



**APPROVED**

**ACME TOWNSHIP ZONING BOARD OF APPEALS  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
February 10, 2022 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE (7:00 pm)**

**ROLL CALL:**

Members present: Hoxsie, Schut, VanHouten

Members excused: LaSusa, Maitland

Staff present: Lindsey Wolf

**A. APPROVAL OF AGENDA:** The board discussed Dave Hoxie being chairman of the meeting. All in agreement. Motion by Hoxie, seconded by VanHouten to approve the agenda with the following corrections: change approval of minutes to table of meeting minutes from 11/12/20, and 12/09/21, and approval of minutes 9/9/21. Table election of officers until meeting when all members present. Motion carried unanimously.

**B. INQUIRY AS TO CONFLICTS OF INTEREST:** None

**C. CORRESPONDENCE:** None

**D. PUBLIC COMMENT:**

Chuck Walter, Acme Resident, spoke on Arabian Lane being a single car drive not an approved road. Supports approval of the application.

**E. PUBLIC HEARINGS:**

- ZBA #2022-01: Non-Use variance request to expand an existing dwelling within the 50' front yard setback Article VI Zoning Districts: Map and Schedule Of Regulations 6.13.1 Schedule of Regulations, Wylie, 6699 Bates Road, Williamsburg, MI 49690.
- Wolf read the public hearing notice into the record
- Chairman Hoxsie opens public hearing at 7:07.
- Aaron Wylie on behalf of Charlene Wylie described the nature of the variance request. Wylie described the location of the tree farm, safety for his children and mother, location of septic and drain fields, and location of geothermal lines.
- Clarification added by Wolf on Arabian Lane being an easement and discussed the reason for the setback from the road.
- Chairman Hoxie opened the public comment portion of the hearing.
- Brian Kelley, Acme Resident, supported the application.
- Dale Stevens, Acme Resident, supported the application.
- Chairman Hoxie closed the public comment portion of the hearing.
- Chairman Hoxie closed the public hearing at 7:18.
- Discussion about the site by various ZBA members.
- Wolf inquired about repositioning the layout of the addition.
- Wylie stated it could be done at a cost.
- **Motion by Hoxsie to approve the request as it meets the basic and special conditions with the findings of fact presented in Planning & Zoning Staff Report for ZBA Case 2022-01 in the minutes. Second by VanHouten. Motion carries unanimously.**

**Standards for Determination:**

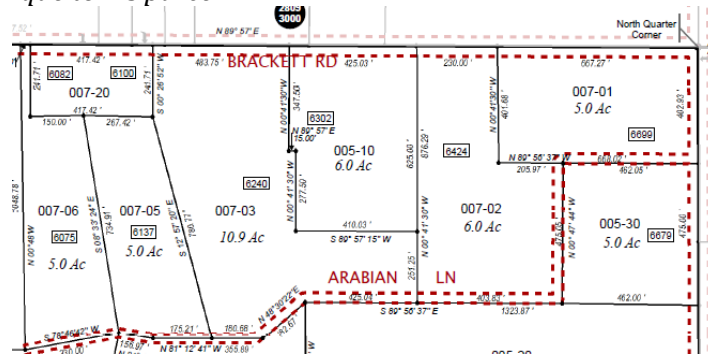
If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

**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:** *I find this to be true. The tax map below illustrates that the private road, Arabian Lane lies entirely on the parcel. The parcel is also boarded by Bates Road and Brackett Road; from a zoning perspective it has 3 front setbacks - unique to his parcel.*



*As the applicant states there is also a tree farm on the property that they wish to preserve/agricultural rights. The location of the existing drain field to the north of the property does not allow for the addition to be placed in another location (as shown on the site plan).*

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

**SATISFIED:** *The applicant's requests are not contrary to public interest in that it will create no discernable negative impact on property owners. The proposed addition will lie far enough back that it will not impede the site view from Bates Road or Arabian Lane.*

*Or*

**NOT SATISFIED:** *Can the addition be moved in a way that alleviates the setback variance? Such as perpendicular?*

**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 addition request(s) are believed to have no discernable negative impact on surrounding properties. The proposed addition will be constructed of the same building materials as the existing dwelling.*

**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. Arabian Lane lies entirely on the parcel. The parcel is also boarded by Bates Road and Brackett Road; from a zoning perspective it has 3 front setbacks - unique to his parcel.*

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

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

***SATISFIED:** The specific 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 tax map below illustrates that the private road, Arabian Lane lies entirely on the parcel. The parcel is also boarded by Bates Road and Brackett Road; from a zoning perspective it has 3 front setbacks - unique to his parcel. As the applicant states there is also a tree farm on the property that they wish to preserve/agricultural rights. The location of the existing drain field to the north of the property does not allow for the addition to be placed in another location (as shown on the site plan). Furthermore, the proposed addition is situated to provide the least amount of disturbance to the surrounding area.*

**F. ADMINISTRATIVE ACTION**

- 1.** Approve Zoning Board of Appeals draft minutes from 09/09/21
  - Motion by Hoxsie, second by Schut to approve the minutes as presented. Motion carries unanimously.

