

## **ACME TOWNSHIP ZONING BOARD OF APPEALS**

### **APPROVED MINUTES**

December 9, 2021

#### **CALL TO ORDER**

The Acme Township Zoning Board of Appeals meeting of December 9, 2021 was called to order by Chairman Hoxsie at 7:00 pm. The meeting was held in the Acme Township Hall and there were five attendees from the public.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

#### **ROLL CALL**

**Members present:** Hoxsie, Schut, VanHouten

**Members excused:** Maitland, LaSusa

#### **PUBLIC COMMENT**

Brian Kelley, Acme Township resident, emphasized the need to protect the water quality of area lakes and streams with respect to the requested zoning variance.

James Jones, Ultimate Accents Construction, Inc., 1361 West N. Silver Lake Road, Traverse City, MI 49685, responded to Mr. Kelley's public comment to clarify the runoff will drain away from the bay with the proposed porch addition gutters.

Glenn Shilling, 7113 Deepwater Point, next door neighbor, stated that he was attending the meeting in support of the variance request.

#### **A. APPROVAL OF AGENDA**

**Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the agenda as presented.  
Voice Vote. No discussion. Motion carried unanimously.**

#### **B. APPROVAL OF MINUTES: Meeting of September 9, 2021 **Voice Vote. No discussion. Motion carried unanimously.****

#### **C. INQUIRY AS TO CONFLICTS OF INTEREST None stated.**

#### **D. CORRESPONDENCE**

Brian Kelley – document with photos of property located at 7095 Deepwater Point, Williamsburg MI 49690

## **E. PUBLIC HEARING**

1. ZBA 2021-02: Non-use variance request for the construction of an addition to a nonconforming residential building, William DeBree, 7095 Deepwater Point, Williamsburg MI 49690, Parcel No: 28-01-760-020-00.

- Public notice was read: An application for a variance request has been submitted by William DeBree, owner, to construct covered porch with the concrete patio within 50 feet of the high water mark. The proposed porch will be 36.5 feet from the high water mark. The property is located at 7095 Deepwater Point Drive, Williamsburg MI 49690. Parcel ID 28-01-760-020-00. Legal Description: Lot 20 and S ½ of 21 WOODLAND ACRES. Case # ZBA 2021-02.
- Chairman Hoxsie asked for comments from the ZBA members.
- Members commented that there is no increase in square footage of impervious (concrete) surface.
- Mr. Jones stated that the concrete will replace the pavers, at present the house has no gutters, and water will be coming off the roof into the gutters to reduce runoff.
- With the addition of the porch, water will be directed away from the house.
- VanHouten stated that the satisfaction of the next-door neighbor/ property owner with the proposed addition is beneficial for the variance request review.
- **Motion by VanHouten seconded by Schut to approve the Non-Use Variance Request 2021-02 as it meets the basic and special conditions with the findings of fact presented in Planning & Zoning Staff Report for ZBA Case 2021-02, attached. Voice vote. No discussion. Motion carried unanimously.**

## **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.

### **7.6.1 SETBACK FROM LAKES AND STREAMS:**

Notwithstanding other provisions of this Ordinance, every building and off-street parking area constructed on a shoreline parcel shall be set back at least 50 feet from the water mark or normal stream bank of the lake or stream. The natural vegetation shall be maintained within these set-back areas, and trees shall only be removed as allowed in Section 7.6.10, below. Every off-street parking area shall be constructed that no surface water shall shed into or towards such body of water unless such surface water is first treated or filtered to remove any silt, grease or oil, salt or other matter which would deteriorate the water quality of said water body.

## **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)

Water: 50'

### **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 structure was built in the setback either prior to zoning or on accident. While the new porch is located in the setback, it is not located any closer than the existing dwelling.*

**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.*

**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.**

**SATISFIED:** The applicants' request is unique to their needs. The house is located in the setback.

**Will relate only to the 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 the construction will not be any closer to the water than the existing house.*

#### **PUBLIC COMMENT**

Brian Kelley questioned the comment by Mr. Jones that impervious surface in the setback in this variance request would be reduced, as the addition of a roof over a porch increases the impervious surface. Mr. Kelley cited the Staff Report as stating that impervious surface would be increased.

**Adjournment**

**Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to adjourn the meeting at 7:37 p.m. Voice vote.**

**No discussion. Motion passed.**

December 7, 2021

Zoning Board of Appeals  
Acme Township  
6042 Acme Road  
Willaimsburg, MI 49690



Dear Zoning Board of Appeals Members,

I am writing about the variance request at 7095 Deepwater Point that is scheduled for discussion at your December 9, 2021, meeting. The Watershed Center advocates for clean water in Grand Traverse Bay and works to preserve and protect its watershed. Water's edge setbacks are important tools for protecting water quality and we oppose issuing unnecessary and unfounded setback variances as it weakens the rules adopted by the township to protect sensitive shoreline areas. We have concerns with granting this request and offer the following for your consideration.

Water's edge setbacks are especially important on the Great Lakes, which demonstrate immense variability in water levels. This variability is predicted to increase in magnitude with a changing climate future. When structures are built too close to the Great Lakes, they may crumble into the water during high water years, ruining personal property and introducing pollutants into our water. Further, vegetation that is critical for shoreline stabilization and habitat is often lost when encroachments near the water's edge occur. Because of Great Lakes water level variability and extremes, coupled with increased storminess, shoreline communities across the Great Lakes are adopting water's edge setback distances of 75 feet or more to ensure resiliency.

While we understand this is a request to construct a roof over an already-existing concrete slab, it extends the nonconformity of the property and sets a dangerous precedent in the township. Further, according to Section 5.4 of the Zoning Ordinance, non-use variances may only be granted when all "Basic Conditions" and at least one "Special Condition" are met.

We are dubious that all the Basic Conditions are met. Specifically, it is unclear how this variance request is "not contrary to the public interest or to the intent and purpose of this ordinance." Section 7.6.1 clearly states that "every building and off-street parking area constructed on a shoreline parcel shall be setback at least 50 feet from the water mark of...the lake." It is not the intent of the Ordinance to allow for new construction in the waterfront setback. Further, the applicant's request is not unique – all shoreline parcel owners have water's edge setbacks where construction is unpermitted. There may be other areas on the property where the applicant may build a covered porch that would not require a dimensional variance.

Additionally, we doubt either Special Condition is met. There are not exceptional nor extraordinary circumstances that do not generally apply to other properties in this zoning district and this variance is not necessary for the preservation of substantial property rights possessed by other properties in this district.

The existing home on the parcel currently encroaches into the water's edge setback. This variance would thus expand a non-conforming use and cause additional harm by adding incrementally more development within this environmentally sensitive area. We encourage the Board to carefully consider how fulfilling this request may jeopardize the Township's sensitive lands and set a dangerous precedent. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Smith', with a stylized flourish at the end.

Heather Smith  
Grand Traverse BAYKEEPER®

To: Acme Township Zoning Board of Appeals  
From: Brian Kelley

Subject: 7095 Deepwater Point Road variance request

December 9, 2021

Good evening,

Like most of you, I grew up recreating in East Bay, with its hard sandy bottom and clear water. It attracts people to the area, like the applicant who bought this home in October 2020. Newcomers may not realize that water quality is fragile, and our ordinances are part of what protects our pristine waters, and the Health, Safety and Welfare of our community. But what they will know when buying a home is whether it conforms to our zoning, and that a variance should never be expected.

The applicant may not be aware that our community places the highest importance on protecting the water quality of our lakes and streams. In 2012 Northwestern Michigan College conducted a scientific survey of Acme residents. 96% of respondents ranked Water quality for streams, watersheds and East Bay as the number one priority for protection by Acme township by residents. The second highest priority for protection was the Easy Bay shoreline at 92%.

Similarly, Question 8 asked respondents to rate each of several areas as a *priority for protection* by Acme Township. Table 14 and the chart below display results.

92%  
96%

Table 14. Rate each of the following as a priority for protection by Acme Township.				
	Low Priority	Medium Priority	High Priority	Not a Priority
Farmlands and orchards	8.6% 50	31.0% 180	57.6% 334	2.8% 16
Opportunities for fishing and hunting	13.3% 77	34.0% 197	46.8% 271	5.9% 34
Rural character	12.8% 74	30.3% 175	53.0% 306	3.8% 22
East Bay shoreline	5.7% 33	17.4% 101	75.0% 436	1.9% 11
Water quality for streams, watersheds and East Bay	3.1% 18	12.7% 74	83.4% 486	0.9% 5
Wildlife habitat	7.7% 45	28.4% 165	62.0% 360	1.9% 11



Those strong feelings have been incorporated into many versions of our community Master Plan, stretching back decades. A Cornerstone of the 2019 Master Plan is to "MAINTAIN AND IMPROVE THE QUALITY OF SURFACE AND GROUNDWATER THROUGHOUT THE TOWNSHIP, THE REGION, AND THE GRAND TRAVERSE BAY WATERSHED."

