

ACME TOWNSHIP
Zoning Board of Appeals
April 11, 2002

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

Meeting called to order at 7:30 p.m.

Members present: J. Kuncaitis (Chair), L. Belcher, P. Collins, N. Knopf, H. Smith

Members excused: None

Staff present: S. Corpe, Zoning Administrator/Recording Secretary

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** approved with no conflicts noted.
2. **Correspondence:** Letter received 4/11/02 from Gary Wilson, SKHW regarding Application #2002-5Z, which will be handled as part of the hearing for that request.
3. **Reports:** None
4. **Hearings:**
 - a) **Public Hearing on Application #2002-5Z by Grand Traverse Hilltop Condominiums for non-use Variances of Sections 7.4.1(1)g and 7.4.1(2)c, Signs to allow for relocation of an existing condominium sign to a placement within the M-72 right-of-way approximately 45' to the east of a shared driveway in front of property currently zoned B-2, General Business and located at 4263 M-72 East. The Condominiums are zoned R-3, Urban Residential and are located on Hilltop Way** (Attachment A included and incorporated by reference): Belcher read the published notice into the record. Kuncaitis noted that our ordinance states that we cannot approve placement of a sign within a road right-of-way unless the jurisdiction responsible for the road approves. Carl Carlson, representative for Hilltop Condominiums has spoken with MDOT, which will not entertain an application unless the Township approves first.

The request is based on a safety issue. The former Sandtrap sign was lit, acting as a landmark for visitors to and residents of Hilltop. Since the sign has not been lit, safety issues have come up, particularly for traffic coming from the west. The current request was accompanied by a request that the Township locate a new streetlight near the entrance drive, which the Board has approved. Mr. Carlson noted that Hilltop is mostly rental units, so many of the people accessing the site are unfamiliar with the area.

Grand Traverse Resort owns the property where the sign would be placed, and provided a letter supporting the application.

Smith asked if the sign would block views of traffic exiting from the driveway. Concerns were also raised about the current condominium sign being larger than the 16 sq. ft. permitted by our Sign Ordinance.

Public Hearing opened at 7:55 p.m.

Belcher read the letter dated August 10, 2002 from Gary Wilson, SKHW into the record (included and incorporated by reference). Mr. Carlson sees this as another option the condo association would be willing to pursue, but would still like to pursue their original request in case a suitable arrangement can't be reached.

Kuncaitis asked if having new signage for the restaurant and offices in the old Sandtrap would form a suitable landmark like the old Sandtrap sign did. Mr. Carlson agreed that it would, but it is uncertain when a new sign might be in place. He feels that the matter is urgent from a safety standpoint.

Jack Johnson 35445 Hathaway, Livonia MI is also on the Board of Hilltop Condominiums. His unit is not in the rental program, and he and his wife occupy the unit full time in the summer. With the old lit sign it was easy to find the development at night. When the sign was no longer lit, even though he had been coming up and staying for 8 years he found himself going right by. Even now, when the sign has been off for years they still miss the turn.

Belcher is concerned about locating a sign within a right-of-way, and in locating someone's sign in front of someone else's property. He considers someone's frontage sacred. Kuncaitis noted that SKHW's letter indicated approval.

Smith wondered about approving the sign with the stipulation that when a new sign is erected for the restaurant and office building, the condominium development sign would have to be incorporated.

Collins believes that the streetlight will solve much of the problem. Knopf asked if a sign parallel to the roadway would work in combination with a streetlight. Belcher noted that the light would only be on at night.

Larry Smith, Broker at Grand Traverse Resort believes that several resort guests have stated that they have tried to turn in right at the Hilltop sign, which would lead them into a ditch. KSL has received customer comment cards regarding the traffic problems caused. They asked that a light be added to help see in the dark. He is certain that more than just the two comment cards he brought tonight have been filled out on this issue. Also, Mr. Smith spoke with Gary Wilson yesterday about the uncertainty over when the restaurant could be built. Now that building the restaurant is underway the possibility of a joint sign can be explored. The project only began this week, so there hasn't been time to fully explore all options yet. Knopf pointed out that in the past we have required that signs representing multiple entities on a single property to share the customary 32 sq. ft. sign face required by Ordinance.

Kuncaitis would favor allowing the sign to be moved westward and allowing it to infringe on the easement right-of-way and road right-of-way but not within the right-of-way. He feels that few people on the ZBA are in favor of granting the request as made. Belcher is concerned that the spruce trees west of the driveway will still block the sign from one side. He would be willing to permit a zero setback from the right-of-way. Placing one sign within the right-of-way could set a precedent whereby many businesses along the highway seeking more visibility would make the same request. Mr. Carlson believes that the difference is that businesses are trying to sell a product but the condominium association is seeking safer access. He would prefer a sign within the right-of-way, but failing

that would accept the ability to locate the sign with a 0' setback from the road right-of-way as somewhat of an improvement.

Public Hearing closed at 8:23 p.m.

Belcher asked if there is a concern about the approximately 24 sq. ft. sign as opposed to the required 16 sq. ft. sign. Corpe stated that she had considered this, but knowing that all existing signage within the Resort is grandfathered and that Hilltop is part of the Resort PUD, had elected against recommending a size change in her report.

Debate occurred over whether a new application would be required is required because the variance the ZBA is willing to grant is different from the variance requested. Belcher proposed that a motion be made contingent on approval by township counsel.

Kuncaitis spoke to the question of lighting. The current sign is uplit, which is currently prohibited in the Ordinance. Belcher feels that the reason behind requiring subdivision signs to be unlit is that they are normally in residential/agricultural areas. This location has somewhat of a commercial character. Kuncaitis noted that sign lighting should be unnecessary since a new streetlight is being placed at the driveway.

Motion by Belcher, support by Hoxsie Knopf to deny application #2002-5Z to place a sign within the road right-of-way. However, the Zoning Board of appeals agrees to a sign location outside of the M-72 right-of-way with a setback of up to 0' to which the existing sign will be relocated, contingent upon approval of Township Counsel to make the motion tonight versus holding a new hearing. All Basic Conditions and Special Condition B have been met.

Smith was concerned that a variance not be granted without adequate public notice. He would prefer to deny tonight's request and require a new hearing. He feels this would be the most correct procedure and would have to vote no on this basis alone.

Motion carried by a vote of 4 in favor (Belcher, Knopf, Kuncaitis, Collins) and 1 opposed (Smith).

5. **Other Business:** None.
6. **Approval of minutes from the March 14, 2002 regular meeting** (Attachment B included and incorporated by reference):

Motion by Belcher, support by Smith to approve the March 14, 2002 minutes as printed. Motion carried unanimously.

Meeting adjourned 8:45 p.m.