appeals draft minutes from 08/30/17. Second by Hoxsie. Motion carries unanimously.**
2. Approve Zoning Board of Appeals 2018 Regular Meeting Schedule
 - **Motion by Maitland to adopt the 2018 Zoning Board of Appeals regular meeting schedule. Second by LaSusa. Motion carries unanimously.**

ADJOURN: (7:40 pm)

Motion by Balentine to adjourn. Second by Hoxsie. Motion carries unanimously.



**ACME TOWNSHIP ZONING BOARD OF APPEALS
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6042 Acme Road, Williamsburg MI 49690
June 14th, 2017 7:30 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 2018-01: Non-Use Variance and Extension of Legal Non-Conformity Requests, 3800 Shore Rd, Shawn Merchant

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 08/30/17
2. Approve Zoning Board of Appeals 2018 Regular Meeting Schedule

ADJOURN:

ACME TOWNSHIP
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold a public hearing at a regularly scheduled meeting on Thursday, June 14, 2018 at 7:30 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

An application by Shawn Merchant, owner, has been submitted to extend a non-conforming use and to request a variance to the required built-to-line in order to build an addition to his existing single-family home located at 3800 Shore Rd, Williamsburg, MI 49690. The property is more fully described as:

LOT 1 BLK 18 VILL OF ACME

Parcel No.: 28-01-300-015-00

The variance request will be considered pursuant to §§5.4, 6.6.5.2, and 15.7 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.

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, Planning & 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
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 05/24/18 11:35 by dling

Acct #: 6 Ad #: 493334 Status: New WHOLD
ACME TOWNSHIP Start: 05/26/2018 Stop: 05/26/2018
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 4.32 Words: 247
WILLIAMSBURG MI 49690 Total STDAD 12.96
Class: 147 LEGALS
Rate: LEGAL Cost: 107.50
Affidavits: 1
Contact: Ad Descrpt: LEGAL NOTICE ACME TOWNSH
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 P.O. #:
Email: szollinger@acmetownship.org Created: dling 05/24/18 11:32
Agency: Last Changed: dling 05/24/18 11:35

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	SAT 05/26/18	1	SAT 05/26/18	SMTWTFS
IN	AIN	97	W	SAT 05/26/18	1	SAT 05/26/18	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)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 05/24/18 11:35 by dling

Acct #: 6

Ad #: 493334

Status: New WHOLD WHOI

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

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LOT 1 BLK 18 VILL OF ACME

Parcel No.: 28-01-300-015-00

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

May 26, 2018-1T

493334

DIOCESE OF GAYLORD
CHRIST OF KING PARISH
PO BOX 95
ACME MI 49610

PLOUGH CAROL TRUST
3012 THREE MILE RD
TRAVERSE CITY MI 49686

PLOUGH JAMES A & CAROL A
3012 THREE MILE RD
TRAVERSE CITY MI 49686

TRAVERSE CITY AREA PUBLIC SCH
BERTHA VOS ELEMENTARY
3722 SHORE RD
WILLIAMSBURG MI 49690

LEWIS MARIAPALMA M
LEWIS DEBORAH A
P O BOX 42
ACME MI 49610

LEWIS DEBORAH
P O BOX 42
ACME MI 49610

SCHOLL PAUL C & MARY L
P O BOX 209
ACME MI 49610

BENAK MABLE ANN TRUST
PO BOX 67
ACME MI 49610

MERCHANT JULIE & SHAWN
3800 SHORE RD
WILLIAMSBURG MI 49690

BERRY KURTIS M
ADAMS ELIZABETH A
3768 SHORE RD
WILLIAMSBURG MI 49690

MERCHANT RALPH F & MARILYN R
PO BOX 31
ACME MI 49610

MANNOR CLIFFORD A & JANICE
PO BOX 162
ACME MI 49610

FERRIS DAVID A TRUST
FERRIS OLIDIA T TURST
P O BOX 207
ACME MI 49610-0207

REED CLYDE H & TINA M
PO BOX 82
ACME MI 49610

BEERY THOMAS & KAREN
4901 BUCKHORN DR
TRAVERSE CITY MI 49684

MERCHANT RALPH T
P O BOX 31
ACME MI 49610

ACME TOWNSHIP
6042 ACME RD
WILLIAMSBURG MI 49690

ALTWIES RALPH R & HELEN S
3804 PEARL ST
WILLIAMSBURG MI 49690

NOWLAND JAMES W & SHAUN A
3766 PEARL ST
WILLIAMSBURG MI 49690

GAGNON RICHARD & REBECCA
PO BOX 429
ACME MI 49610

LOME JASON M & BOWDEN TRICIA D
6173 ACME RD
WILLIAMSBURG MI 49690

BAKER CARL & ANGELA
P O BOX 302
ACME MI 49610



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

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

Date: May 24, 2018

Permit No.: ZBA 2018-01

Request: Non-use variance to expand a legal non-conforming use and dimensional variance request related to the required built-to-line.

