

**ACME TOWNSHIP
Zoning Board of Appeals
August 8, 2002**

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

Meeting called to Order at 7:38 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:** agenda approved with no conflicts noted.
2. **Correspondence:** None
3. **Reports:** None
4. **Hearings:**
 - a) **Public Hearing on Application #2002-11Z by Bill and Chris Hooper** for a non-use Variance of Section 6.11.1 to allow a proposed Land Division to take place which would cause an existing outbuilding on their property to sit directly on the side lot line of property containing a single family residence that is currently zoned R-1, One Family Forest & Coastal Zone and located at 4352 Bunker Hill Road (Attachment A included and incorporated by reference): Application withdrawn.
 - b) **Public Hearing on Application #2002-12Z by Phillip B. Begley** for a non-use Variance of Section 6.11.1(1) to allow for the division of an existing parcel without public sewer service in the R-3, Urban Residential district located on Sailview Lane into four new residential parcels (Attachment B is included and incorporated by reference): Belcher read the hearing notice into the record. Bob Brick, Realtor, and Ben Begley, Mr. Phillip Begley's son, appeared in support of the application. The subject parcel is 7.4 acres in size and is within the sewer district. The Zoning Ordinance states that R-3 zoned parcels in this area cannot be split unless they are served by public sewer. Mr. Begley is seeking to divide the parcel and sell the resulting lots as homesites. Currently, because Acme Township's sewer mains are at or exceeding capacity, no new sewer hookups are being permitted. Mr. Begley cannot split his parcel at the current time without receiving a variance of the sewer requirement. The applicant has proposed four new parcels; one at 3.74 acres, one at 1.5 acres, one at .7 acres and one at .67 acres.

Traditionally, relief has been given to property owners in similar situations, but with a requirement for minimum one-acre parcels and single-family residences.

Public Hearing opened at 7:48 p.m.

Bertha Stites platted the subdivision and sold the subject property to Mr. Begley. The sewer line goes up to his property line along Sailview Lane. The line extends through the valley and up to Five Mile Road.

Public Hearing closed at 7:50 p.m.

Kuncaitis feels that because the topography of this parcel is unique, some additional consideration should be given to the property. Smith concurred.

Motion by Knopf, support by Smith to approve Application #2002-12Z provided that when sewer benefits become available that the parcels connect to the system, all Basic Conditions and All Special Conditions having been met.

Belcher feels that enough land is available to create one acre parcels, and that there is no hardship involved in sticking to the same minimum parcel size required for other similar variances.

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

- c) **Public Hearing on Application #2002-13Z by Paul Bonaccini for a non-use Variance of Section 7.2.3 to allow construction of a 24' x 40' detached garage within the front yard of property currently zoned R-2, One Family Urban Residential and located at 9345 Shaw Road** (Attachment C included and incorporated by reference). Belcher read the hearing notice into the record. Mr. Bonaccini was present in support of his application. The home design he chose for this parcel would not accommodate addition of an attached garage, and he stated having been informed by Corpe that building the home before seeking a variance or exploring other options to keep his improvements in compliance could cause difficulties.

Smith asked Mr. Bonaccini if he could have chosen a different house plan, to which the applicant replied in the negative. Smith followed up by asking why a variance wasn't sought prior to home construction; Mr. Bonaccini stated that he had been made aware that he would eventually need to apply for a variance, and that it would be a tough sell. Corpe amplified that she specifically cautioned Mr. Bonaccini that if he wanted to seek a variance, he should do so before the home was constructed. The home is a modular design that apparently cannot be modified to accommodate an attached garage.

Public Hearing opened at 8:05 p.m.

Pauline Barber owns 9388 Shaw Road, north of the subject. Her family owned the subject property for years. The land was wooded, and Yuba Creek, a valuable trout stream, runs through the property. She feels that due to the topography of the site and the effect of increased impervious surface

and decreased vegetative cover, extra caution should be used in considering the application. She hopes we also consider the impact on other nearby property owners, who might have to look at the back side of the structure. Mrs. Barber also believes that the septic and drainfield are located directly to the east of the home, making addition of an attached garage now impossible.

Krista Johnson 6477 Bates Rd. has been to Shaw Road near the subject property. She agrees that because of the placement of the septic field, an attached garage will not be possible. She feels that he knew this when he created his improvement plans. She finds that the removal of the trees will not help the nearby waterways. Also, septic systems sometimes fail or are poorly maintained, and a lack of trees nearby could fail to catch runoff before it damages the creek.

Evelyn Rivas, 9420 US 31 North stated that the lots are only 88' wide in this area. Too many buildings could cause an overcrowded feeling.

Mr. Bonaccini feels that he has no control over where the Health Department approved the septic field. If he had the choice, he may have tried to locate it further to the east. He also took exception to Mr. Smith's opening statements. Trees were taken down based on an erroneous assumption that County approval from Soil Erosion was sufficient. He takes responsibility for this, but doesn't want everyone to feel he was a "cowboy."

Public Hearing closed at 8:15 p.m.

Belcher notes that the Ordinance prohibits a variance when requested due to actions of the applicant. He feels this is definitely applicable in this situation. Knopf agreed, specifically noting that he was offered the option to rethink his site plan or request a variance before beginning construction.

Motion by Belcher, support by Knopf to deny Application #2002-13Z, no special conditions having been met. Motion carried unanimously.

- d) **Public Hearing on Application #2002-14Z by Nellie Morone for a non-use Variance of Section 7.2.3 to allow construction of a 24' x 40' detached garage within the front yard of property currently zoned R-2, One Family Urban Residential and located at 9307 Shaw Road** (Attachment D is included and incorporated by reference): Belcher read the hearing notice into the record. Mr. Bonaccini represented his grandmother, Nellie, Morone, regarding the application. This application was submitted as a back-up plan to the previous application, to provide general family storage.

Smith stated that this situation seems to meet the criteria used for other applications of this nature that have been approved. Knopf agreed.

Public Hearing opened at 8:20 p.m.

Pauline Barber expressed similar concerns as those she expressed for the prior hearing. She is particularly concerned with the relative configuration of the structures and the drainfield.

Kuncaitis asked Mr. Bonaccini if he plans to remove many trees to construct the garage. He stated that he has recently become more sensitized to the tree issue, and appreciates their value as a buffer from US 31 to reduce highway noise.

Public Hearing closed at 8:30 p.m.

Collins asked how the garage would be accessed. It seems to be located lengthwise in the property. Would the entry be on the short side or the long side?

Motion by Belcher, support by Smith to approve Application #2002-14Z, all Basic Conditions and Special Condition A having been satisfied, contingent upon approval of final placement, taking into consideration the drainfield location, by the Zoning Administrator. Motion carried unanimously.

5. Other Business:

- a) **Request for interpretation of Section 7.4.1(1) prohibiting roof signs** (Attachment E is included and incorporated by reference): The Board consensus agreed with the staff memo that a sign above the line of the roof eaves and atop the shingled area of the roof is not in compliance with the Ordinance.

6. Approval of minutes from the July 11, 2002 regular meeting (Attachment F included and incorporated by reference):

Motion by Smith, support by Knopf to approve the minutes as printed. Motion carried unanimously.

Meeting adjourned at 8:45 p.m.