

**ACME TOWNSHIP
Zoning Board of Appeals
May 25, 2006**

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

Meeting called to Order at 7:32p.m.

Members present: J. Kuncaitis (Chair), L. Belcher, D. Smith, D. Kipley

Members excused: D. Krause

Staff present: J. Hull, Zoning Administrator
N. Edwardson/Recording Secretary

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** None
2. **Correspondence:** Letter from Jill Watson and Pictures
3. **Reports:** None
4. **Hearings:**

a.) Public hearing for determination under Section 9.5 Extension of Nonconforming Use of Structure, by Steve Bartosek, 181 W Long Lake Road, Traverse City, for a proposed addition to a nonconforming structure at 4632 Hampshire Dr. Belcher read the published public hearing notice into the record. Kuncaitis asked Hull the reason for the nonconforming use of the structure. He said on the southwest side it is 13.3' from the property line. In that district it must be 20'. This was permitted in the past. There was a survey done that found no errors. The previous zoning administrator approved this. Though the garage addition would add a new setback encroachment, Hull and legal counsel found the enlarged encroachment to fall under §9.5. There were no public comments.

Motion by Smith that the request would not be inimical to public health, safety, or welfare, particularly with regard to surrounding property owners. Seconded by Kipley. The motion passed unanimously.

- b.) A hearing for a variance of Section 6.11.1, Schedule of Regulations, to construct a storage building that would violate side-yard and rear-yard setbacks, and Section 7.2.3 (1), Accessory Buildings, which requires accessory structures to be at least 10' from other structures, and located at 4185 Circle View Dr, by Kipling Belcher, 4185 Circle View Dr, Williamsburg.** Belcher read the published public hearing notice into the record. Kuncaitis asked if three variances were requested. Hull confirmed this:

rear yard, side yard, and structure separation would all need to be varied. K. Belcher indicated that the proposed shed, 12'x24' was a maximum request, and that he would accept a smaller structure. Kuncaitis read Watson's letter into the record. There was no public comment otherwise.

Kipleby noted that the house is set back from the road with little rear yard space; Kuncaitis noted that behind the rear yard is wooded community land, not another home. The members discussed the practical difficulty presented by the yard layout and the risk of harming Watson's view of the wooded area.

Kipleby moved to grant the variance based on all basic conditions being satisfied, as indicated in the staff report, and Special Condition A being satisfied, due to the restrictive topography, with the following conditions: a 10' variance from the side-yard setback, a 1' variance from the rear-yard setback, and the structure separation to be determined by those constraints. Seconded by Smith. Motion passed unanimously.

Hull noted that the structure separation was for fire purposes, and the ground level deck likely did not pose a threat.

c.)A hearing for a determination under Section 9.5 Extension of Nonconforming Use of Structure, by Joseph Kuncaitis, 7905 Sayler Road, Williamsburg, for a proposed addition to a nonconforming structure.

Kuncaitis excused himself and Belcher took over. Belcher read the published public notice into record.

Kuncaitis mother-in-law is moving in and the addition would accommodate her and also a office for his wife. The front evaluation is a existing porch You see how the roof line is dropped down We are going to put a basement under. No stairway. No exit doors but both bedrooms that lead to the addition have doors. The addition 14 by 32' asking for 26' little concrete side Open for public comment/none. Hull/ call from the neighbor that said that would be fine. House sits in the roadway.

Motion by Smith to find the proposed request not inimical to public health, safety, or welfare, particularly with regard to surrounding property owners. Seconded by Kipleby. Motion passed unanimously.

Hull commented Meijer will not be seeking an appeal before the ZBA.

5. Approval of minutes from the April 13, 2006 regular meeting
Motion by Belcher. Supported by Kipleby to approve the April 13, 2006 minutes as presented. Motion passed unanimously.

Meeting adjourned at 8:46 p.m.