

Application No.: \_\_\_\_\_

Parcel No.: \_\_\_\_\_

**Acme Township, Grand Traverse County, Michigan  
Zoning Board of Appeals  
Application for Hearing/Notice of Appeal**

**Owner/Applicant Information: (please type or print clearly)**

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**A. Purpose of Hearing:**

- 1. Appeal from a Determination by the Zoning Administrator.  
(If checked, disregard Items B. and C. below)
- 2. Apply for a Variance Permit as Authorized by Section(s) \_\_\_\_\_ of the Acme Township Zoning Ordinance.
- 3. Request Extension or Resumption of a Nonconforming Use.

**B. Property Information:**

- 1. Address:
- 2. Property Description/Parcel Number:
- 3. Proposed Use/Change to Property:
- 4. Names and Addresses of Legal Owners:

**C. Please Attach the Following Documents:**

- 1. **Site Plan/Plot Plan**, showing size and shape of building and accurate location on lot, with dimensions.
- 2. **Elevation drawings**, showing the height of the structure(s).
- 3. **Additional drawings/information as listed below:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4. **Fees:** Include initial fee as required by Acme Township Ordinance #2004-10, Schedule of Fees
- 5. **Fee Escrow Policy Acknowledgement:** provide completed and signed form with initial fee deposit.

**D. Affidavit:** The undersigned affirms that he/she is the \_\_\_\_\_ (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials and staff of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future special use permit and zoning ordinance compliance.

\_\_\_\_\_  
Signature of Owner/Agent

\_\_\_\_\_  
Date

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Township Use/Official Action:**

Fee Tendered: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date of Advertising: \_\_\_\_\_

Application No.: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Action Taken: \_\_\_\_\_



**ACME TOWNSHIP  
ORDINANCE #2004-01  
SCHEDULE OF FEES  
(REPLACES SCHEDULE ADOPTED AS ORDINANCE #88-5 IN ENTIRETY)  
As AMENDED 12/07/04**

**LAND USE PERMITS:**

**Residential**

Single family dwellings and/or accessory structures \$ 75.00  
Duplexes/Multi-Family Residential \$ 50.00/unit

**Commercial**

\$2.00/100 sq. ft. of land use  
\$150.00 minimum

**PLANNING COMMISSION REVIEWS:**

Special Use Permit/Site Plan Review\* \$ 800.00  
Communications Tower Permit, Add for Consultant Review\* \$5,000.00  
Subdivision/Site Condominium/Open Space Development Review\*  
1-20 lots \$ 800.00  
Each lot over 20 add \$ 10.00  
Mixed Use Development/Planned Unit Development Review\* \$ 800.00  
Zoning Designation Change\* \$ 800.00  
Special Meeting – Per meeting, in addition to standard review fee \$1,100.00

**ZONING BOARD OF APPEALS:**

Any Application for Variance/Appeal of Determination/Interpretation\* \$400.00  
Special Meeting - Per meeting, in addition to standard review fee\* \$650.00

**SIGN PERMITS:**

Site signage for Mixed Use or Planned Unit Developments\* \$200.00  
All other permanent or temporary sign permits \$40.00  
Charge for collection/storage of signage placed in violation of ordinance/without permit  
\$50.00 per sign plus legal expenses incurred if necessary to collect.

\* These are minimum fees based on estimated actual costs to process the application. In addition to these fees, Acme Township utilizes an escrow policy that requires these applications to include a minimum escrow balance. The escrow policy is attached.

**MISCELLANEOUS:**

**Paper copies:**

Zoning Ordinance (including color zoning map) \$50.00  
Master Plan \$50.00  
If mailed, actual postage expenses will be added

**Electronic copies:**

Meeting audio or any data available on CD ROM or 3.5" floppy disk \$7.50/disk  
Audio is formatted to play in both computers and stereos: 1 meeting = 2-4 disks.  
Audio formatted to play in computers only, multiple meetings will fit on one CD.  
Additional charges for labor apply if scope of request requires more than 15 minutes to fulfill  
Cassette tapes of public meetings \$10.00/cassette  
Most meetings are 2-4 45-minute tapes cassette tapes long.

