



ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
June 8th, 2017 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: 7:05

ROLL CALL:

Members present: Forgette, Kuncaitis, LaSusa, Hoxsie
Members excused: Maitland
Staff present: Winter

A. APPROVAL OF AGENDA:

No objection

B. INQUIRY AS TO CONFLICTS OF INTEREST:

None

C. CORRESPONDENCE:

None

D. PUBLIC HEARINGS:

- 1. ZBA 2017-01: Non-Use Variance Request, GJ's Pizza & Market, 2700 Holiday Rd
 - a. Request by Jason Francisco to replace exterior signage
 - Winter read the public hearing notice into the record.
 - The Applicant, Jason Francisco, was present to give a recap of his proposed sign plan.
 - An updated sign plan that includes a changeable (manual) message component, bringing the total area of signage to 100 square feet.
 - None of the new signage would be lit.
 - Kuncaitis asked about outdoor sales, the applicant said the extent would be the existing propane, firewood and ice.
 - Winter suggested the provision that temporary advertising signs on the exterior be prohibited. This has been an issue at this location in the past.
 - Kuncaitis inquired if the old GJ's lighted sign will remain. The Applicant would like to keep it and have it repaired, but willing to part with it if it is a deal breaker. Not sure if it includes flashing/running lights since it does not work.
 - No public present to comment.
 - LaSusa supports the prohibition of additional outside advertising on the facade as a condition of approval.
 - Motion by LaSusa to accept the findings of fact provided by the zoning administrator that the request meets all the basic conditions and at least one special condition necessary to approve the updated sign plan in the application with the condition that no other banners or advertisements on the outside of the building, and the existing sign is grandfathered in and can be repaired. Second by Hoxsie. Motion carries unanimously.

E. ADMINISTRATIVE ACTION

- 1. Approve Zoning Board of Appeals draft minutes from 02/09/17
 - Motion by Forgette, Second by Hoxsie. Motion passes unanimously.
- 2. Discuss proposed ZBA fee and compensation schedule
 - Winter went over the proposed change to the fee schedule. The change would have a decreased rate for residential buildings, additions and accessory buildings. Commercial and multifamily development fees would remain the same. The fee would not be split

between applicants having hearings on the same day. The ZBA members would then be paid per hearing, not meeting.

- Discussion occurred over the details and some clarifying questions.

ADJOURN:

Motion by LaSusa, Second by Forgette. Motion passes unanimously.



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ADJOURN:

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

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 05/18/17 14:57 by dling

Acct #: 6 Ad #: 464461 Status: N
ACME TOWNSHIP Start: 05/20/2017 Stop: 05/20/2017
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 4.76 Words: 253
WILLIAMSBURG MI 49690 Total STDAD 14.28
Class: 147 LEGALS
Rate: LEGAL Cost: 99.25
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE ACME TOWNSH
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 Created: dling 05/18/17 14:50
Email: szollinger@acmetownship.org Last Changed: dling 05/18/17 14:56
Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W 05/20/17 1 05/20/17 SMTWTFS
IN AIN 97 W 05/20/17 1 05/20/17 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.
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ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 05/18/17 14:57 by dling

Acct #: 6

Ad #: 464461

Status: N

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

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold a public hearing at their regular meeting on Thursday, June 8, 2017 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

An application by Jason Francisco of TC Eastside LLC, 2700 Holiday Rd, Williamsburg, MI 49690 has been submitted an application for a variance to allow for the replacement of commercial signage on a legally nonconforming commercial structure located in a residential zone at 2700 Holiday Rd. The property is more fully described as:

GJ's Pizza and Market

LOT 14 STOCKFISCH SUB NO 1

Parcel No.: 28-01-660-014-00

The variance request will be considered pursuant to §§5.4, 7.4.6(b) and 7.4.6(c) 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

