

ACME TOWNSHIP
Zoning Board of Appeals
April 11, 2003

Friday, 3:00 p.m.
Acme Township Hall
Acme, Michigan

Meeting called to Order at 3:10 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:

Approved; no conflicts noted

2. Correspondence: None

3. Reports: None

4. Hearings:

- a) **Public Hearing on Application #2003-5Z by Kevin C. Reabe, DVM, 6235 Flushing Road, Flushing MI 48433 for various interpretations and variances of the Zoning Ordinance to allow a change in use from residential/retail to residential/veterinary clinic for property currently zoned B-1S, Shoreline District and located at 5415 US 31 North**

(Attachment A included and incorporated by reference): Kuncaitis read the hearing notice into the record. Dr. Reabe was present in support of his application. He stated an intent to renovate the Makin' Waves surf shop as use as a veterinary clinic and residence. He would live there for 2 – 3 years full-time, and might use it as a family vacation home thereafter. The law requires that a veterinary clinic have someone present 24 hours per day. The building is clearly in need of renovation.

The first question was a determination on the definition of a clinic and whether veterinary use would be conforming in the B-1S district or not. There was some concern. PC should evaluate description of "clinic."

Motion by Collins, support by Knopf to interpret the proposed veterinary clinic use as conforming to the B-1S district, being a similar use to "offices of doctors, dentists, osteopaths and similar or allied professions." Motion carried unanimously.

Considering that the proposed use was approved to be categorized as a clinic, the parking requirements for a clinic as set forth in the Ordinance were deemed to be appropriate (4 spaces per doctor, plus 1 for the assistant).

Motion by Smith, support by Knopf to approve a non-use variance of general site landscaping requirements, all Basic Conditions and Special

Condition A having been met. The Planning Commission will be charged with crafting the specific landscaping requirements.

Public Hearing opened at 3:40 p.m.

Regarding signage, most of the lots on this portion of US 31 are at a 0' setback already so the request does not seem unreasonable. There is little other room on the site for signage placement.

Motion by Knopf, support by Smith to approve a 10' variance of the sign setback requirement, all Basic Conditions and Special Condition A having been met. Motion carried unanimously.

Corpe mentioned that she had received a call from Don Pishney regarding general parking concerns. He owns the property across US 31 from the subject, along with a small piece of waterfront immediately to the south of this property. He is concerned less as a neighbor than as a general citizen that people not back out of the parking lot into busy traffic on US 31.

Regarding the proposed addition of a small covered entranceway, Dr. Reabe originally wanted to add a 9' x 6' addition to the front of the office area. Since that time, he has come up with a revised internal floor plan. He would like to extend the front 1.5' x 6'. The current wall headers are very low and would require alteration of the roofline if the entranceway is right into the existing wall, and he feels it would help the front aesthetically. There would be a 3' overhang on the proposed addition.

Motion by Smith, support by Knopf to approve a 1.5' x 6' addition to a non-conforming structure, with a 3' overhang pursuant to Section 9.5. Motion carried unanimously.

Regarding the sidewalk requirement, Kuncaitis felt that allowing only a walkway next to the building would be ineffectual because people would view it as part of the business and not use it if it came too close to the building. Many sidewalks have been put off, and we should start being firmer on the issue.

Motion by Knopf, support by Collins to deny the request for a variance of the sidewalk requirement because no special conditions have been met. Motion carried unanimously.

Public Hearing closed at 3:58 p.m.

- b) [Public Hearing on Application #2003-6Z by James L. Savage, PO Box 366, Acme MI 49610 to extend a non-conforming use as set forth in Section 9.5 to permit a portion of a platted lot to be sold together with an adjoining lot for property currently zoned R-2, One Family Urban Residential and located at 8841 Birchview Drive](#) (Attachment B included and incorporated by reference): Kuncaitis read the hearing notice into the record. Mr. Savage was not present for the hearing, and therefore the ZBA did not have information about the exact proposed dimensions of the land to

be transferred. The Chair recessed the hearing until the next regular meeting pending receipt of detailed information.

- c) **Public Hearing on Application #2003-7Z by Chuck Collett, 3465 Maple Glen Drive, Bettendorf, IA 52722 to extend a non-conforming use as set forth in Section 9.5 to permit addition of a breezeway and a 2-car garage to a grandfathered non-conforming residence on property currently zoned R-2, One Family Urban Residential and located at 6999 Deepwater Point Road** (Attachment C included and incorporated by reference):
Kuncaitis read the hearing notice into the record. Corpe provided elevations and floor plans from the files on this property.

Public Hearing opened at 4:10 p.m.

Sally Bornschein is the builder and spoke in support of the plan. Knopf asked if the upper level of the garage would be used as living space; Ms. Bornschein responded it would be unheated storage.

Public Hearing closed at 4:15. p.m.

Motion by Knopf, support by Collins to approve Application #2003-7Z, to allow an addition to an existing non-conforming residence pursuant to Section 9.5.

5. **Other Business:**

- a) **Request for interpretation of Zoning Ordinance:** Ernest Lederer owns Gretna Gage, the second business on the west side of Bates Road (5549 Bates Road). They are a machine tool shop operations, making special toolings for automotive and heavy equipment manufacturers. Their business is extremely bad and they have laid off many workers. Prospects for the industry are bleak, as the major manufacturers are increasingly turning to overseas labor and production plants close down.

He has evaluated other markets to enter, and has begun selling maintenance equipment to municipalities. Mr. Lederer provided brochures about the equipment for the ZBA to review. He travels throughout the state calling on road commissions, municipalities and the MDOT as salesmen/distributors for heavy maintenance equipment. Before this part of his business grows too much, he wanted to check with the township to ensure that he is operating within our ordinance requirements.

The equipment that is stored on-site is for demonstration purposes only and is stored indoors. It is taken to the customer's site for demonstration purposes, where their operators take it for a test drive.

While he is selling to an end user and is therefore engaged in retail rather than wholesale (sale to a reseller), he views it as a special case because he is marketing only to a niche market (municipalities and roadway jurisdictions) and not to the general public. All equipment is shipped new from the manufacturer, prepared for delivery at his site and then taken to the end user. No maintenance is performed on-site. He has no desire to become involved

in trade-ins; most municipalities tend to auction their used equipment. If they had to take a trade-in, they would call a wholesaler to pick it up from the owner and haul it away.

Kuncaitis read Section 6.9.1, the Intent and Purpose of the B-4 district, and Section 6.9.3, Uses Permitted. **The ZBA concurred that the proposed use seems to fit in with the stated intents and purposes of the district to keep traffic fairly minimal and encourage uses that create a minimal impact on surrounding properties. These sections specifically permit "...packaging, assembly and/or treatment of finished or semi-finished products...."**

Mr. Lederer asked about the possibility for rezoning an agricultural piece of property at the southeast corner of Bates Road.

6. **Approval of minutes from the March 21, 2003 regular meeting** (Attachment D included and incorporated by reference):

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

Meeting adjourned at 4:45 p.m.