



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
February 9th, 2017 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 2017-01: Non-Use Variance Request, 7057 Deepwater Point Rd
 - a. Request by Fran Gingras to extend a legally nonconforming structure

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 12/08/16

ADJOURN:



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
February 9th, 2017 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

Members present: Hoxsie, LaSusa, Maitland, Kuncaitis, Forgette

Members excused: none

Staff present: Winter

A. APPROVAL OF AGENDA:

None

B. INQUIRY AS TO CONFLICTS OF INTEREST:

None

C. CORRESPONDENCE:

None

D. PUBLIC HEARINGS:

1. ZBA 2017-01: Non-Use Variance Request, 7057 Deepwater Point Rd

a. Request by Fran Gingras to extend a legally nonconforming structure

- Kuncaitis inquired into the previous hearing in 1996. At the time the lot was smaller. Gingras indicated that he bought the lot to north and both are under one legal description.
- Gingras provided a recap of what he is proposing. Want to add an addition to the north, basement below, new front entryway, bedroom and dining room. Will encroach into the 50' setback from the water (established by an existing retaining wall) with the dining room corner and the bedroom corner. Initially tried to pull the addition back, but obstructed the flow from the existing house to the addition.
- Kuncaitis asked if the proposed encroaching areas are to a lesser extent than what is already occurring, Gingras confirmed.
- Gingras went over his initial request to redefine the 50' setback by establishing a straight line between the north and south points of the retaining wall, which jogs along the property.
- Kuncaitis asked if there was a formula used to determine the property line along the retaining wall. Winter noted that it is not described in the Zoning Ordinance. Winter illustrated that concept that Gingras was describing, but urged the Zoning Board of Appeals to not apply this method for it could set a new precedent, and that granting a non-variance for the encroachment would be a better solution.
- Forgette asked about the location of the front entry way, and Winter indicated moving the addition back would obstruct the existing doorway to the garage. Winter also stated that he talked with the architectural firm, who explained that the proposed location of the addition would make it easier to tie in the new roof with the existing roof.
- Kuncaitis noted the new addition will still provide plenty of side yard, Winter confirmed. Kuncaitis explained that in the past, as long as the proposal did not increase the extent of the non-conformity, they typically approved the request.
- Kuncaitis opened for public comment. None present. Public comment closed.
- Motion by LaSusa to adopt the finding of the Zoning Administrator and grant a nonuse variance allowing the extension of a legally nonconforming use to the existing single family home located at 7057 Deepwater Point Rd. This variance will allow the

addition to encroach on the waterfront setback as indicated in the drawings submitted with the application. Second by Hoxsie. Motion carries unanimously.

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 12/08/16
 - Motion by Maitland to approve, second by Maitland. Motion carries unanimously.

ADJOURN:

- Motion by Maitland to adjourn, second by Forgette. Motion carries unanimously.



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

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

Date: January 30, 2017

Permit No.: ZBA 2017-01

Request: Non-use variance to extend a nonconforming use

Applicant: Fran Gingras
7057 Deepwater Point Rd
Williamsburg, MI 49690

Address: 7057 Deepwater Point Rd
Williamsburg, MI 49690

Parcel No.: 28-01-760-017-01

Legal Description: LOT 17 & 18 WOODLAND ACRES SPLIT ON 08/24/2005 FROM 01-760-017-00, 01-760-018-00;

Owner: Francis J. Gingras

Aerial Map:



Area: Approximately half (0.5) an acre

Zoning & Existing Use(s):

- R-2: One-Family Urban Residential
- The R-2 One Family Urban Residential District is designed to accommodate the development of low to medium density, one-family residential uses within those areas of the Township where public services, such as public sewer facilities, exist or are anticipated. This District includes existing one-family developments within the Township which have a similar lot area and character, as well as areas within which such development appears likely and desirable.
 - Property currently has single family home that is legally non-conforming in regards to its setback from the ordinary high water mark.

Setbacks:

Front: 30 feet
Side: 10 feet
Rear: 50 feet (from the ordinary high water mark)

Adjacent Zoning:

North: R-2: One-Family Urban Residential – Steven C. Yuill Trust
South: R-2: One-Family Urban Residential – Christopher & Joan Bowers Trust
East: Grand Traverse Bay, east arm
Northwest: R-2: One-Family Urban Residential – Steven C. Yuill Trust
West: R-2: One-Family Urban Residential – Jon Mcmillan
Southwest: R-2: One-Family Urban Residential – Francis J. Gingras

Relevant Sections of the Zoning Ordinance:

§7.6 SUPPLEMENTARY WATERFRONT, LAKE, STREAM, FLOOD PLAIN, AND WETLANDS REGULATIONS

§7.6.7 SETBACKS 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 with 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 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 XV – NON-CONFORMING USES

§15.1 INTENT AND PURPOSE:

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

§15.5 EXTENSION OF NONCONFORMING USE OF STRUCTURE:

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

REPORT

The Applicant has requested a non-use variance to extend a legally nonconforming use on the property located at 7057 Deepwater Point Rd ("Property"). The existing single-family home on the Property encroaches into the 50-foot waterfront setback as required by §7.6.7 in two locations. The Applicant is proposing to build an addition on the north side of the house that would once again encroach into the setback at two new locations. The Zoning Board of Appeals has the authority to grant permission to extend a legally nonconforming use as indicated in §15.5. The Applicant has submitted a brief narrative (**Exhibit A**), a site plan (**Exhibit B**) and architectural renderings (**Exhibit C**) of the proposed work as part of his application.

The property is part of the Woodland Acres plat and sits along the east arm of the Grand Traverse Bay. The addition proposed by the applicant would add a new dining room off the existing kitchen, a master bedroom and en suite, entry way, and half bath above a basement with a family room. Waterfront properties have a setback of 50 feet from the Ordinary High Water Mark, defined in the Acme Township Zoning Ordinance as an elevation of 581.0 feet using the International Great Lakes Datum of 1955. Typically, this elevation is reached at a point on land above the water line. However, this property is unique in that it has a steel retaining wall (bulkhead) at the water's edge which results in the Ordinary High Water Mark elevation occurring on the retaining wall's face. As a result, the retaining wall itself represents the Ordinary High Water Mark on this property and from where the 50-foot setback is to be measured. The proposed addition would encroach on this setback by two feet on the northeast corner of the dining room, and three feet on the northeast corner of the master bedroom.

The aforementioned retaining wall is not a straight line across the waterfront, but rather jogs slightly west at the north property line and slightly east at the south property line. Instead of measuring the 50-foot setback from the retaining wall as it jogs, the Applicant has suggested creating a new 50-foot setback line by drawing a straight line from the north end of the retaining wall to the south end. Doing so would create enough room for the proposed addition without encroachment. This option is explained in the Applicant's narrative (item 1) and indicated on the site plan. Modifying the method in which a setback is measured in order to prevent the conflict of an encroachment would be an arbitrary decision that could establish an undesirable precedent, and therefore, is not recommended at this time.

The two other reasons in the Applicant's narrative (items 2 and 3) may prove more valid. The location of the proposed addition would minimize the disturbance to the existing layout, primarily in the kitchen, when connecting and providing an entry point to the dining room. The proposed location will also simplify the intersections of the new roof with the existing roof structure, while providing a cohesive new entry that does not obstruct the current doorway to the garage. As my knowledge in construction and architecture is limited, additional clarification may be necessary. It is worth noting that the proposed location of the addition, while in fact encroaching into the setback, does so to a lesser extent than the existing house does today. Also, the addition would not protrude farther in front (water side) of the existing house, preserving the consistent placement of the neighboring homes as identifiable in the aerial image above.