One of the four Building Blocks in that Cornerstone is to "Reinforce in the zoning and storm water ordinances the use of riparian buffers adjacent to tributaries, shorelines, and wetlands and provisions to protect environmentally sensitive areas."

## **CORNERSTONE:** MAINTAIN AND IMPROVE THE QUALITY OF SURFACE AND GROUNDWATER THROUGHOUT THE TOWNSHIP, THE REGION, AND THE GRAND TRAVERSE BAY WATERSHED.

Much of the success and desirability of Acme Township can be attributed to its freshwater resources. Eighty-one percent (81%) of survey respondents say protection of water quality for streams, watersheds, and East Bay is a high priority. Protection of the East Bay shoreline is a high priority for 83% of survey respondents. The Watershed Center monitors the quality of the water in East Bay; the Watershed Center also encourages the use of low impact development stormwater practices in Acme Township.

### **Building Blocks**

1. Adopt a new stormwater ordinance which includes an emphasis on low impact development and other techniques to manage the quantity and quality of storm water in new and redevelopment projects.
2. Continue to collaborate with the Watershed Center and the Grand Traverse Band of Ottawa and Chippewa Indians on E. coli and other water quality monitoring in East Bay and the Acme and Yuba Creek tributaries, and at nearby stormwater outflows.
3. Reinforce in the zoning and stormwater ordinances the use of riparian buffers adjacent to tributaries, shorelines, and wetlands and provisions to protect environmentally sensitive areas.
4. Consult with the Grand Traverse Bay Watershed Protection Plan as it relates to Acme Township and those strategies focused on East Bay.

Those buffers that provide protection \*are\* the zoning ordinance setbacks that protect the water quality, and the Health, Safety and Welfare of our community.

When I look at the aerial photo of the property on page 2 of the packet (or page 3 of my photos), it appears the house may encroach on Public Path #2. Long

time residents will know there are four paths in that neighborhood that were deeded to public use when the neighborhood was originally platted.

One benefit of that encroachment is that it leaves the applicant ample space to construct a porch on the north side of the property without any variance.

On supplemental page 2, there is a photo showing the extremely steep 50% slope to the water. I determined that slope by referencing a stairway railing in another photo of the property, with the aid of a CAD package. Another photo shows the height of the water on the seawall, and that in years to come the any encroachment will be at event greater risk.

Buying a home on the waterfront should not entitle the expansion of non-conformity, especially in cases where there are very reasonable alternatives that conform. If we allow that, how do we protect our water? How do we say no to other requests?

I will leave it to the board to do their duty and make the determination.

Thank you for your consideration and protecting the health, safety and welfare of our community and waters.

Brian Kelley



To: Acme Township Zoning Board of Appeals  
From: Brian Kelley

Subject: Photos of 7095 Deepwater Point Road

December 9, 2021

Street View, image #1. Apparent ample space for porch on north side, without variance

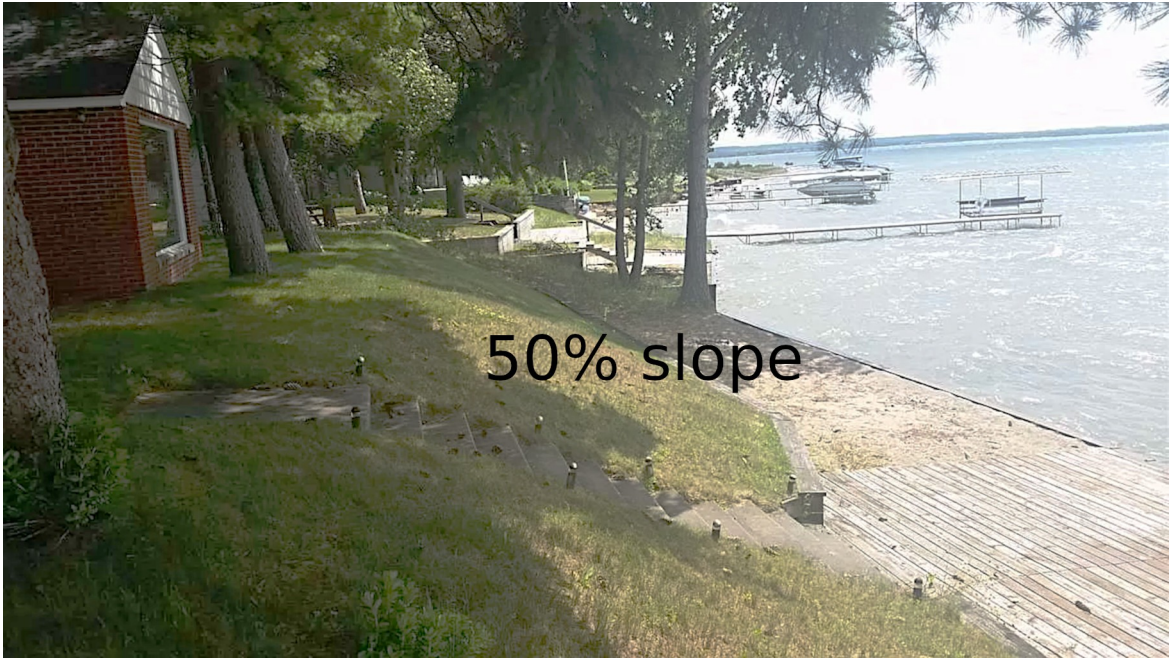


Proposed expansion into setback:

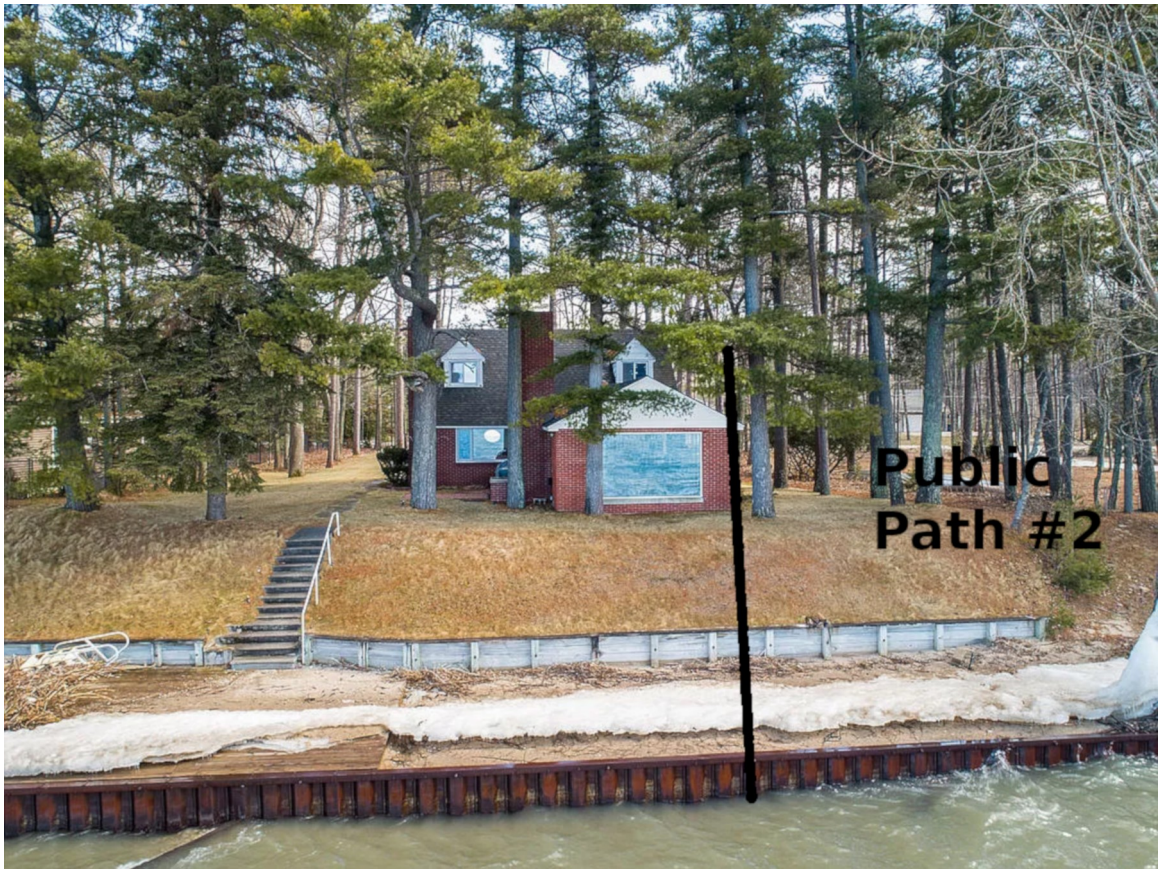




Extremely steep 50% slope to water.