**Many official documents, including the Zoning Ordinance, Master Plan, Parks & Recreation Plan, Yuba Creek Natural Area Management Plan, approved meeting minutes and upcoming meeting agendas are available FREE OF CHARGE at [www.acmetownship.org](http://www.acmetownship.org).**



Date: October 6, 2009

**Acme Township  
6042 Acme Road  
Williamsburg, MI 49690  
231/938-1350; fax 231/938-1510**

**ESCROW POLICY  
Originally adopted December 7, 2004  
As Amended June 7, 2005 and October 6, 2009**

1. In an effort to place the cost of processing an application for Planning Commission, Township Board, or Zoning Board of Appeals action where it belongs, on the applicant, the Township has established an Escrow Policy. The escrow policy shall apply to actions for any of the following:

- a. Special Use Permit/Site Plan Review
- b. Subdivision/Site Condominium/Open Space Development Review
- c. Mixed Use Development/Planned Unit Development Review
- d. Zoning Designation Change
- e. Application for Variance/Appeal of Determination/Interpretation

2. The initial filing fees for the above actions are based on estimated actual costs to process the application. However, on occasion the costs to process an application exceed the estimate. These costs include, but are not limited to the following:

- a. Fees related to review, research, consulting, drafting, or meeting appearances by Township Attorney
- b. Costs incurred for outside professional consultants for review and consultation on application
- c. Township staff time
- d. Additional public hearings, required mailing and/or legal notices in the newspapers

3. The initial filing fee, as set out in the Acme Township Schedule of Fees, shall be the initial escrow payment and shall be provided at the time of application. The application will not be processed without the initial filing fee. The application must also include a completed and signed "Escrow Policy Acknowledgment."

The application's escrow balance shall not fall below 20% of the initial filing fee. If the application's escrow balance falls below 20% of the initial filing fee, within 14 days of the date on the invoice provided by the Township the applicant shall redeposit into the account the full amount of the filing fee in order to continue the review. Additional amounts above the filing fee may be required at the discretion of the Chairperson of the Planning Commission or Township Board.

Any excess funds upon completion will be refunded with no interest accumulating on those funds. The Township Board shall maintain records and authorize disbursement of escrow funds.

Any application before the Planning Commission, Township Board, or Zoning Board of Appeals must have greater than or equal to 20% of the initial filing fee in the application's escrow fund at all times. A balance of less than 20% will be cause for any action concerning the application to be removed from the current agenda and the action will not be heard until such time as the funds are current.

**If an application is more than 30 days overdue on an amount billed under this escrow policy, the Township Supervisor or the Supervisor's designee may give the applicant written notice to bring the escrow account current within 30 days. If the applicant does not bring the account current within 30 days, the Township board may determine at a regular or special meeting that the application has lapsed. The applicant shall have the opportunity to address the Township Board prior to such a decision being made. If the application is determined to have lapsed, the Township will notify the applicant in writing, and any request for zoning or land use approval on the subject property will be required to be by new application. A determination that an application has lapsed for non-payment of fees is not a denial of the application. The Township retains all legal rights to seek payment of amounts due on an application that is determined to have lapsed.**

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No building permit or final approval shall be granted until escrow funds are paid in full.

The Planning Commission or Township Board may, at their sole discretion, waive this escrow policy for a particular application.

Special Meeting fees as set out in the Acme Township Schedule of Fees do not require an escrow account.

Date: \_\_\_\_\_

**Acme Township  
6042 Acme Road  
Williamsburg, MI 49690  
231/938-1350; fax 231/938-1510  
ESCROW POLICY ACKNOWLEDGMENT**

I have read, and agree to abide by, the Acme Township policy concerning escrow fees.

Name (please print) \_\_\_\_\_

Signed \_\_\_\_\_ Date: \_\_\_\_\_

Project Name \_\_\_\_\_

Person/Company responsible for account (billing purposes):

Name \_\_\_\_\_

Mailing Address/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

e-mail: \_\_\_\_\_

**ALL ESCROW CHARGES MUST BE CURRENT OR PROJECT WILL BE REMOVED  
FROM AGENDAS AND NO ACTION WILL BE TAKEN.**

If an application is more than 30 days overdue on an amount billed under this escrow policy, the Township Supervisor or the Supervisor’s designee may give the applicant written notice to bring the escrow account current within 30 days. If the applicant does not bring the account current within 30 days, the Township board may determine at a regular or special meeting that the application has lapsed. The applicant shall have the opportunity to address the Township Board prior to such a decision being made. If the application is determined to have lapsed, the Township will notify the applicant in writing, and any request for zoning or land use approval on the subject property will be required to be by new application. A determination that an application has lapsed for non-payment of fees is not a denial of the application. The Township retains all legal rights to seek payment of amounts due on an application that is determined to have lapsed.