Applicant: Shawn Merchant
3800 Shore Rd
Williamsburg, MI 49690

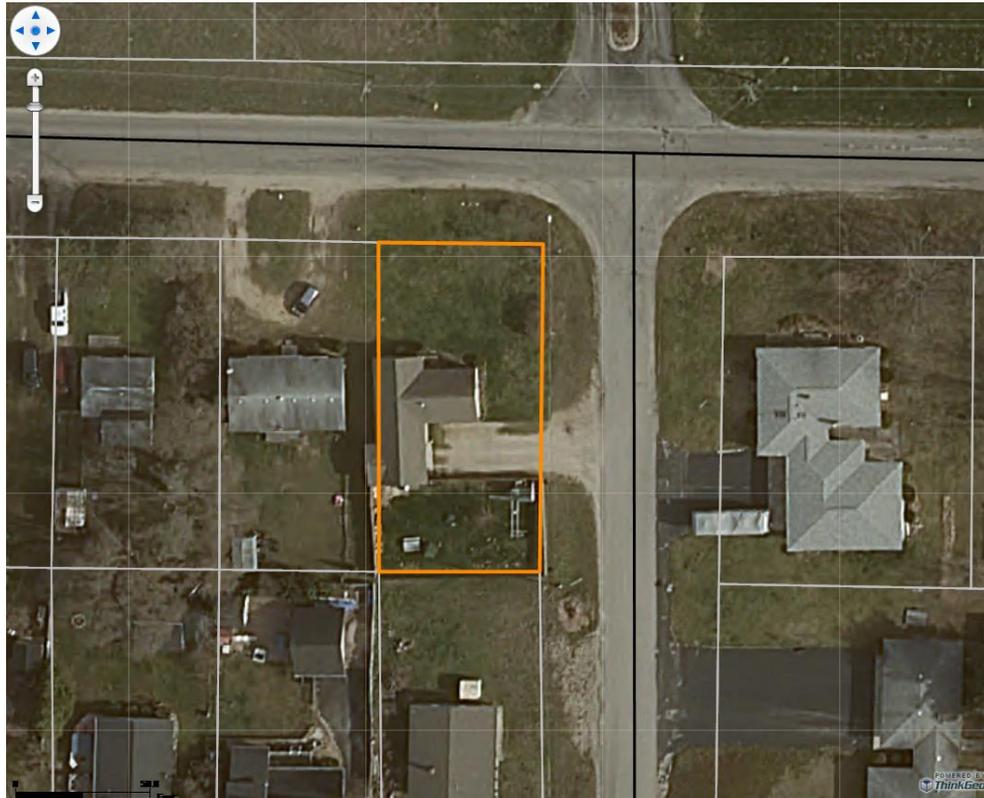
Address: 3800 Shore Rd
Williamsburg, MI 49690

Parcel No.: 28-01-300-015-00

Legal Description: LOT 1 BLK 18 VILL OF ACME

Owner: Shawn & Julie Merchant

Aerial Map:



Area: Approximately 0.17 acres

Zoning & Existing Use(s): SFN: Single Family Neighborhood

“Intent: Recognizing existing residential neighborhoods which are based on suburban site and building design standards. These neighborhoods are not quite rural and typically are found on the fringe of most urban areas. Lot size can range up to one acre in size and density can vary from ½ unit per acre to 2-3 units per acre.”

Property currently has a single family home with an attached garage.

Built-To-Line

Primary Street: 30 feet

Side Street,

Corner Lot: 30 feet

Setbacks:

Side: 10 feet

Rear: 30 feet

Adjacent Zoning:

North: SFN: Christ the King Church

East: SFN: Single Family Home, Mary & Paul Scholl

Southeast: SFN: Single Family Home, Mable Ann Benak Trust

South: SFN: Single Family Home, Thomas & Karen Beery

Southwest: SFN: Single Family Home, Clyde & Tina Reed

West: SFN: Single Family Home, Mary & Paul Scholl

Site Images:



(north elevation from Shore Rd)



(south elevation from Manor St)

**Relevant
Sections of the
Zoning
Ordinance:**

ARTICLE VI – ZONING DISTRICTS, MAPS AND SCHEDULE OF REGULATIONS

§6.6 Acme Township US-31 / M-72 Business District

§6.6.2 Regulated Uses, General Standards, Special Use Permit Standards, and Splicing

§6.6.2.5 Properties Currently Developed and Occupied

The Regulating Plan encompasses properties that have been developed under the current Acme Township Zoning Ordinance. These properties will likely not comply with the dimensional and form requirements of the US-31 and M-72 Business District and will not be considered as nonconforming. If the property changes occupancy after the effective date of this Ordinance it will comply with the applicable section of this Ordinance except Section 6.6.5, “Lot and Building Placement.” If the property is demolished, redeveloped, or vacant it will comply with all of the provisions of this Ordinance.

SATISFIED: The existing single family home was built and has been occupied prior to the Zoning Ordinance amendment that enacted this regulation.

§6.6.5 Lot and Building Placement

§6.6.5.1 Terminology

Built-To-Line (BTL) – A line parallel to the property line where the façade of the building is required to be located.

Setback – The distance by which a building must be separated from the property line or ROW, typically defined as a regulated minimum.

§6.6.5.2 Building Placement, Density, and Parking

Built-To-Line, Front: 30 feet

LEGAL NON-CONFORMITY: Existing home sits approximately 42 feet from Shore Rd (approximate measurement from assessing database). Applicant's site plan shows 37 feet.

Built-To-Line, Side Street/Corner Lot: 30 feet

LEGAL NON-CONFORMITY: Existing home sits approximately 23 feet from Manor St (approximate measurement from assessing database). Applicant's site plan shows 20 feet.

Setback, Side: 10 feet

LEGAL NON-CONFORMITY: Existing home appears to be encroaching neighbors property to the west (approximate measurement from assessing database). Applicant's site plan indicates one (1) foot side setback.

Setback, Rear: 30 feet

SATISFIED: Existing home sits approximately 32 feet from rear property line (approximate measurement from assessing database). Applicant's site plan indicates 36.3 feet.