Waterfront view:





From ZBA packet, apparent encroachment on Public Path south of subject property. Apparent ample space for porch without variance to north:

**Address:** 7095 Deepwater Point  
Williamsburg, MI 49690

**Parcel No:** 28-01-760-020-00

**Legal:** Lots 20 & ½ of lot 21 of 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 November 24, 2021. A total of (20) 300' mailers were

Realtor.com reports this property was sold in October 2020:


7095 Deepwater Point Rd, Williamsburg, MI 49690...

<https://www.realtor.com/realestateandhomes-detail...>

[< Back](#)

Public View

Owner's View



Map

1.5

baths

1,560

sq ft

0.41

acres lot

Commute Time

7095 Deepwater Point Rd, Williamsburg, MI 49690

**Property Overview** - This 4 bedroom, 3 bath home is in the perfect location with 80 feet of private lake frontage on sandy bottom East Bay. Stunning all year long sunsets and mature pine tree landscaping, make this your own piece of paradise. Conveniently close to downtown shopping, airport, schools and colleges. Main floor master bedroom has a [Read More](#)



127.73%

More expensive than nearby properties ⓘ



\$37.90K

Since last sold in 2020 ⓘ



\$1,884

Rental Estimate ⓘ



## Property History

This property was sold twice in the last 21 years.

- Today

☐

Estimated at \$751,400
- Oct 15, 2020

☒

Sold for \$713,500
- Aug 3, 2015

☐

Price Changed to \$539,900
- Jun 14, 2015

☒

Price Changed to \$539,900

Sold Oct 2020



**ACME TOWNSHIP ZONING BOARD OF APPEALS  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
December 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. APPROVAL OF MINUTES: September 9, 2021**

**C. INQUIRY AS TO CONFLICTS OF INTEREST:**

**D. CORRESPONDENCE:**

1. None at this time

**E. PUBLIC HEARINGS:**

1. ZBA 2021-02: Non-Use variance request for the construction of an addition to a nonconforming residential building, William DeBree, Deepwater Point Williamsburg

**F. ADMINISTRATIVE ACTION**

**ADJOURN:**



# Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: [www.acmetownship.org](http://www.acmetownship.org)

**Date:** December 2, 2021

**Case #:** ZBA 2021-02

**Request:** Non-Use variance request to construct a covered porch within 50 ft of the high water mark

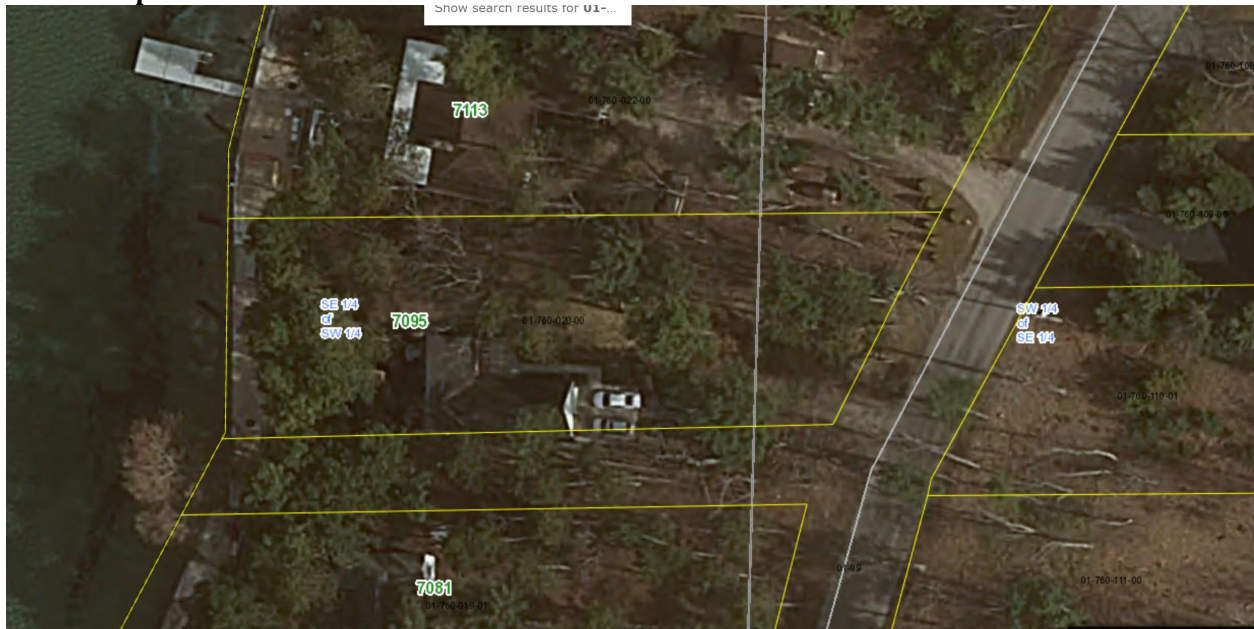
**Applicant:** James Jones on behalf of William DeBree

**Address:** 7095 Deepwater Point  
Williamsburg, MI 49690

**Parcel No:** 28-01-760-020-00

**Legal:** Lots 20 & ½ of lot 21 of Woodland Acres

## Aerial Map:



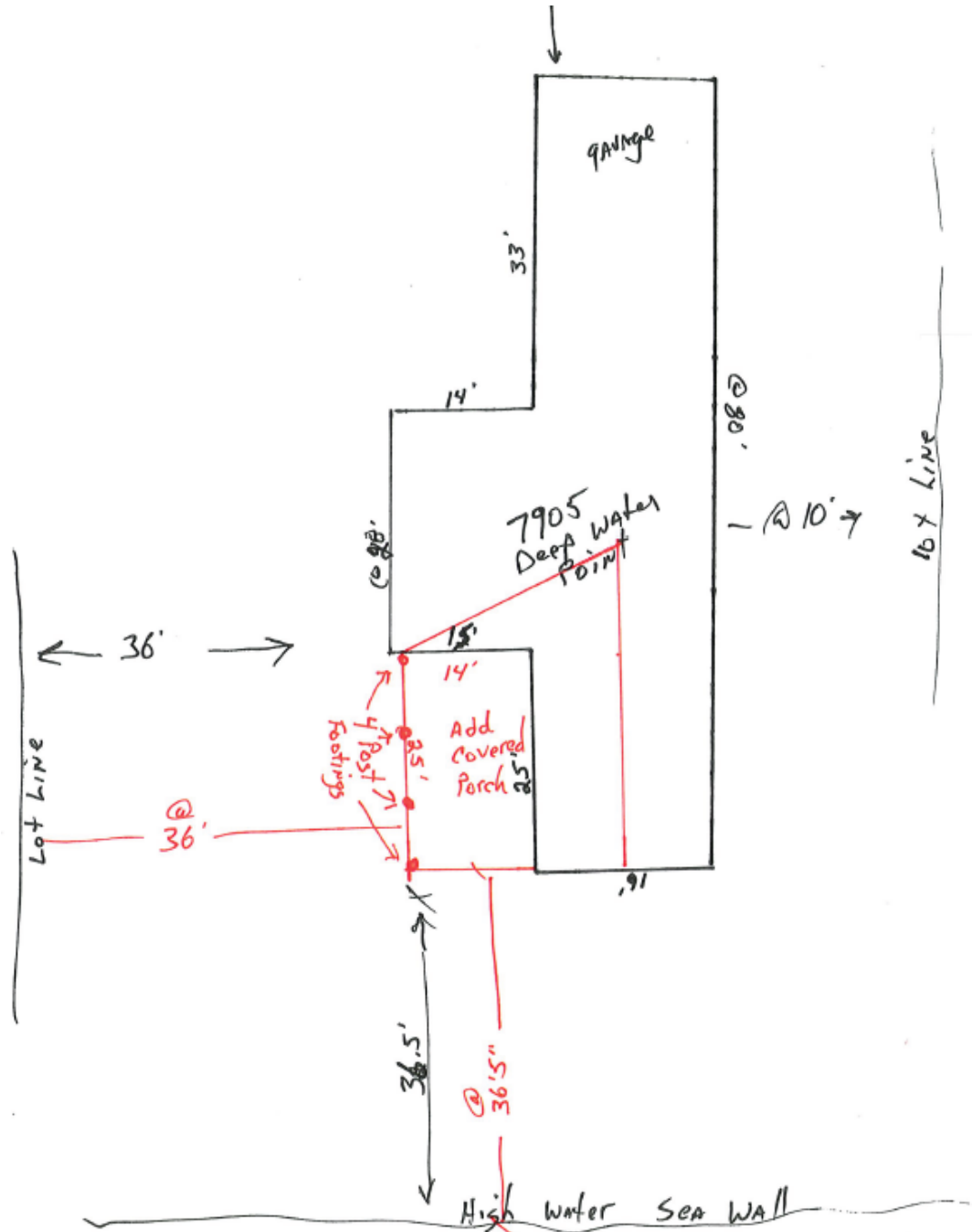
**Property Dimensions:** 100 ' x ~258' = approx.. .60 acres

**Zoning:** R-2: One-Family Urban Residential

**Public Notice:** Published in the Record Eagle November 24, 2021. A total of (20) 300' mailers were mailed on November 22, 2021.



