



ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
August 30th, 2017 7:00 p.m.

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

ROLL CALL:

Members present: Hoxsie, LaSusa, Maitland (vice chair), Kuncaitis (Chair), Balentine

Members excused: n/a

Staff present: Winter

- A. APPROVAL OF AGENDA:** no objections
- B. INQUIRY AS TO CONFLICTS OF INTEREST:** none
- C. CORRESPONDENCE:** none. Jim Maitland serves on the LochenHeath HOA Board and will speak as a representative of the HOA during the public hearing.
- D. PUBLIC HEARINGS:**
1. ZBA 2017-03: Non-Use Variance Requests, Archangel Gabriel Orthodox Church, 7111 US-31 N
 - a. Request Mark Humitz, President of Cornwell Architects
- Kuncaitis read the public notice into the record.
 - Ben Loznak, representative of Cornwell Architects, provided an overview of the proposed project and non-use variance requests they are pursuing.
 - Specifically, the applicant is requesting a non-use variance to allow the parking in the front and to deviate from the required placement of trees prescribed in the landscape section of the Zoning Ordinance. Loznak reviewed the hardships they presented in their application detailing the reasons for their request, including the natural drainage of the property due to topography and viewshed preservation. The Applicant is requesting to use the same number of required trees in the landscape and ROW buffers but to allow for clustering in groups of 4 at a distance of 80 feet between clusters, as opposed to the maximum spacing of 35 feet required by the Zoning Ordinance.
 - Father Ciprian spoke on the Church's goal of being good stewards of the land and wanting to protect the viewshed and value it provides to the community.
 - Kuncaitis asked for clarification of the building heights at different points along the façade and the overall design. Further discussion occurred regarding the existing berm and proposed berm.
 - Maitland questioned the need for a berm if the protecting the viewshed is the goal. Kuncaitis explained the effect of blocking headlights from the parking lot from projecting onto the highway.
 - Loznak reinforced the landscape requirements, particularly a fence and 6 foot trees placed 20 feet apart, will be met along the northwest property line adjacent to the LochenHeath residential lots as required.
 - LaSusa asked about the type of trees. Winter indicated the Ordinance allows either evergreen or canopy and the species details will be forthcoming.
 - Discussion occurred about the treed islands and tree types, as well as grade elevation of the parking lot, drainage plan, and design/purpose of the berm along the ROW.
 - Maitland expressed a desire to give more authority to Winter regarding the flexible spacing of the trees as the project develops. Would like to see trees closer together along the ROW, more open along the south and west property line. Loznak is willing to reduce the number of trees along the south and west if allowed.
 - LaSusa asked Winter if he has any recommended language for approval that maximizes the protection of the viewshed. Winter Recommended looking at the conditions of the adjacent LochenHeath development included in the packet.

- LaSusa suggests conditioning the installation of the fence on the request of the neighboring HOA at a later date when development occurs.
- Kuncaitis opened the hearing up to public comment
- Arlene Staich – 319 Green Acres Lane, Elk Rapids, MI. Questioned the need for the proposed fence along the LochenHeath lots. Suggests leaving the installation of fence up to the Church and the neighbors in the future so they can decided together on the appropriate design/style. Supports trees, but feels in some cases you can have too many trees.
- Jim Maitland – LochenHeath HOA Board. The HOA feels the Church have been good neighbors. The HOA has no issues with the plans. Does not see a problem delaying the installation of the fence line until a later date with the Church and HOA deciding on the timing and design.
- Loznak appreciates the conversations that have occurred, but does feel the amount of trees required will drastically affect the existing viewshed.
- Balentine is in favor of not requiring the trees.
- Discussed the need for proposed trees adjacent to the existing community garden.
- Hoxsie feels the trees, especially along the south and west line will drastically disrupt the viewshed.
- Discussed the parking lot placement. Noted the use will not fill the parking lot on a regular basis. Discussed the affect a rear parking lot will have on the adjacent residential lots.
- Kuncaitis closed the public comment portion.
- Conversation occurred around the structure of a motion and the associated conditions.
- Eliminate trees requirements along the ROW
- Eliminate trees along the south and west property lines indicated on the plan as “Protected Viewshed”
- Delay the installation of the 6’ high opaque fence along the northwest property line until requested by a resolution of the LochenHeath HOA
- Berm height along the ROW of 3 feet above highest parking lot grade south of the driveway, truncated on the north end to accommodate the sign as indicated in Exhibit C
- Use of shrubs to create a hedge row 3’ high along the northwest property adjacent to the LochenHeath residential lots.

Motion by LaSusa to accept the findings of fact by the Zoning Administrator and grant the non-use variance request to allow the following as submitted by the Applicant and indicated on the landscape plan identified as Exhibit C with the following changes:

1. The parking shall be located in the front of the yard.
2. Eliminate the required trees along the south and west in the “Protected Viewshed” and the northwest property line adjacent to the LochenHeath lots
3. Substitute the trees adjacent to the LochenHeath lots with low shrubbery
4. Allow the screening of the refuse receptacle with evergreen trees
5. The reduction of the berm’s northern extent south of the driveway as indicated in Exhibit C.
6. Eliminate the required berm north of the driveway
7. Install additional the treed islands as indicated in Exhibit C
8. A 6’ high opaque gate to be placed in front of the refuse receptacle
9. Delay the installation of the opaque fence along the residential lots until initiated by resolution of the LochenHeath HOA
10. Eliminate the required trees along the US-31 ROW

Second by Hoxsie. Motion passes unanimously.