**G. PUBLIC COMMENT:**

Dale Stevens, Acme Resident, spoke on his concerns of his property also having three setbacks from Arabian Lane and Bates Road.

Brian Kelley, Acme Resident, spoke on his concerns at the February 9, 2017 meeting about a statement from Knuciatis approving requests. Concern was also shared on the increase of impervious surfaces and expanding nonconforming use.

Aaron Wylie, Acme Resident, shared concerns with the traffic on Bates Road from the Horse Shows.

**ADJOURN: (7:32 pm)**

Motion by Hoxsie to adjourn, second by VanHouten. Motion carries unanimously.

**Respectfully submitted by: Lindsey Wolf**



**ACME TOWNSHIP ZONING BOARD OF APPEALS  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
February 10, 2022 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:**

**D. PUBLIC HEARINGS:**

1. ZBA 2022-01: Non-Use variance request to expand an existing dwelling within the 50' front yard setback Article VI Zoning Districts: Map and Schedule Of Regulations 6.13.1 Schedule of Regulations, Wylie, 6699 Bates Road Williamsburg

**E. ADMINISTRATIVE ACTION**

1. Approve Zoning Board of Appeals draft minutes from 11/12/20
2. Approve Zoning Board of Appeals draft minutes from 12/09/21
3. 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](http://www.acmetownship.org)

**Date:** February 10, 2022

**Case #:** ZBA 2022-01

**Request:** Non-Use variance request to expand an existing dwelling within the 50' front yard setback Article VI Zoning Districts: Map and Schedule Of Regulations 6.13.1 Schedule of Regulations

**Applicant:** Aaron Wylie on behalf of Charlene Wylie

**Address:** 6699 Bates Road  
Williamsburg, MI 49690

**Parcel No:** 28-01-014-007-01

**Legal:** TH N 402.93' OF THE E 667.27' OF NE 1/4 NW 1/4 SEC 31 T28N R9W (1/96)

## Aerial Map:





**Area:** 5.03 Acres  
**Zoning:** AG: Agricultural

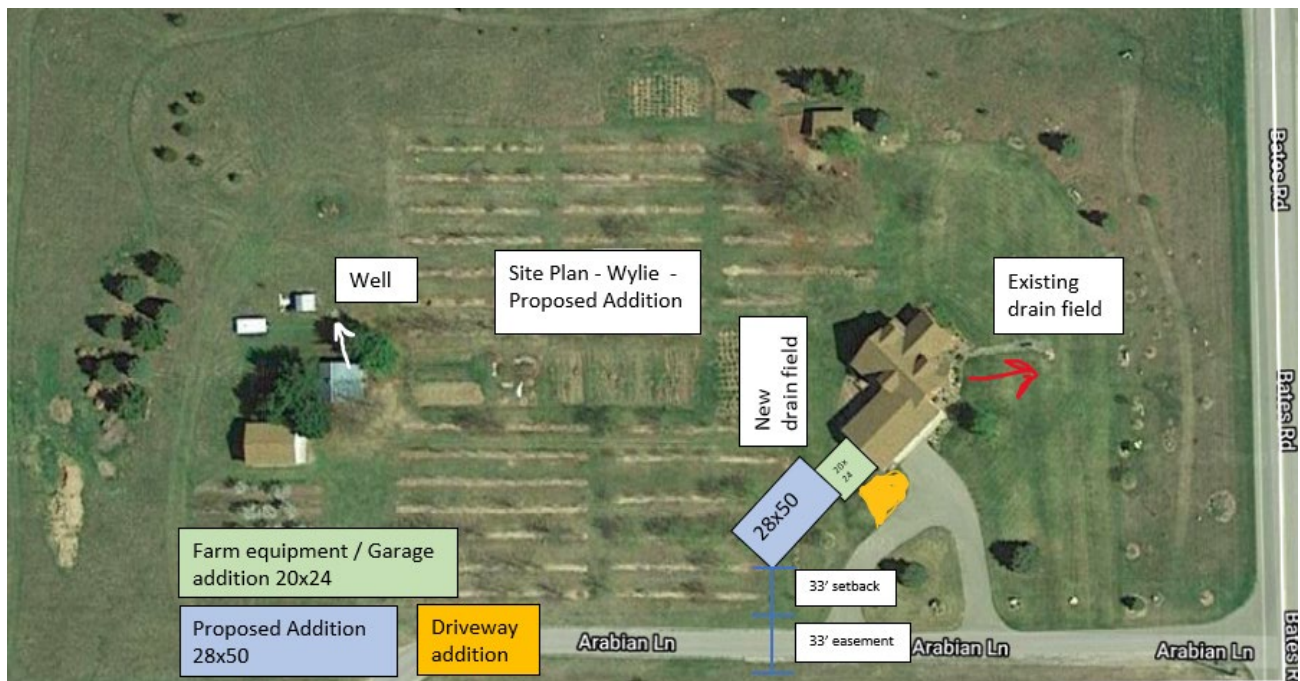
**Public Notice:** Published in the Record Eagle January 26, 2022. A total of (8) 300' mailers were mailed on January 24, 2022.