The applicant wishes to construct a porch over a concrete slab on the water side of the house. Currently the house is non-conforming since it is located less than 50 feet from the existing seawall (high water mark). The construction will meet all the required setbacks.



Property currently has a single-family home.

### **ADJACENT ZONING & USES:**

North: R-2: Single-Family Home  
East: R-2: Single-Family Home  
South: R-2: Single-Family Home  
West: East Bay

### **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.

#### **7.6.1 SETBACK FROM LAKES AND STREAMS:**

Notwithstanding other provisions of this Ordinance, every building and off-street parking area constructed on a shoreline parcel shall be set back at least 50 feet from the water mark or normal stream bank of the lake or stream. The natural vegetation shall be maintained within these set-back areas, and trees shall only be removed as allowed in Section 7.6.10, below. Every off-street parking area shall be constructed that no surface water shall shed into or towards such body of water unless such surface water is first treated or filtered to remove any silt, grease or oil, salt or other matter which would deteriorate the water quality of said water body.

### **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)

Water: 50'

### **STAFF REVIEW & RECOMMENDATION**

The existing structure currently sits within the 50' waterfront 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 be 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 structure was built in the setback either prior to zoning or on accident. While the new porch is located in the setback, it is not located any closer than the existing dwelling.*

**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.*

**-OR-**

**NOT 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 but does increase the amount of impervious surface near the water. It is not the intent of the Ordinance to allow for new construction in the waterfront setback.*

**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.*

**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.**

**SATISFIED:** *The applicants' request is unique to their needs. The house is located in the setback.*

**-OR-**

**NOT SATISFIED:** *The applicants' request is not unique. There is nothing limiting about the property While the house is located in the setback, other houses are and there is no reason that a deck is required or has to be built in this location.*

**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 the construction will not be any closer to the water than the existing house.*

**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:**

The Zoning Board of Appeals has been given draft findings for each standard required for approval of the variance request. The Zoning Board of Appeals will need to review the findings and make a decision on if the standard is met. There are suggested draft findings for and against the approval for standards that will need to be considered.

**SUGGESTED MOTION FOR CONSIDERATION:**

Motion to adopt the findings of the Planning & Zoning Administrator and grant/not 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 7095 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](http://www.acmetownship.org)

Planning & Zoning Administrator: Lindsey Wolf Email: [zoning@acmetownship.org](mailto:zoning@acmetownship.org)

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

### A. Applicant Information:

Applicant's Name: JAMES C. JONES  
Applicant's Current Mailing Address: 1361 N. West Silver LK Rd.  
City: TRAVERSE CITY State: MI Zip Code: 49685 Phone Number: 231-642-7583

### 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: 7095 Deep Water Point Parcel Number: 28-01-760-020-00  
Property Owner's Name: William DeBree  
Property Owner's Current Mailing Address: 12 Lynwood Dr. 269-961-8171  
City: Battle Creek State: MI Zip Code: 49015 Phone Number: ~~231-642-~~  
Proposed Use/Change to Property: ① Add Concrete Patio 14X25 w/ footings  
② Add Roof over Concrete Patio creating covered  
porch 14'x25'

### 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) @15' MAX  
☐ **Additional Drawings/Information as Listed Below:** \$ MATCHING EXISTING ROOFLINE

- ☒ **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 (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: [Signature] Date: 10-28-21

**FOR TOWNSHIP USE ONLY**

Application No.: 2021-02

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

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

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

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

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







## Residential Land Use Permit Application

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](http://www.acmetownship.org)  
Planning & Zoning Administrator: Lindsey Wolf Email: [zoning@acmetownship.org](mailto:zoning@acmetownship.org)

Please complete this form & submit to the Zoning Administrator with the ALL of following items:

	Approved Site Plan drawn to scale, showing all existing and planned improvements with dimensions, heights, distances between structures and from lot lines, and high-water mark (if applicable)	
	Floor plans drawn to scale, including elevation views: <u>hard copy and electronic</u> Send electronic copies to: <a href="mailto:zoning@acmetownship.org">zoning@acmetownship.org</a>	
8	Authorization from property owner to submit an application	
8	Grand Traverse County Soil Erosion Determination form <i>or</i> Soil Erosion and Sedimentation Control Permit	(231) 995-6042
	Grand Traverse County Environmental Health Well/Septic Permit (if applicable)	(231) 995-6051
	Grand Traverse County Department of Public Works sewer benefits paid (if applicable)	(231) 995-6039
	Acme Township application fee – see attached Acme Township Schedule of Fees	(231) 938-1350

Parcel Number: 28-01- 760-026-00 Property Address: 7095 Deepwater Point

Name of Property Owner(s): William DeBree

Property Owner's Current Mailing Address: 12 Lynwood Dr.

City: Battle Creek State: MI Zip Code: 49015 Phone Number: 269-961-8171

Request: Single Family Home: ☐ Duplex: ☐ Multi-Family: ☐ Accessory Structure: ☒

Addition: ☒ Deck: ☐ Manufactured Home: ☐ Other: ☐

Description (include square footage of all proposed structures or additions): 14'x25' Porch  
BRN enclosed Coved

Applicant's Address: 1361 N. West Silver LK Rd. TC, MI 49685

Applicant's Name (print): JAMES C. JONES Phone Number: 231-642-7583

Applicant's Signature: [Signature] Email: ULTIMATEACCENTS@SBC  
910641.net

Affidavit: The undersigned affirms that he/she is the Agent (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, staff and consultants 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 Sign Permit and Zoning Ordinance compliance.

Signature: [Signature] Date: 10-21-21

### FOR TOWNSHIP USE ONLY

☐ The proposed use is permitted by Acme Township Zoning Ordinance of 2008, as amended.

☐ The proposed use was approved by the Zoning Board of Appeals.

ZBA Application #: \_\_\_\_\_

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

LUP Application #: \_\_\_\_\_

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

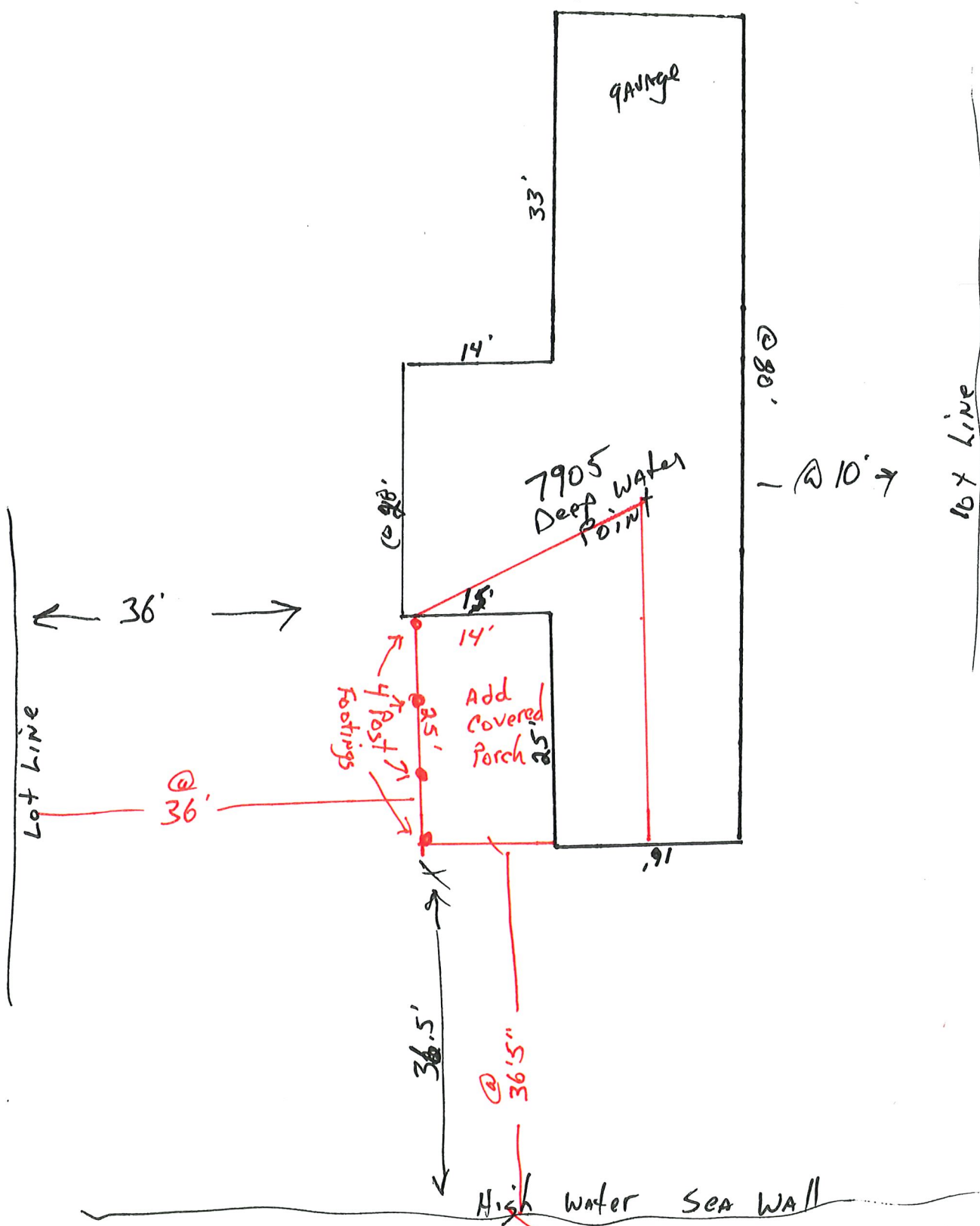
Related SUP#: \_\_\_\_\_

Fee Tendered: \$500



Deep Water Point Rd.

