

APPROVED MINUTES

ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Minutes September 9, 2021 7:00 p.m.

In the absence of the Chairman Mr. Susa, it was moved by Mr. Hoxsie and supported by Mr. Van Houten to appoint Mr. Maitland as Temporary Chairman motion carried 4 ayes and 0 nays.

Mr. Maitland called the meeting to order at 7:05 with the Pledge of Allegiance.

Roll call present: Maitland, Hoxsie, Van Houtan, Schut .
absent: La Susa

Mr. Maitland stated that there was no correspondence to bring in front of the Board.

Mr. Maitland presented the ZBA 2021-01 information for the public Hearing concerning the application by Linda Mann, Deepwater Point Rd, Williamsburg for a variance request for the construction of an addition to a nonconforming residential building. It was determined that a proper legal notice was placed in the Traverse City Record Eagle and that all adjacent property owners were notified has required.

The Board reviewed the application and recommendations of staff. Mr. Maitland opened the hearing for public input. Mr. Koryki representing the owner, Linda Mann reviewed the reason for the variance request. There were no further questions from the attendees. Mr. Maitland closed the public Hearing and brought the matter back to the Board. Seeing no additional questions it was moved by MR. Hoxsie and supported by Mr. Van Houten that the request for variance for application 2021-01 meets all requirements for basic conditions and at least one special condition as required by ordinance. Mr. Maitland opened the floor for any additional comments being none the motion was called, with 4 ayes and 0 nays. Motion carried to allow the request for variance for Lots 124 and 125 Woodland Acres owned by Linda Mann.

The Board reviewed the request for administrative action, Election of Officers, and it was determined by consensus that election of Officers would be delayed until all members are present and the existing officers will continue until that time.

Motion to adjourn at 7:20 all members voted in favor of adjourning.



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
September 9, 2021 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

Members present:

Members excused:

Staff present:

A. APPROVAL OF AGENDA:

B. INQUIRY AS TO CONFLICTS OF INTEREST:

C. CORRESPONDENCE:

1. None at this time

D. PUBLIC HEARINGS:

1. ZBA 2021-01: Non-Use variance request for the construction of an addition to a nonconforming residential building, Linda Mann, Deepwater Point Williamsburg

E. ADMINISTRATIVE ACTION

1. Election of Officers

ADJOURN:



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Date: September 9, 2021

Case #: ZBA 2021-01

Request: Non-Use variance request to expand a legal non-conforming single family dwelling that lies within the required 10' side setback.