**PROJECT DESCRIPTION:**

Property has three front setbacks – Brackett Road, Bates & Arabian Lane

20' x 24' & 28' x 50' addition to single family dwelling

The applicant wishes to construct a 28' x 24' & 28' x 50' addition to the existing single-family dwelling. The current structure is 80' from the ROW of Arabian Lane. The proposed addition would encroach within the 50' front setback of Arabian Lane by 17' (33' from Arabian Lane). Please consult application and site plans for further detail.



**EXISTING USE(S):**

Property currently has a single-family home with an attached garage built in 2008\*. There is an agricultural building on the property and a tree farm as shown in the aerial view (p.3).



*\*Information from Assessment Records in BS&A*

**ADJACENT ZONING & USES:**

North: AG: Agricultural (Single-Family Home)  
 East: AG: Agricultural (Vacant)  
 South: AG: Agricultural (Single-Family Home)  
 West: AG: Agricultural (Single-Family Home)

**SITE IMAGES:**



*(aerial view)*





*(front view (East): Bates Road)*



*(side view (South): Arabian Lane)*



## APPLICABLE ZONING ORDINANCE SECTION(S):

**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.**

### **Article VI Zoning Districts: Map and Schedule Of Regulations**

#### **6.13.1 Schedule of Regulations**

Setbacks AG-Agricultural District:

**Front: 50'**

Side: 25'

Rear: 40'

### STAFF REVIEW & RECOMMENDATION

The proposed addition would encroach within the 50' front setback of Arabian Lane by 17' (33' from Arabian Lane). A nonuse variance may be allowed with permission granted by the Zoning Board of Appeals per Section §5.4. Nonuse Variances.

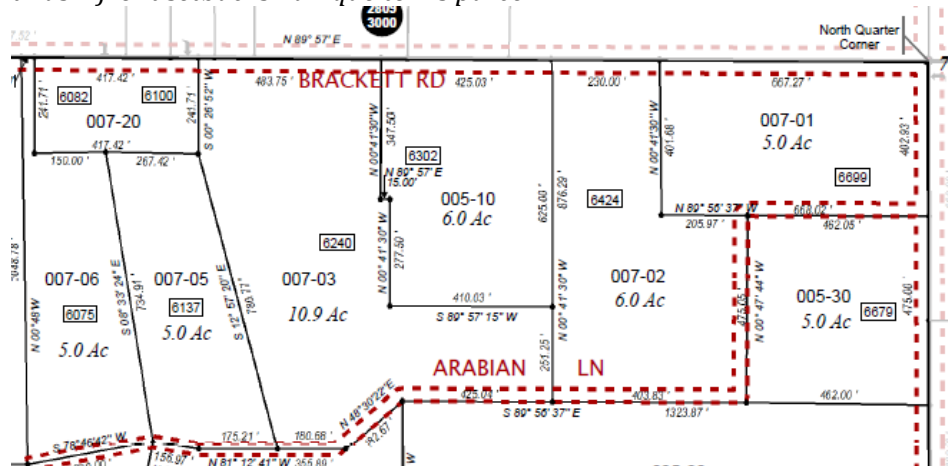
#### Standards for Determination:

**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:** *I find this to be true. The tax map below illustrates that the private road, Arabian Lane lies entirely on the parcel. The parcel is also boarded by Bates Road and Brackett Road; from a zoning perspective it has 3 front setbacks - unique to his parcel.*



*As the applicant states there is also a tree farm on the property that they wish to preserve/agricultural rights. The location of the existing drain field to the north of the property does not allow for the addition to be placed in another location (as shown on the site plan).*

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

***SATISFIED:** The applicant's requests are not contrary to public interest in that it will create no discernable negative impact on property owners. The proposed addition will lie far enough back that it will not impede the site view from Bates Road or Arabian Lane.*

**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 addition request(s) are believed to have no discernable negative impact on surrounding properties. The proposed addition will be constructed of the same building materials as the existing dwelling.*

**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. Arabian Lane lies entirely on the parcel. The parcel is also boarded by Bates Road and Brackett Road; from a zoning perspective it has 3 front setbacks - unique to his parcel.*

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

***SATISFIED:** The specific 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 tax map below illustrates that the private road, Arabian Lane lies entirely on the parcel. The parcel is also boarded by Bates Road and Brackett Road; from a zoning perspective it has 3 front setbacks - unique to his parcel. As the applicant states there is also a tree farm on the property that they wish to preserve/agricultural rights. The location of the existing drain field to the north of the property does not allow for the addition to be placed in another location (as shown on the site plan). Furthermore, the proposed addition is situated to provide the least amount of disturbance to the surrounding area.

#### **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 as it meets the criteria of Section §5.4. Nonuse Variances . Specifically, from Section §6.13.1 Schedule of Regulations: Agricultural 50' front setback allowing the 28' x 24' & 28'x 50' addition to an existing dwelling to be located within the front yard setback by 17' (33' from Arabian Lane) on the property located at 6699 Bates Road, 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 as it meets the criteria of Section §5.4. Nonuse Variances . Specifically, from Section §6.13.1 Schedule of Regulations: Agricultural 50' front setback allowing the 28' x 24' & 28'x 50' addition to an existing dwelling to be located within the front yard setback by 17' (33' from Arabian Lane) on the property located at 6699 Bates Road, Williamsburg, MI 49690 as presented on the site plan.