Photo 1 – North elevation where addition is to be added



Photo 2 – Retaining wall, facing south



Photo 3 - Waterfront yard, northeast corner of existing house



Photo 4 - East elevation, waterfront side



STAFF FINDINGS AND RECOMMENDATION

RECOMMENDATION:

Approval of the request is in accord with the development pattern of the surrounding properties, is an allowable use by right in the Zoning District, and is not contrary to the health, safety, or welfare of the community, particularly that of the surrounding property owners.

STANDARD FOR DETERMINATION:

§5.4 Nonuse Variance

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.

FINDING OF FACT:

Staff finds the following facts regarding nonuse variance request at the Property:

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

- a. Is a result of practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall be evaluated in terms of the use of the particular parcel of land, and cannot be solely economic in nature.

***SATISFIED:** The existing house is a use that is allowed by right in the R-2 Zoning District and a legally nonconforming structure. The current dimensions of the house were approved through a nonuse variance to the nonconforming status by the Zoning Board of Appeals in 1991 (91-2Z). The application, site plan and variance permit are attached as **Exhibit D**.*

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

***SATISFIED:** Although the intent of the Ordinance is not to encourage the survival of a nonconforming use, this request presents no evidence to be contrary to the public interest and is therefore eligible to have permission granted by the Zoning Board of Appeals.*

- c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

***SATISFIED:** The character of the house, the siting of it on the property, and it's massing are consistent with that of the houses in the immediate vicinity.*

- d. Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

***SATASFIED:** This request is unique to this property due to the house's placement on the lot and the location of the existing retaining wall.*

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

***SATISFIED:** The addition to the existing legally nonconforming structure will only occur on the property under control by the Applicant.*

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

***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.

***SATISFIED:** The addition to the established use on the property is allowed by right in the R-2 Zoning District and consistent with the rights of property owners in the same district. The location of the existing legally nonconforming structure in relation to the retaining wall, which creates a human-made ordinary high water mark, is rather unique to this property and is not the result of a self-induced hardship by the property owner. Furthermore, the proposed addition is situated to provide the least amount of disturbance to the architecture and structure of the existing legally nonconforming home.*

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

NOT EVALUATED

§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:

It is respectfully recommended that the Zoning Board of Appeals grant the request for a nonuse variance allowing the extension of a legally nonconforming use through the addition to an existing single family home on the property located at 7057 Deepwater Point Rd, Williamsburg, MI 49690.

MOTION:

Motion to adopt the finding of the Zoning Administrator and grant a nonuse variance allowing the extension of a legally nonconforming use to the existing single family home located at 7057 Deepwater Point Rd. This variance will allow the addition to encroach on the waterfront setback as indicated in the drawings submitted with the application.



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

Zoning Administrator: Shawn Winter Email: swinter@acmetownship.org

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

A. Applicant Information:

Applicant's Name: Fran Gingras
Applicant's Current Mailing Address: 7057 Deepwater Point Rd.
City: Williamsburg State: MI Zip Code: 49690 Phone Number: (231) 938-2857

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

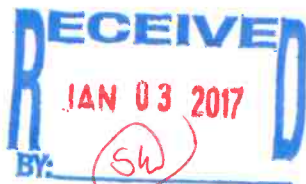
C. Property Information:

Property Address: 7057 Deepwater Point Parcel Number: 28-01-01-760-017-01
Property Owner's Name: Fran Gingras
Property Owner's Current Mailing Address: 7057 Deepwater Point Rd.
City: Williamsburg State: MI Zip Code: 49690 Phone Number: (231) 938-2857
Proposed Use/Change to Property: The proposed request is for a continuation of a legally nonconforming use. The existing legally nonconforming cottage steps out across the setback line in two locations and the proposed new addition does the same thing in the same way.

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:
Additional info for Nonconforming Status.
Preliminary Floor Plans

- 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 owner (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: *Francis J. Lingua* Date: 12-29-2016

FOR TOWNSHIP USE ONLY

Application No.: _____

Date of Advertising: _____

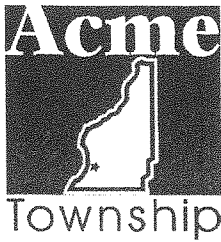
Date Received: _____

Date of Hearing: _____

Fee Tendered: _____

Action Taken: _____

NOTES



Escrow Policy Acknowledgement

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

Zoning Administrator: Shawn Winter Email: swinter@acmetownship.org

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

Name (please print): FRANCIS J. GINGRAS

Signature: *Francis J. Gingras* Date: 10-28-2016

Project Name: GINGRAS RESIDENCE

Person/Company responsible for account (billing purposes):

Name: FRANCIS J. GINGRAS

Mailing Address: 2057 DEEPWATER PT. RD

City: WILLIAMSBURG State: MICH Zip Code: 49690

Phone Number: 231 938-2857 Fax Number: _____

Email Address: FJGINGRAS@CHARTER.NPT.

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

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

Additional information for Nonconforming Status

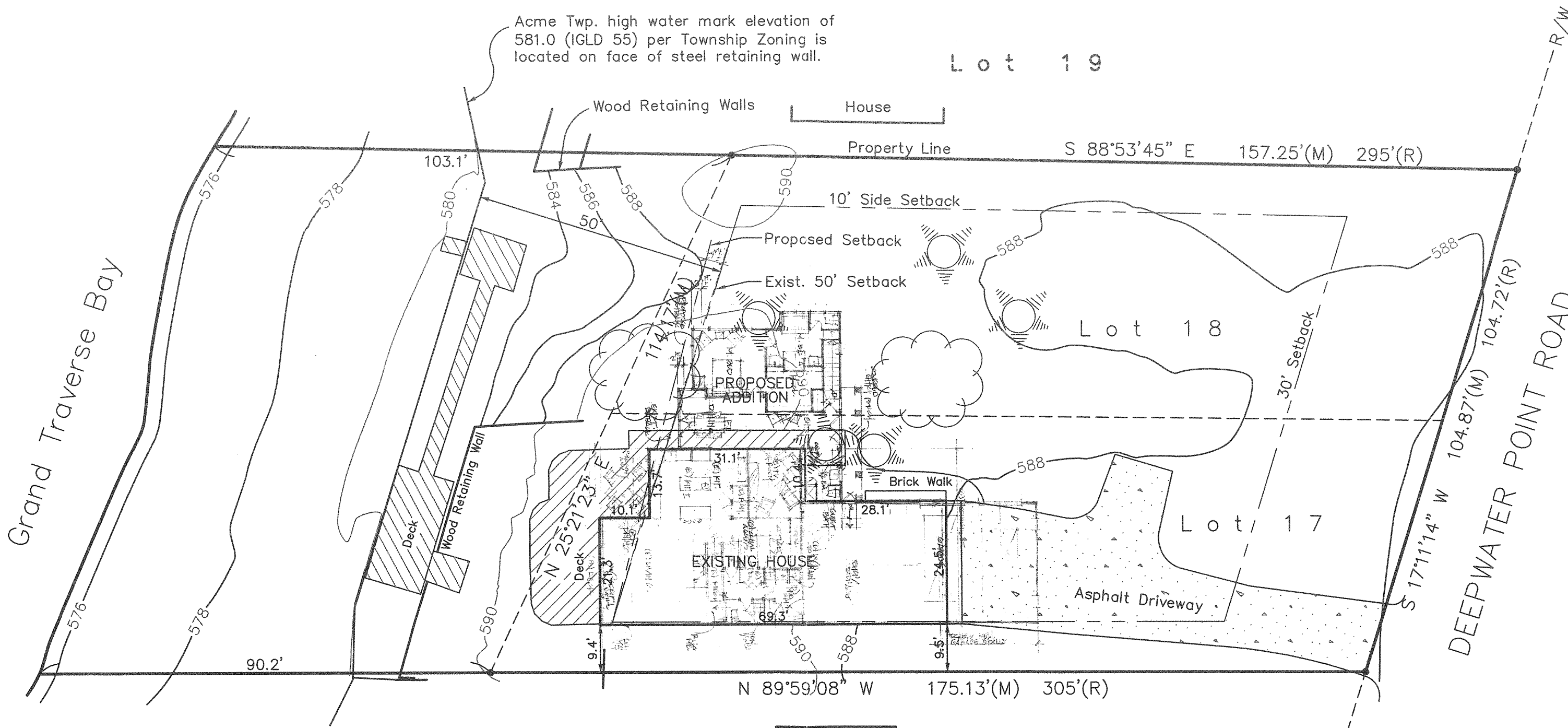
12/26/2016
Fran Gingras
7057 Deepwater Point Rd.
Williamsburg, MI 49690