LAND use:

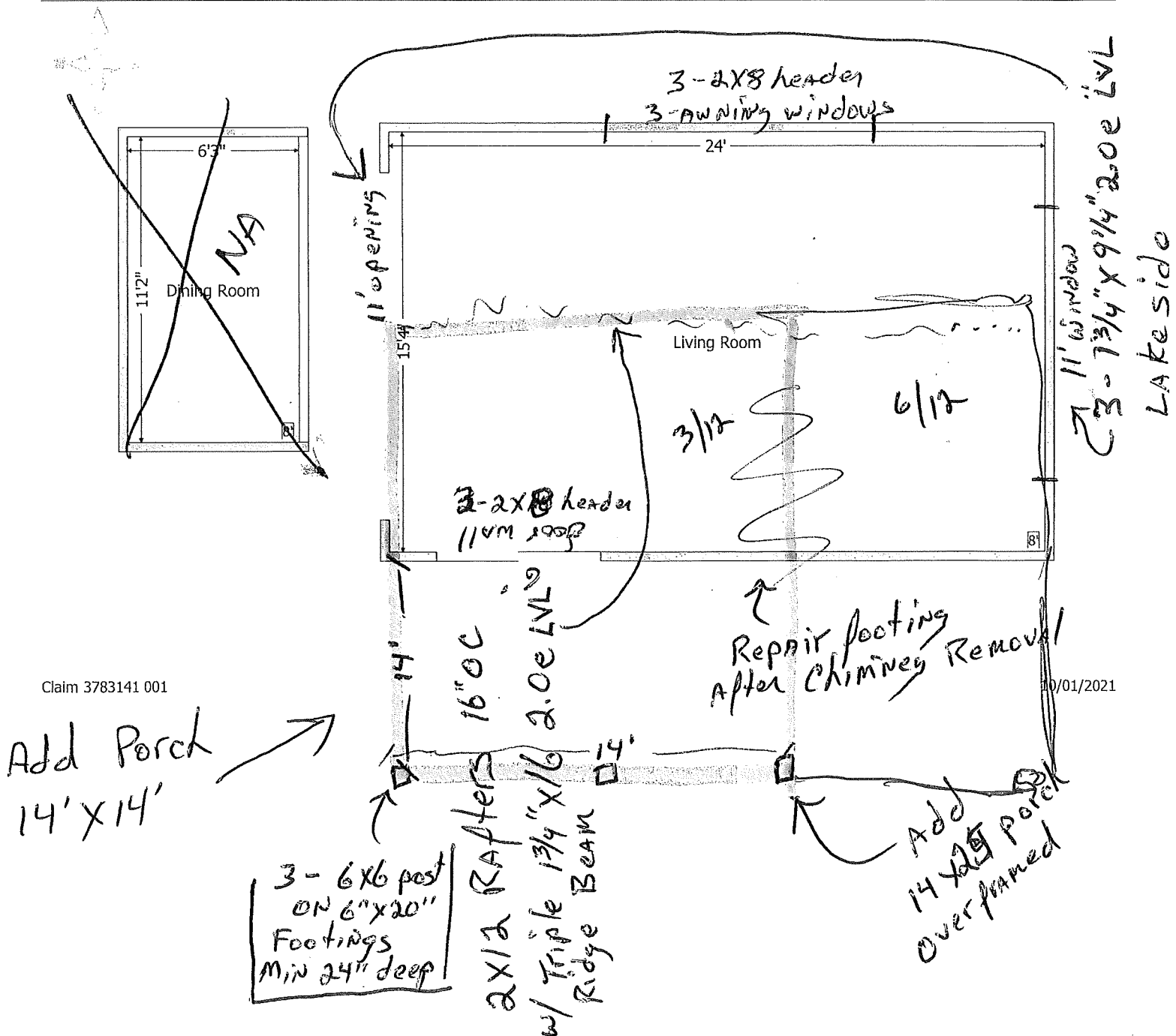


# Reframe Exterior walls to 2X6



The Cincinnati Insurance Company  
The Cincinnati Indemnity Company  
The Cincinnati Casualty Company  
The Cincinnati Specialty Underwriters Insurance Company

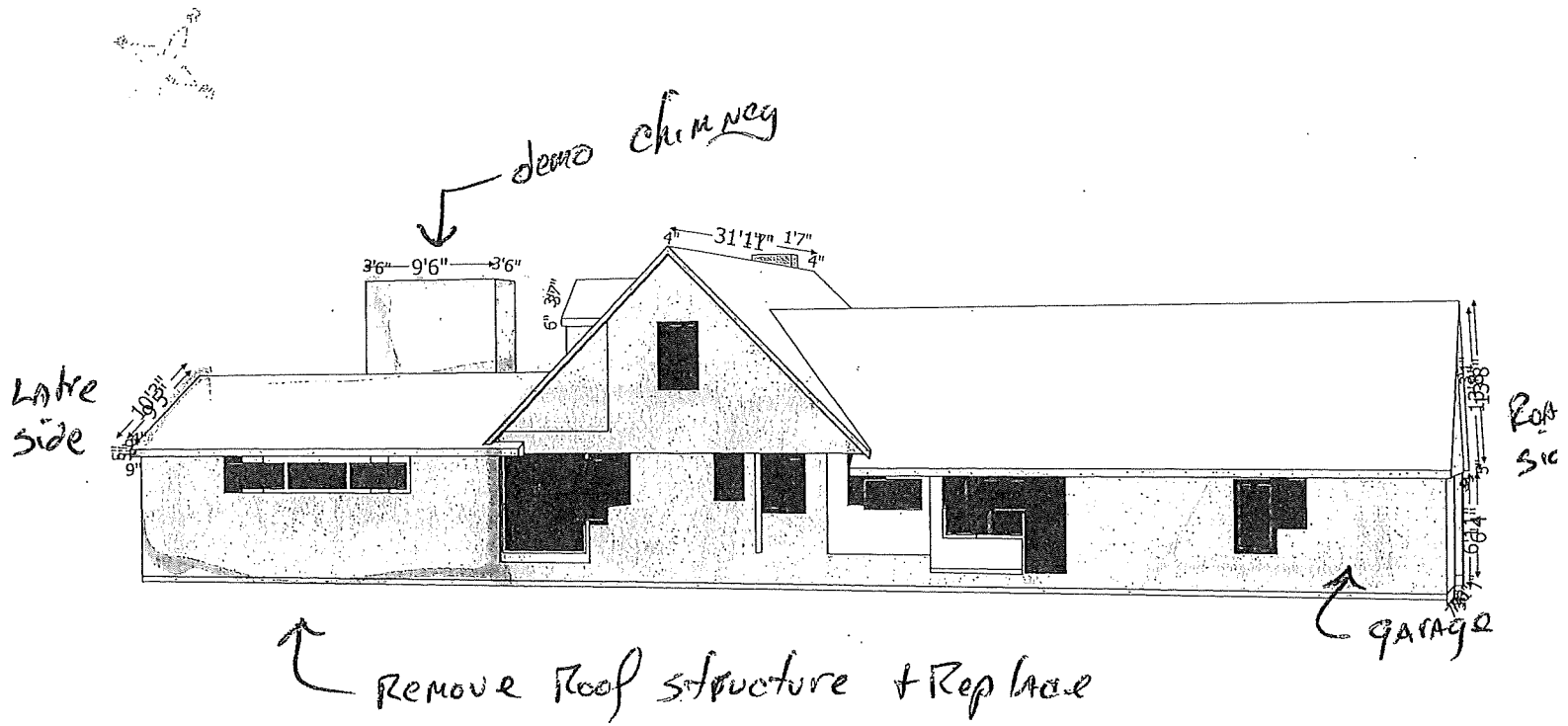
## Floorplan:





The Cincinnati Insurance Company  
The Cincinnati Indemnity Company  
The Cincinnati Casualty Company  
The Cincinnati Specialty Underwriters Insurance Company

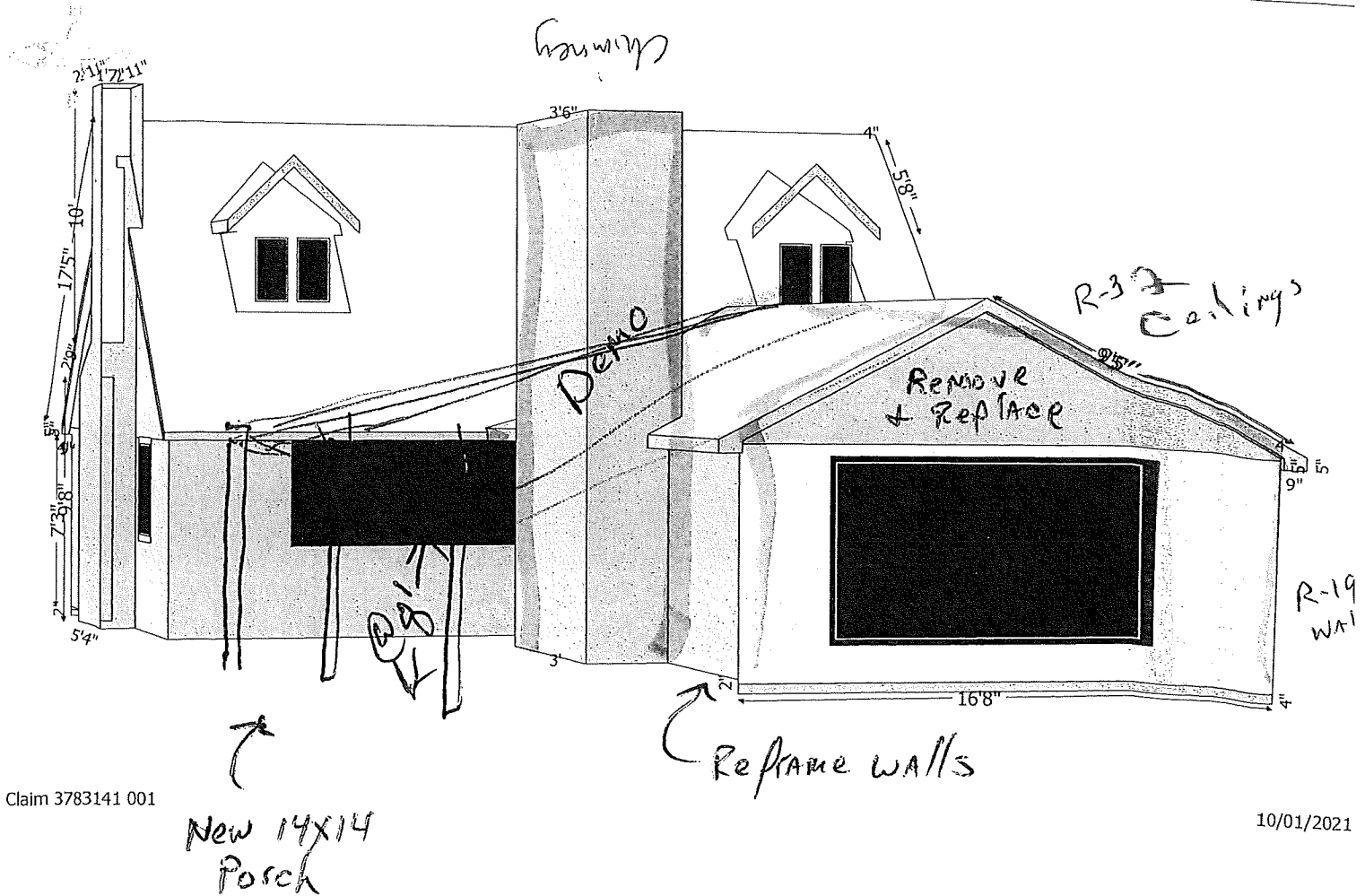
## Exterior Plan - View 1:





The Cincinnati Insurance Company  
The Cincinnati Indemnity Company  
The Cincinnati Casualty Company  
The Cincinnati Specialty Underwriters Insurance Company

### Exterior Plan - View 3:



Claim 3783141 001

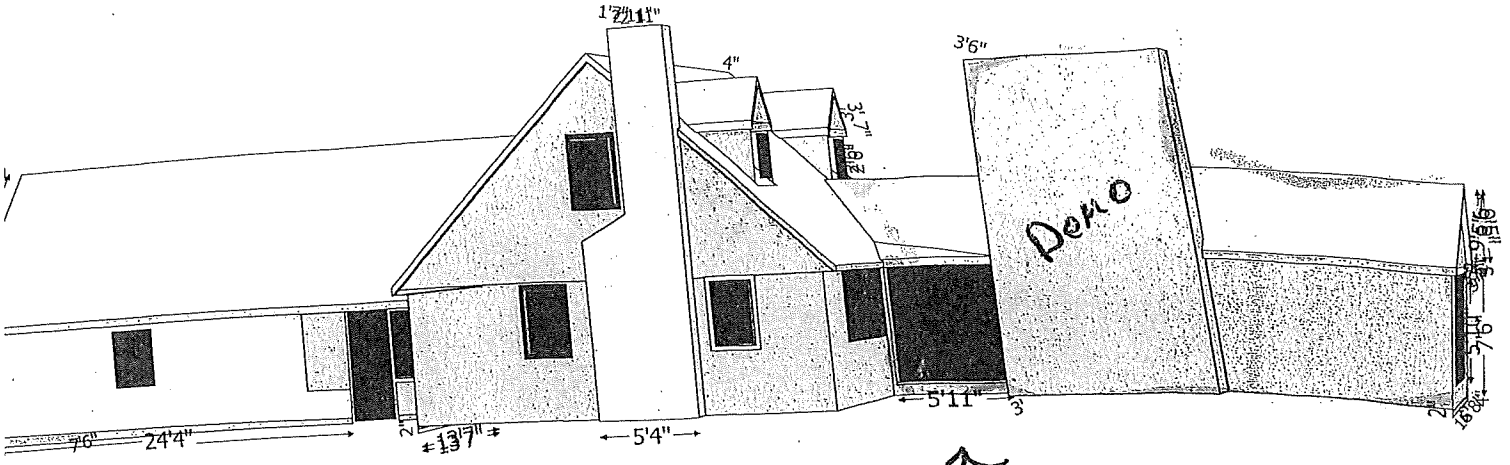
10/01/2021

will Apply for Porch at latter date!

ATI

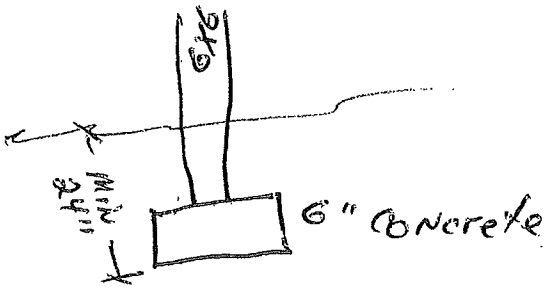
The Cincinnati Insurance Company  
The Cincinnati Indemnity Company  
The Cincinnati Casualty Company  
The Cincinnati Specialty Underwriters Insurance Company