ARTICLE VII – SUPPLEMENTARY REGULATIONS

§7.2 Supplementary Use and Area Regulations

§7.2.5 Minimum Side Yard Setback on Corner Lots:

A minimum street side yard setback of 20 feet shall be required in the Residential Zoning Districts; 25 feet on all lots in the B-1S, B-1P and B-2 Zoning Districts, and 40 feet in the B-3 and B-4 Zoning Districts. Unless other circumstances dictate, the front yard will be along the street with the greatest number of adjacent lots. (emphasis added)

Please see "Built-To-Line, Side Street/Corner Lot" above. Section 6.6 was adopted in 2014, making it a more recent regulation than what is required here.

STAFF REVIEW

The applicant desires to build an addition to his house at 3800 Shore Rd to accommodate a growing family and has submitted two requests to be considered before the Zoning Board of Appeals (ZBA): a dimensional variance to the established built-to-line, and to extend a non-conforming use. The applicant's single family home is non-conforming in that the house is encroaching into the mandatory side yard setback on the west side. The applicant wishes to convert the existing garage into living space, build a new attached garage in front of the existing garage, and add additional living space on the east side to square-off the addition.

The neighborhood is in the Single-Family Neighborhood (SFN) zoning district that was part of the Form-Based Code zoning ordinance amendment in 2014. This district utilizes a built-to-line, rather than a traditional setback when dealing with building placement. Where a setback is the minimum distance from a lot line for a structure, the built-to-line prescribes where the house is supposed to sit. In reference to the subject property on a corner lot, both primary street and side street built-to-lines are thirty (30) feet. The applicant's site plan indicates the house sits twenty (20) feet from the side street, which meets the previous setback requirements, but not the amended built-to-line requirements. Since no new houses have been built since the adoption of the zoning ordinance amendment, none of the existing homes currently meet this requirement. The applicant's proposed addition would shorten the distance from the side street property line to fourteen feet, 3 inches (14' 3") per his submitted site plan.

Moreover, the neighborhood where the subject parcel exists is part of the original Village of Acme, platted in January 21, 1875. This predates the Township's zoning ordinance and associated setback requirements by nearly 100 years. Subsequently, many of the homes in the neighborhood are legally non-conforming in that

they were constructed prior to the first zoning ordinance and fail to meet all of the setback requirements, thus creating a wide variety of house placements on the lots. An analysis was performed of all the houses in the blocks surrounding the subject property to evaluate the setbacks characteristic of the neighborhood:



Parcel	Setback (feet)*	Street Measured From
A	48	Shore Rd
B	49	Shore Rd
C	44	Shore Rd
D	43	Shore Rd
E	23	Manor St
E	42	Shore Rd
F	13	Manor St
F	33	Shore Rd
G	14	Shore Rd
G	43	Acme Rd
H	n/a	<i>Vacant property</i>
I	56	Shore Rd
I	12	Acme Rd
J	20	Pearl St
K	8	Pearl St
L	5	Pearl St
M	18	Manor St
M	37	Pearl St

Parcel	Setback (feet)*	Street Measured From
N	56	Manor St
N	17	Pearl St
O	28	Acme Rd
P	36	Acme Rd
P	16	Pearl St
Q	21	Acme Rd
R	18	Acme Rd
S	43	Pearl St
T	41	Pearl St
U	26	Pearl St
U	11	Manor St
V**	0	Manor St
V	16	Pearl St
W	6	Pearl St
W	22	Acme Rd
X	35	Acme Rd
Y	14	Acme Rd

* Measurements were performed digitally using areal imagery and parcel maps in the Township's assessing software program. This method does is an estimate which may result in discrepancies. Data is to be used for comparative purposes.

** Structure appears to be erected in the street right-of-way.

Average Setback Distance: 26.9 feet
Minimum Setback Distance: 0 feet

Median Setback Distance: 22.5 feet
Maximum Setback Distance: 56 feet

This analysis illustrates the neighborhood lacks any defining characteristic established by uniform setbacks. The existing structures vary quite dramatically, with the average and mean setbacks below the current thirty (30) foot built-to-line requirement. Additionally, the Zoning Ordinance Rewrite Subcommittee has been working on new draft zoning ordinance that would eliminate the form-based code requirements of this neighborhood for more traditional setbacks. Given this information, staff does not find the request to be create any negative impacts on neighboring properties, while at the same time allowing applicant to grow his family in his current residence.

STAFF FINDINGS AND RECOMMENDATION

RECOMMENDATION:

Approval of the requests is in accord with the development pattern within the neighborhood and SFN zoning district, despite not meeting the built-to-line requirements, is consistent with the intent of the district, will have no nuisance effect on adjacent land owners, and is not contrary to the health, safety, or welfare of the community, particularly that of the surrounding property owners.