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 01/20/22 14:02 by dling

-----  
Acct #: 6

Ad #: 580223

Status: New WHOLD

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

Start: 01/26/2022 Stop: 01/26/2022  
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 01/20/22 13:57

Last Changed: dling 01/20/22 14:01  
-----

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	Wed 01/26/22	1	Wed 01/26/22	SMTWTFS
IN	AIN	97	W	Wed 01/26/22	1	Wed 01/26/22	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 01/20/22 14:02 by dling

-----  
Acct #: 6

Ad #: 580223

Status: New WHOLD WHOI

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

Please be advised that on February 10, 2022 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 Aaron Wyle, on behalf of Charlene Wylie, owner, to expand a dwelling on the property within the 50' front yard setback (Article 6 Section 6.13.1 Setbacks AG Agricultural). The property is located at 6699 Bates Road Williamsburg, MI 49690. Parcel ID #28-01-014-007-01. Legal Description: TH N 402.93' OF THE E 667.27' OF NE 1/4 NW 1/4 SEC 31 T28N R9W (1/96). Case # ZBA 2022-01.

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 February 10, 2022 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 Lisa Swanson, Township Clerk, within 24 hours of the meeting at 938-1350.

January 26, 2022-1T

580223

HINES JOHN A  
5476 LAFAYETTE ST  
VENTURA CA 93003

LINDSEY CLAIRE J  
6767 BATES RD  
WILLIAMSBURG MI 49690-9599

WALTER CAROL A TRUST  
6584 BATES RD  
WILLIAMSBURG MI 49690

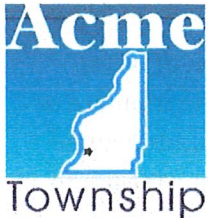
WALTER CHARLES B TRUSTEE  
WATLER CHARLES B TRUST  
6584 BATES RD  
WILLIAMSBURG MI 49690-9599

ENDRES GERALD S & ENDRES LESLEY A  
6302 BRACKETT RD  
WILLIAMSBURG MI 49690

STEVENS DALE G TRUSTEE  
STEVENS DALE G TRUST  
6679 BATES RD  
WILLIAMSBURG MI 49690

WYLIE CHARLENE V  
6699 BATES RD  
WILLIAMSBURG MI 49690

OLESON PAULA S TRUSTEE  
OLESON PAULA TRUST  
1422 ARNOLD  
TRAVERSE CITY MI 49684



## 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: Aaron Wylie (Aaron)

Applicant's Current Mailing Address: 6699 Bates Rd.

City: Williamsburg State: MI Zip Code: 49690 Phone Number: 724-689-4678

### 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: 6699 Bates Rd. Parcel Number: 28-01-01400701

Property Owner's Name: Charlene Wylie

Property Owner's Current Mailing Address: 6699 Bates Rd.

City: Williamsburg State: MI Zip Code: 49690 Phone Number: 724-689-4678

Proposed Use/Change to Property: see attachment

### 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 Charlene Wylie (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: Charlene V. Wylie Date: 1-28-22

---

**FOR TOWNSHIP USE ONLY**

Application No.: 2022-01

Date of Advertising: 1/26/22

Date Received: 1/19/22

Date of Hearing: 2/10/22

Fee Tendered: \$275 (#887) \$300 escrow  
(#888)

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

**NOTES**



Dear Zoning Board of Appeals,

Thank you for taking into consideration our application.