The proposed request is for a continuation of a legally nonconforming use. The existing legally nonconforming cottage steps out across the setback line in two locations and the proposed new addition does the same thing in the same way.

- 1) The site with its irregular steel pile breakwater creates unusual conditions: The water's edge is not natural, it follows a manmade line. By connecting the dots from North to South using this line as the setback gives a little more room for the proposed addition and still maintains the general site setback across the waterfront (see attached site plan).
- 2) There are practical hardships in the floor plan design of connecting the new addition to the existing cottage. In saving as much of the old cottage as possible including the existing kitchen, the proposed new space becomes too isolated from the existing. The plan is pinched at this location without adding a little space towards the water as proposed. (See attached floor plan)
- 3) The roof design of the proposed new addition is more efficient with the new setback line. Standard building practices of connecting the new roof to the existing building work better with this proposed construction.

Acme Twp. high water mark elevation of 581.0 (IGLD 55) per Township Zoning is located on face of steel retaining wall.

Lot 19



GINGRAS
PROPOSED SITE PLAN

Lot 16

KEN RICHMOND, ARCHITECT

12-28-2016

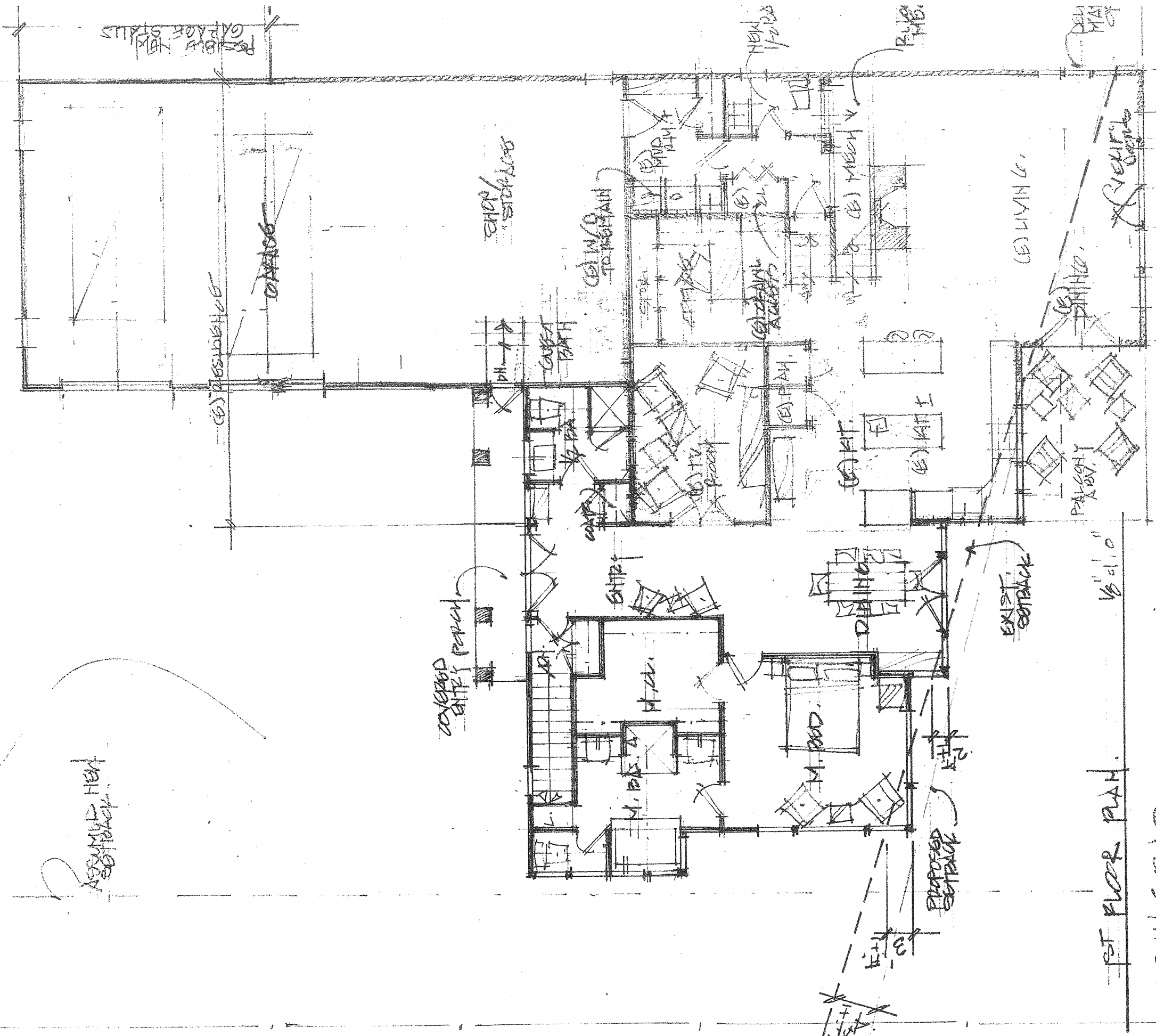


PROPOSED NEW
10' LINE

6'4" ±

CONSIDER LEAVE (E)
GARAGE DOOR & REDESIGN
ENTRANCE DRIVE/TURN ARROUND

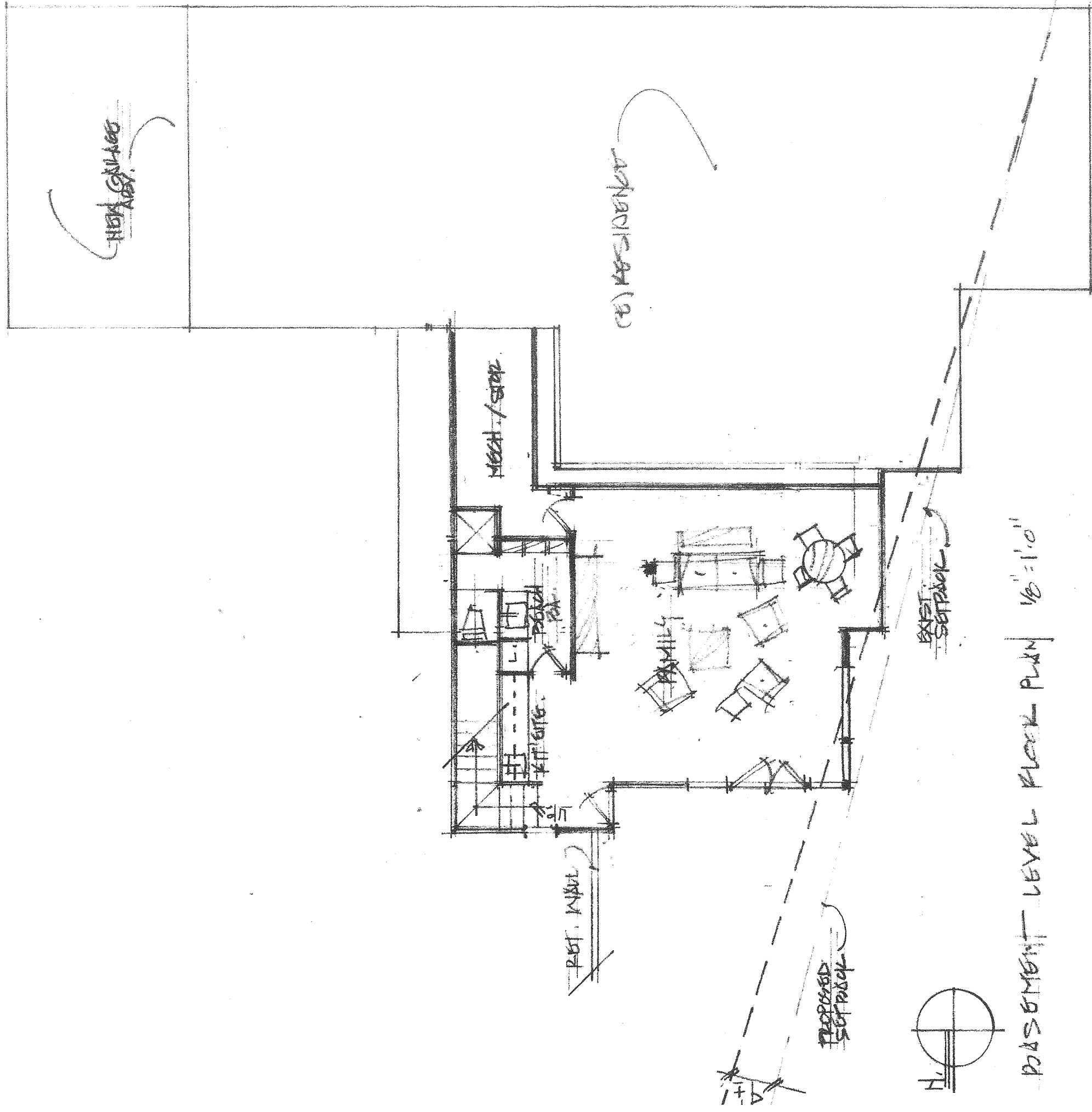
ASSUMED NEW
ENTRY



1st FLOOR PLAN

OHORAS
RESIDENCE

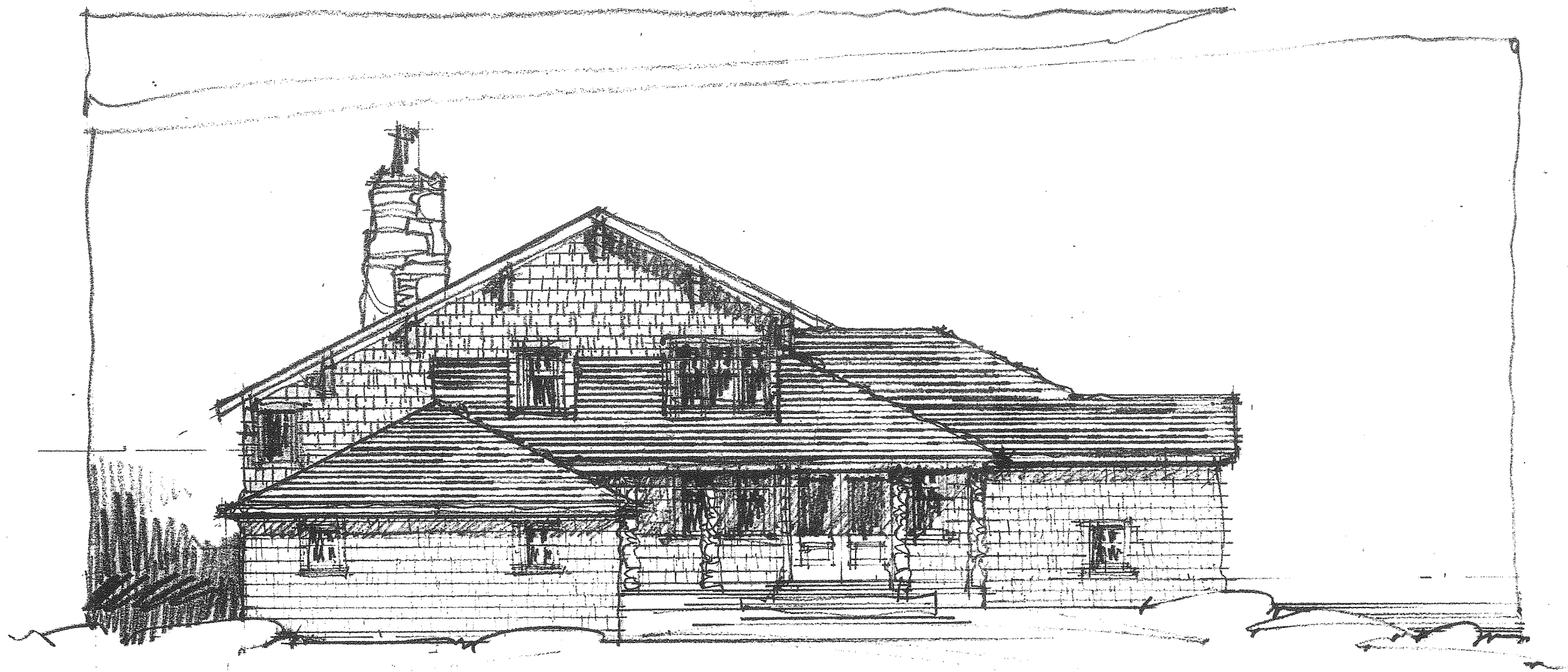
7.18.2014 A 12.10.14 A 4.20.15 A 9.15.2016 A 10.17.2016
A 10.28.2016 A 12.12.16



BASEMENT LEVEL FLOOR PLAN 1/8" = 1'-0"

COIN CORP'S RESIDENCE

K. ARCHONIS, ARCHITECT 4.24.2014 Δ 2.22.2015 Δ 9.9.15 Δ 10.17.2016
Δ 10.28.2016 Δ 12.12.16.



EAST ELEVATION

CONCORD RESIDENCE
K. RICHMOND, ARCHITECT 4/8.2013 Δ 12/2.2016.