May 20, 2017-1T

464461

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

SPEEDWAY LLC
PROPERTY TAX DEPARTMENT
539 S MAIN ST
FINDLAY OH 45840

MCDONALD'S CORP
P O BOX 182571
COLUMBUS OH 43218-2571

MC DONALD'S CORP
1 MC DONALD'S PLAZA
OAKBROOK IL 60521

CANAVESIO DONALD G & RACHEL
37660 ADRIAN DR
STERLING HEIGHTS MI 48310

DELONEY MONICA A
2365 W FRANCES RD
MT MORRIS MI 48458

CS CH JV LLC
P O BOX 1115
BAY CITY MI 48706

CS, CH JV LLC
P O BOX 1115
BAY CITY MI 48706

GRAND TRAVERSE RESORT AND SPA LLC
P O BOX 404
ACME MI 49610

GOODWILL INDUSTRIES OF NORTHERN MI
2279 S AIRPORT RD W
TRAVERSE CITY MI 49684

RUPP ROBERTA R
KEEN JACQUELINE
12944 SYLVIA ST
TRAVERSE CITY MI 49684

CLOUS WILLIAM F TRUST
848 US 31 SOUTH
TRAVERSE CITY MI 49685

SCHMIDT KENNETH A TTEE
SCHMIDT JOSEPH L TTEE
2510 NE SILVER LAKE RD
TRAVERSE CITY MI 49685

AKERLEY MICHAEL
516 E 8TH ST
TRAVERSE CITY MI 49686

BENSON SCHMUCKAL PROPERTIES LLC
1516 BARLOW
TRAVERSE CITY MI 49686

ELLIS ROBERT M JR
3334 VILLAGE CIRCLE DR
TRAVERSE CITY MI 49686

US 31 NORTH LLC
C/O JEFF SCHWARTZ
774 MUNSON AVE
TRAVERSE CITY MI 49686

ACME TOWNSHIP
6042 ACME RD
WILLIAMSBURG MI 49690

ANDERSON DARYL J JR & SUSAN M
5883 ANDORRA DR UNIT 21
WILLIAMSBURG MI 49690

BRACY JOAN D ET AL
5847 ANDORRA DR #9
WILLIAMSBURG MI 49690

ELSENHEIMER WILLIAM A & JOANN
5847 ANDORRA DR
WILLIAMSBURG MI 49690

GALLIE THOMAS D & SUE A
5875 ANDORRA DR UNIT C3
WILLIAMSBURG MI 49690

GORDON JACKIE L
5875 ANDORRA DR
WILLIAMSBURG MI 49690

JENEMA LINDA TRUST
5883 ANDORRA DR
WILLIAMSBURG MI 49690

JONES SCOTT J TRUST
5875 ANDORRA DR C-6
WILLIAMSBURG MI 49690

KLUMPP JOHN D TRUSTEE
KLUMPP JOHN FAMILY TRUST
5883 ANDORRA DR D-2
WILLIAMSBURG MI 49690

MADSEN HUGO & BEVERLY
5847 ANDORRA DR B6
WILLIAMSBURG MI 49690

PEACH DOUGLAS D & JANET E
5847 ANDORRA DR
WILLIAMSBURG MI 49690

PECK EUDORA C
5883 ANDORRA DR D-1
WILLIAMSBURG MI 49690

PIERCE DOROTHY K
5847 ANDORRA DR
WILLIAMSBURG MI 49690

ROOT DUANE A & ANNE E
5883 ANDORRA DR
WILLIAMSBURG MI 49690

SHIMMONS SUSAN
5875 ANDORRA DR C-1
WILLIAMSBURG MI 49690

STRONG WILLIAM A
5883 ANDORRA DR
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: OJ'S PIZZA AND MARKET

Applicant's Current Mailing Address: 2700 HOLIDAY RD.

City: TRAVERSE CITY State: MI Zip Code: 49686 Phone Number: 231 938 2700

B. Purpose of Hearing:

- ? () Appeal from a Determination by the Zoning Administrator
- ? Apply for a Variance Permit as Authorized by Section(s) 7.4.6 (b) 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: 2700 HOLIDAY RD. Parcel Number: 28-01-660-014-00

Property Owner's Name: T.C. EASTSIDE L.L.C. - Jason Francisco

Property Owner's Current Mailing Address: 2700 HOLIDAY RD.

City: TRAVERSE CITY State: MI Zip Code: 49686 Phone Number: 231-938-2700 (E)
231-357-3709 (D)

Proposed Use/Change to Property: SIGNS ON BUILDING

Non-conforming Legally non-conforming commercial use in a residential zoning district. Requesting sign area allowance that exceeds limits set in residential districts.