STANDARD FOR DETERMINATION:

§5.4 Nonuse Variance

The Zoning Board of Appeals shall have the authority to grant nonuse 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 nonuse-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 nonuse variance request at the Property:

§5.4.1 Basic Conditions: That any nonuse 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:** The existing single-family home is currently a legally non-conforming structure due to its failure to meet the built-to-line requirements and is currently encroaching into the side yard setback. This is the result of the structure being built prior to the adoption any zoning ordinance or subsequent amendments.*

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

***SATISFIED:** The applicant's non-use variance and extension of a legal non-conformity requests are not contrary to public interest in that it will create no discernable negative impact on property owners and is by and large consistent with the intent of the zoning district.*

- 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:** The Applicant's proposed non-use variance and extension of a legally non-conforming use requests are believed to have no discernable negative impact on surrounding properties.*

- 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 neighborhood lacks any consistent development pattern with uniform building placements. As previously mentioned, the Zoning Ordinance Rewrite Subcommittee is working to remove the form-based code requirements on this district, which includes the mandated built-to-line. However, given the existing structure's current placement on the lot and current side yard setback encroachment, the non-use variance and extension of a legal non-conformity requests are unique to this property and project.*

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

***SATISFIED:** The specific non-use variance legal non-conformity extension requests relate only to the property under control by the Applicant's client.*

- 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 nonuse 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:** The non-use variance and extension of a legal non-conformity requests are unique to the property and the specific addition project being proposed. The historically platted neighborhood created very small lots, which when combined with the corner location of the subject property, the thirty (30) foot built-to-line requirements, and thirty (30) foot rear yard setback prevent an expansion of the house to accommodate a growing family without this request. The house was built prior to any adopted zoning ordinance and subsequent amendments by the Township, and as such has created a situation for this request that is not of the applicant's doing.*

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

NOT EVALUATED

§5.4.3 Rules: The following rules shall be applied in the granting of nonuse 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 nonuse 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 non-use variance and extension of a legal non-conformity requests submitted by the applicant to allow the proposed addition as indicated on the site plan included in the application for the property located at 3800 Shore Rd, Williamsburg, MI 49690.

SUGGESTED MOTION FOR CONSIDERATION:

Motion to adopt the findings of the Planning & Zoning Administrator and grant the non-use variance and extension of a legal non-conformity requests to allow the proposed addition as indicated on the site plan submitted by the applicant, Shawn Merchant, for the property located at 3800 Shore Rd, Williamsburg, MI 49690.



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

Planning & 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: Shawn Merchant

Applicant's Current Mailing Address: 3800 Shore Rd.

City: Williamsburg State: MI Zip Code: 49690 Phone Number: 231-938-1053

B. Purpose of Hearing:

Appeal from a Determination by the Zoning Administrator

Apply for a Variance Permit as Authorized by Section(s) _____ 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: 3800 Shore Rd Parcel Number: 28-01-

Property Owner's Name: Shawn & Julie Merchant

Property Owner's Current Mailing Address: 3800 Shore Rd.

City: Williamsburg State: MI Zip Code: 49690 Phone Number: 231-938-1053

Proposed Use/Change to Property: Adding living space and garage

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:

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

Fee Escrow Policy Acknowledgment – 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: [Signature] Date: 5/21/18