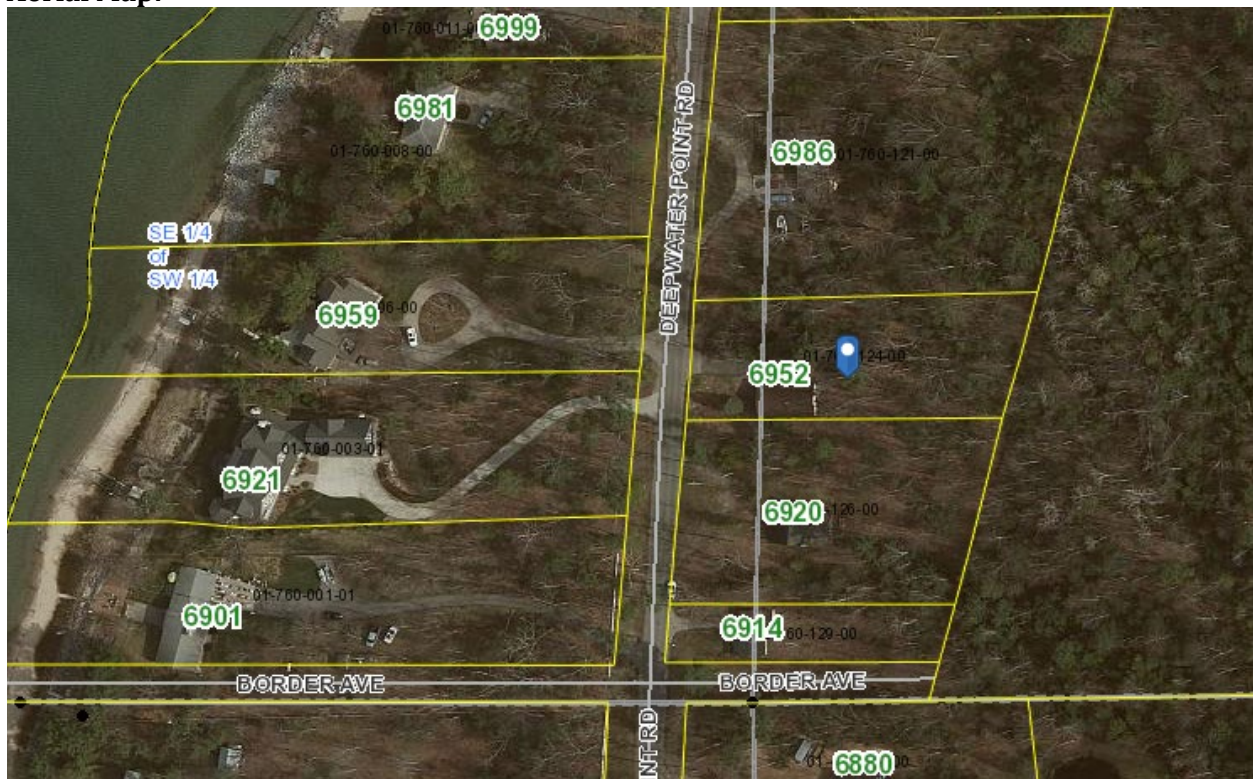
Applicant: Rod Korycki on behalf of Linda Mann

Address: 6952 Deepwater Point
Williamsburg, MI 49690

Parcel No: 28-01-760-124-00

Legal: Lots 124 & 125 Woodland Acres

Aerial Map:



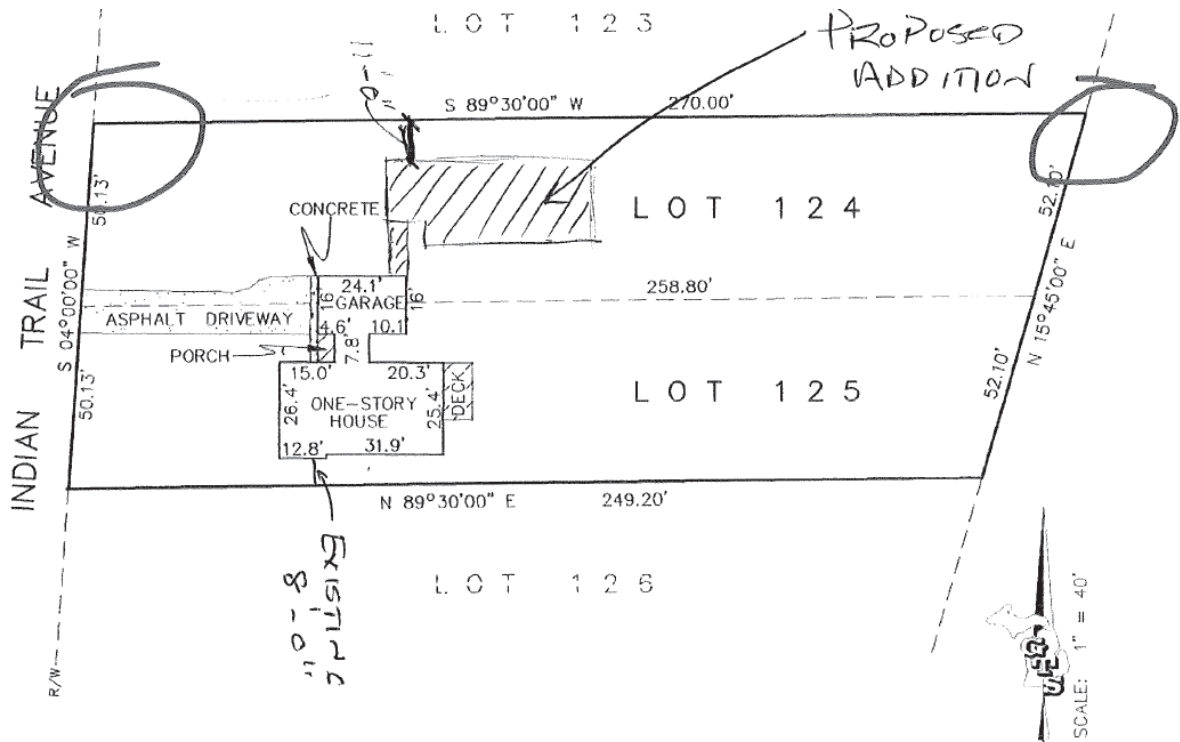
Property Dimensions: 100' x ~258' = approx..60 acres