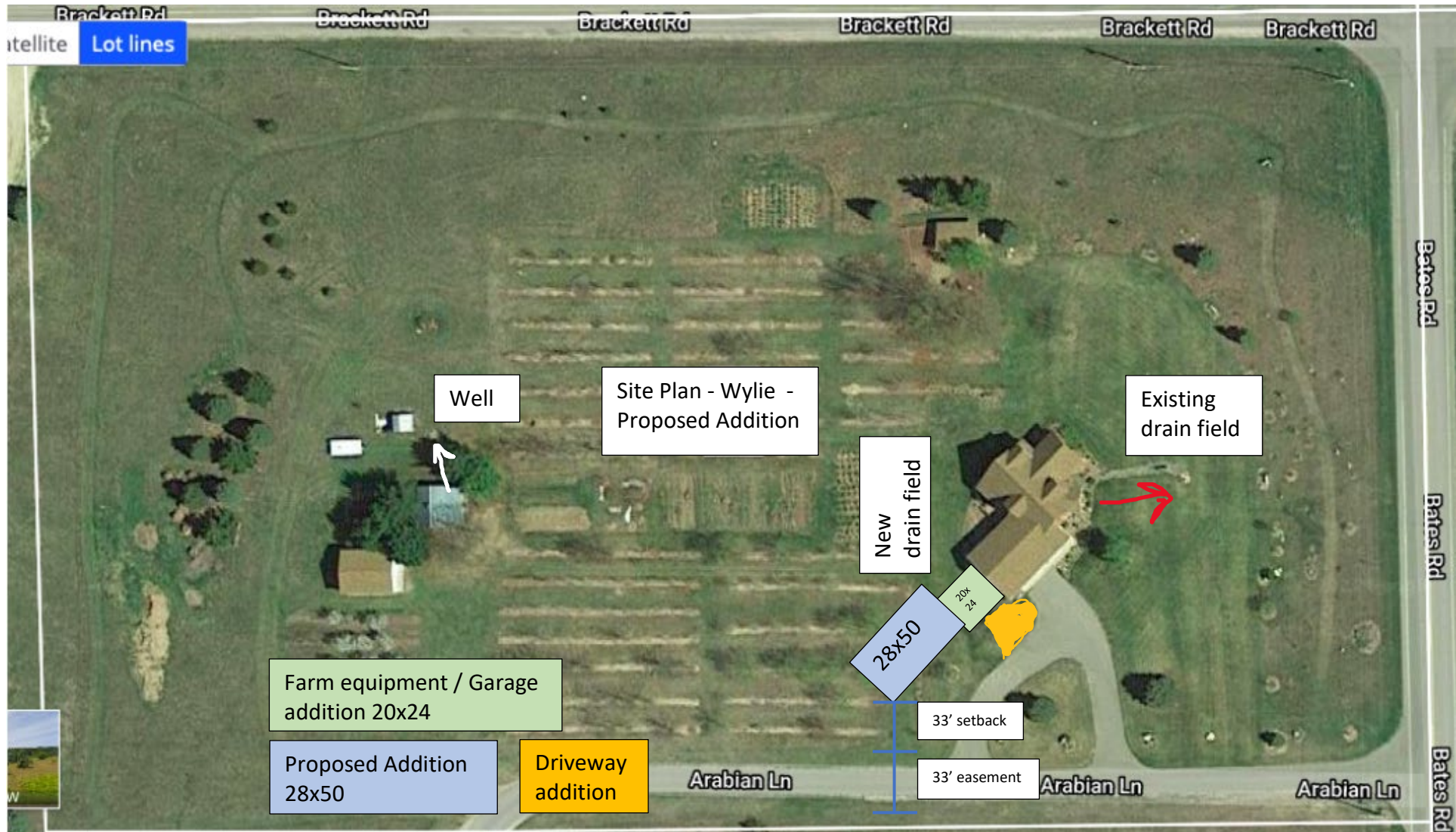
We are specifically requesting from Article VI Zoning Districts: Map and Schedule Of Regulations 6.13.1 Schedule of Regulations to build within the agricultural district the front yard setback (50' setback).

The proposed addition (living space) is placed inside of the 50' setback for 4 reasons:

- 1) Saving as much farm land for the tree farm and agricultural growth
- 2) Charlene Wylie's easement on Arabian lane is entirely on the parcel.
  - a. The corner of the addition is proposed to be setback 33' rather than 50'
- 3) Safety for children and costumer's on property - moving mom's addition toward Bracket Road impedes our view of the property and therefore does not allow us to see the children on the property.
- 4) Location of drain field (existing and future) – See site map.

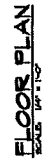
The proposed addition (farm equipment and garage)

- 1) Primary use of equipment for tree farm for agricultural purposes.
- 2) In addition a safe and covered parking spot for Charlene Wylie in the winter months.



SECRET NO. A3

SPRINT #2: A2

[illegible]