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 06/08/17
 - Motion by LaSusa, Second by Hoxsie. Motion passes unanimously.
2. Election of Officers
 - Kuncaitis opened up the election of officers
 - Maitland nominates Kuncaitis as Chair. Second by LaSusa. Kuncaitis elected unanimously.
 - Balentine nominates LaSusa for Vice Chair. Second by Maitland. LaSusa elected unanimously.

ADJOURN:

Motion by Maitland to adjourn. Second by Balentine. Motion passes unanimously. Adjourn at 8:24.



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
August 30th, 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 2017-03: Non-Use Variance Requests, Archangel Gabriel Orthodox Church, 7111 US-31 N
 - a. Request Mark Humitz, President of Cornwell Architects

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 06/08/17
2. Election of Officers

ADJOURN:



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

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

Date: August 22, 2017

Permit No.: ZBA 2017-03

Request: Non-use variance to allow parking in the front and modify the landscape plan requirements to flexibly preserve the viewshed of Grand Traverse Bay.

Applicant: Mark Humitz, Cornwell Architects
401 E Front St
Traverse City, MI 49686

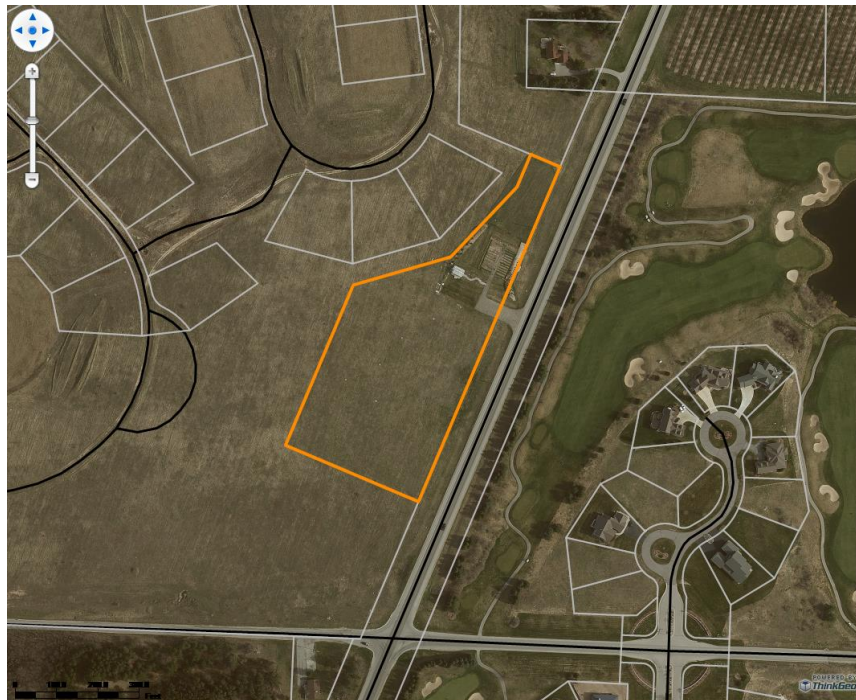
Address: 7111 US-31 N
Williamsburg, MI 49690

Parcel No.: 28-01-226-020-02

Legal Description: PART OF SE 1/4 SW 1/4 SEC 26 T28N R10W COM AT SW CNR SEC 26 TH S 88 DEG 45'26" E 1484.15' TH N 21 DEG 56'03" E 360.45' TO POB TH N 68 DEG 03'57" W 350' TH N 21 DEG 56'03" E 421.19' TH N 72 DEG 58'17" E 246.02' TH N 42 DEG 26'07" E 233.01' TH N 21 DEG 56'03" E 85.75' TH S 68 DEG 03'57" E 77.10' TH S 21 DEG 56'03" W 880' TO POB SPLIT ON 03/26/2008 FROM 01-227-001-06;

Owner: Archangel Gabriel Orthodox Church

Aerial Map:



Area: Approximately five acres

Zoning & Existing Use(s): A-1: Agricultural

“This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, preserve the essential characteristics and economical value of these areas as agricultural lands, provide increased market opportunities for local and regional producers by clustering supporting operations such as processing, packaging, distributing, buying, and, research and development that complement and add value to the agricultural sector, and provide opportunities for agricultural-related entrepreneurial ventures. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act. It is explicitly the purpose of this zone to preserve a suitable long term working environment for farming operations while minimizing conflicts between land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands.”

Property currently has a community garden and gazebo-type structure, but is otherwise undeveloped.

Setbacks:

Front: 50 feet
Side: 25 feet
Rear: 40 feet

Adjacent Zoning:

North: A-1: Music House Museum
Northeast: A-1: Betty & James Bush (LochenHeath residential lot)
A-1: Nancy & Rodney Hyduk (LochenHeath residential lot)
A-1: Sixeem LLC (LochenHeath residential lot)
East: A-1: Grand Traverse Resort & Spa (golf course)
South: A-1: Stars & Stripes LLC (LochenHeath open space requirement)
West: A-1: Stars & Stripes LLC (LochenHeath open space requirement)

Relevant Sections of the Zoning Ordinance:

§7.5 OFF-STREET PARKING AND LOADING REGULATIONS

§7.5.4 OFF-STREET PARKING AREA CONSTRUCTION & MAINTENANCE STANDARDS

- a. All off-street parking area shall be constructed in the rear or side yards. Parking areas shall not be constructed within the front yard unless otherwise approved by the Zoning Board of Appeals as being consistent with the public health, safety and welfare.