Zoning: R-2: One-Family Urban Residential

Public Notice: Published in the Record Eagle August 25, 2021. A total of (14) 300' mailers were mailed on August 24, 2021.

PROJECT DESCRIPTION:

The applicant wishes to construct an addition on to an existing single family dwelling. This addition will include a garage, storage and a studio area. The existing house is located in the side yard setback 8 ft from the south property line. The proposed addition will meet all the required setbacks but since this is an expansion of a non-conforming structure, a variance is required for any additions to the existing structure. See survey drawing below.



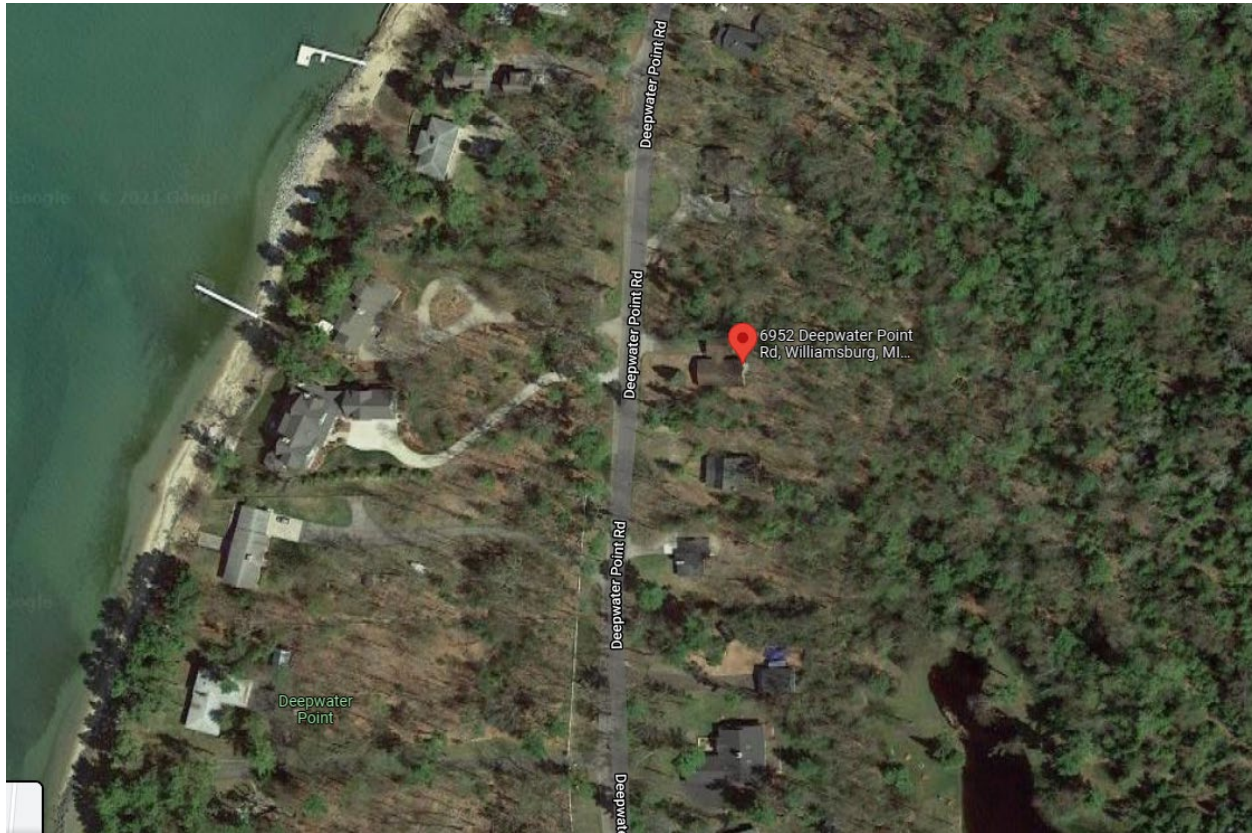
EXISTING USE(S):