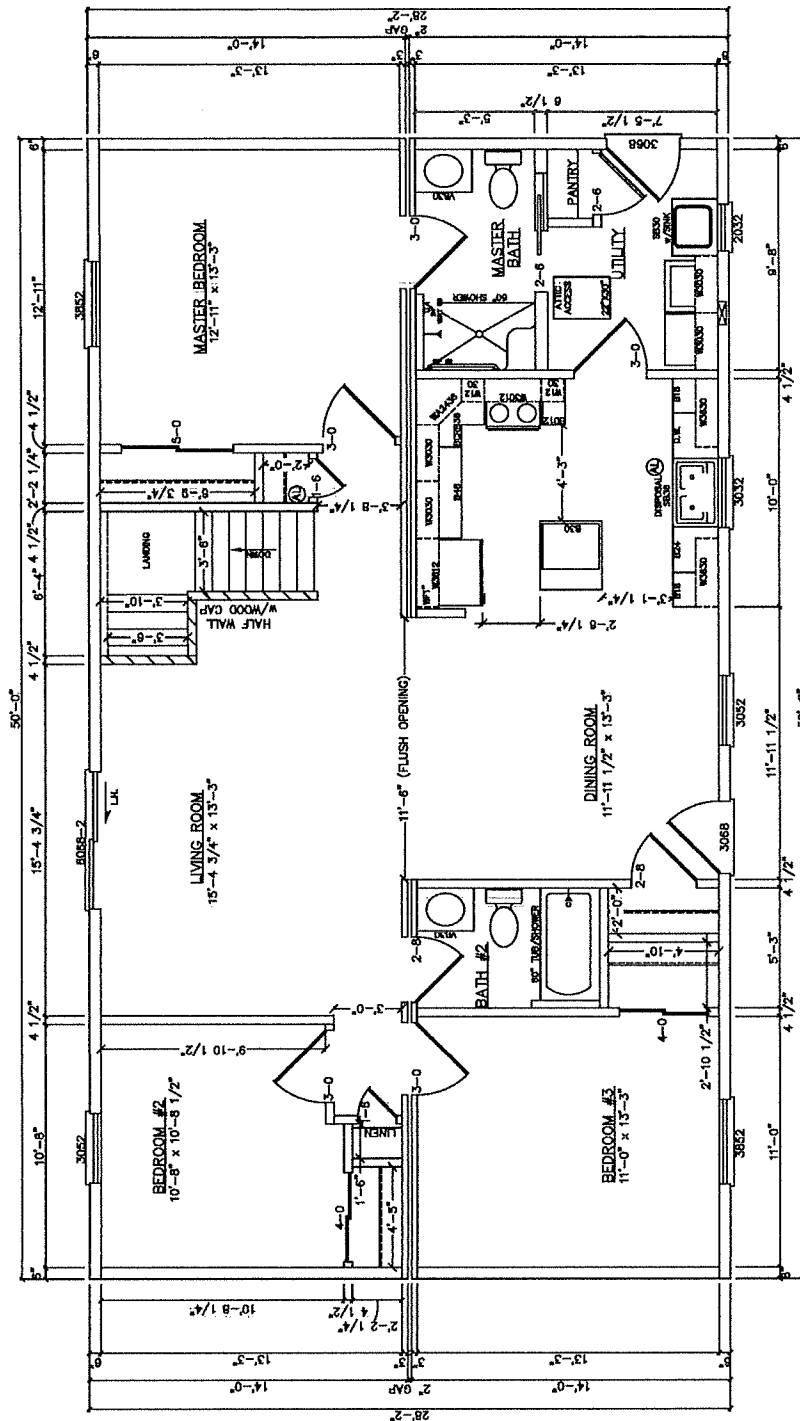


**A4**

[illegible]



**FIELD NOTES**  
\*INDICATES ITEMS INSTALLED  
ON SITE BY OTHERS



	WINDOW AND DOOR SCHEDULE						
	Silverline Double Hung Windows	3032	3052	Silverline 5800 Patio Dr.	Venetian Exterior Dr		
U FACTOR	0.29	0.29	0.29	0.29	0.28	0.25	
S.H.C.G.	0.26	0.26	0.26	0.26	0.30	N/A	
FENESTRATION SQ. FT.	6.45	8.69	15.73	19.21	40.32	21.65	
R.O. HEIGHT	24-1/4"	34-1/4"	36-1/4"	44-1/4"	72-7/8"	38-1/4"	
MINORST GLASS SQ. FT.	38-1/2"	39-1/2"	62-1/2"	62-1/2"	80-1/2"	82-1/4"	
CLEAR OPEN WIDTH	1.93	3.25	3.71	7.25	15.98	N/A	
MAX CLEAR OPEN WTH	20-3/16"	32-3/16"	32-3/16"	40-3/16"	29-5/16"	36"	
MAX CLEAR OPEN HGT	15-1/16"	15-1/16"	27-1/16"	27-1/16"	78-7/8"	80"	
GLASS SQ. FT.	211	337	805	755	1437	2030	
UNOAT SQ. FT.	3.66	6.49	11.42	14.51	31.72	N/A	
WDOAT SQ. FT.	213	337	805	755	1437	2030	

**NOTE:**  
MASTER ARCHWAY'S DESIGNED FOR 50# SNOW LOAD

**NOTES:** HVAC SYSTEM INSTALLED ON SITE BY OTHERS

**NOTE:**  
 (U) = APPROVAL LABEL LOCATED AT KITCHEN SINK  
 AND AT CLOSET OF OTHER UNIT(S). IF CLOSET  
 UNAVAILABLE, PLACE AT 2nd FLOOR JOIST BAY.

⑤ - DATA PLATE LOCATED AT E.P. OR  
UNAVAILABLE, PLACE AT 2ND FLOOR  
IMMEDIATE VICINITY OF THE E.P.

[illegible]

## REVISIONS:

**CRAFTECH BUILDING SYSTEMS, INC.**

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF HECKAMAN HOMES AND MAY NOT BE USED WITHOUT THEIR CONSENT.



