

**ACME TOWNSHIP
Zoning Board of Appeals
December 9, 2004**

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

Meeting called to order at 7:30 p.m.

Members present: L. Belcher (Vice Chair), P. Collins, D. Kipley, D. Krause, D. Smith

Members excused: J. Kuncaitis

Staff present: J. Hull, Zoning Administrator
S. Corpe, Recording Secretary

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** No conflicts of interest noted.

**Motion by Krause, support by Collins to approve the agenda as presented.
Motion carried unanimously.**

2. **Correspondence:** None

3. **Reports:** None

4. **Hearings:**

a) **Public hearing for LochenHeath Land Co., 8145 N. 86th Place, Scottsdale, AZ 85258, who has requested a Temporary Permit under §5.3.4(1) for the placement of a sixty-foot by sixty-foot temporary pavilion/clubhouse to replace an existing temporary clubhouse:** Corpe read the public hearing notice into the record. Russ Clark, R. Clark Associates presented the application on behalf of LochenHeath Land Company. Mr. Clark provided an aerial photograph displaying the relative locations of US 31, the current temporary clubhouse and the proposed temporary clubhouse. The proposed location would approximately 280' from the Pulcipher residence property line and over 1,000 from US 31 North. A schematic of the proposed layout was also provided.

LochenHeath has received approval of a PUD/Open Space Development master plan for expanded development onto newly acquired property, which will include relocation of the main access to the development from US to a position farther south than currently placed. The temporary clubhouse is intended to serve all golf membership and activities until club membership reaches the level at which construction of the permanent clubhouse becomes desirable. The permanent clubhouse facility will be slightly to the north of the proposed temporary clubhouse site. Mr. Clark stated that the proposed temporary structure should only be visible from the Pulcipher residence property.

Mr. Clark made note of the fact that the Zoning Ordinance refers to the ability to request temporary structures specifically for dwelling purposes, which has raised questions about the ability to use this provision of the ordinance.

Smith asked for a description of the exterior finish for the temporary facility. Mr. Clark indicated that it is a modular structure that would be wheeled in and set up. It would be surrounded by a façade to improve the appearance and would be fitted with a deck area. The units will be brought in and remodeled on site on a timeline that would make them ready to use by Spring 2005.

Collins asked if there has been thought given to creating a permanent structure and build a part of it now, expanding as the membership and need grows. Mr. Clark responded that the design of the ultimate permanent facility will be driven by the ultimate full membership of the club; the applicants do not feel it would be appropriate to decide how the facility should work and what amenities it should provide on a permanent basis at this time. Collins asked how long the temporary structure might be in place. Dr. Mark Krakow, one of the LochenHeath partners, believes the time period could be as long a five years until there is sufficient property acquisition. For this reason, LochenHeath is concerned with creating a visually appealing facility that will seem like a high-quality, permanent structure.

Smith asked if the golf course has been closed to the public at this point; Dr. Krakow responded that it has, and that existing members of the club have been grandfathered into their memberships on an ongoing basis.

Krause asked if any objections have been raised to the proposal. Dr. Krakow responded that LochenHeath made a point of contacting all of their neighbors and received nothing but favorable feedback. Jim Maitland, another partner, noted that the neighbor most likely to have concerns is John Pulcifer. He is known for being willing to voice his opinions and is not present this evening to express any concerns.

Public Hearing opened and closed at 7:45 p.m., there being no public comment.

Belcher noted that Hull has raised some questions about whether or not the application can be entertained based on the wording of the Ordinance, which refers specifically to temporary structures for dwelling purposes. Belcher feels that there has been a precedent for the ZBA issuing permits of this nature and that it would be appropriate to continue. However, perhaps a change to the ordinance language would be warranted to as to eliminate any future confusion. Hull stated that he and interim township counsel Chris Bzdok have corresponded by e-mail regarding the issue. Bzdok offered the opinion that it is within the ZBA's authority to decide it will grant temporary permits for non-dwelling related structures, but that it would be important that the ZBA essentially make it's willingness to do so a stated policy. This can be sufficient without requiring a full ordinance amendment process.

Krause offered an analogy involving the Holiday Inn Express. He recalls that subcontractors used trailers on-site for offices during facility construction and removed them when the hotel was complete. He sees the situations as similar except for the size and duration of the temporary structure. The LochenHeath structure is intended to provide a facility during a construction process. In the case of the Holiday Inn Express, no temporary structure permit was sought or

issued, and he views the need for the temporary structure as assumed. Belcher feels the situation is somewhat different.

Kiple asked how the current temporary structure came to be in place. Hull stated that it received a temporary permit from the ZBA in 2001. At the same general period of time, an SUP was issued for the permanent clubhouse which has never actually been constructed. Collins asked how when a temporary permit issued by the ZBA would expire; Corpe noted that the ordinance provides for one year time periods and does allow for renewals. Because the temporary structure is proposed to be in place for up to five years, she and Clark have been discussion whether or not a longer-term permit for the temporary structure can be incorporated into the Phase 1 SUP approval process expected to begin in January 2005.

Smith feels that because LochenHeath has received a temporary structure permit from the ZBA before, it should be allowed to receive one again. He also believes that the interpretation of the ordinance be broadened to incorporate temporary structures for other than residentially-related uses.

Motion by Smith, support by Collins to interpret the ordinance as applicable to structures beyond just dwelling-related structures, subject to the same permit procedure requirements, with the recommendation that Planning Commission and Board of Trustees consider amendment the ordinance accordingly. Motion carried unanimously.

Motion by Smith, support by Kiple to grant Locheheath's request for a temporary structure permit for their clubhouse. Motion carried unanimously.

5. Other Business:

- a) **Approve/decide 2005 meeting schedule:** The proposed schedule utilizes the second Thursday of every month with meetings held only if an application is presented.

Motion by Collins, support by Krause to adopt the proposed 2005 ZBA meeting schedule. Motion carried unanimously.

6. Approval of minutes from the October 14, 2004 regular meeting:

Motion by Collins, support by Smith to approve the minutes of the October 14, 2004 meeting as presented. Motion carried unanimously.

Hull indicated that there will be a need for a meeting on January 13, 2005.

Meeting adjourned at 8:06 p.m.