Property currently has a single-family home.

ADJACENT ZONING & USES:

North:	R-2: Single-Family Home
East:	R-2: Wooded, Large Acreage
South:	R-2: Single-Family Home
West:	R-2: Single Family Home

SITE IMAGES:



(aerial view)

APPLICABLE ZONING ORDINANCE SECTION(S):

Article XV Non-Conforming Uses

15.3 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.

15.7 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.

Article VI Zoning Districts: Map and Schedule Of Regulations

6.13.1 Schedule of Regulations

Setbacks R-2 District:

Front: 30'

Side: 10'

Rear: 20' (w/public sewer); 30' (w/out public sewer)

STAFF REVIEW & RECOMMENDATION

The existing structure currently sits within the 10' side yard setback in the R-2: One-Family Urban Residential district (violation of §6.13.1). The extension of nonconforming use of structure may be allowed with permission granted by the Zoning Board of Appeals by Article XV Nonconforming Uses Section §15.7.

Standards for Determination:

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:

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.

***SATISFIED:** This legally non-conforming use was built in the setback either prior to zoning or on accident. The addition is on the opposite side of the structure from the encroachment, there is no new construction in any setback.*

Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

***SATISFIED:** The applicant's non-use variance and extension of a legal non-conformity requests are not contrary to public interest in that it will create no discernable negative impact on property owners and is by and large consistent with the intent of the zoning district.*

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.

***SATISFIED:** The Applicant's proposed non-use variance and extension of a legally non-conforming use requests are believed to have no discernable negative impact on surrounding properties. The proposed expansion will not further encroach into the side yard setback – nor violate the any other required setback.*

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.

***SATASFIED:** The applicants' request is unique to their needs. The house is located in the setback but all new construction will meet the required setbacks.*

Will relate only to property that is under control of the applicant.

***SATISFIED:** The specific non-use variance request relates only to the property under control by applicant/owner.*

Will not be permitted for a parcel of property that is not a Legal Lot of Record, as defined by this Ordinance.

***SATISFIED:** The parcel is a Legal Lot of Record.*

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:

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.

NOT EVALUATED

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

***SATISFIED:** As stated, the existing building is located in the side setback and has been there for over 30 years. Even though it is in the setback, it is located approximately 40 ft from the neighbor house on the neighboring lot. Furthermore, the proposed addition is situated to provide the least amount of disturbance to the surrounding area and meets all required setbacks.*

FOR BOARD DISCUSSION:

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

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.

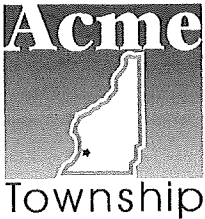
No application for a nonuse variance which has been denied wholly or in part by the Zoning Board of Appeals shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

CONCLUSION & RECOMMENDATION:

It is respectfully recommended that the Zoning Board of Appeals grant the request for a nonuse variance allowing the addition to an existing dwelling on the property located at 6952 Deepwater Point, Williamsburg, MI 49690 as presented on the site plan.

SUGGESTED MOTION FOR CONSIDERATION:

Motion to adopt the findings of the Planning & Zoning Administrator and grant the non-use variance and extension of a legal non-conformity request to allow the proposed addition as indicated on the site plan submitted by the applicant for the property located at 6952 Deepwater Point, Williamsburg, MI 49690.