Applicant is proposing to construct the parking lot in the front and side yard.

c. Off-Street Parking Area, Buffering, Landscaping, and Screening: All off-street parking areas shall, in addition to any requirements contained in Section 7.5.6, meet the following requirements:

1. All off-street parking areas shall be landscaped with planting strips on all sides that are either visible from a surrounding property.

Standard met.

2. Off-street parking areas shall have the following buffering, landscaping and screening along all streets:

a) A buffer strip shall be established between the off-street parking area and the street of at least ten feet in width, which shall be used only for landscaping, screening or drainage, as provided herein.

Standard met.

b) One canopy or evergreen tree shall be planted in the buffer strip for every 24 lineal feet of street frontage of the off-street parking area. Arrangement of trees in clusters or groupings is encouraged, but in no case shall trees be more than 35 feet apart.

Eighteen (18) canopy/evergreen trees are required along the 420 ft of parking lot on US-31 N. The Applicant is proposing twenty (20) canopy trees clustered in groups of four (4) and is requesting to place the clusters eighty (80) ft apart as opposed to the maximum spacing of thirty-five (35) ft.

c) A hedge, berm, wall or combination thereof forming a continuous screen at least 36 inches in height above the grade of the off-street parking area, shall be established in the buffer strip. Walls and/or hedges shall be set back at least four feet from the property line. Gasoline service stations shall employ opaque walls between the off-street parking area and the street unless the buffer strip is 15 feet in width or greater, in which case a hedge or berm is acceptable. Where screens of non-living material are used, at least one shrub or vine shall be planted on the street-side of the off-street parking area, for each ten lineal feet of wall or fraction thereof.

The Applicant does propose a thirty-six (36) in. high earthen berm along the parking lot, but is requesting to place it along the property line between the proposed clustering of trees, rather than the required four (4) setback from the property line.

d) Refuse receptacles and waste removal areas placed in the off-street parking area shall be screened from view on all sides. The screening shall consist of an opaque board fence constructed of cedar or pressure-treated lumber and shall exceed the height of the refuse receptacle in use by at least one foot, but shall in no event be less than six feet in height. Shrubs or vines shall be installed adjacent to this fence at an interval of one shrub or vine planted for each five lineal feet of fence.

The site plan requests approval to the screen the refuse receptacle with six (6) evergreen trees spaced five (5) ft. apart spread around three of the sides.

§7.5.6 LANDSCAPING

- e. Landscaped Buffers: All uses subject to the requirements of this Section that abut R-1, R-2, R-3, R-1MH and A-1 Zoning Districts shall provide a landscape buffer on that abutting side and meet the following minimum requirements:
1. The buffer shall be a minimum of 20 feet in width.
Standard met
 2. The buffer shall be free of off-street parking and structures, other than structures placed there pursuant to this Section or Section 7.5.4c.
Standard met
 3. Within the required buffer, a continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half feet in height and of such species as will produce, within three growing seasons, a screen at least six feet in height so as to continually restrict a clear view beyond said buffer strip.
The Applicant is requesting to cluster canopy trees in groups of four (4) along the south and west property lines to preserve the viewshed. The remaining side and rear property lines indicate a more continuous screen of trees. No other plantings have been indicated for the space between the clustered trees along those sides.
 4. An opaque fence may be substituted in whole or in part for a continuous landscape screen if the Planning Commission determines that the landscape screen would be impractical or inappropriate. Such a fence shall be at least six feet in height.
Standard met along the rear property line adjacent to the LochenHeath residential lots, dependent on Planning Commission approval.
 5. One canopy or evergreen tree shall be planted for every 20 feet or fraction thereof within the buffer area.
Based on the 1,413 ft. of rear and side property lines, seventy-one (71) canopy/evergreen trees are required. The Applicant's plan indicates seventy (70) trees. The Planning & Zoning Administrator has indicated a location for an additional tree on Exhibit C in the northeast corner.
 6. An earth berm may be substituted for the required landscape screen or fence, provided the width of the buffer permits adequate space to allow the construction of a natural looking berm of at least six feet in height.
Standard met, no berm indicated along the rear or side property lines
 7. Interconnectivity between zoning districts using pathways and sidewalks shall be encouraged when it is determined to enhance the quality of all developments affected.
Standard met as it is not applicable at this time
- f. Right-of-Way Landscaping: All uses subject to the requirements of this Section that abut rights-of-way shall provide the following landscaping on any abutting side:

1. Any required planting strip shall be a minimum of 10 feet in width, except as provided in Section 7.5.6d.

Standard met

2. One canopy or evergreen tree, and five small shrubs shall be planted adjacent to the public right-of-way for each twenty-four lineal feet of frontage. Arrangement of trees and shrubs in clusters or groupings is encouraged, but in no case shall trees be more than thirty-five feet apart.

The Applicant is requesting to plant canopy trees in clusters of four (4) along the right-of-way spaced approximately eighty (80) ft. between clusters. No shrubs are indicated in the plan, but an earthen berm is indicated pursuant with §7.5.6(f)(3) below.

3. A landscape screen, opaque fence, berm or combination thereof shall be established adjacent to the public right-of-way, such that it forms a continuous screen at least three feet in height.

Standard met

REPORT

The Applicant has requested non-use variances to allow parking in the front yard and to modify the landscape requirements to preserve the viewshed of Grand Traverse Bay for a proposed 12,385 square foot church to be located at 7111 US-31 N. The Applicant has submitted a narrative (Exhibit A) for the non-use variance requests and landscape plan (Exhibit B) for the project that has been enclosed with this report. Additionally, a site plan (Exhibit D) and drainage plan (Exhibit E) have been included from the special use permit application for reference.