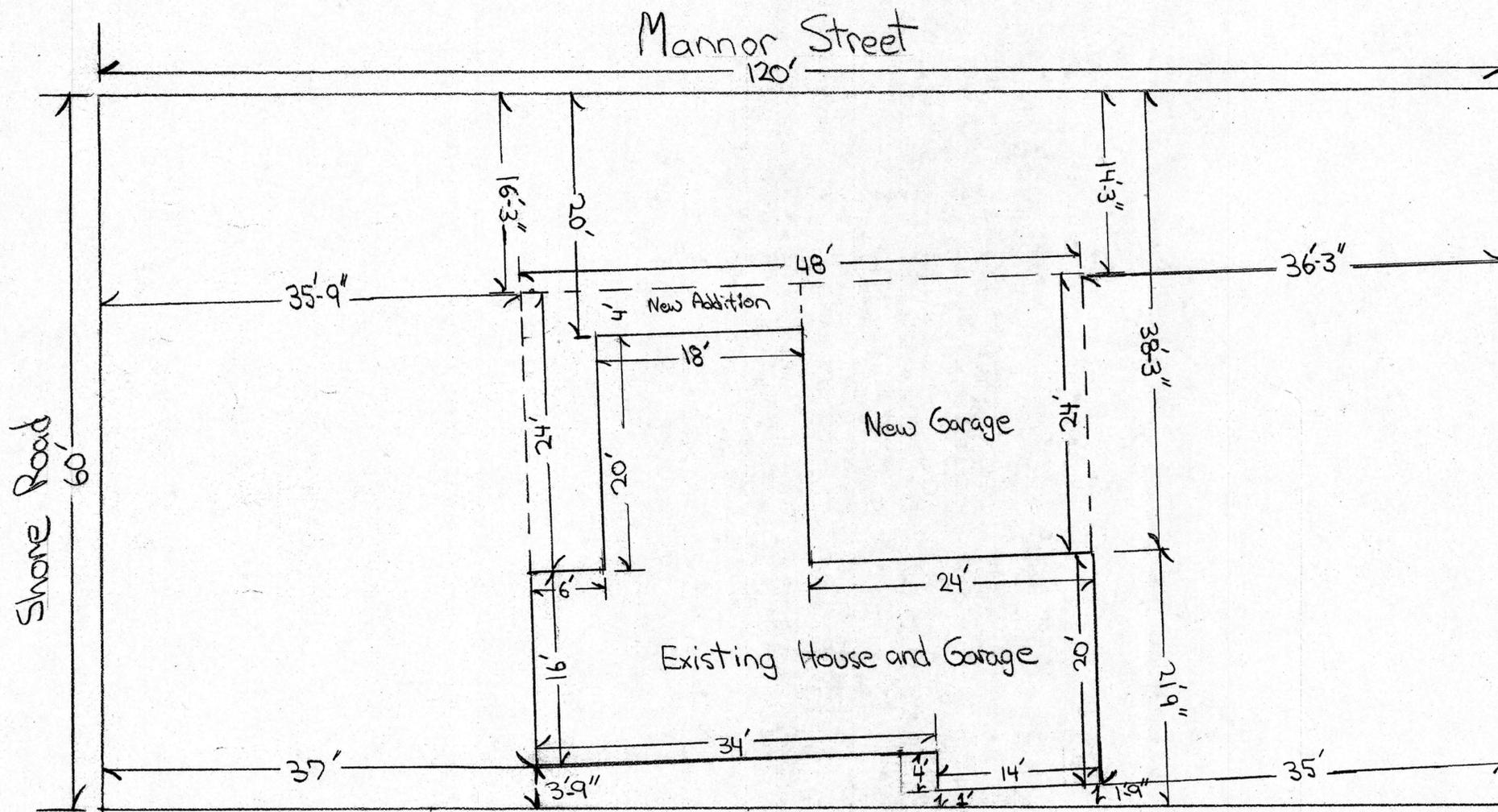
FOR TOWNSHIP USE ONLY

Application No.: ZBA 2018-01
Date Received: 05.21.18