1/8" = 1'-0"

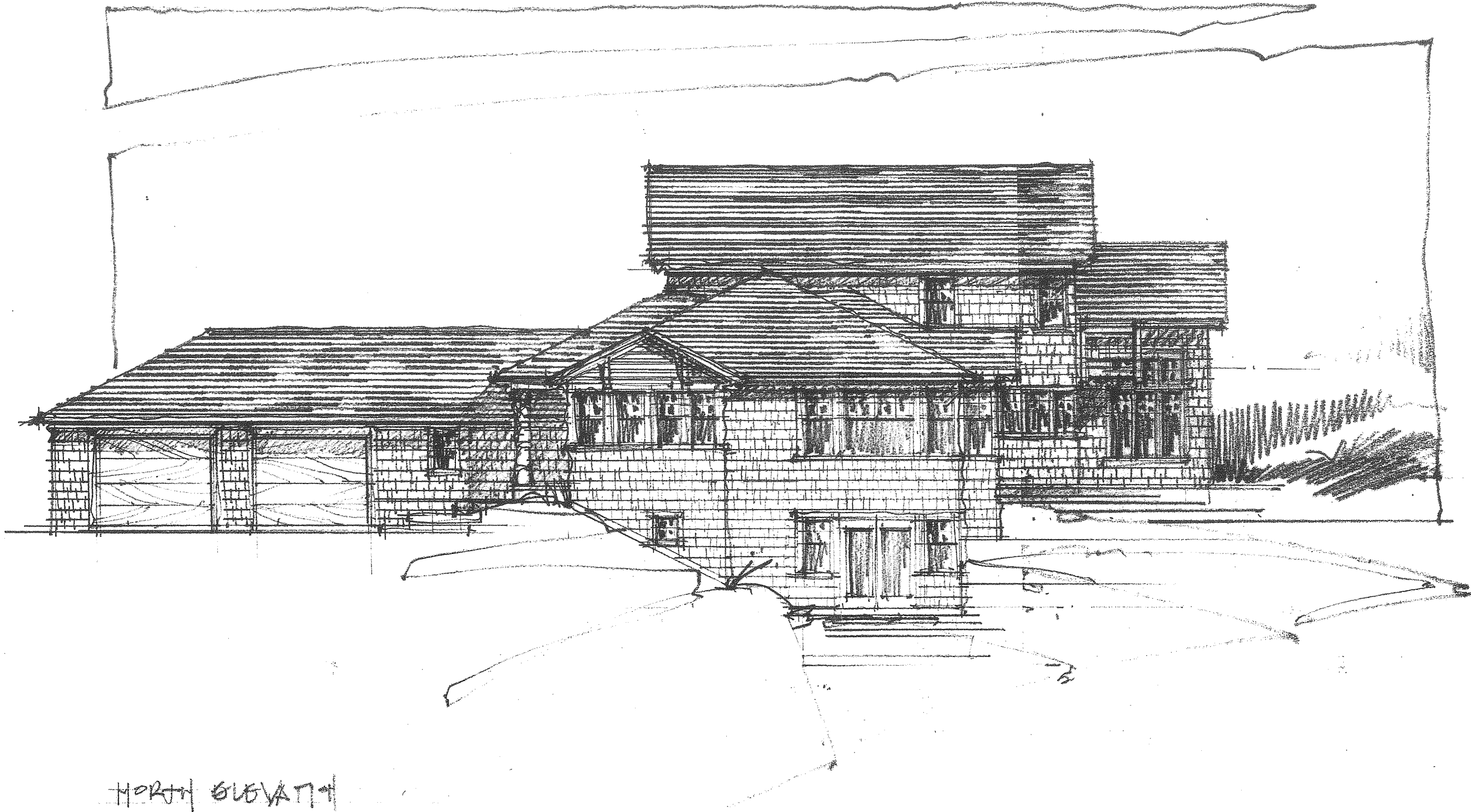


WEST ELEVATION

GINGRAS RESIDENCE

K. RICHMOND, ARCHITECT 4.8.2013 Δ 4.24.2014 Δ 12.12.2016.

1/8" = 1'-0"



NORTH ELEVATION

© INGRAS RESIDENCE

F. RICHMOND, ARCHITECT 7.18.2013 & 12.12.2010.

1/8" = 1'-0"

TOWNSHIP OF ACME
Grand Traverse County, Michigan

TO: THE BOARD OF ZONING APPEALS
NOTICE OF APPEAL/APPLICATION FOR HEARING

The undersigned hereby makes Application for Hearing by the Board of Zoning Appeals and represents:

1. PURPOSE OF HEARING:

- A. APPEAL from the DETERMINATION BY ZONING ADMINISTRATOR, dated _____
(If A is checked, disregard 2-5 below)
- B. APPLY for a variance Permit as authorized by Sections 5, 3, 3 of the Ordinance.
- C. REQUEST extension or resumption of non-conforming use.

2. DESCRIPTION OF PROPERTY: SFD on 7057 Deepwater Pt Rd, Acme - R-2 Zoning lot # 17 Woodland Acres

3. DESCRIPTION OF PROPOSED IMPROVEMENTS OR USE: additions to side and rear to continue existing non-conforming side yard set-backs + Variance requested 6' north side and 2' south side

4. NAMES AND ADDRESSES OF LEGAL OWNERS:
Francis Gingras
7265 Deepwater Pt Rd
Williamsburg, MI 49690

5. ATTACH THE FOLLOWING DOCUMENTS:
- Plot Plan, showing size and shape of building and accurate location on lot, with dimensions.
 - Elevation drawings, showing height of structure.
 - Special Drawings, showing:

Dated: 3/19/91

Fee Tendered \$ 50.00
Check Rec'd 6/2

FOR TOWNSHIP USE:

Appeal No. 91-2Z

Date Filed 3/19/91

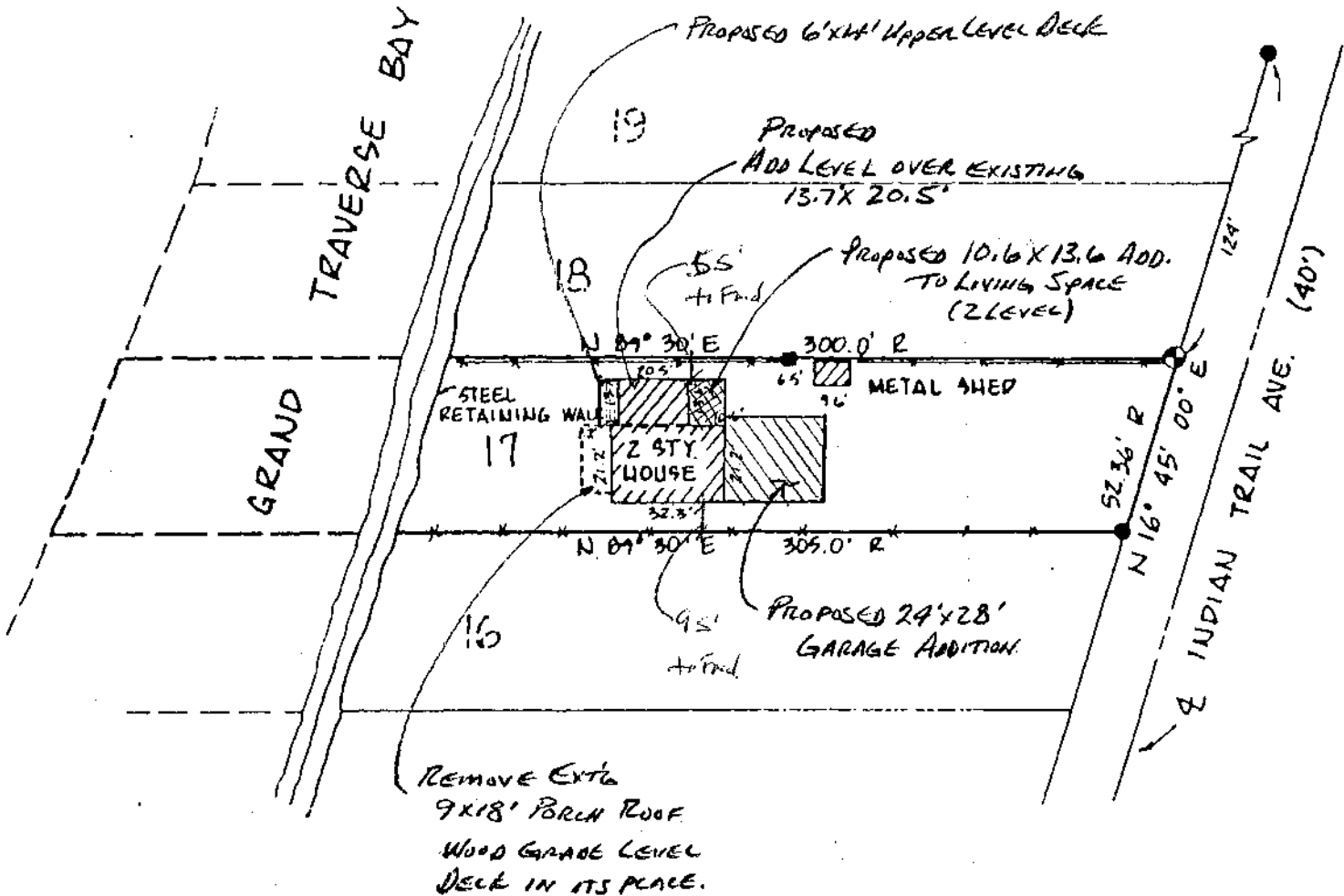
Hearing Date 4/4/91

Publication _____

James A. Buheller
Signature of Owner/Agent

Address 1614 U.S. 31 N.
T.C. MI 49694

WOODLAND ACRES



21.2
13.7

34.9'

16" Ex^{ts} O.H.

SCALE 1"=50'

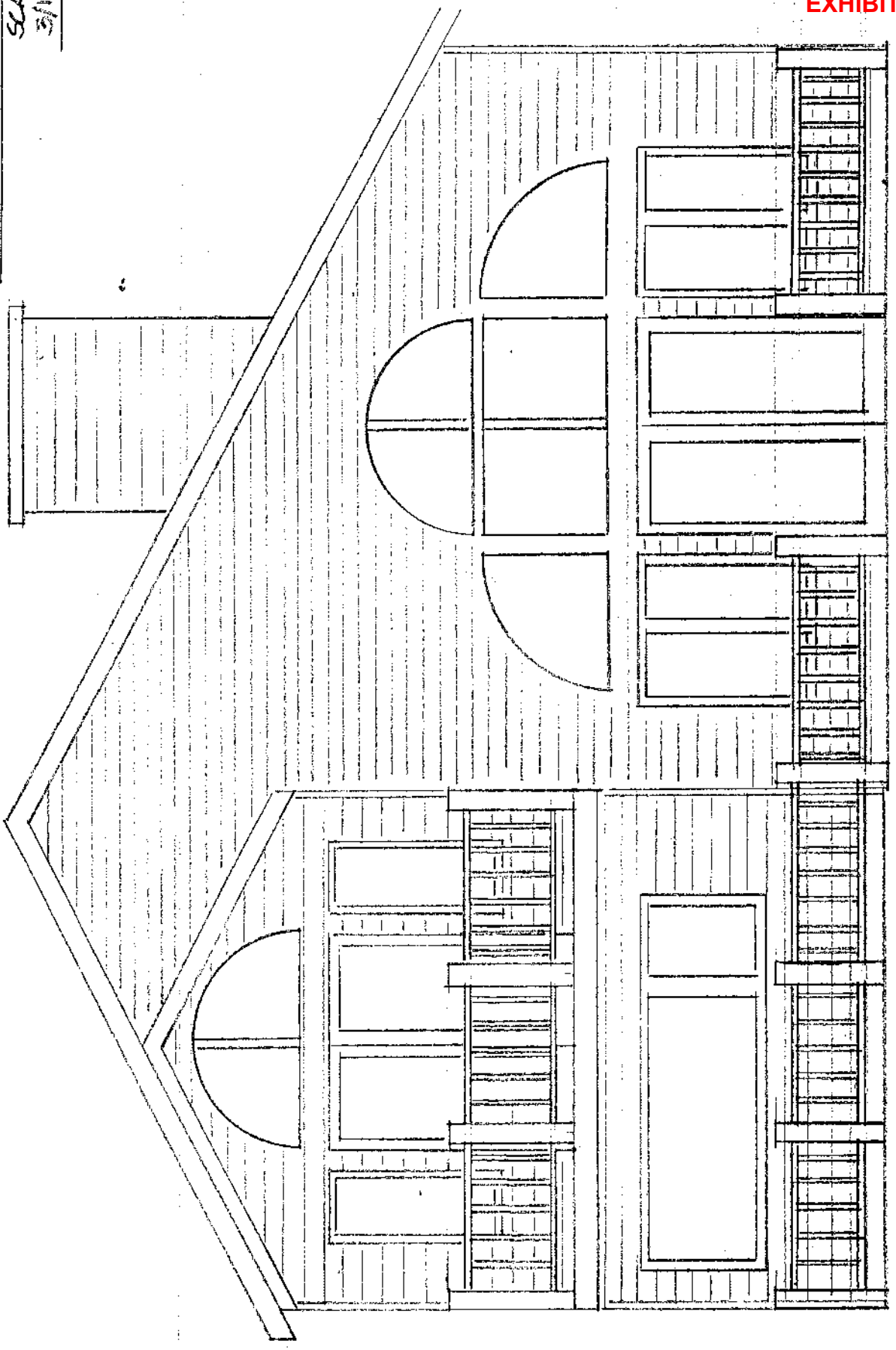
- LEGEND
- ⊕ - MONUMENT, F. D.
 - - IRON, F. D.
 - R - RECORD

FRANCIS GINGRAS
7051 DEEPWATER POINT RD.
ACME TOWNSHIP, MICH.

FRANCIS GINGRAS
WEST ELEVATION
7057 DEERWATER PT

SCALE
3/16"=1'

EXHIBIT D



No. 91-22

ACME TOWNSHIP
~~SPECIAL CONDITIONS PERMIT~~ / VARIANCE PERMIT

TO: Mr. Francis Cingras Mr. James Burkholder
Address: 7265 Deepwater Point Rd. 1614 U.S. 31 North
Williamsburg, MI 49690 Traverse City, MI 49684

Application having been made by the above named for permission ~~xxx~~ six (6) foot variance on the North side and a two (2) foot variance on the South side to construct additions to side and rear and to continue existing non-conforming side yard setbacks

to be located on the following described property, presently zoned R-2.

