

ACME TOWNSHIP
Zoning Board of Appeals
June 13, 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

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** Agenda approved with no conflicts of interest noted.
2. **Correspondence:** None
3. **Reports:** None
4. **Hearings:**
 - a) **Public Hearing on Application #2002-7Z by Edward and Tammi Rodgers for a non-use Variance of Section 6.11.1 to allow for construction of a 12' x 26.8' addition to an existing, conforming single family residence currently zoned R-2, One Family Urban Residential and located at 3508 Scenic Hills Drive** (Attachment A included and incorporated by reference):

Belcher read the hearing notice into the record. Mr. and Mrs. Rodgers presented their application to add one garage stall with a bedroom above it to their home. They do not feel that there would be another viable option for adding on to the home because to add to the north end of the house would block off existing windows on the main and lower levels. The home is currently three bedrooms, but their son's room is very small.

Belcher asked about the difference between the plan as presented and as typed on the application. Mrs. Rodgers explained that after the application was submitted the plans were changed based on advice given them by Corpe that their original plan to create a new two-car garage in front of the home would stand less chance of approval.

Smith asked about a letter received from Dale E. Ealy who owns the lot directly to the south of the subject parcel. Knopf read the letter into the record. Apparently a fenced dog kennel/yard on the Rodgers' property may straddle the lot line. The Rodgers stated that the fence and kennel were in place already when they bought their property 13 years ago. They stated that the property line is staked and can be determined by the location of some pine trees. Mr. Rodgers says he has been mowing the vacant lot, as it is somewhat unkempt and he strives to make it more pleasant for the neighborhood at large. He can certainly stop mowing that yard if the property owner objects.

Collins asked if Corpe had performed a site visit. She had not, although she had asked Smith to take a look at the property when the application was originally submitted.

Kuncaitis noted that no other houses in the subdivision have garages that project in front of the home. Most of the rest of the homes are well centered in their lots, but this one is not for some reason. Additionally, the lot is somewhat unusually shaped. Belcher asked if there is much of a slope from north to south on the property. There is somewhat of a slope.

Public Hearing opened at 7:45 p.m.

Corpe reported receiving a phone call from Jim Hanna, owner of the acreage to the east, on June 12. He is concerned about the application because he fears that adding to the second story of the home will impair the bay view from land he eventually plans to divide and sell.

The Rodgers mentioned that the neighbors to the north both told them they approved of their plans.

Kuncaitis expressed concern over granting a variance of the rear setback and the possibility that a precedent will be set for other neighbors. Corpe used the Township tax maps to demonstrate that the Rodgers' property is shallower than all the other nearby parcels, creating a unique situation and need. It is unlikely that other property owners in this area would need a rear yard variance to make reasonable improvements on their lots.

Public Hearing closed at 7:50 p.m.

Kuncaitis asked if the 12' width dimension for the addition includes the roof overhang. The Rodgers indicated they had been informed that any overhang must be included in the building size. They also mentioned that the direction of the existing roof pitch will be changed. The water will be shed towards the same property's front and back yards rather than the neighbors, minimizing the overhang to the side.

Motion by Smith, support by Knopf to approve application #2002-7Z, subject to verification of the location of the lot lines. All Basic Conditions and Special Condition A have been satisfied. Motion carried unanimously.

- b) **Public Hearing on Application #2002-8Z by Janice A. Schmidt for a non-use Variance of Section 7.2.3 to allow for construction of a 10' x 10' storage building within the front yard of property containing a single family residence, currently zoned R-2, One Family Urban Residential and located at 9167 Shaw Road (Attachment B included and incorporated by reference):** Belcher read the hearing notice into the record. Janice Schmidt was present to support her application.

Kuncaitis noted that most of the homes on Shaw Road have accessory structures in their front yards, being grandfathered non-conforming uses. He

asked Mrs. Schmidt if the fence between her property and the one to the north would screen the building; it would not. Collins asked about the floor construction; it will be concrete.

Public Hearing opened and closed at 8:00 p.m.

Motion by Belcher, support by Smith to approve Application #2002-8Z. All Basic Conditions and Special Condition A have been satisfied. Motion carried unanimously.

- c) **Public Hearing on Application #2002-9Z by Elizabeth Rivers for Extension of Nonconforming Use of a Structure to permit construction of a 22' x 26' addition to an existing, nonconforming single family residence currently zoned A-1, Agricultural and located at 5933 Brackett Road (See Attachment C):** Belcher read the hearing notice into the record. Ms. Rivers was present to support her application.

Kuncaitis asked about the proposed roof over the existing walk and deck. Gordon Friese, Ms. Rivers' stepfather, has assisted with the application and stated that it would cover only existing deck areas.

Public Hearing opened and closed at 8:10 p.m.

Motion by Belcher, support by Knopf to approve Application #2002-9Z extending a nonconforming use. Motion carried unanimously.

5. Other Business:

- a) **Interpretation regarding Zoning Ordinance Section 7.6.11, Removal of Shore Cover** (Attachment D included and incorporated by reference): Corpe requested an interpretation of the Ordinance that limits the amount of vegetation that can be removed within 35' of the ordinary high water mark of creeks, lakes, streams, etc. The Ordinance states that only 30% of such area may be clear cut, and that no continuous strip longer than 30' of every 100' may be clear cut. Corpe needed to know if this second requirement was measured on a lot-by-lot basis, or on a rolling basis irrespective of property lines.

Consensus reached that the regulations should be applied on a lot-by-lot basis. The general feeling was that making one property owner's plans contingent upon pre-existing conditions on a neighboring property would be overly restrictive. Smith asked Corpe to add this section of the Ordinance to the list of items to be reviewed by the Planning Commission as part of the current Ordinance revision process.

- 6. Approval of minutes from the May 9, 2002 regular meeting** (Attachment E included and incorporated by reference):

Motion by Smith, support by Collins to approve the May 9, 2002 minutes as presented. Motion carried unanimously.

Meeting adjourned at 8:45 p.m.