Fee Tendered: \$275.00

Date of Advertising: _____
Date of Hearing: _____
Action Taken: _____

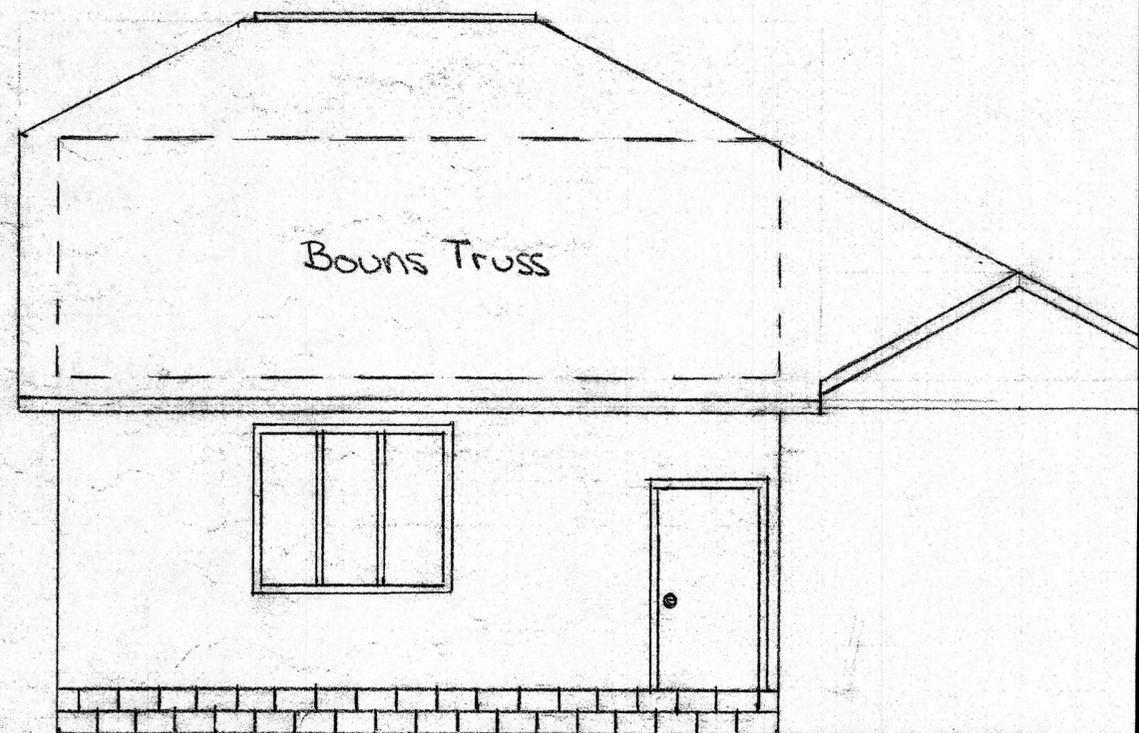