The subject property sits along US-31 N atop a hill that slopes down to the east towards Grand Traverse Bay. The neighboring property along the south and west property line (indicated as "Protected Viewshed" on the landscape plan) is part of the open space requirement that was a condition of the southern portion of LochenHeath Open Space Development (SUP 2004-6P). The approval of, and subsequent amendments to, SUP 2004-6P placed a strong emphasis on preserving the viewshed of the Bay that exists along this portion of the highway, which was consistent with the 1999 Community Master Plan that was in effect at the time. A conservation analysis was conducted in consideration of the approval of SUP 2004-6P that noted the following in regards to the established viewshed:

- Vegetation should be kept low near the highway, to the point where the land begins to fall away to the west
- Future development of LochenHeath should be located further down the side of the ridge as to not obstruct the view

As a result of the conservation analysis, the following elements were incorporated into the design of the site plan for SUP 2004-6P that relate to preserving the viewshed:

- The Open Space Development tool was utilized to allow flexibility in development of the property in order to preserve natural features and minimize the impact of the development
- A combination of berm and fencing may be used along US-31 N and Dock Rd, but will incorporate a style that does not impede the viewshed
- Large setbacks were used in the arrangement of lots along US-31 N (250 – 500 feet)
- Less intensive plantings with lower mature heights were proposed on the east side of the development

- Nineteen (19) acres in the southeast corner of the development (corner of US-31 N and Dock Rd) were designated as open space for viewshed preservation

The non-use variance the Applicant is requesting for the landscape plan requirements is consistent with the intent and purpose of the LochenHeath Open Space Development in regards to preserving the viewshed of Grand Traverse Bay from the US-31 N corridor. The Applicant is proposing to meet the number of required canopy trees along the right-of-way, screening the parking lot, and as a buffer along the rear and side property lines. However, the Applicant is requesting a non-use variance to cluster the trees in groups of four (4) spaced eighty (80) feet apart along the right-of-way, south and west property lines. The Zoning Ordinance encourages the clustering of trees, but not to exceed a spacing of thirty-five (35) feet. Along the north and northeast property lines the applicant is proposing a more traditional landscape buffer of seventy (70) canopy trees spaced twenty (20) feet apart with a six (6) foot high fence to add additional screening for the three (3) residential lots located adjacent to these property boundaries. Furthermore, the Applicant proposes a thirty-six (36) inch tall berm along the right-of-way between the property boundary and the clusters of trees. The Zoning Ordinance requires the berm to be placed four (4) feet back from the property line. The non-use variance will need to include the allowance of the berm up to the property line, as well as allowing a grassy berm to replace the required five (5) shrubs per twenty-four (24) linear feet along the right-of-way.

The landscape plan includes a refuse receptacle in the southwest corner of the parking lot near the storm water basin. The Zoning Ordinance requires refuse receptacles be screened on all sides. The landscape plan indicates three sides surrounded by evergreen trees spaced five (5) feet apart. A non-use variance will need to be granted to allow this method of screening. The Planning & Zoning Administrator has recommended a six (6) foot high opaque gate be included in the front of the refuse receptacle area as noted in Exhibit C. Given the location of the refuse receptacle within the viewshed area, the proposed screening method will provide a more natural element across the landscape compared to an opaque screening structure.

Lastly, the Applicant is requesting a non-use variance to allow the parking lot in the front yard of the proposed church. The siting of the parking lot in the front yard is based on several variables. The property slopes down towards the southwest corner, which makes this location the logical site for the storm water retention basin. Plus, the soil on this site does contain a high level of clay and does not infiltrate very well. As a result, the storm water system includes an overflow drain that follows the natural grade from the property to the established drain district on Dock Rd through an easement on the LochenHeath property, further necessitating the basin's location. Placing the parking in the rear and side yards only would require the building location to shift to the south and east which would further encumber the viewshed and would not be consistent with the intent and purpose of the LochenHeath Open Space Development's attempts at preservation. By placing the parking lot in the front yard the Applicant is minimizing the impact on the neighboring properties, especially the three residential lots on the northwest side of the proposed church. The front yard parking lot location will decrease the sound of car engines and doors heard by these property owners, and will place the parking lot light poles near US-31 N rather than along the backyards of the neighboring properties. Lastly, the front yard parking lot location is consistent with other developments along the US-31 N corridor, including Tom's Market, Kmart, the Music House Museum, and New Hope Community Church.

STAFF FINDINGS AND RECOMMENDATION

RECOMMENDATION:

Approval of the requests is in accord with the development pattern along the US-31 N corridor in the A-1 District, is consistent with the intent and purpose of the LochenHeath Open Space Development,

will have no nuisance effect on adjacent land owners, 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 clay soils and natural slope of the land necessitate a storm water basin location that makes siting the parking in the rear and side yards difficult to achieve. The landscape plan, as proposed, preserves the viewshed in a way that is consistent with the efforts of the neighboring development and protects a community asset.*

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

***SATISFIED:** The proposed project and non-use variance requests are not contrary to public interest, but rather are an attempt to preserve public interest, most notably the viewshed of Grand Traverse Bay. The flexibility requested through the non-use variance will allow the majority of the Ordinance standards to be met while balancing the preservation of community assets.*

- 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 Applicant's proposed non-use variance requests are designed to minimize the development's impact on neighboring property owners.*

- 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:** The proposed development's location atop a valued viewshed is rather unique to this parcel, as well as the limitations placed upon the storm water system based on the topography of the site and the high clay content in the soil.*

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

***SATISFIED:** The specific non-use variance requests relate only to the property under control by the Applicant's client.*

- 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 non-use variance requests by the Applicant are the result of property's unique location along a busy highway corridor that provides panoramic views of Grand Traverse Bay and Old Mission Peninsula beyond. The viewshed provided by this property's locations, along with the sloping topography and clay soils, are not the result of the Applicant's or property owner's actions, and are not commonplace to other property uses in the A-1 District. The non-use variance requests are consistent with other developments of similar nature along the US-31 N corridor in this district, are consistent with the conditions and design of the LochenHeath development to preserve the valued viewshed for the community at large.*

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 non-use variance requests submitted by the Applicant, with the additional elements added by the Planning & Zoning Administrator, to modify the landscaping standards and allow the parking lot in the front yard for the proposed Archangel Gabriel Orthodox Church to be located at 7111 US-31 N, Williamsburg, MI 49690.