**NO BUILDING PERMITS WILL BE ISSUED IF A BALANCE IS OWING.**

## **ARTICLE V: ZONING BOARD OF APPEALS**

### **5.1. NUMBER OF MEMBERS, APPOINTMENT**

The Zoning Board of Appeals shall consist of five members, to be appointed by the Township Board

### **5.2. ORGANIZATION AND PROCEDURES**

The Zoning Board of Appeals' organization and procedures shall be governed by the Michigan Zoning Enabling Act.

### **5.3. DUTIES AND POWERS**

The Zoning Board of Appeals shall have the duties and powers prescribed by the Michigan Zoning Enabling Act. Included among these shall be the power to determine Zoning District boundaries, where uncertainty exists with respect to the location of boundaries as depicted on the Zoning Map.

### **5.4. NONUSE VARIANCES**

The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance, PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.

#### **5.4.1 Basic Conditions: That any nonuse variance granted from this Ordinance:**

- a. Is a result of practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall be evaluated in terms of the use of the particular parcel of land, and cannot be solely economic in nature.
- b. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
- c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- d. Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
- e. Will relate only to property that is under control of the applicant.
- f. Will not be permitted for a parcel of property that is not a Legal Lot of Record, as defined by this Ordinance.

#### **5.4.2 Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a nonuse variance may be granted when any ONE of the following special conditions can be clearly demonstrated:**

- a. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property uses in the same zoning district. Such circumstances

or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.

- b. Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

**5.4.3** Rules: The following rules shall be applied in the granting of nonuse variances:

- a. The Zoning Board of Appeals may specify, in writing, such conditions that will in its judgment, secure the objectives and purposes of this Ordinance. Any conditions imposed shall meet the requirements for conditions set forth the Michigan Zoning Enabling Act. Violation of conditions imposed shall nullify the variance.
- b. No application for a nonuse variance which has been denied wholly or in part by the Zoning Board of Appeals shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

**5.5. ESSENTIAL SERVICES**

The Zoning Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation for public utility purposes, in any permitted district to a greater height or of larger area than the district requirement herein established, and permit the location in any use district of a public utility building, structure or use if the Zoning Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

**5.6. BOND FOR COMPLIANCE**

To ensure compliance with a zoning ordinance and any conditions imposed under a zoning ordinance, the Zoning Board of Appeals may require a performance guarantee, pursuant to the MZEA. MCL 125.3505.

**5.7. LOT DIVISION**

The subdivision or division of a lot is prohibited unless approved under either the Acme Township Subdivision Control Ordinance or the Acme Township Land Division Ordinance. All lots resulting from such land subdivisions or divisions shall comply with the provisions of this Ordinance.

## ARTICLE XII: NON-CONFORMING USES

### **12.1. INTENT AND PURPOSE:**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same Zoning Districts unless the conditions and requirements of this Section are met. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the enactment of a provision of this Ordinance which made those plans, construction, or use unlawful.

### **12.2. SUBSTITUTION OF USE:**

Whenever the nonconforming use of any structure or land is changed in whole or in part to a conforming use, such use shall not thereafter be reverted to any non-conforming use. If the nonconforming use of any structure or land is discontinued through vacancy, lack of operation or otherwise for a continuous period of 90 days, then any future use of said building, structure or land shall conform, in its entirety, to the provisions of this Ordinance; PROVIDED, that the Zoning Board of Appeals may, upon application within 6 months of the termination of said period, permit the resumption of such nonconforming use. If no structural alterations are made, the Zoning Board of Appeals may authorize the substitution of one nonconforming use for another nonconforming use, PROVIDED the substituted use would be more suitable to the Zoning District in which it is located than the nonconforming use which is being replaced.

### **12.3. RECONSTRUCTION OF DAMAGED NONCONFORMING STRUCTURES:**

The reconstruction and continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God or act of the public enemy may be allowed, upon prior application to and permission granted by the Zoning Board of Appeals. Permission shall be granted if the Zoning Board of Appeals finds that the reconstruction and continued use is substantially the same as the previous nonconforming use, and that the continued use will not be detrimental to the health, safety and welfare of the public or surrounding property owners.

### **12.4. REPAIR OR RESTORATION OF NONCONFORMING STRUCTURES:**

Nothing in this Ordinance shall prevent the repair or restoration of a nonconforming structure or part of it; PROVIDED that such repair or restoration does not change the use of said structure or part of it.

### **12.5. EXTENSION OF NONCONFORMING USE OF STRUCTURE:**

The extension of any nonconforming use or structure throughout all or a portion of a given lot or parcel may be allowed, upon prior application to and permission granted by the Zoning Board of Appeals. Permission shall be granted by the Zoning Board of Appeals if it finds that said extension is consistent with the public health, safety or welfare, particularly with regard to surrounding property owners.