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 Acknowledgement - signed form with initial fee deposit (if determined applicable)

E. Affidavit:

The undersigned affirms that he/she is the owner Jason Franco - T.C. EASTSIDE L.L.C. (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: 5-4-17

FOR TOWNSHIP USE ONLY

Application No.: ZBA 2017-02
Date Received: 05/11/17
Fee Tendered: \$475.00

Date of Advertising: 5/20/17
Date of Hearing: 6/8/17
Action Taken: _____

NOTES

T & A Account 084 - \$300.00



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 30, 2017

Permit No.: ZBA 2017-02

Request: Non-use variance to replace commercial signage on an existing legally non-conforming business in a residential district

Applicant: Jason Francisco, TC Eastside LLC
2700 Holiday Rd
Williamsburg, MI 49690

Address: GJ's Pizza & Market
2700 Holiday Rd
Williamsburg, MI 49690

Parcel No.: 28-01-660-014-00

Legal Description: LOT 14 STOCKFISCH SUB NO 1

Owner: Jason Francisco, TC Eastside LLC

Aerial Map:



Area: Approximately 0.157 acres; business owns an additional 0.367 acres surrounding the parcel

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.
- Property currently has a legally non-conforming commercial business.

Setbacks:

Front: 30 feet
Side: 10 feet
Rear: 20 feet

Adjacent Zoning:

North: R-2: One-Family Urban Residential – Beverly Gravlin
Northeast: R-2: One-Family Urban Residential – Jacqueline & Benjamin Newhouse
East: R-2: One-Family Urban Residential – Betty & Dewayne Belles
Southeast: R-2: One-Family Urban Residential – Dennis J Benn Estate
South: R-2: One-Family Urban Residential – TC Eastside LLC; Jean & Aaron Meyers
Southwest: R-2: One-Family Urban Residential – Jaymi Seeley
West: R-2: One-Family Urban Residential – TC Eastside LLC; Edward Ellul
Northwest: R-2: One-Family Urban Residential – Beverly Gravlin

Relevant Sections of the Zoning Ordinance:

§7.4. SIGNS

§7.4.6 REGULATION BY ZONE:

b. Residential Zoning Districts, On-Premise Signs Permitted

- 1) Name plates and numbers identifying the occupant and locations of dwelling units provided that the area of any such sign shall not exceed two (2) square feet.
- 2) One sign displaying the name of a platted or condominium subdivision or apartment complex for each separate street entrance. Such signs may not exceed sixteen (16) square feet in area and must be set back at least ten (10) feet from any right-of-way. The sign and sign structure may not exceed twenty-four (24) square feet or have a height greater than six (6) feet. Signs shall not be placed within any designated traffic clear vision area. Illuminated residential development signs must comply with the following regulations:
 - a) Illumination shall be by an externally located steady, stationary light source only.
 - b) Light fixtures shall be limited to not more than one shielded light per 4 horizontal linear feet of sign face, shall be mounted at the top of the sign or sign structure, and shall be directed and/or employ shielding as required so as to direct light onto the sign and/or sign structure face only.
 - c) The light source within the fixture shall not be visible from any street right-of-way or cause glare that may be hazardous to pedestrians or vehicle drivers, or create a nuisance on adjacent properties.
 - d) Signs shall not have reflective backgrounds, but may have reflective lettering.

- e) Colored lamps are not permitted.
- f) In lieu of a freestanding sign, a development may use signs on entrance structures such as fences or walls in compliance with the following requirements:
 - i) The number of sign faces is limited to 2 per entrance, with one immediately on either side of the entrance.
 - ii) Each sign face is limited to 16 sq. ft.
 - iii) The distance between the closest points of the sign faces shall not exceed 100'.
(Section 7.4.6.b.2 amended 03/01/2011, effective 03/12/2011 as zoning ordinance amendment 011)
- 3) One sign per premises for permitted non-residential or permitted institutional uses provided that the area of any such sign shall not exceed sixteen (16) square feet.
- 4) Temporary signs advertising garage sales or similar sale signs. Up to three (3) signs are allowed, provided they are on private property and are removed promptly after the sale is concluded.
- 5) Temporary signs advertising a temporary "open house" for the sale or lease of a house or building. Such signs are limited to two (2) square feet of area, must be located on private property, and must be removed after the "open house" has concluded.
- 6) On multiple-family dwellings, one (1) wall sign per elevation. Such signs may not exceed twelve (12) square feet in area.