MOTION:

Motion to adopt the findings of the Planning & Zoning Administrator and grant the non-use variance requests to allow the following as submitted by the Applicant and indicated on the landscape plan identified as Exhibit B:

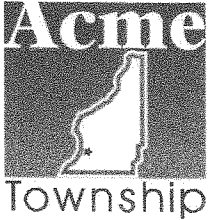
1. The parking located in the front yard.

2. The clustering of canopy trees in groups of four (4) to be spaced eighty (80) feet apart along the US-31 N right-of-way, the south property line, and the west property line.
3. The screening of the refuse receptacle with evergreen trees.
4. The earthen berm along the US-31 N right-of-way along the front property line in front of the clustered trees.
5. The space between the clustered trees along the property's boundaries and the earthen berm itself to be planted with grass instead of shrubs.

In addition to the non-use variance requests submitted by the applicant, the following elements shall be incorporated as indicated on Exhibit C by the Planning & Zoning Administrator:

1. The addition of two (2) treed islands to meet the requirements of the Ordinance.
2. A six (6) foot high opaque gate in the front of the refuse receptacle.
3. An additional canopy tree located at the northeast corner to satisfy the number of required trees (71).
4. Reduce the northern extent of the earthen berm on the south side of the driveway as to not obstruct the view of the sign from those traveling north along US-31.

All other standards of the Zoning Ordinance shall remain in effect.



Zoning Board of Appeals – Application for Hearing/Appeal

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

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

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

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

A. Applicant Information:

Applicant's Name: Cornwell Architects

Applicant's Current Mailing Address: 401 East Front Street

City: Traverse City State: MI Zip Code: 49686 Phone Number: 946-7711

B. Purpose of Hearing:

- Appeal from a Determination by the Zoning Administrator
- Apply for a Variance Permit as Authorized by Section(s) 6.12(e) of the Acme Township Zoning Ordinance to sections 7.5.4(a) Off-Street Parking Location & 7.5.6 for spacing of trees
- Request Extension or Resumption of a Nonconforming Use
- Request an interpretation of the Zoning Ordinance

C. Property Information:

Property Address: 7111 U.S. 31 North Parcel Number: 28-01-226-010-02

Property Owner's Name: Archangel Greek Orthodox Church

Property Owner's Current Mailing Address: P.O. Box 6350

City: Traverse City State: MI Zip Code: 49696 Phone Number: 1-313-598-4700

Proposed Use/Change to Property: New Church and fellowship hall

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. see drawings submitted for PC meeting

Elevation Drawings – showing the height of the structure(s) see drawings submitted for PC meeting

Additional Drawings/Information as Listed Below:

Proposed landscape plan

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

Fee Escrow Policy Acknowledgement – signed form with initial fee deposit (if determined applicable) see acknowledgement submitted for PC meeting

E. Affidavit:

The undersigned affirms that he/she is the Architect (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: Mad. Heeereee Date: 8-17-2017

FOR TOWNSHIP USE ONLY

Application No.: ZBA 2017-03

Date of Advertising: 08/16/17

Date Received: 08/21/17

Date of Hearing: 08/30/17

Fee Tendered: \$475.00

Action Taken: _____

NOTES

Exhibit A

Applicant's Narrative

Archangel Greek Orthodox Church
Acme Township Zoning Board of Appeals

August 21, 2017

Archangel Greek Orthodox Church at 7111 US 31 North is a new +/- 240 person sanctuary worship space with adjacent administration and fellowship hall. The Church is seeking a variance to allow parking in front of the building and to increase the spacing of the trees in the required perimeter landscape buffer.

The requested variance meets the **Basic Conditions** for approval as follows:

- a) **The variance is a result of practical difficulties which prevent carrying out the strict letter of the 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.**

There are three major practical difficulties creating the need for these variances; 1) the existing topography which slopes down to the southwest, away from the road, and 2) the existing soil type with a clay layer, which makes storm water infiltration difficult and makes the use of retention basins necessary and 3) preserving the unique view shed through the property as a community asset.

Allowing parking in the front between the building and the road allows storm water to follow the natural path to the south west corner of the site while minimizing the possibility of uncontrolled storm water run. Placing parking behind the building would create a practical difficulty to drain water up hill to the east to avoid the potential of storm water run-off across the west property line.

U.S. 31 North is a major north / south artery with unique views of Grand Traverse Bay to the west. The subject parcel is located on Acme Township's Future Land Use Map in an area that transitions from a more dense business area to a Residential – Urban area. The Church is a perfect use to aide this transition in land use. The variance request to increase the tree spacing is a result of the unique location of the property between U.S. 31 North and East Bay and the Church's desire to maintain as much of the view shed to the bay as possible as a community asset. We have provided the required number of trees at a spacing of 80' in lieu of 20'

Maintaining the tree spacing called for in the ordinance would block the view shed in this area and eliminate the purpose for the open space requirement of the adjacent development. The area immediately west of the property is part of a protected view shed with-in Lochenheath. Clustering of the buffer trees maintain this view shed.