Zoning Board of Appeals – Application for Hearing/Appeal

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Planning & Zoning Administrator: Lindsey Wolf Email: zoning@acmetownship.org

Please fill out the following application as completely and legibly as possible:

A. Applicant Information:

Applicant's Name: ROD KORYCKI

Applicant's Current Mailing Address: 9507 E. SHADY LAKE

City: SUTTONS BAY State: MI Zip Code: 49682 Phone Number: 231-409-0124

B. Purpose of Hearing:

☐ Appeal from a Determination by the Zoning Administrator

☐ Apply for a Variance Permit as Authorized by Section(s) _____ of the Acme Township Zoning Ordinance

☒ Request Extension or Resumption of a Nonconforming Use

☒ Request an interpretation of the Zoning Ordinance

C. Property Information:

Property Address: 6952 DEEP WATER POINT Parcel Number: 28-01-760-124-00

Property Owner's Name: LINDA MANN

Property Owner's Current Mailing Address: 6952 DEEP WATER POINT

City: WILLIAMSBURG State: MI Zip Code: 49690 Phone Number: 989-274-0375

Proposed Use/Change to Property: ADDITION

D. Please Attach the Following Documents:

☒ Site Plan/Plot Plan – drawn to scale, showing size and shape of buildings, accurate locations on lots, and accurate dimensions.

☒ Elevation Drawings – showing the height of the structure(s)


☒ Additional Drawings/Information as Listed Below:

☒ Fees – include initial fee as required in the attached Fee Schedule

☒ Fee Escrow Policy Acknowledgement – signed form with initial fee deposit (if determined applicable)

E. Affidavit:

The undersigned affirms that he/she is the Agent/Builder (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: 01-12-21
& 08-20-21

