

ACME TOWNSHIP
Zoning Board of Appeals
February 14, 2002

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

Meeting called to Order at 7:35 p.m.

Members Present: J. Kuncaitis (Chair), P. Collins, N. Knopf, H. Smith

Members Excused: L. Belcher

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** Collins indicated a conflict of interest regarding the Perpich hearing.

2. **Correspondence:**
 - a) **Letter received from Steven Billette regarding Variance #2001-13Z** (Attachment A included and incorporated by reference): Corpe reported that Mr. Billette's most recent letter did not seem to contain any substantially new information or concerns. She recommended that the letter be received and filed with no action taken.

Motion by Smith, support by Knopf to receive and file undated letter from Steven Billette. Motion carried unanimously.

 - b) **Memo from Corpe regarding minutes:** Corpe recently discovered a section in the Open Meetings Act that requires all minutes to be revised no later than the meeting following the one the minutes represent. Compliance with the law will require a change in the ZBA's standard procedure of approving minutes only if a quorum of the members present at the meeting is available. She proposes that any board member unable to attend a particular meeting present any comments regarding minutes in writing before the approval meeting so that they can be made part of the record and considered appropriately.

Motion by Knopf, support by Smith to receive and file Corpe's February 6, 2002 regarding minutes approval procedural change. Motion carried unanimously.

3. **Reports:** None

4. **Hearings:**
 - a) **Public Hearing on Application #2002-2Z by Thomas Perpich** for an **Extension of a Nonconforming Use pursuant to Section 9.5 to allow for the construction of a 20' x 16' addition to the rear of an existing nonconforming single family residence currently zoned R-2, One Family Urban Residential and located at 2800 Holiday Rd.** (Attachment B included and incorporated by reference): Mr. Perpich was not present for the hearing. Kuncaitis read the hearing notice into the record.

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Mark Ritter, Township Supervisor within 24 hours of the meeting date at (231) 938-1350

Collins was excused from the Board for the duration of the hearing.

Kuncaitis noted that this is the resolution of an issue that has been outstanding for approximately a year. A garage addition to Mr. Perpich's home was approved in 1998 as Variance #98-10Z. When an appraisal inspection was performed, Dawn Plude discovered that an additional unapproved structure had been constructed. This structure extended into the required rear yard setback by 4'. Variance request #2001-02Z for the additional structure was denied. Since that time, Mr. Perpich has removed 4' from the rear of the structure, so it now sits within the required rear yard setback. Permission for extension of a nonconforming use is required for structure to remain and the Zoning Administrator to issue a Land Use Permit are still required.

Public Hearing opened and closed at 7:40 p.m., there being no public input.

Smith felt the staff report presented a complete summary of the situation under consideration.

Motion by Smith, support by Knopf to approve Extension of Nonconforming Use of Structure Request #2002-2Z, . Motion carried unanimously.

Collins resumed his position on the board.

- b) **Public Hearing on Application #2002-3Z by Lucinda D. Hall for a Variance pursuant to Section 5.3.3 to allow for the enlargement of an existing nonconforming parcel of land located at 4821 Brackett Road and currently zoned A-1, Agricultural to an area which would still be smaller than the customary minimum lot size for parcels located within the A-1 Zoning District set forth in Section 6.11.1, and also for an Extension of a Nonconforming Use pursuant to Section 9.5 to allow for construction of an 18' x 28' addition to the rear of the existing nonconforming single family residence (Attachment C included and incorporated by reference):** Kuncaitis read the hearing notice in to the record.

Kuncaitis noted that the parcel and home were created before zoning came into effect. The Zoning Ordinance seeks to decrease and eliminate nonconformances. The proposed change would help decrease the non-conformance. This property is close to the Resort and might seem suitable for smaller lot residential development eventually. Smith noted that approval would be unlikely to take significant land out of agricultural production.

Dan Hanna stated that he will be giving the additional land to his sister to enlarge her lot from one-half acre to one acre if the application is approved. The land will include a pole barn that will be used as a garage.

Public Hearing opened and closed at 7:48 p.m., there being no public comment.

Corpe mentioned receiving a phone call from Gene Veliquette, who has an interest in the parcel directly to the west of the subject property. He stated that he had no objection to approval of the application, agreeing that it would help reduce the extent of the existing nonconformance.

Motion by Smith, support by Knopf to approve the requested Extension of Nonconforming Structure to allow construction of an 18' x 28' addition to the home located at 4821 Brackett Road. Motion carried unanimously.

Motion by Knopf, support by Collins to approve Variance #2002-3Z permitting an existing one-half acre parcel to be enlarged to approximately one acre in size. All Basic Conditions and Special Condition B have been met. Motion carried unanimously.

5. **Other Business:** None.

6. **Approval of minutes from the July 12, 2001, November 8, 2001, December 13, 2001 and January 10, 2002 regular meetings** (Attachments D, E, F and G included and incorporated by reference):

Motion by Knopf support by Smith to approve the minutes of the July 12, 2001, November 8, 2001, December 13, 2001 and January 10, 2002 regular meetings as presented. Motion carried unanimously.

Motion by Collins, support by Knopf to adjourn at 7:51 p.m. Motion carried unanimously.