Lot 17, Woodland Acres

Parcel No. 28-01-760-017-00

Due notice having been given and a public hearing having been held on said application, the Zoning Board of Appeals hereby determines that the requested use or variance may be authorized by the Board of Zoning Appeals, in that such use is authorized pursuant to Sections 5.3.3 and 6.22.2(2) of the Acme Township Zoning Ordinance

The Acme Zoning Board of Appeals hereby grants a ~~xxxxxxx~~ variance for the following six (6) foot variance on the North side and a two (2) foot variance on the South side to construct an addition to side and rear; and to continue the existing non-conforming side yard setbacks; meets all basic conditions of 5.3.3 and Special Conditions a. and b.

on the above described property:

SUBJECT, HOWEVER, TO THE FOLLOWING EXPRESS RESTRICTIONS:

1. Addition shall not extend any closer to the side lot line than the existing structure;
2. The addition shall be pursuant to the plans attached as Exhibit A.

(List restrictive conditions such as: parking parking facilities, hours of operation, outside storage, insulation against noise, signs, further expansion - whatever is applicable)

Dated: April 30, 1991

ACME ZONING BOARD OF APPEALS

By: Karen Howie Secretary
KAREN HOWIE, Secretary

Cingsco

Lot 17

EXHIBIT D

Went back

prop #

28 01 760 012 00

760 016 00

Robert Schernerhorn
7043 Deepwater Pt
Williamsburg

760 017 00

Walter ~~Letz~~ Florence
~~Pt 2~~ 7029 Deepwater Pt
Williamsburg MI

760 012 00

John Martin
316 Lincoln
Watsika IL 60970

760 020 00

Chris Olshove
7095 Deepwater Pt
Williamsburg

760 110 00

Marion Estlin
PO Box 744
Leland MI 49654

760 012 00

George Norra
Box 257
Acme MI

760 116 00

Robert Holden
28 23 Victor Ave
Lansing MI 48684

760 118 00

Peter Henry
7012 Deepwater Pt
Williamsburg

760 022 00

Ray Swan
7113 Deepwater Pt
Williamsburg MI

ACME TOWNSHIP
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold a public hearing at their regular meeting on Thursday, February 9, 2017 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

An application by Fran Gingras, 7057 Deepwater Point Rd, Williamsburg, MI 49690 has been submitted for the extension of legally nonconforming use in order to build an addition to the home that would extend the existing encroachment from the mandatory water setback located at 7057 Deepwater Point Rd. The property is more fully described as:

LOT 17 & 18 WOODLAND ACRES SPLIT ON 08/24/2005 FROM 01-760-017-00, 01-760-018-00;

Parcel No.: 28-01-760-017-01

The nonuse variance request will be considered pursuant to §§5.4 and 7.6.7 of the Acme Township Zoning Ordinance.

All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

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.

Written comments may be directed to:

Shawn Winter, Planning & Zoning Administrator
6042 Acme Rd
Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

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

EXHIBIT E

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 01/24/17 09:24 by dling

Acct #: 6 Ad #: 455662 Status: N

ACME TOWNSHIP Start: 01/25/2017 Stop: 01/25/2017
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 4.65 Words: 257
WILLIAMSBURG MI 49690 Total STDAD 13.95
Class: 147 LEGALS
Rate: LEGAL Cost: 99.50
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE ACME TOWNSH
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 Created: dling 01/24/17 08:46
Email: szollinger@acmetownship.org Last Changed: dling 01/24/17 09:23
Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W 01/25/17 1 01/25/17 SMTWTFS
IN AIN 97 W 01/25/17 1 01/25/17 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)

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 01/24/17 09:24 by dling

Acct #: 6

Ad #: 455662

Status: N

**LEGAL NOTICE
ACME TOWNSHIP
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold a public hearing at their regular meeting on Thursday, February 9, 2017 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

An application by Fran Gingras, 7057 Deepwater Point Rd, Williamsburg, MI 49690 has been submitted for the extension of legally nonconforming use in order to build an addition to the home that would extend the existing encroachment from the mandatory water setback located at 7057 Deepwater Point Rd. The property is more fully described as:

LOT 17 & 18 WOODLAND ACRES SPLIT ON 08/24/2005 FROM 01-760-017-00, 01-760-018-00;

Parcel No.: 28-01-760-017-01

The nonuse variance request will be considered pursuant to §§5.4 and 7.6.7 of the Acme Township Zoning Ordinance.

All interested parties are invited to attend and be heard at public hearings before the Zoning Board of Appeals.

After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date. In the case of hearings composed of multiple requests, the request may be granted or denied in whole or in part as to each individual request.

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.

Written comments may be directed to:
Shawn Winter, Planning & Zoning Administrator
6042 Acme Rd
Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

January 25, 2017-1T

455662

COLLETT CHARLES D & CONNIE J
9097 CAPISTRANO ST S UNIT 7603
NAPLES FL 34113

SCHLICHTING NANCY M & THEISEN PAMEL
1710 ORCHARD LLN
BLOOMFIELD HILLS MI 48301

SQUIRES EDWIN L & HENRYKA C
1777 RAPIDS WAY
ROCHESTER HILLS MI 48309

YUILL STEVEN C TRUST
YUILL STEVEN C TRUSTEE
136 DEER PATH LN
BATTLE CREEK MI 49015

BROCK DAVID & JENIFER
11833 168TH AVE
GRAND HAVEN MI 49417

BECK AMANDA A & VARY VIRGINIA C TRU
BECK VARY TRUST
7113 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

BOWERS CHRISTOPHER & JOAN TRUSTEE
BOWERS CHRISTOPHER & JOAN TRUST
7043 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

CARLING RALPH H & JULIA E
7106 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

GINGRAS FRANCIS J
MERTA JACQUELINE K
7057 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

HEDDEN MICHAEL & SHERYL
7020 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

MCMILLAN JON M
7074 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

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

WINDISH VICKY L
7124 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

FROMHOLZ CARL G & GRISE LISA D
P O BOX 5241
TRAVERSE CITY MI 49696

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

MARTIN KATHERINE A
916 S BELMONT AVE
WATSEKA IL 60970

MCDONALD FAMILY TRUST
MCDONALD NATALIE TRUSTEE
17902 PORTSIDE CIRCLE
HUNTINGTON BEACH CA 92649



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
December 8th, 2016 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE (7:02 pm)

ROLL CALL:

Members present: Forgette, Hoxsie, Kuncaitis, Lasusa, Maitland

Members excused: none

Staff present: Winter

A. APPROVAL OF AGENDA: (approved)

B. INQUIRY AS TO CONFLICTS OF INTEREST:

1. Forgette disclosed he is friends with Mr. McCauley, applicant for ZBA 2016-03. He also formerly worked with Mr. McCauley. Forgette recused himself from Item D (1).