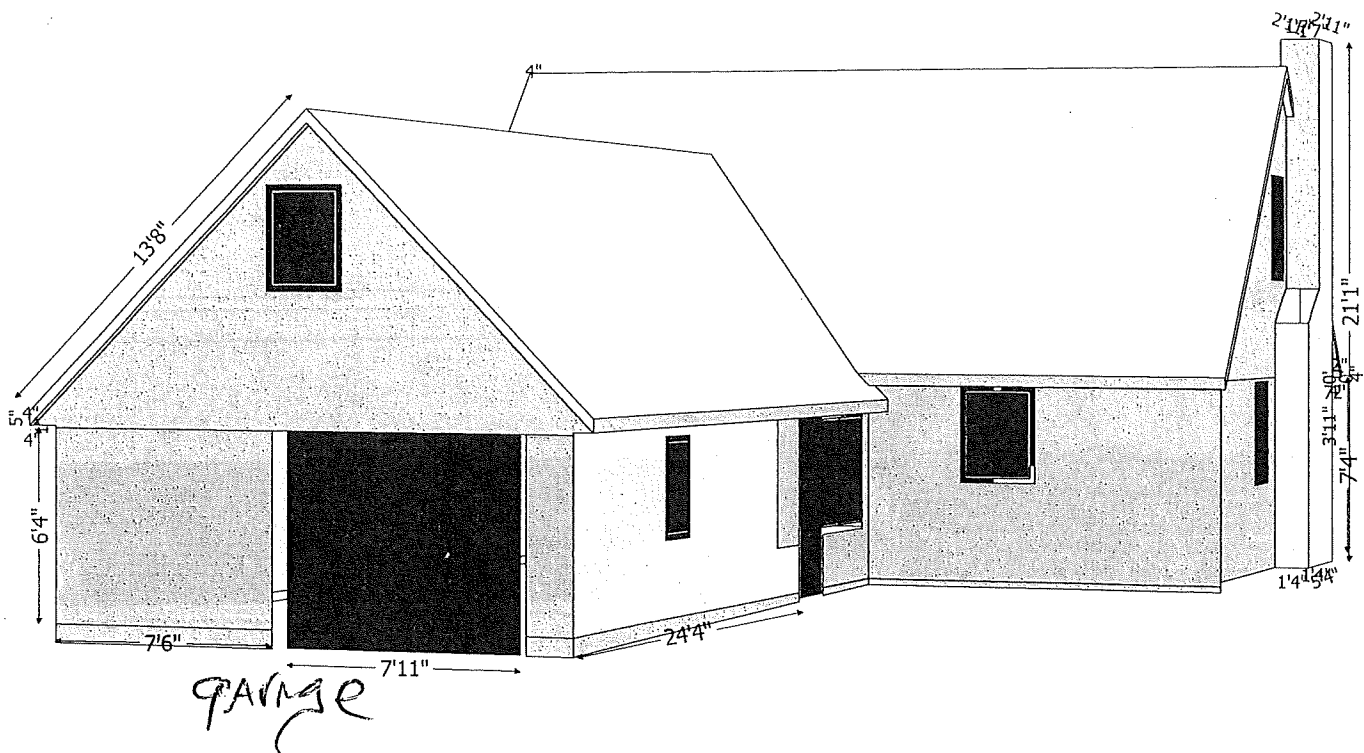
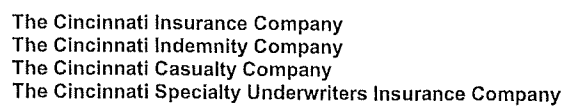
Plan - View 2:



Add 14'x14' Porch  
supported by 6x6  
Post on Concrete Footing

3783141 001





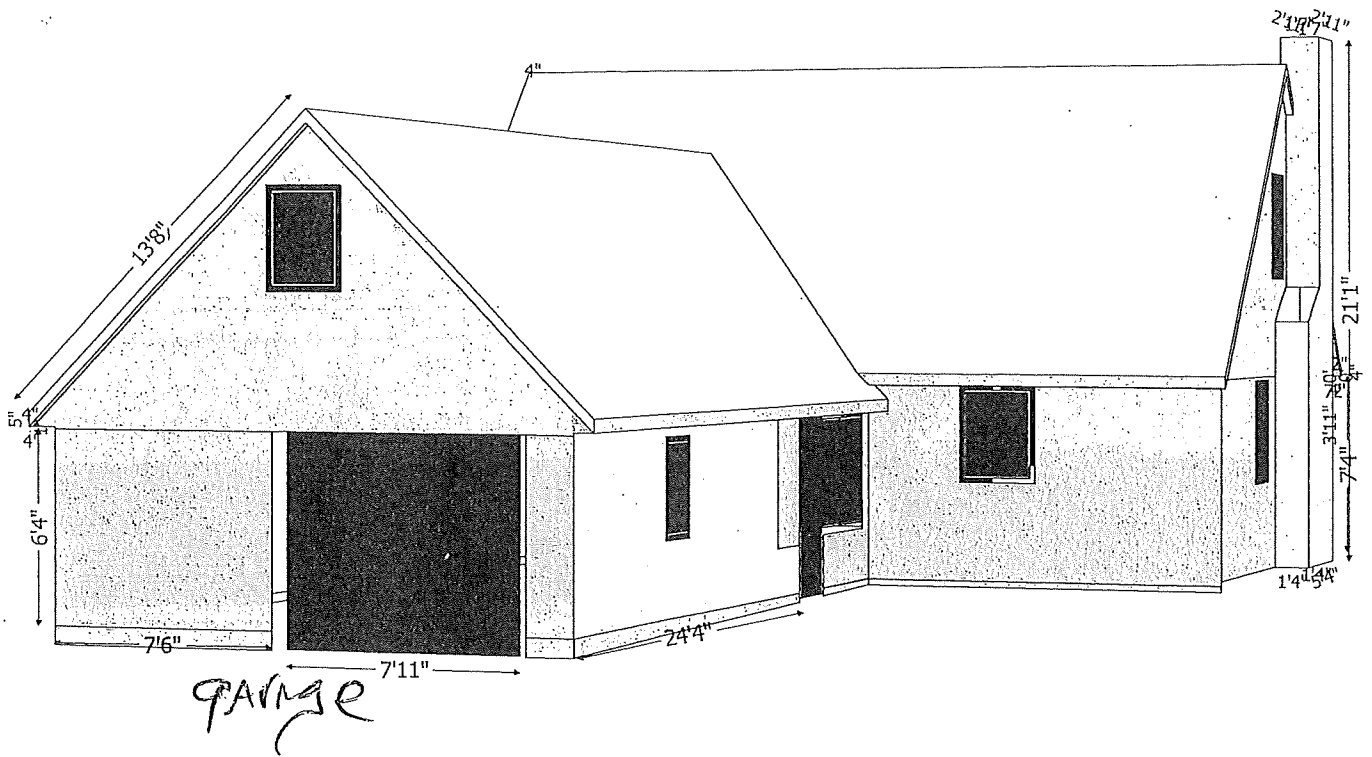
10/01/2021

No Charges other  
Than Reroof on this  
View  
other than extend Roof ~~to~~ Gable.  
Eave Overhangs to 12"



The Cincinnati Insurance Company  
The Cincinnati Indemnity Company  
The Cincinnati Casualty Company  
The Cincinnati Specialty Underwriters Insurance Company

## Exterior Plan - View 4:



Claim 3783141 001

10/01/2021

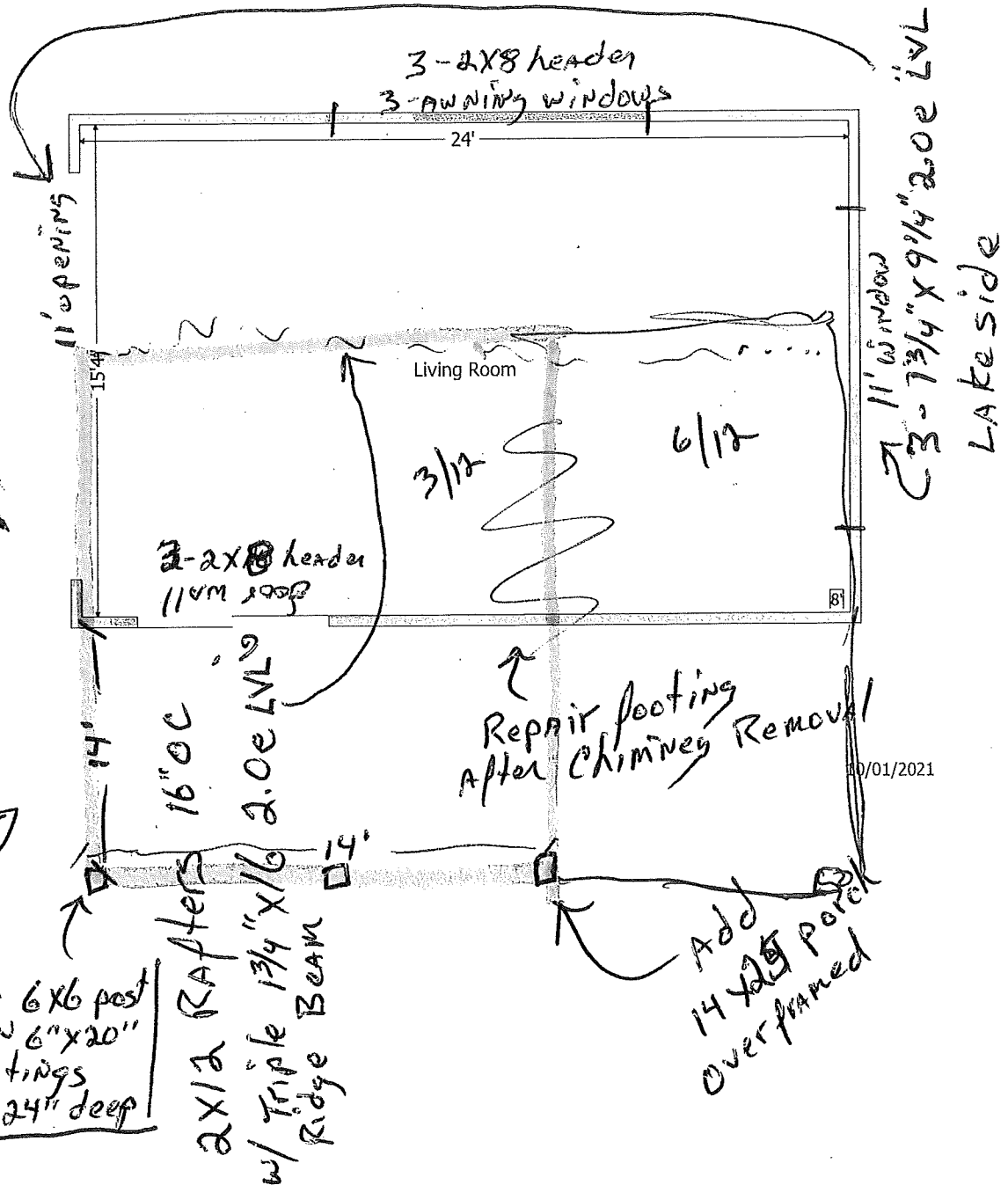
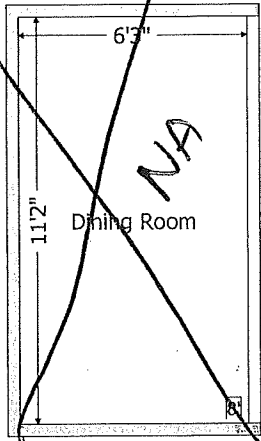
No changes other  
than Reroof on this  
view  
other than extend Roof ~~to~~ Gable.  
Eave Overhangs to 12"