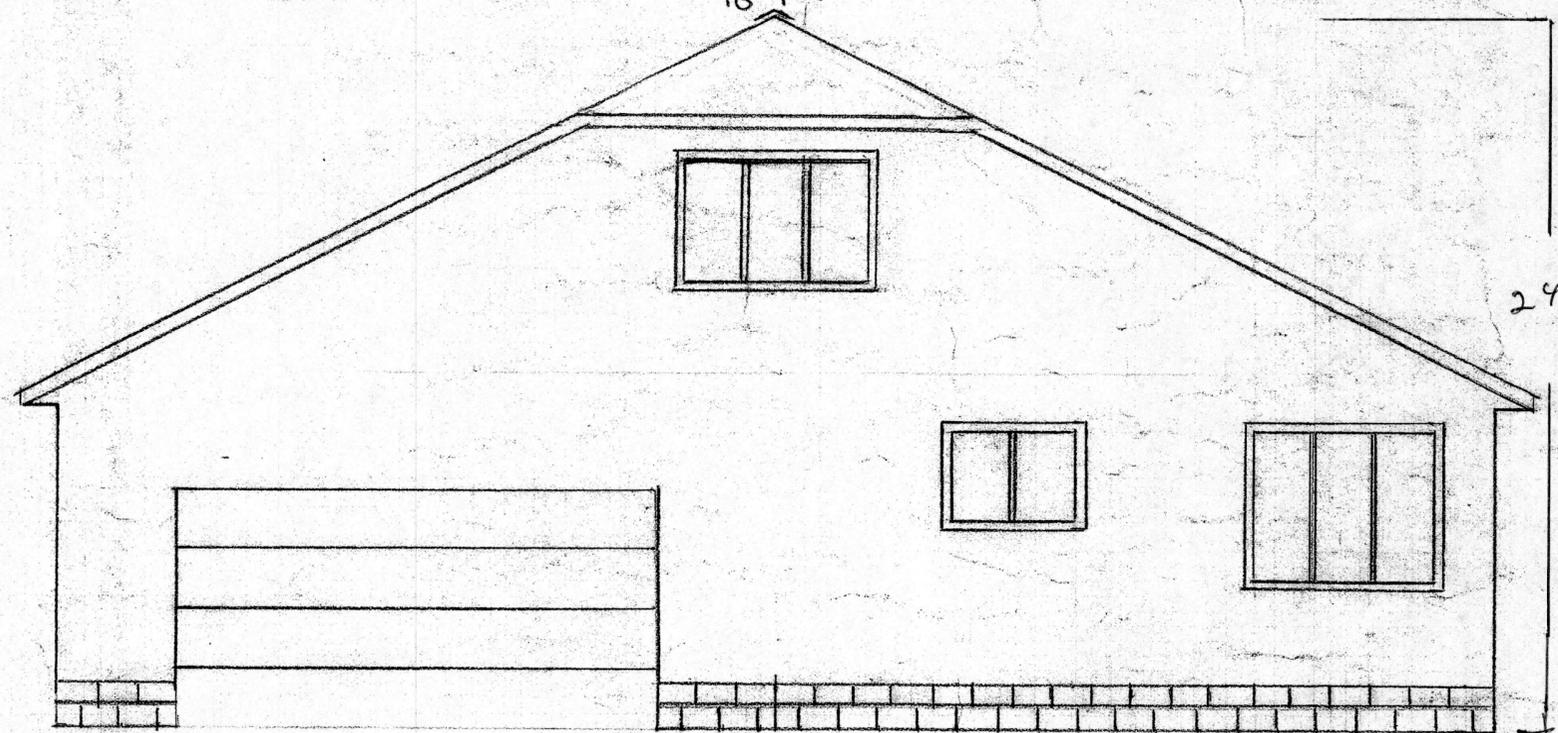
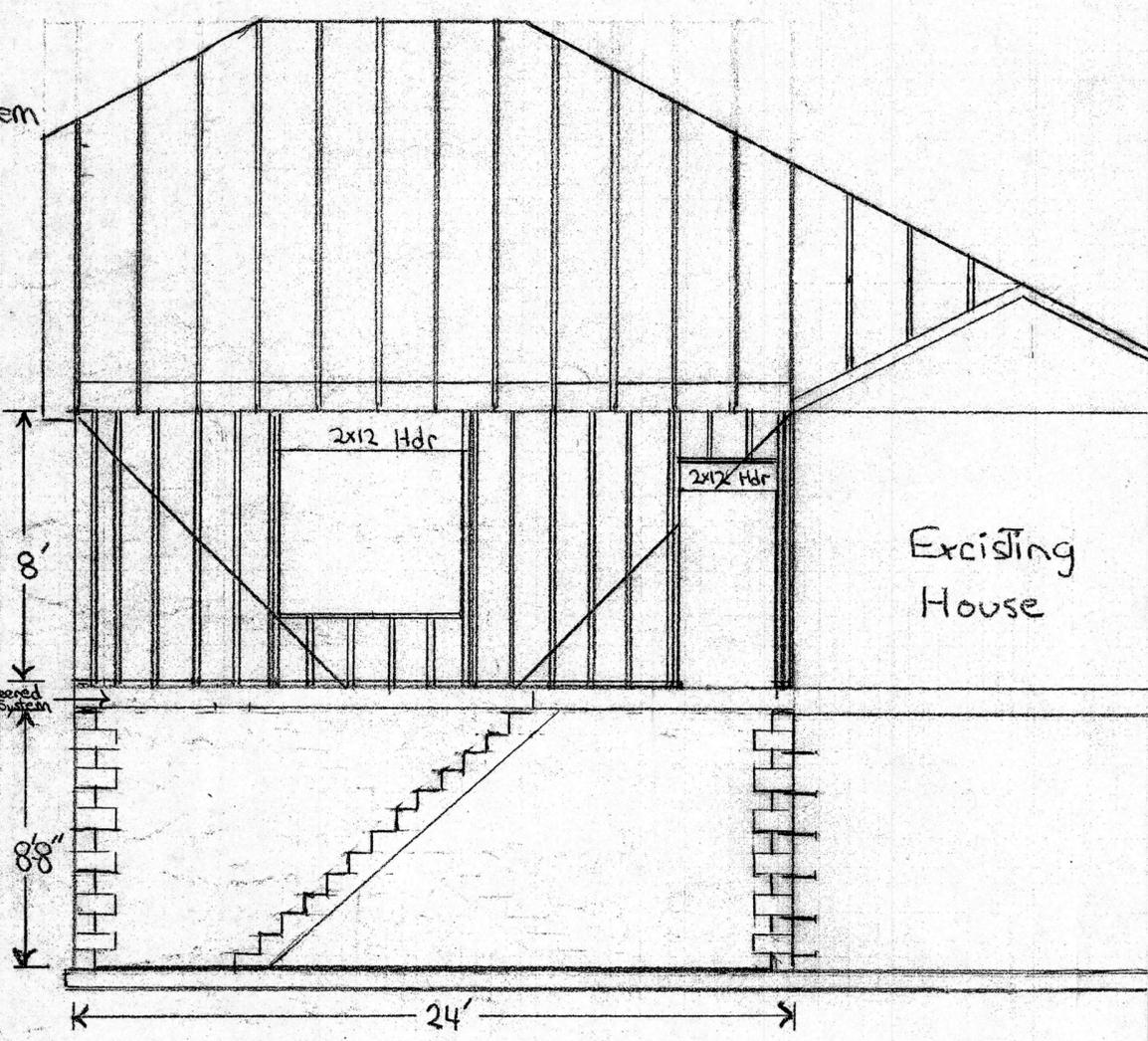
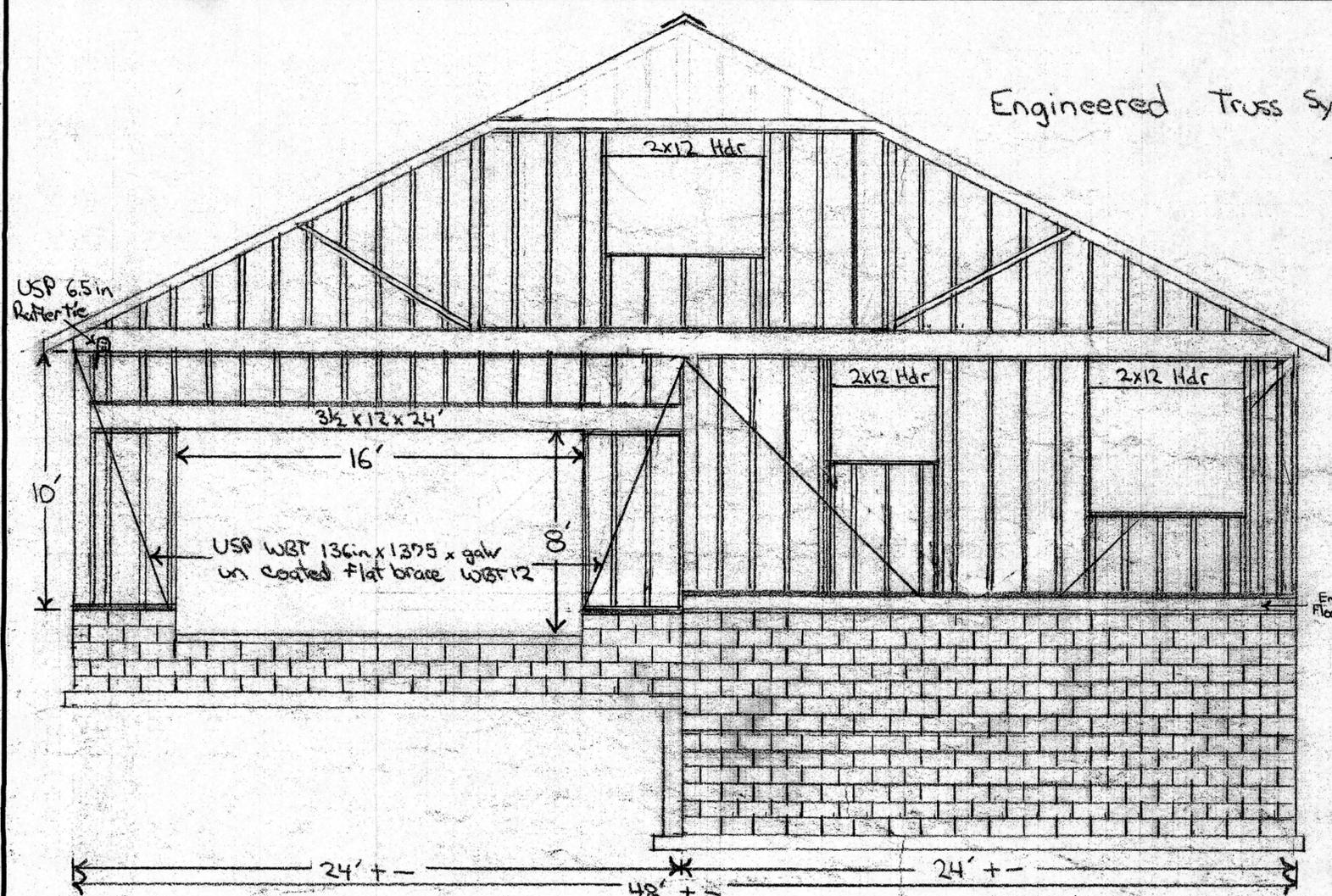
NOTES