FOR TOWNSHIP USE ONLY

Application No.: 2021-1 #123
Date Received: _____
Fee Tendered: _____

Date of Advertising: 8/25/21
Date of Hearing: 9/9/21
Action Taken: _____

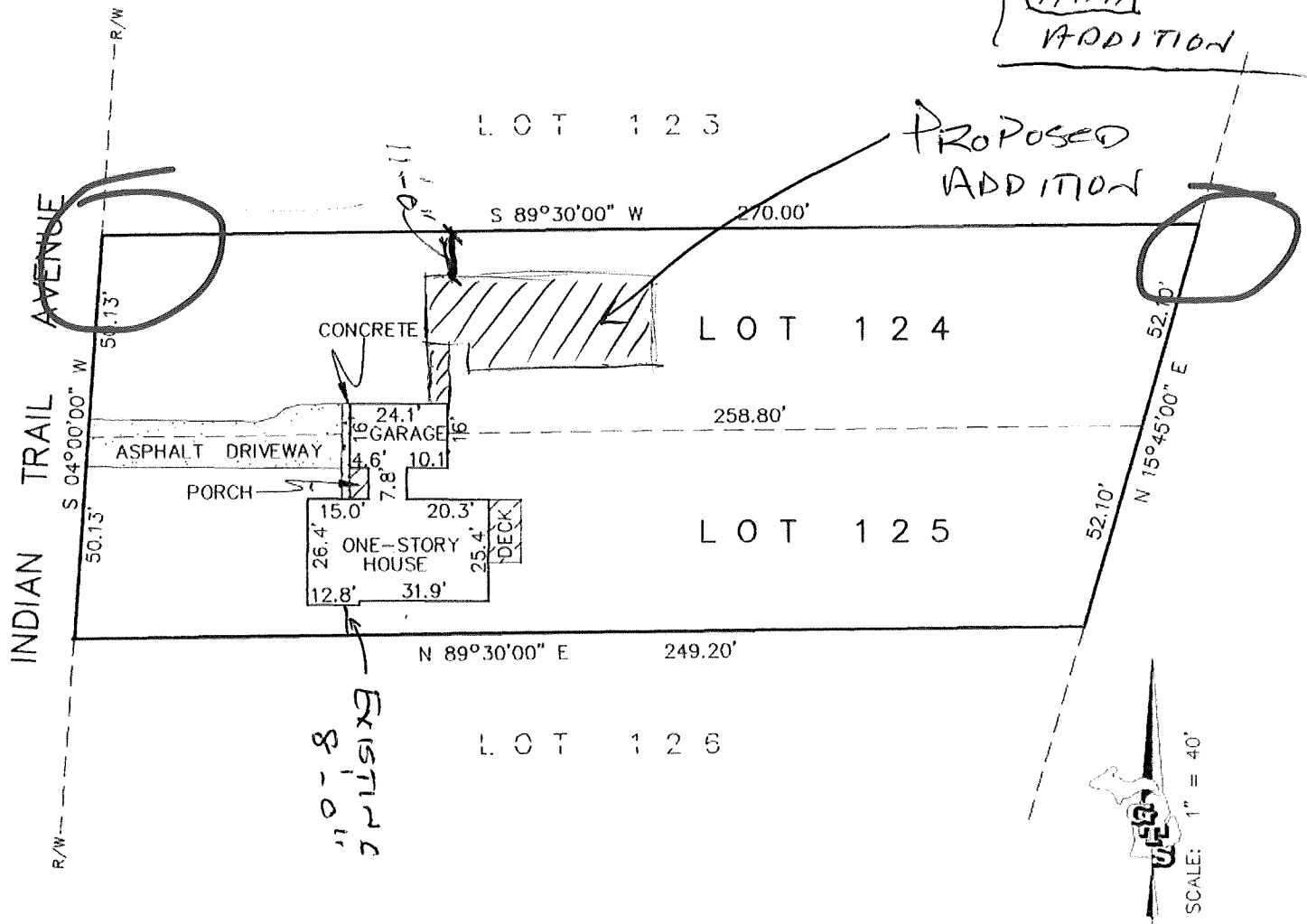
NOTES

"WOODLAND ACRES"

LEGEND



ADDITION



DESCRIPTION AS FURNISHED:

A parcel of land situated in Acme Township, Grand Traverse County, State of Michigan, being more fully described as:

Lots 124 & 125, WOODLAND ACRES, according to the plat thereof as recorded in Liber 3, Page 107.

I hereby state to: Rock Home Loans

That the subject property was inspected on: 03/01/00 AND that the visible improvements are within the property lines, and there are no encroachments upon the land described UNLESS OTHERWISE NOTED ABOVE.

NOTES:

The property described hereon is subject to easements, right-of-ways, reservations and restrictions of record. Property dimensions shown above are from the description as furnished and/or recorded plat, or as noted.

This Mortgage Report is for MORTGAGE LOAN PURPOSES ONLY, and should not be used to establish property lines for the construction of any permanent or temporary improvement to the landowner or occupant.

ALTERATION of any part of this document without the permission of GRAND TRAVERSE SURVEYING COMPANY is PROHIBITED.

NEIL B. DIVASY
Professional Surveyor Number: 31611

GRAND TRAVERSE SURVEYING

For:

ROCK HOME LOANS
RUSSELL ALLEN MANN

8-20-21

DEAR Zoning Board & Admin.

We Request A Hearing for Zoning Interpretation / or Nonconforming use for the property listed as

6952 Deep Water Pointe, Williamsburg MI
tax ID 28-01-760-124-000

The owner Linda Mann would like
AN ADDITION TO Her home.

She purchased that home ABOUT
20-25 yrs Ago.

She recently found out that the Builder
who buildt the house over the set BACK lines
the House WAS Buildt more than
30 years Ago to my knowledge.

We intend to build an addition to
the house that would include a
garage, storage & studio.
see plans

~~Plans~~ ~~are~~ attached.