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

The variance request is actually in the public interest to protect the view shed to the bay as much as possible as mentioned in a) above and to maintain a natural storm water collection system to minimize uncontrolled run-off.

- 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.**

Allowing parking in front of the building is consistent with adjacent properties and due to the speed and volume of traffic on U.S. 31 in this location, will not have adverse impacts on surrounding property values. Allowing a greater spacing for the buffer trees will allow for views of the bay to be maintained as well and will enhance property values in the area.

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

Due to the unique location of the property – with-in a land use transition zone and also providing a dominant community asset in the bay views, these specific conditions are NOT general nor recurrent in nature.

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

The variance is being requested only for the property that the Church owns. No other land is affected.

- f) **Will not be permitted for a parcel of property that is not a Legal Lot of Record, as defined in the Ordinance.**

The variance is being requested on an existing parcel of land recorded as a Legal Lot of Record.

The requested variance meets the **Special Conditions** for approval as follows:

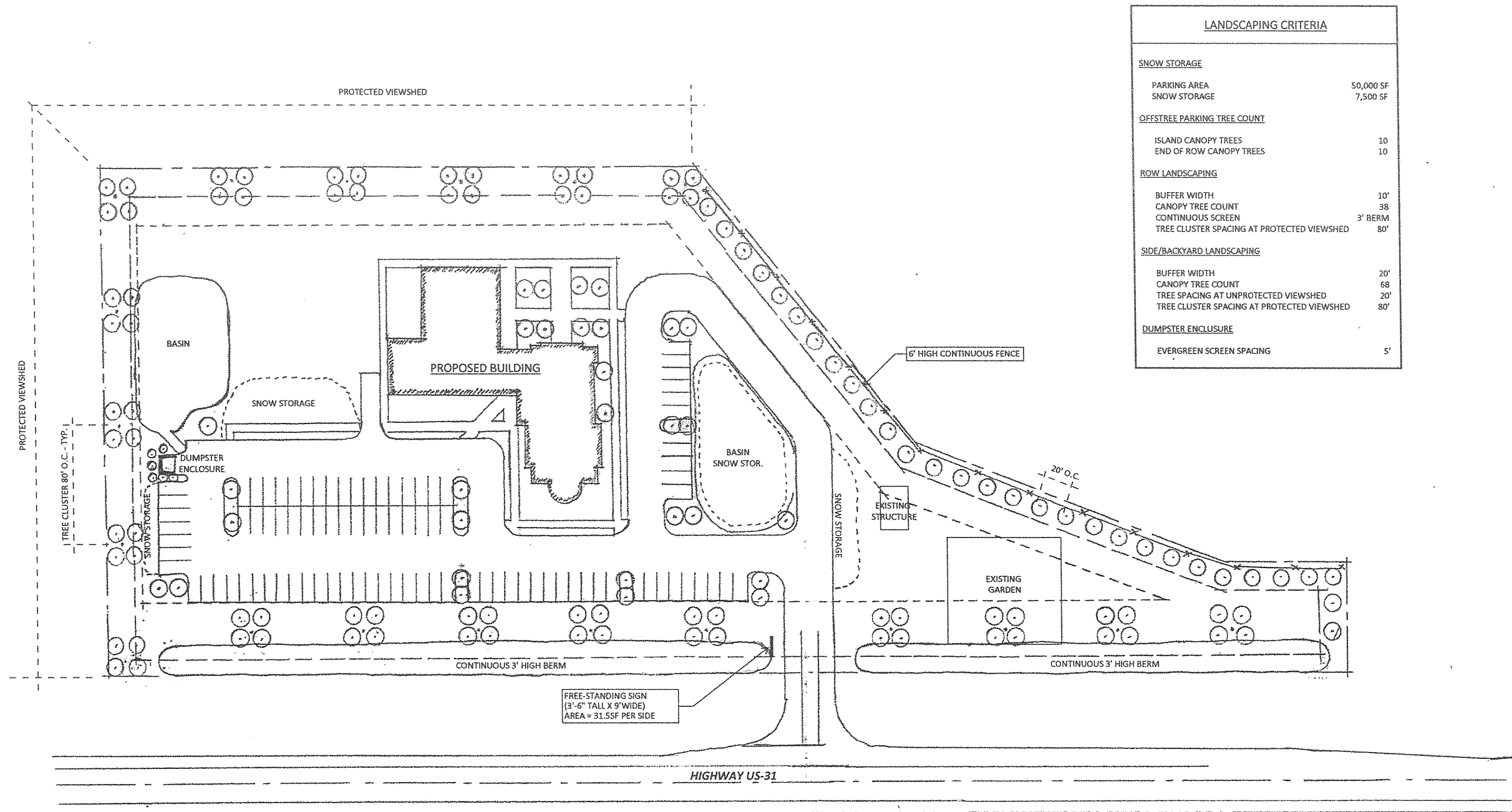
- a) **Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of the Ordinance.**

The Church did not create the unique circumstances of the property location being in a land use transition zone and with a special view shed to the bay nor the existing topography or soil condition. The Church was also not involved with adjacent property owners being allowed to parking in front of their buildings.

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

There are many other businesses in the vicinity that have parking between the building and the road including the adjacent Music House Museum. The clustering of the required buffer trees will allow the preservation of the bay views as community asset.