Reframe Exterior Walls to 2X6



The Cincinnati Insurance Company  
The Cincinnati Indemnity Company  
The Cincinnati Casualty Company  
The Cincinnati Specialty Underwriters Insurance Company

Floorplan:



Claim 3783141 001

10/01/2021

Add Porch  
14' X 14'



GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH  
SOIL EROSION AND SEDIMENTATION CONTROL  
SITE DETERMINATION FORM

PART 91, SOIL EROSION & SEDIMENTATION CONTROL, ACT 451 OF 1994,  
AS AMENDED & GTCHD SOIL EROSION SEDIIMENTATION CONTROL ORDINANCE

Office Use Only	Amount: \$ 25.00
	Receipt #: <i>N/C</i>
	Received By: <i>DM</i>

Project Type: ☒ Residential ☐ Multi-Family ☐ Commercial  
Project Address: *7095 Deep Water Point* City, Zip: *Williamsburg, MI*  
Tax #: *01-760-020-00* Twp: *Acme* Section: Town: Range:  
Subdivision: Lot:  
Size of Earth Change: *3 post* Start Date: *11/21* Completion Date: *2/22*  
Name & Distance to Nearest Surface Water, Wetland or Drain: *Grand Traverse East Bay*  
Describe Project: *Post supported Covered Porch / Deck*

\*\*\* DETERMINATIONS MUST BE SUBMITTED WITH AN ACCURATE SITE PLAN OF PROPOSED WORK\*\*\*

Owner's Name: *William DeBree*  
Owner's Mailing Address: *12 Lynwood Dr.* City, State, Zip: *Battle Creek, MI*  
Owner's Phone: *269-961-8171* Owner's email: *BDeBree@DeBrees.com* *49015*

Applicant (if other than owner): *Ultimate Accents Const. - James Jones*  
Address: *1361 N. West Silver Lake Rd.* City, State, Zip: *Traverse City, MI 49685*  
Phone: *231-642-7583* Email: *Ultimate Accents@SBCghb.net*  
\*\*Signature: *[Signature]* Date: *10-21-21*

-----DEPARTMENT USE ONLY: COMPLETED BY SANITARIAN-----

THE FOLLOWING CRITERIA DO NOT APPLY:

SOM PA 451, PART 91 REQUIREMENTS

GTCHD SESC REQUIREMENTS

☐ Within 500' of Lake or Stream

☒ Within 500' of Regulated Wetland

☒ Slopes of 20% or greater

☒ Disturb 1 acre or more

☒ Within 500' of a County Drain

☒ Group D Hydrologic Soils

Comments: *THE PROPOSED DECK WILL BE POSTS ONLY & THEREFORE IS EXEMPT FROM ALL PART 91 & GT COUNTY PERMIT REQUIREMENTS*

☒ OFFICE REVIEW ☐ FIELD REVIEW

Based on information provided by the Land Owner, the requirement for a Soil Erosion/Sedimentation Control (SESC) Permit has been reviewed in accordance with Part 91, Act 451 of 1994 and the Grand Traverse County Soil Erosion and Sedimentation Control Ordinance, as-amended. Grand Traverse County Health Department, County Enforcing Agency, has determined that a SESC Permit is:

☒ NOT REQUIRED

☐ REQUIRED

Sanitarian Reviewer: *[Signature]*

Date: *10/22/21*

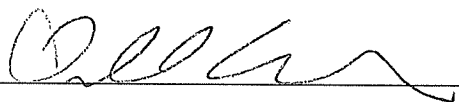
## Designated Advocate Form

I William Debree (AKA: Bill Debree) owner of property described as

7095 Deep Water Point Rd.  
Williamsburg, MI

Appoint James C. Jones (AKA: Chad Jones), President of Ultimate Accents Construction, Inc., to act in my behalf regarding the signing of any and all applications of permit required for improvements to such property.

This authorization will expire 1 year from date signed.

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

Bill Debree

Date: 10/23/21

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

Please be advised that on DECEMBER 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 William Bebee, owner, to construct covered porch with the concrete patio within 50 feet of the high water mark (Article 7 Section 7.6.7 Setback from Lakes and Streams). The proposed porch will be 36.5 feet from the high water mark. The property is located at 7095 Deepwater Point Road Williamsburg, MI 49690. Parcel ID #28-01-760-020-00. Legal Description: Lot 20 and S ½ of 21 WOODLAND ACRES. Case # ZBA 2021-02.

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 December 9, 2021 at 5 PM and should be addressed to the Acme Township Zoning Department, 6042 Acme Road, Williamsburg, MI 49690 or [zoning@acmetownship.org](mailto: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.

01-760-108-00  
WINDISH VICKY L  
7124 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-016-00  
THEISEN PAMELA TTEE  
1710 ORCHARD LN  
BLOOMFIELD HILLS, MI 48301

01-99  
,

01-760-106-00  
EBINGER MATTHEW W  
2018 FINDLEY CIR  
LAKE ORION, MI 48360

01-760-026-00  
SQUIRES EDWIN L JR & HENRY...  
1777 RAPIDS WAY  
ROCHESTER, MI 48309

01-760-112-00  
MCMILLAN JON M  
7074 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-014-00  
SCHLICHTING NANCY M & THEI...  
1710 ORCHARD LLN  
BLOOMFIELD HILLS, MI 48301

01-760-109-00  
CARLING RALPH H & JULIA E  
7106 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-022-00  
SHILLING GLEN & DEBORAH  
7113 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-116-00  
HEDDEN MICHAEL & SHERYL  
7020 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-023-00  
MCDONALD FAMILY TRUST  
17902 PORTSIDE CIRCLE  
HUNTINGTON BEACH, CA 9264...

01-760-111-00  
YUILL STEVEN C TRUSTEE  
136 DEER PATH LN  
BATTLE CREEK, MI 49015

01-760-020-00  
DEBREE WILLIAM & BRONWYN  
7095 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-105-01  
KAETCHEN NANCY  
7150 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-114-01  
GINGRAS FRANCIS J & JACQU...  
7057 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-110-01  
YUILL STEVEN C TRUSTEE  
136 DEER PATH LN  
BATTLE CREEK, MI 49015

01-760-115-00  
HEDDEN MICHAEL & SHERYL  
7020 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-103-00  
WIKLE LINDA L  
7174 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-017-02  
GINGRAS FRANCIS J & JACQU...  
7057 DEEPWATER POINT RD  
WILLIAMSBURG, MI 49690

01-760-024-00  
BROCK DAVID & JENIFER  
11833 168TH AVE  
GRAND HAVEN, MI 49417

01-760-019-01  
YUILL STEVEN C TRUST  
136 DEER PATH LN  
BATTLE CREEK, MI 49015

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 11/22/21 14:37 by dling

-----  
Acct #: 6

Ad #: 577956

Status: New WHOLD

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

Start: 11/24/2021 Stop: 11/24/2021  
Times Ord: 1 Times Run: \*\*\*  
STDAD 3.00 X 2.90 Words: 226  
Total STDAD 8.70  
Class: 147 LEGALS  
Rate: LEGAL Cost: 113.65  
# 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 SARA KOPRIVA  
P.O. #:

c Created: dling 11/22/21 14:32

Last Changed: dling 11/22/21 14:35  
-----

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	Wed 11/24/21	1	Wed 11/24/21	SMTWTFS
IN	AIN	97	W	Wed 11/24/21	1	Wed 11/24/21	SMTWTFS

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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 11/22/21 14:37 by dling

-----  
Acct #: 6

Ad #: 577956

Status: New WHOLD WHOI

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November 24, 2021-1T

577956