c. Commercial Zoning Districts, Excluding B-4, On-Premise Signs Permitted

- 1) All signs permitted in Residential Zoning Districts.
- 2) One free-standing per premises indicating businesses on said premises. Such signs may be up to thirty-two (32) square feet in area, up to twelve (12) feet tall, and set back at least ten (10) feet from any street right-of-way; signs no taller than eight (8) feet are allowed a size bonus of twenty (20) percent. For a planned shopping center, the free-standing sign may identify the center per se and not the individual occupants.
- 3) Temporary signs not previously specified. Such signs are limited to sixteen (16) square feet in area and may be displayed for no more than sixty (60) days in any calendar year.
- 4) Wall signs, provided the total area of said signs do not exceed twenty (20) percent of the area of the façade or one-hundred (100) square feet, whichever is less.
- 5) Canopy-, marquee-, or architectural-projection signs. Such signs' copy area may not exceed twenty (20) percent of the area of the face of the canopy, marquee, or arch-projection.
- 6) Awning signs. The maximum copy area for awning signs is twenty (20) percent of the background/backlit area of the awning.
- 7) One (1) projecting sign for each building façade, up to four (4) square feet in area.
- 8) Window signs. Such signs are limited to twenty (20) percent of window area.
- 9) Signs displaying the price of gasoline at gasoline stations, not to exceed six (6) square feet in area.
- 10) One (1) directional signs and/or sign that consist only of words "washing," "lubrication," "repair," or similar above each service bay of an automobile service station. Such signs may not exceed four (4) square feet in area.
- 11) Corporate logo or institutional flags. Such flags are limited to thirty-five (35) square feet in size.
- 12) Changeable Message Sign. A sign may contain a changeable message, but only under the following conditions:

- a) Shall only be used on premise for a motel/hotel vacancy sign, or gas station price per gallon of gas sign.
- b) Electronic changeable messages shall be part of the total square footage of display area permitted for the sign even if the message is contained in a separate cabinet, except the face of the message shall not consume more than 35 percent of the total permitted display of sign.
- c) No digital sign shall be permitted to flash, blink, scroll, oscillate, or have full animation. All digital signs shall have "instant" changes with no animated effects.
- d) The digital sign shall have a black color background and the lettering shall be either in red or green colors but shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.
- e) All digital signs shall maintain an automatic brightness control keyed to ambient light levels.
- f) Digital signs shall be programmed to go dark if the sign malfunctions.
- g) Signage should not be designed to emulate traffic signage.
- h) Minimum rate of change to be one (1) hour.

(Section 7.4.6.c.12 added by amendment 034, adopted 08/11/15, effective 09/13/15)

ARTICLE XV – NON-CONFORMING USES

§15.1 INTENT AND PURPOSE:

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same Zoning Districts unless the conditions and requirements of this Section are met. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the enactment of a provision of this Ordinance which made those plans, construction or use unlawful.

REPORT

The Applicant has requested a non-use variance to substitute the current signage on a legally non-conforming use located at 2700 Holiday Rd (“Property”). The existing business, known as GJ’s Pizza and Market (“Business”), is a commercial operation located in a residential zoning district.

The Property and Business were recently acquired by Jason Francisco of TC Eastside LLC. As is common after a business has been purchased, the Applicant has been rebranding through both interior and exterior improvements. Part of that process is changing the exterior signage. The sign provisions in the zoning ordinance are based on district type. Therefore, since this legally non-conforming commercial use is in the R-2 zoning district, its signage is limited to those allowed in the residential district. By intent, the residential sign provisions are quite limiting and not appropriate for commercial purposes. The Applicant requests a sign plan that is allowable under the commercial zoning districts, but sensitive to the neighborhood around the business. This plan is attached as **Exhibit A**

The proposed sign plan includes three wall mounted signs, one each on the east, west, and north façades. The wall signs will be of the following dimensions:

- East: 32 square feet (48” x 96”)

- West: 23.3 square feet (40" x 84")
- North: 23.3 square feet (40 in x 84")

All three signs would be non-illuminated. Additionally, the north façade wall sign would be accompanied by a 10 square foot (12" x 120") wall sign of text that reads "* Beer * Wine * Liquor * Lotto". This creates a total of 88.6 square feet of signage. The Applicant has proposed keeping the existing illuminated sign above the north entrance and having it refurbished.