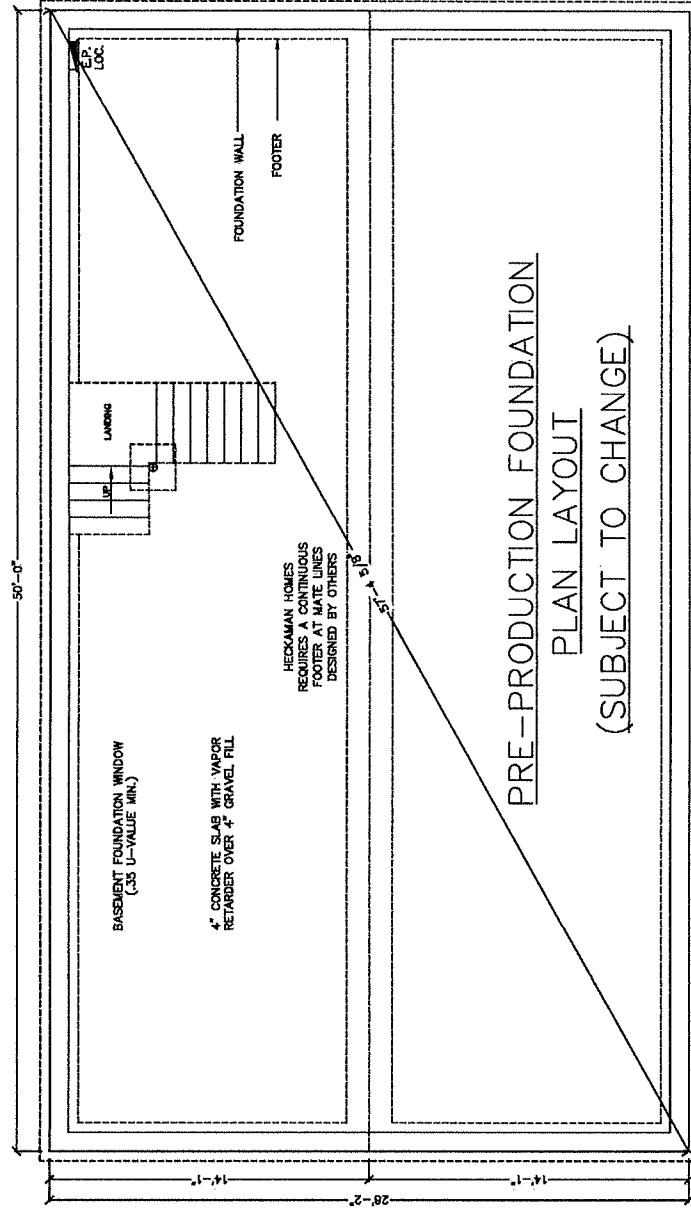
**Heckaman  
Homes**

FLOOR PLAN  
BASEMENT LAYOUT

MODEL:	AMERICA II
SCALE:	3/16" = 1'-0"

JOB #  
DOWN. BY: BT  
SHEET: 1

FIELD NOTES  
INDICATES ITEMS INSTALLED  
ON SITE BY OTHERS



PRE-PRODUCTION FOUNDATION  
PLAN LAYOUT  
(SUBJECT TO CHANGE)

HECKAMAN HOMES IS NOT RESPONSIBLE FOR THE FOUNDATION DESIGN AND CONSTRUCTION. THE FOUNDATION SHOWN IS PICTORIAL ONLY. THE BUILDER / DEALER'S RESPONSIBILITIES ARE TO:

- HAVE THE FOUNDATION CONSTRUCTED PER ALL STATE AND/OR LOCAL RESIDENTIAL CODE REQUIREMENTS BASED ON THE JOB SITE SOIL CONDITIONS WHICH INCLUDE, BUT IS NOT LIMITED TO: FOOTERS, WALLS, COLUMNS/PIERS, WINDOWS/VENTS, FLOORS, DRAIN TILE, DAMP-PROOFING, WATERPROOFING, ETC.
- PRIOR TO THE SET OF THE HOME, HAVE WALLS TEMPORARILY BRACED ON THE INSIDE AND BACKFILLED TO A HEIGHT OF 18" FROM THE TOP OF THE WALL TO PREVENT THE WALLS FROM CRACKING OR COLLAPSING.
- MOUNT THE SILL PLATE WITH AN APPROVED SILL SEALER TO THE FOUNDATION SO THE ANCHOR BOLTS OR APPROVED EQUAL DO NOT INTERFERE WITH THE RM AND/OR FLOOR JOISTS.
- TO INSTALL PIERS/COLUMNS AT THE LOCATIONS DETERMINED BY HECKAMAN HOMES PER EACH JOB SPECIFIC FOUNDATION PLAN. PIERS/COLUMNS MUST BE INSTALLED UNDERBROACH MATING BEAM SPURCE. PIER/COLUMN TO BE LOCATED WITHIN 12" OF EACH END OF ANY OPENING IN THE MATING WALL GREATER THAN 4'-0"
- CONSTRUCT BASEMENT STAIRS PER LOCAL AND STATE CODES WHEN STAIRS ARE NOT PROVIDED BY HECKAMAN HOMES.
- INSTALL AN EGRESS WINDOW PER STATE AND/OR LOCAL RESIDENTIAL CODE REQUIREMENTS WITHIN THE BASEMENT AND/OR IN EACH HABITABLE ROOM WITHIN THE BASEMENT.

HECKAMAN HOMES IS NOT RESPONSIBLE FOR THE FOUNDATION DESIGN AND CONSTRUCTION. THIS PLAN IS FOR LAYOUT AND SPACING PURPOSES ONLY.