Exhibit B Landscape Plan

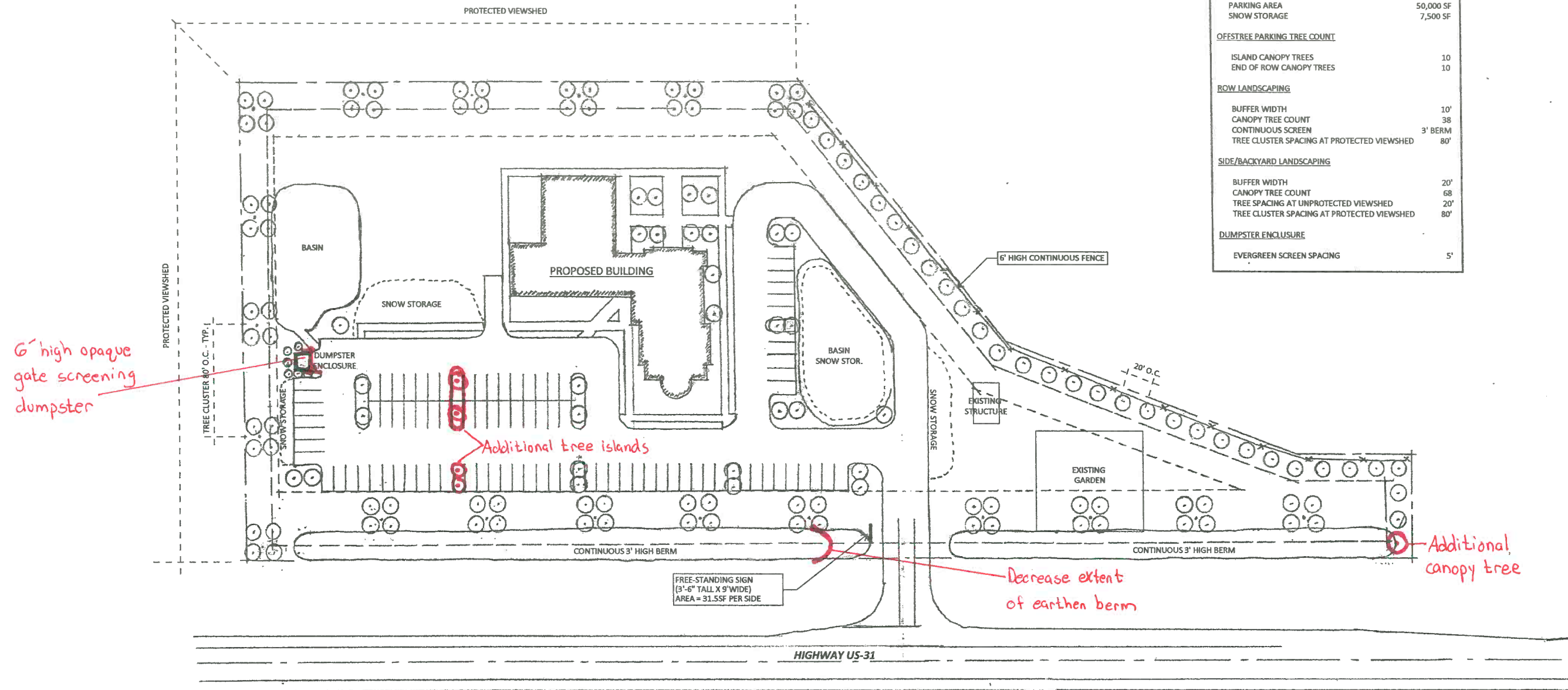


LANDSCAPING CRITERIA	
SNOW STORAGE	
PARKING AREA	50,000 SF
SNOW STORAGE	7,500 SF
OFFSTREET PARKING TREE COUNT	
ISLAND CANOPY TREES	10
END OF ROW CANOPY TREES	10
ROW LANDSCAPING	
BUFFER WIDTH	10'
CANOPY TREE COUNT	38
CONTINUOUS SCREEN	3' BERM
TREE CLUSTER SPACING AT PROTECTED VIEWSHED	80'
SIDE/BACKYARD LANDSCAPING	
BUFFER WIDTH	20'
CANOPY TREE COUNT	68
TREE SPACING AT UNPROTECTED VIEWSHED	20'
TREE CLUSTER SPACING AT PROTECTED VIEWSHED	80'
DUMPSTER ENCLOSURE	
EVERGREEN SCREEN SPACING	5'

ARCHANGEL GABRIEL CHURCH LANDSCAPE PLAN

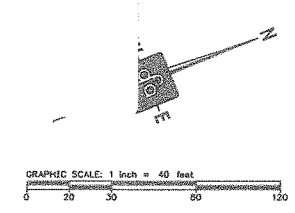
Exhibit C Planning & Zoning Administrator Recommendations

LANDSCAPING CRITERIA	
SNOW STORAGE	
PARKING AREA	50,000 SF
SNOW STORAGE	7,500 SF
OFFSTREET PARKING TREE COUNT	
ISLAND CANOPY TREES	10
END OF ROW CANOPY TREES	10
ROW LANDSCAPING	
BUFFER WIDTH	10'
CANOPY TREE COUNT	38
CONTINUOUS SCREEN	3' BERM
TREE CLUSTER SPACING AT PROTECTED VIEWSHED	80'
SIDE/BACKYARD LANDSCAPING	
BUFFER WIDTH	20'
CANOPY TREE COUNT	68
TREE SPACING AT UNPROTECTED VIEWSHED	20'
TREE CLUSTER SPACING AT PROTECTED VIEWSHED	80'
DUMPSTER ENCLOSURE	
EVERGREEN SCREEN SPACING	5'