Based on the provisions of §7.4.6(b) Residential Zoning Districts, the proposed sign plan would not be allowed in the Business' existing location due to its zoning. However, if the Business was in a commercial zoning district, that which has been proposed would be allowed by right. Section 7.4.6(c)(4) of the Acme Township Zoning Ordinance allows wall mounted signs with an area of 100 square feet, or 20% of the façade area, whichever is less, to be installed on each façade. The Applicant's proposed sign plan is well under the area requirements for wall signs in commercially zoned districts.

It should be noted as well that the Business is a legally non-forming use that has been in existence prior to Acme Township ever adopting a zoning ordinance. The adoption of the first Acme Township Zoning Ordinance created a legally non-conforming use of the commercial operation at this location. The Business has been serving the nearby residents for decades with no evidence of it being a long-standing nuisance to the nearby residents.

STAFF FINDINGS AND RECOMMENDATION

RECOMMENDATION:

Approval of the request is in accord with the signage allowed to commercial businesses while being sensitive the Business' residential surrounding, will have no nuisance effect of 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 Applicant recently purchased the existing Business. The Business is a legally non-conforming commercial use in a residential district, one that has been serving the residents of the area prior to the adoption of the Acme Township Zoning Ordinance.*

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

SATISFIED: *Although the intent of the Ordinance is not to encourage the survival of a nonconforming use, this request presents no evidence to be contrary to the public interest and is therefore eligible to have permission granted by the Zoning Board of Appeals.*

- 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 has proposed a sign plan that is sensitive to the neighboring residential properties both in its scale and intensity by not utilizing illuminated signs.*

- 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: *This request is unique to this property due to the Business' location in a residential district.*

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

SATISFIED: *The sign replacement request to the existing legally nonconforming use will only occur on the property under control by the Applicant.*

- 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 sign plan for the established legally non-conforming use on the Property is representative of other commercial uses in the Township operating in a commercially zoned district. The ability to advertise the name of the Business on the outside of the building is a right that is not allowed due to its location in a residential district. However, the commercial use of the Property has been in existence since before the adoption of Acme Township's first Zoning Ordinance in 1978. As such, the request that has been submitted is unique to this property.*

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 request for a nonuse variance allowing the existing Business, known as GJ's Pizza and Market, to replace the existing signage on the building as proposed in the submitted sign plan for the property located at 2700 Holiday Rd, Williamsburg, MI 49690.

MOTION:

Motion to adopt the findings of the Zoning Administrator and grant a nonuse variance allowing the replacement of the exterior signs as presented in the submitted sign plan for the legally nonconforming commercial use in the R-2 One-Family Urban Residential District.

Client:

GJ'S PIZZA & MARKET

Project:

Wall Signage

Specifications:

Sign Type:

Face Type:

Lighting:

Mounting Type: Hidden Stud Flush

Colors:



Dark Gray



GJ's Red



White

Notes:



GJ'S PIZZA & MARKET

40' x 7ft 3D sign (Non lit)
23.33 Sqft



GJ'S PIZZA & MARKET

* BEER * WINE * LIQUOR * LOTTO

40' x 7ft 3D sign (NON lit)
23.33 Sqft

1ft x 10ft 3d Letters
10 Sqft



GJ'S PIZZA & MARKET

4ft x 8ft 3D sign (NON lit)
32 Sqft

Total Sqft of Signage = 88.6 Sqft

Approval Signature: _____ **Date:** _____
By signing, you acknowledge that you have viewed this drawing and approve all messaging, design and layout shown on this page. This drawing is just a visual representation of what your final product will look and is not an exact representation of what you will receive



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
February 9th, 2017 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Members excused: none