C. CORRESPONDENCE:

D. PUBLIC HEARINGS:

1. ZBA 2016-03: Non-Use Variance Request, 2910 Towering Pines Ct (McCauley)
 - Kuncaitis read the public notice into record
 - Mr. McCauley, the applicant, was present and gave an overview of his request and his property's characteristics. Would like to build an accessory building on an existing concrete slab located in the defined front yard adjacent to Towering Pines Dr.
 - Kuncaitis
 - Inquired about the proposed height. Applicant stated it would be approximately 12 feet high.
 - Further inquired to staff if addresses were allowed to be assigned to private roads. There are now prohibitions on addresses being assigned to private roads
 - Asked if the address was assigned to Holiday Pines Rd would we even be here for the request. Staff indicated that it wouldn't change the need for the request because it has been based on proposed accessory building location relating to the front yard as defined by the Zoning Ordinance.
 - Maitland
 - Noted the similarities to the previous request before the ZBA regarding an accessory building and a corner lot.
 - Visited the lot and felt that it was impractical to build elsewhere on the property
 - Felt the report presented by staff demonstrated that the request met all the basic conditions
 - Kuncaitis read a letter of support into record from the Applicant's neighbor, Paul Deyo
 - Lasusa said he toured the property and noticed a couple additional sheds on the property. He asked if the garage would result in the sheds being removed, the Applicant indicated that was his plan, and that they had come with the property at the time of his purchase. Maitland mentioned that he discussed the issue with staff who recommended that they be removed. Maitland didn't feel the ZBA could require their removal.
 - Kuncaitis opened up the public comment portion, no public comment.
 - Staff indicated that the request will need an additional variance to treat the setback along Towering Pines as a side-yard setback of no less than 10 feet, in addition to the variance to place the accessory building in the front yard.
 - Motion by Lasusa to approve the nonuse variance request subject to the removal of the existing nonconforming structures (sheds) that are there and grandfathered in.
 - Maitland mentioned that he would support the motion, except he does not think we can

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.

- make removal of the sheds a condition of approval.
 - Kuncaitis says the ZBA has done it in the past.
 - Support by Maitland. Motion passes unanimously, Forgette recused
2. ZBA 2016-04: Non-Use Variance Request, 4736 Springbrook Dr
- Kuncaitis read the public notice into public record
 - Mr. Sanborn, the Applicant, was present and reviewed his proposed project and requested variance.
 - Kuncaitis Asked about the properties on Springbrook Dr, whether they abutted his property. Mr. Sanborn confirmed that is the case, as well as the 38 additional acres that are being split up between himself and his three siblings. Asked staff whether a lot required frontage, or if an access road to the property is all that is required. Staff stated that frontage is required and is provided to “Parcel 4”, but is illustrated in the survey with the necessary turn radius/cul-de-sac. Clarified the location of the well and drain field with the applicant
 - Forgette asked if the drain field was immediately east of the house, applicant confirmed.
 - Maitland sought clarification if the ordinance is the same for this location where as the accessory building cannot exceed the area of the house. Staff confirmed that to be true and indicated the applicant’s site plan is not drawn to scale.
 - Kuncaitis wondered the effect on property owners further down the easement who would have to drive by the accessory building if they were to build on their lots. The applicant didn’t anticipate them building in the future. He would also be willing to plant spruce trees around the building for screening. Kuncaitis noted from experience that you never know the intentions of future property owners.
 - Hoxsie asked if the red square on the site plan created by staff meets the ordinance requirements. Staff confirmed that to be the case and was created to explore the possibility of placing the accessory building in the side yard. Wondered if the drain field would be in the way given the side yard location. Not known for sure at this point.
 - Winter said a member of the Trust called and stated the approved easement may be relocated, possibly having an effect on the location of the accessory building.
 - Kuncaitis opened up the hearing for public comment:
 - Roy Challendar, 3885 Bunker Hill Rd, expressed concern about the easement on the applicant’s and Trust’s property running adjacent to his property. Challendar showed the ZBA a site plan for a subdivision he had been planning on his property prior to the recession.
 - Maitland asked if it would be a private road. Sanborn confirmed, and Winter clarified that the land division with the easement has already been approved. Maitland stated to Challendar that the easement location is not the ZBA’s business in this hearing.
 - Maitland asked if the changes to the easement would effect the location of the accessory building, and the applicant felt that it would not.
 - Lasusa asked the applicant to show him where the red cabin was on the site plan survey, as well as the two-track.
 - Maitland stated that the ZBA needs to identify a hardship, and not blocking the view from the dining room table doesn’t constitute a hardship. Furthermore, staff has indicated that viable alternatives exist.
 - Lasusa is in agreement with Maitland.
 - Kuncaitis asked Challendar if he had any more concerns. Challendar brought up the issue of the easement and turn around on parcels 3 and 4. Kuncaitis didn’t anticipate much traffic on the easement. Challendar asked about future splits, and Kuncaitis indicated that it could be split it again but will need to wait 10 years. Kuncaitis reiterated that the easement was not part of the decision for tonight’s hearing. Maitland verified that splits like the one presented require no additional planning commission review.
 - Kuncaitis closed the public comment portion
 - Winter overviewed that not all of the basic conditions were met. If something major was to change, such as the location of the easement, the ZBA agreed to allow the applicant to come back for review.
 - Maitland recommends denying the proposed pole building in the front yard of the property based on the finding of facts that there is no hardship, and the fact that it could be built in the allowable

- setback.
- Second by Lasusa. Motion passes unanimously.
3. ZBA 2016-05: Non-Use Variance Request, 5632 Bunker Hill
- Kuncaitis read the public notice into the record.
 - The applicant, Mr. Hubbard, was not present for the hearing.
 - Kuncaitis read the letter submitted by Dennis Tuck, signed by Dennis and Jeannette Tuck, Lisa Kerkoff, and Bill and Sharon Kerkoff.
 - Conversation among the ZBA ensued regarding the lot access, relationship between the applicant and other owners on the private road (no relationships)
 - Maitland observed that the property was a mess, with plenty of debris pushed over the hillside. Asked if the applicant was aware that his request exceeded the allowable area. Winter said the applicant received a land use permit for a new house and accessory building 40' x 40' which complied with the ordinance. The request before the ZBA is for a 40' x 60' pole barn.
 - Kuncaitis felt a request to locate the accessory building in the front yard would be more appropriate, given the topography of the land and adjacent houses. Asked about the allowable height, which is 24', measured between the peak and eave.
 - Kuncaitis opened the hearing to public comment
 - Bob Pierson, 4550 Deer Valley, stated that Deer Valley subdivision has worked hard to preserve the wooded, up north feel of the development and was appalled by the request and contrast it would create with surrounding properties.
 - Lisa Kerkoff, 4660 Deer Valley Dr, summarized the contents of her submitted letter. Had concerns about the accessory building being built before the home. Winter informed her that the land use permit was issued for the house and accessory building together, to be built congruently or in sequence, which happens frequently. In cases where the accessory building was built before the home and the home was never built, the Township informed the property owner that the house needs to be build or the pole barn torn down. Kerkoff asked about the location of the house which Kuncaitis explained. Kerkoff next asked what kind of hardships are evaluated. Kuncaitis explained the different variables/scenarios that the ZBA looks at when making their decision.
 - Maitland recommended that the ZBA deny the request for a larger accessory building.
 - Winter noted that almost all of the basic conditions were unmet.
 - Pierson inquired about cleaning up the lot as required by the zoning ordinance. Winter mentioned that the junk ordinance is limited and difficult to enforce.
 - Kuncaitis closed the public comment portion of the hearing.
 - Motion by Lasusa to deny the application because it does not meet all the basic conditions, not the result of a practical difficulty, is contrary to the public interest, will negatively effect neighboring property values and is not the result of any condition of the property such as topography.
 - Second by Hoxsie. Motion carries unanimously.

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from the July 14, 2016
 - Maitland noted a change under Item D(1). A typo, changing “grating” to “granting”.
 - Motion by Maitland to approve the minutes with the above mentioned correction, second by Lasusa, motion carries unanimously
2. Approve 2017 Zoning Board of Appeals Meeting Schedule
 - Motion by Maitland to approve the 2017 meeting schedule, support by Forgette, motion carries unanimously.

ADJOURN:

Motion by Forgette to adjourn, support by Lasusa, motion carries unanimously.