Trust & Agency Account #: 092



1' = 1/8"

Engineered Truss System



SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
		DRAWING NUMBER:



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
August 30th, 2017 7:00 p.m.**

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

ROLL CALL:

Members present: Hoxsie, LaSusa, Maitland (vice chair), Kuncaitis (Chair), Balentine

Members excused: n/a

Staff present: Winter

- A. APPROVAL OF AGENDA:** no objections
- B. INQUIRY AS TO CONFLICTS OF INTEREST:** none
- C. CORRESPONDENCE:** none. Jim Maitland serves on the LochenHeath HOA Board and will speak as a representative of the HOA during the public hearing.
- D. PUBLIC HEARINGS:**
- 1.** ZBA 2017-03: Non-Use Variance Requests, Archangel Gabriel Orthodox Church, 7111 US-31 N
 - a.** Request Mark Humitz, President of Cornwell Architects
 - Kuncaitis read the public notice into the record.
 - Ben Loznak, representative of Cornwell Architects, provided an overview of the proposed project and non-use variance requests they are pursuing.
 - Specifically, the applicant is requesting a non-use variance to allow the parking in the front and to deviate from the required placement of trees prescribed in the landscape section of the Zoning Ordinance. Loznak reviewed the hardships they presented in their application detailing the reasons for their request, including the natural drainage of the property due to topography and viewshed preservation. The Applicant is requesting to use the same number of required trees in the landscape and ROW buffers but to allow for clustering in groups of 4 at a distance of 80 feet between clusters, as opposed to the maximum spacing of 35 feet required by the Zoning Ordinance.
 - Father Ciprian spoke on the Church's goal of being good stewards of the land and wanting to protect the viewshed and value it provides to the community.
 - Kuncaitis asked for clarification of the building heights at different points along the façade and the overall design. Further discussion occurred regarding the existing berm and proposed berm.
 - Maitland questioned the need for a berm if the protecting the viewshed is the goal. Kuncaitis explained the effect of blocking headlights from the parking lot from projecting onto the highway.
 - Loznak reinforced the landscape requirements, particularly a fence and 6 foot trees placed 20 feet apart, will be met along the northwest property line adjacent to the LochenHeath residential lots as required.
 - LaSusa asked about the type of trees. Winter indicated the Ordinance allows either evergreen or canopy and the species details will be forthcoming.
 - Discussion occurred about the treed islands and tree types, as well as grade elevation of the parking lot, drainage plan, and design/purpose of the berm along the ROW.
 - Maitland expressed a desire to give more authority to Winter regarding the flexible spacing of the trees as the project develops. Would like to see trees closer together along the ROW, more open along the south and west property line. Loznak is willing to reduce the number of trees along the south and west if allowed.
 - LaSusa asked Winter if he has any recommended language for approval that maximizes the protection of the viewshed. Winter Recommended looking at the conditions of the adjacent LochenHeath development included in the packet.

- LaSusa suggests conditioning the installation of the fence on the request of the neighboring HOA at a later date when development occurs.
- Kuncaitis opened the hearing up to public comment
- Arlene Staich – 319 Green Acres Lane, Elk Rapids, MI. Questioned the need for the proposed fence along the LochenHeath lots. Suggests leaving the installation of fence up to the Church and the neighbors in the future so they can decide together on the appropriate design/style. Supports trees, but feels in some cases you can have too many trees.
- Jim Maitland – LochenHeath HOA Board. The HOA feels the Church have been good neighbors. The HOA has no issues with the plans. Does not see a problem delaying the installation of the fence line until a later date with the Church and HOA deciding on the timing and design.
- Loznak appreciates the conversations that have occurred, but does feel the amount of trees required will drastically affect the existing viewshed.
- Balentine is in favor of not requiring the trees.
- Discussed the need for proposed trees adjacent to the existing community garden.
- Hoxsie feels the trees, especially along the south and west line will drastically disrupt the viewshed.
- Discussed the parking lot placement. Noted the use will not fill the parking lot on a regular basis. Discussed the affect a rear parking lot will have on the adjacent residential lots.
- Kuncaitis closed the public comment portion.
- Conversation occurred around the structure of a motion and the associated conditions.
- Eliminate trees requirements along the ROW
- Eliminate trees along the south and west property lines indicated on the plan as “Protected Viewshed”
- Delay the installation of the 6’ high opaque fence along the northwest property line until requested by a resolution of the LochenHeath HOA
- Berm height along the ROW of 3 feet above highest parking lot grade south of the driveway, truncated on the north end to accommodate the sign as indicated in Exhibit C
- Use of shrubs to create a hedge row 3’ high along the northwest property adjacent to the LochenHeath residential lots.

Motion by LaSusa to accept the findings of fact by the Zoning Administrator and grant the non-use variance request to allow the following as submitted by the Applicant and indicated on the landscape plan identified as Exhibit C with the following changes:

1. The parking shall be located in the front of the yard.
2. Eliminate the required trees along the south and west in the “Protected Viewshed” and the northwest property line adjacent to the LochenHeath lots
3. Substitute the trees adjacent to the LochenHeath lots with low shrubbery
4. Allow the screening of the refuse receptacle with evergreen trees
5. The reduction of the berm’s northern extent south of the driveway as indicated in Exhibit C.
6. Eliminate the required berm north of the driveway
7. Install additional the treed islands as indicated in Exhibit C
8. A 6’ high opaque gate to be placed in front of the refuse receptacle
9. Delay the installation of the opaque fence along the residential lots until initiated by resolution of the LochenHeath HOA
10. Eliminate the required trees along the US-31 ROW

Second by Hoxsie. Motion passes unanimously.

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 06/08/17
 - Motion by LaSusa, Second by Hoxsie. Motion passes unanimously.
2. Election of Officers
 - Kuncaitis opened up the election of officers
 - Maitland nominates Kuncaitis as Chair. Second by LaSusa. Kuncaitis elected unanimously.
 - Balentine nominates LaSusa for Vice Chair. Second by Maitland. LaSusa elected unanimously.

ADJOURN:

Motion by Maitland to adjourn. Second by Balentine. Motion passes unanimously. Adjourn at 8:24.



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

ZONING BOARD OF APPEALS

2018 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 11
February 8
March 8
April 12
May 10
June 14
July 12
August 9
September 13
October 11
November 8
December 13

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