Please consider our application

Sincerely

ROD KORYCKI - Agent/Builder
SKILLED TRADES Const. LLC

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT

Printed at 08/23/21 14:23 by dling

Acct #: 6

Ad #: 572808

Status: New WHOLD

ACME TOWNSHIP
CATHY DYE, CLERK
6042 ACME ROAD
WILLIAMSBURG MI 49690

Start: 08/25/2021 Stop: 08/25/2021
Times Ord: 1 Times Run: ***
STDAD 3.00 X 2.90 Words: 218
Total STDAD 8.70
Class: 147 LEGALS
Rate: LEGAL Cost: 113.90
Affidavits: 1

Contact:

Phone: (231)938-1350

Fax#: (231)938-1510

Email: dwhite@acmetownship.org

Agency:

Ad Descrpt: LEGAL NOTICE ACME TOWNSHI
Given by: EMAIL LINDSEY WOLF
P.O. #:

c Created: dling 08/23/21 14:19

Last Changed: dling 08/23/21 14:23

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	Wed 08/25/21	1	Wed 08/25/21	SMTWTFS
IN	AIN	97	W	Wed 08/25/21	1	Wed 08/25/21	SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 08/23/21 14:23 by dling

Acct #: 6

Ad #: 572808

Status: New WHOLD WHOI

LEGAL NOTICE
ACME TOWNSHIP ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

Please be advised that on SEPTEMBER 9, 2021 the Acme Township ZONING BOARD OF APPEALS will conduct a public hearing at a regular meeting at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg, MI 49690. The public hearing will be to consider the following request:

An application for a variance request has been submitted by Linda Mann, owner, to expand a non-conforming dwelling on the property that lies within the 10 side yard setback (Article 6 Section 6.13.1 Setbacks R-2 Residential). The proposed structure is currently 8' from the side, southern property line. The property is located at 6952 Deepwater Point Road Williamsburg, MI 49690. Parcel ID #28-01-760-124-00. Legal Description: TS 124 & 125 WOODLAND ACRES. Case # ZBA 2021-01.

All persons are welcome and will be heard concerning the request. A copy of the application and zoning ordinance are available for viewing at the township hall. Written comments will be received until September 9, 2021 and should be addressed to the Acme Township Zoning Department, 6042 Acme Road, Williamsburg, MI 49690 or zoning@acmetownship.org. If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

August 25, 2021-1T

572808

COLD RIVER LAND LLC
PO BOX 2249
CUNNING GA 30028

LEONARD PATRICIA A TRUST
10260 E HILLTOP
SUTTONS BAY MI 49682

SHANO ALFRED J & KATHERINE L
6868 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

GRAFT RUTH A
2323 US 31 N
TRAVERSE CITY MI 49686

KULKA JEFFREY S & JOANNE E
6921 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

LTC RACHMALE FAMILY ESTATE LLC
160 CANTERBURY RD
BLOOMFIELD HILLS MI 48304-2916

ZIEBART EDITH
6981 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

FRANZ THOMAS A & JODI L
1802 LAKE CIRCLE DR W
SAGINAW MI 48604

MARTIN KATHERINE A
916 S BELMONT AVE
WATSEKA IL 60970

HENRY PETER J JR
MOORE MONICA A
1389 RASHO RD
TRAVERSE CITY MI 49696-9121

PETERSON CARI S
HOTCHKISS MICHAEL
6986 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

MANN LINDA TTEE
MANN LINDA S TRUST
4743 MACKINAW RD
SAGINAW MI 48609

SIEVERS ALFRED A TRUSTEE
SIEVERS ALFRED A TRUST
PO BOX 616
WASHINGTON MI 48094

HOTCHKISS CARI S
6896 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

Election of Officers – Procedure

The general process to be used for the election of officers for the Zoning Board of Appeals is as follows:

1. The Chairperson states that elections for officers shall begin and that each officer shall be elected in turn.
2. The Chairperson opens nominations for the office of Chairperson.
3. Any member of the Planning Commission may nominate any other member for Chairperson.
4. Voting for Chairperson occurs in the order of nomination. The person nominated first is voted upon by roll call vote and if a majority votes in favor of that person being elected as Chairperson, then no more votes are taken. If there is not a majority in favor, then the person nominated second is voted upon, and so on until a nominee is elected by a majority. The nominee recuses him or herself from voting.
5. Steps 2 through 4 are repeated for the Vice Chairperson.