ALL SMOKE DETECTORS SHALL BE INTERCONNECTED SUCH THAT THE ACTUATION OF ONE ALARM WILL ACTUATE ALL ALARMS. IF ONE ALARM BECOMES INOPERABLE, THE OTHERS WILL STILL OPERATE. DETECTORS SHALL BE INSTALLED WITHIN 10' OF EACH CONDUCTOR AND HAVE A BATTERY BACKUP.

CONCRETE USED FOR PORCHES, WALKWAYS, EXTERIOR STEPS, DRIVEWAYS, AND GARAGE FLOORS SHALL BE 4000 PSI MIN. STRENGTH OF 4000 PSI AND AIR ENTRAINED. \*\* CONCRETE PIER OR STEEL COLUMN TO BE LOCATED WITHIN 12" OF ANY MATING WALL OPENING GREATER THAN 4'-0"

BASEMENT STAIRWAY SHALL HAVE GUARDS ON BOTH SIDES WITH INTERMEDIATE RAILS SPACED SUCH THAT A 4" DIA. SPHERE CANNOT PASS THROUGH OR BE OF WALL. GUARDS SHALL BE INSTALLED WITH A MINIMUM OF 34" LESS THAN 34". ALSO UNDERSIDE OF STAIRWAY TO BE PROTECTED SUCH THAT A 4" DIA. SPHERE CANNOT PASS THROUGH.

THE BUILDER / DEALER IS RESPONSIBLE TO INSTALL GUARDS WHICH SHALL ALLOW PASSAGE OF A 4" SPHERE ON THE OUTSIDE AND THE UNDERSIDE OF THE STAIRWAY. THE STAIR MATERIAL IS SHIPPED LOOSE IN THE HOME AND INSTALLED ON SITE BY THE BUILDER / DEALER.

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF HECKAMAN HOMES AND MAY NOT BE USED WITHOUT THEIR CONSENT.

CRAFTTECH BUILDING SYSTEMS, INC.  
c/b/a HECKAMAN HOMES  
NAPPANEE, INDIANA 46550  
www.heckamanhomes.com



REVISIONS:

FOUNDATION PLAN  
BASEMENT LAYOUT

MODEL: AMERICA II  
SCALE: 3/16" = 1'-0"

BDR: CARRIAGE CUSTOM HOMES  
CUSTOMER: WYLIE  
DATE: 7-22-2021

JOB #  
DWN. BY: BT  
SHEET: 3



**ACME TOWNSHIP ZONING BOARD OF APPEALS**  
**Via Zoom**  
**November 12, 2020 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE (7:09pm)**

**ROLL CALL:**

Members present: Hoxsie, Maitland, VanHouten

Members excused: Kuncaitis, LaSusa

Staff present: Lindsey Wolf

- A. APPROVAL OF AGENDA:** Motion by Hoxsie, supported by Maitland. Supported by all present – motion carries.
- B. INQUIRY AS TO CONFLICTS OF INTEREST:** None
- C. CORRESPONDENCE:** Haggard's Plumbing & Heating
- D. PUBLIC HEARINGS:**
1. ZBA 2020-01: request to expand a legal non-conforming accessory building on the property that lies within the 30' front setback, Scott & Karen Burdick, 4293 5 Mile Road
    - Wolf read the public hearing notice into the record
    - Wolf recapped a letter of support of the application from Haggard's Plumbing & Heating
    - Maitland opened the public hearing & public comment
    - VanHouten disconnected at 7:11
    - Presentation by Wolf as to why application has come before the board based on application materials. House built prior to adoption of the zoning ordinance – zoning created the issue.
    - Scott & Karen Burdick, 4293 5 Mile Road – discussed the project, reasons for renovations (flat roof), home sitting within the setback.
    - Discussion about the site by various ZBA members. No comment.
    - ZBA satisfied with findings of fact.
    - Maitland closed the public comment portion of the hearing.
    - VanHouten Returned at 7:15. Proceedings explained to VanHouten from disconnection.
    - **Motion by Hoxsie to approve the request as it meets the basic and special conditions with the findings of fact presented in Planning & Zoning Staff Report for ZBA Case 2020-01 in the minutes. Second by Maitland. Motion carries unanimously.**

**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 1957 which predates the current township zoning ordinance. Zoning created the non-conformity.*

**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 front yard setback – nor violate the 10' side yard 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 roof and back wall were in need of repair due to water damage making it an ideal time to construct the proposed addition.*

**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, zoning created the non-conformity. The roof and back wall were in need of repair due to water damage making it an ideal time to construct the proposed addition. Furthermore, the proposed addition is situated to provide the least amount of disturbance to the surrounding area.*

**E. ADMINISTRATIVE ACTION**

- 1.** Approve Zoning Board of Appeals draft minutes from 10/10/19
  - Motion by Hoxsie, second by VanHouten to approve the minutes as presented. Motion carries unanimously.
- 2.** Election of Officers
  - Motion by Hoxsie to have the same officers for 2021 by Maitland, seconded by VanHouten. Motion carries unanimously.
  - Kuncaitis – Chair
  - LaSusa – Vice Chair

**ADJOURN: (7:23 pm)**

Motion by VanHouten to adjourn, second by Hoxsie. Motion carries unanimously.

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

### **DRAFT 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**

**Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the minutes as presented. 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.**

## **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.