Staff present: Winter

A. APPROVAL OF AGENDA:

None

B. INQUIRY AS TO CONFLICTS OF INTEREST:

None

C. CORRESPONDENCE:

None

D. PUBLIC HEARINGS:

1. ZBA 2017-01: Non-Use Variance Request, 7057 Deepwater Point Rd

a. Request by Fran Gingras to extend a legally nonconforming structure

- Kuncaitis inquired into the previous hearing in 1996. At the time the lot was smaller. Gingras indicated that he bought the lot to north and both are under one legal description.
- Gingras provided a recap of what he is proposing. Want to add an addition to the north, basement below, new front entryway, bedroom and dining room. Will encroach into the 50' setback from the water (established by an existing retaining wall) with the dining room corner and the bedroom corner. Initially tried to pull the addition back, but obstructed the flow from the existing house to the addition.
- Kuncaitis asked if the proposed encroaching areas are to a lesser extent than what is already occurring, Gingras confirmed.
- Gingras went over his initial request to redefine the 50' setback by establishing a straight line between the north and south points of the retaining wall, which jogs along the property.
- Kuncaitis asked if there was a formula used to determine the property line along the retaining wall. Winter noted that it is not described in the Zoning Ordinance. Winter illustrated that concept that Gingras was describing, but urged the Zoning Board of Appeals to not apply this method for it could set a new precedent, and that granting a non-variance for the encroachment would be a better solution.
- Forgette asked about the location of the front entry way, and Winter indicated moving the addition back would obstruct the existing doorway to the garage. Winter also stated that he talked with the architectural firm, who explained that the proposed location of the addition would make it easier to tie in the new roof with the existing roof.
- Kuncaitis noted the new addition will still provide plenty of side yard, Winter confirmed. Kuncaitis explained that in the past, as long as the proposal did not increase the extent of the non-conformity, they typically approved the request.
- Kuncaitis opened for public comment. None present. Public comment closed.
- Motion by LaSusa to adopt the finding of the Zoning Administrator and grant a nonuse variance allowing the extension of a legally nonconforming use to the existing single family home located at 7057 Deepwater Point Rd. This variance will allow the

addition to encroach on the waterfront setback as indicated in the drawings submitted with the application. Second by Hoxsie. Motion carries unanimously.

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 12/08/16
 - Motion by Maitland to approve, second by Maitland. Motion carries unanimously.

ADJOURN:

- Motion by Maitland to adjourn, second by Forgette. Motion carries unanimously.



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: May 30, 2017
Re: Proposed Changes to Fee Schedule

As part of an analysis and overhaul of the existing Acme Township Fee Schedule, the following changes have been proposed that relate to the Zoning Board of Appeals:

Current Fee Schedule

ZBA Hearing Fee: \$475

ZBA Per Diem

- Chair: \$150 per meeting
- Members: \$100 per meeting

This structure makes an applicant requesting a small variance for an addition pay the same fee as a large commercial development that may be asking for multiple variances as part of their project. If more than one person submits an application for a regularly scheduled meeting the Township allows them to split the \$475 application fee. However, if you are unlucky enough to not have someone else submitting an application at the same time as you, then you're on the hook for the full \$475 for the same request. This reflects happenstance rather than a fee schedule based on the request or the amount of work needed to process the request. Furthermore, the ZBA members get paid a flat fee per meeting, regardless if there is only one hearing that lasts ten minutes, or four hearings that last three hours.

Proposed Fee Schedule

ZBA Hearing Fee

- Single-Family/Duplex/Accessory: \$275
- Development/Commercial: \$475

ZBA Per Diem

- Single-Family/Duplex/Accessory
 - o Chair: \$75 per hearing
 - o Members: \$50 per hearing
- Development/Commercial
 - o Chair: \$150 per hearing
 - o Members: \$100 per hearing

With this proposal the cost would be reduced for less impactful requests (single-family, duplex, and accessories), easing the burden for residential property owners. However, the fee would remain the same as before for larger multifamily developments and commercial projects. This would structure

the fees based on the impact and/or intensity of use. With this change in fees though there would be no more splitting the cost between applicants since the ZBA member per diem would be based on the number of hearings. If for instance we had three hearing for accessory buildings like we did last year the Chair would receive \$225 (3 x \$75), while the members each would receive \$150 (3 x \$150). If like this month's meeting there is only one residential hearing, the Chair would receive \$75 and the members would each received \$50. Additionally, an escrow would still be collected to cover the cost of staff time, legal notices and mailings (\$300 for residential hearings, \$500 for development or commercial hearings).

I feel this is a more equitable approach to the fees and per diems related to ZBA hearings. Please look over this proposal and let me know at the meeting if there are any questions or further changes you would like to see included. The Board will be looking at the complete proposal for all Township fees at their June 6, 2017 meeting. I will be happy to convey any thoughts you may have on the ZBA portion for their July meeting.