

**ACME TOWNSHIP
Zoning Board of Appeals
November 14, 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:

**Motion by Belcher, support by Knopf approve with the exception of item 6.
Motion carried unanimously.**

2. Correspondence: None

3. Reports: None

4. Hearings:

- a) **Public Hearing on Application #2002-16Z by Stephen Plamondon for a non-use Variance of Section 7.2.3 to allow construction of 32' x 26' pole building within the front yard of property currently zoned R-1, One Family Forest & Coastal Zone and located at 5963 Bunker Hill Road (Attachment A included and incorporated by reference):** Belcher read the hearing notice into the record. Mr. Plamondon was present in support of his application.

Smith asked if a surveyor placed the two blue-flagged stakes on the east side of the property. Mr. Plamondon responded that while one marker was appropriately placed farther up the hill, the one near the road may have been placed less officially. He reported that he would be willing to perform a survey and have the property re-staked to ensure accuracy. Smith asked about whether the sand on the proposed site will be compacted.

Belcher asked if the proposed placement is along a former roadway. Mr. Plamondon indicated that it is the site of a former roadway, but that he has consulted with the DNR and was told that it is not an official pathway and can be blocked. Belcher expressed concern, noting that if property has been used as a public access for a certain period of time it essentially passes into the public domain and access cannot be blocked at a later time. He felt that caution should be warranted in this regard. Mr. Plamondon stated that a neighbor across the street told him he previously had permission to cross the lot to access the neighboring state land. Smith would like to see a formal letter from the DNR stating that the access can be closed off and a new survey performed before the application is decided.

Public Hearing opened at 7:40 p.m.

Ralph Donaldson, 4617 Weathering Heights, was present to represent his son, who owns two parcels across the street from the subject property. He presented a letter written by his son, Brian Donaldson of 5952 Bunker Hill Road, which Belcher read into the record and which is included and incorporated by reference. The letter strongly opposes construction of the pole building, stating that they believe the view of the proposed structure from their home would decrease their property value. They also felt they had not received appropriate notice of the meeting allowing sufficient time for them to retain legal counsel regarding the issue.

Mr. Ralph Donaldson stated that he is a Civil Engineer with significant building experience. He states that as a contractor, Mr. Plamondon should have been able to obtain, read and understand a site map showing the site conditions before he purchased the property. Mr. Donaldson asked why the Township prohibits location of accessory structures as a rule. Smith responded that accessory buildings are required to be at least as far back from the road as the leading edge of the primary structure. Some pieces of property will not allow this type of siting, so the ZBA has the ability to grant a variance on a case-by-case basis. Mr. Donaldson followed up by asking if the reasoning is to protect the general appearance of the township, to which Smith responded affirmatively.

Mr. Donaldson stated that he walked the state land to try to find lot markers. He was largely unable to do so, and the one stake he found could have been 15' – 20' away from an appropriate location. He also maintains that a pole building can be put in the back yard, although a significant amount of engineering would be required. He stated that a neighbor behind his home built a new dwelling on Wild Juniper Trail during the past year. The site required significant engineering, but it can be done if needed.

Mr. Donaldson felt that the site plan provided by township staff indicates a lack of true information as to the site conditions and location of improvements. He feels the application is incomplete.

Public Hearing closed at 7:47 p.m.

Smith and Belcher both felt that the true shape of the lot will make a big difference in determining if a better position for the building can be found. Is there room on the west side of the property? What land is available for use? Belcher is also concerned about approving the closure of an existing road by placing a structure on it. This may or may not be the best placement, and until more information is available the hearing should be continued. Smith concurred, asking for a sealed survey and a letter from the DNR authorizing closure of the road. He recommended looking for other locations that might be "less offensive."

Motion by Knopf, support by Collins to continue the hearing on Application #2002-16Z pending receipt of a registered survey and a

letter from the DNR and/or other appropriate authority allowing closure of the road. Motion carried unanimously.

- b) **Public Hearing on Application #2002-17Z by Paul M. Bonaccini for a non-use Variance of Section 7.6.7 to allow construction of 50' x 8' clearspan footbridge across Yuba Creek on property currently zoned R-2, One Family Urban Residential and located at 9345 Shaw Road** (Attachment B included and incorporated by reference): Belcher read the hearing notice into the record. Paul Bonaccini was present in support of his application.

Smith asked why an 8' width is necessary for a footbridge. Mr. Bonaccini responded that carrying logs or picnic tables across to the beach is easier with a wider bridge. Right now they carry these items over the 6' wide bridge on the Morone property. They have been pulling these items over the bridge using ATVs and rowboats as trailers. He reported being unaware that ATV travel over the bridge was prohibited when Corpe pointed out that use of motorized vehicles across the bridge is a violation of the variance that permitted the bridge.

Smith stated that small matters of non-compliance have been a continual problem between Mr. Bonaccini and the township, and that it seems he is constantly violating the ordinance and "pushing the envelope." Mr. Bonaccini felt that he has complied with everything that has been requested of him and will continue to do so, and that he is being unfairly accused. Knopf agreed with Smith, noting that the township often becomes aware of activity after the fact of occurrence.

Public Hearing opened and closed at 8:00 p.m., there being no public comment.

Smith asked Belcher to read into the record a letter written today by Corpe to the Bonaccinis and Nellie Morone to hold them in violation of the zoning ordinance. The violation cited was for advertising the units as rentable individually or jointly by groups up to 20 people in size, and for corporate parties and other groups, when the R-2 district allows use of homes for single-family dwellings only. Mr. Bonaccini stated that the structures were only rented this past summer by family units as defined by the Ordinance.

Smith noted that the staff report made five specific recommendations regarding the application. He further recommends a barrier at one end of the bridge. Mr. Bonaccini stated that the Board need have no further concern regarding use of vehicles on the bridges.

Collins feels that 8' is an inappropriate width for a footbridge, and that the I-beam construction is heavy enough to take heavy equipment across. The property may not stay in the same ownership indefinitely, and problems could occur. Mr. Bonaccini stated that the width of this particular bridge is of little concern to him, although he will probably request a bridge capable of supporting vehicular traffic on the Barber property if he is successful in acquiring it. The Board and Mr. Bonaccini asked if it would be necessary to

resubmit an application to the DEQ if the bridge specifications have changed; Corpe feels from reading the DEQ permit that this would be a necessity.

Motion by Belcher, support by Knopf to approve Application #2002-17Z for construction of a 6' wide pedestrian footbridge subject to conditions of approval as suggested by staff on pages 3 and 4 of the staff report. All Basic Conditions and Special Condition C have been met.

Mr. Bonaccini asked why his questions regarding other bridges along the creek in disrepair have not been addressed, particularly the bridge on the old Bradford property. Corpe responded that the last she had heard, it was felt that it would be more detrimental to the creek to remove the concrete bridge than it would be to leave it as is. She expressed willingness to investigate further if the Board so directed, which they did.

5. **Other Business:** None
6. **Approval of minutes from the October 10, 2002 regular meeting:** The computer file containing the minutes was accidentally erased and must be recreated. The minutes will be considered at the next meeting.

Meeting adjourned at 9:00 p.m.