ARCHANGEL GABRIEL CHURCH
LANDSCAPE PLAN

Exhibit D Site Plan



<http://gfoa.io>
 231.946.5874 (p)
 231.946.3703 (f)



ENGINEERING
 SURVEYING
 TESTING & OPERATIONS
 123 West Front Street
 Traverse City, MI 49984

CORNWELL ARCHITECTS
 401 East Front Street, Traverse City, MI 49986
 tel: 231-946-7711 fax: 231-946-7712

NEW BUILDING
ARCHANGEL GREEK ORTHODOX CHURCH
 7111 U.S.-31 North, Acme, MI 49610

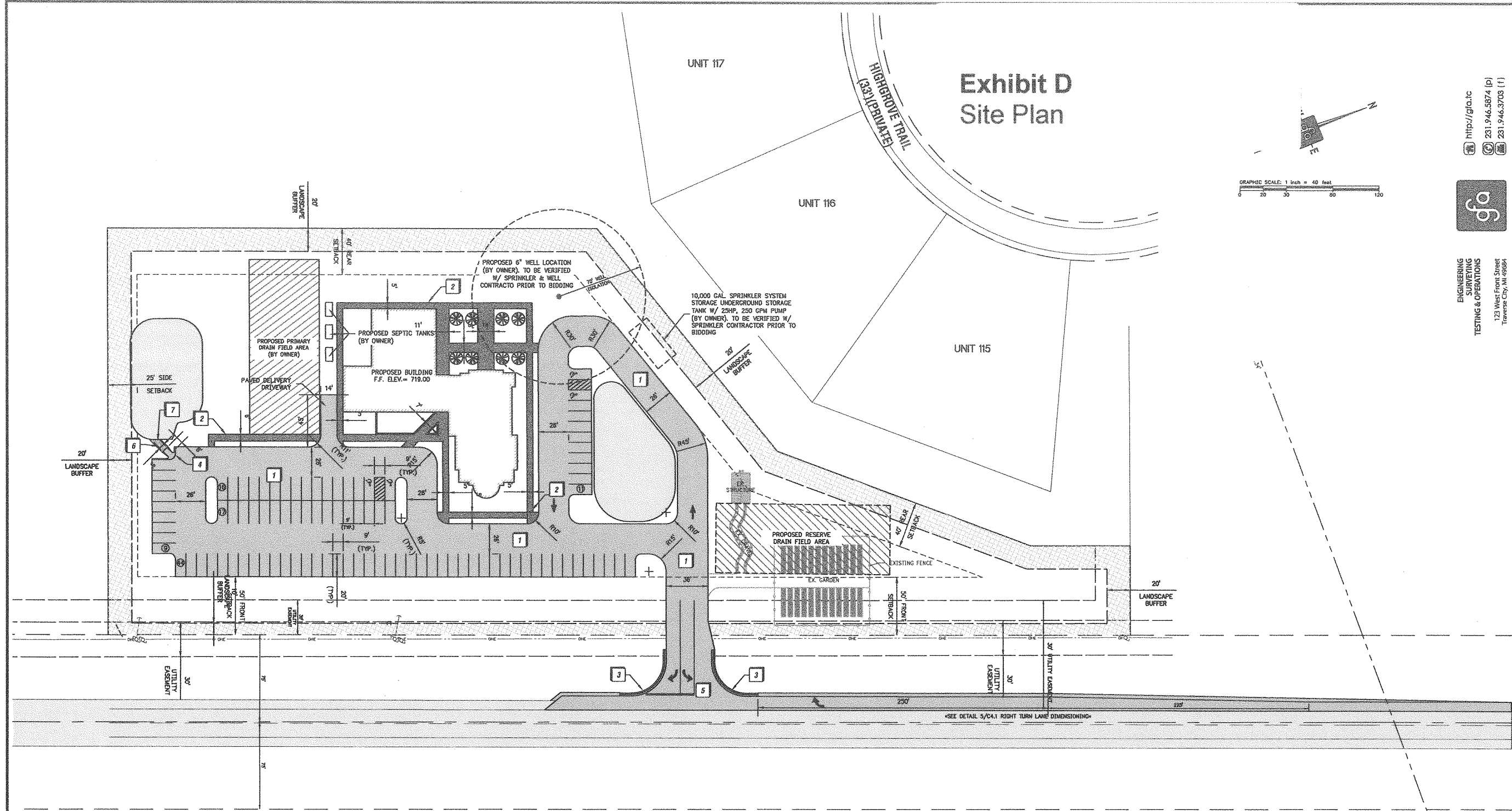
PROPOSED SITE PLAN
 DRAWN
 06-07-17

REVISIONS
 A 06-14-17
 B 07-11-17

JOB NO.
 201525

C2.1

REV B: AGENCY PERMIT APPLICATIONS



Site Data

PROPERTY OWNER: TC GREEK ORTHODOX MISSION CHURCH P.O. BOX 6350 TRAVERSE CITY, MI 49986	PARCEL ADDRESS: TC GREEK ORTHODOX MISSION CHURCH 7111 U.S.-31 N WILLIAMSBURG, MI 49960
PARCEL INFORMATION: PARCEL ZONING: A-1 AGRICULTURAL	MINIMUM PARCEL AREA: 5 ACRES MINIMUM LOT WIDTH: 330'
PROPERTY TAX NO: 28-01-226-010-02 SEC. TOWN RANGE: 26, T28N, R10W	STRUCTURE BUILDING HEIGHT: 35' YARD SETBACKS: • FRONT: 30' • SIDE: 25' • REAR: 40'
PARCEL SIZE: 219,148 SF (5.03 AC)	

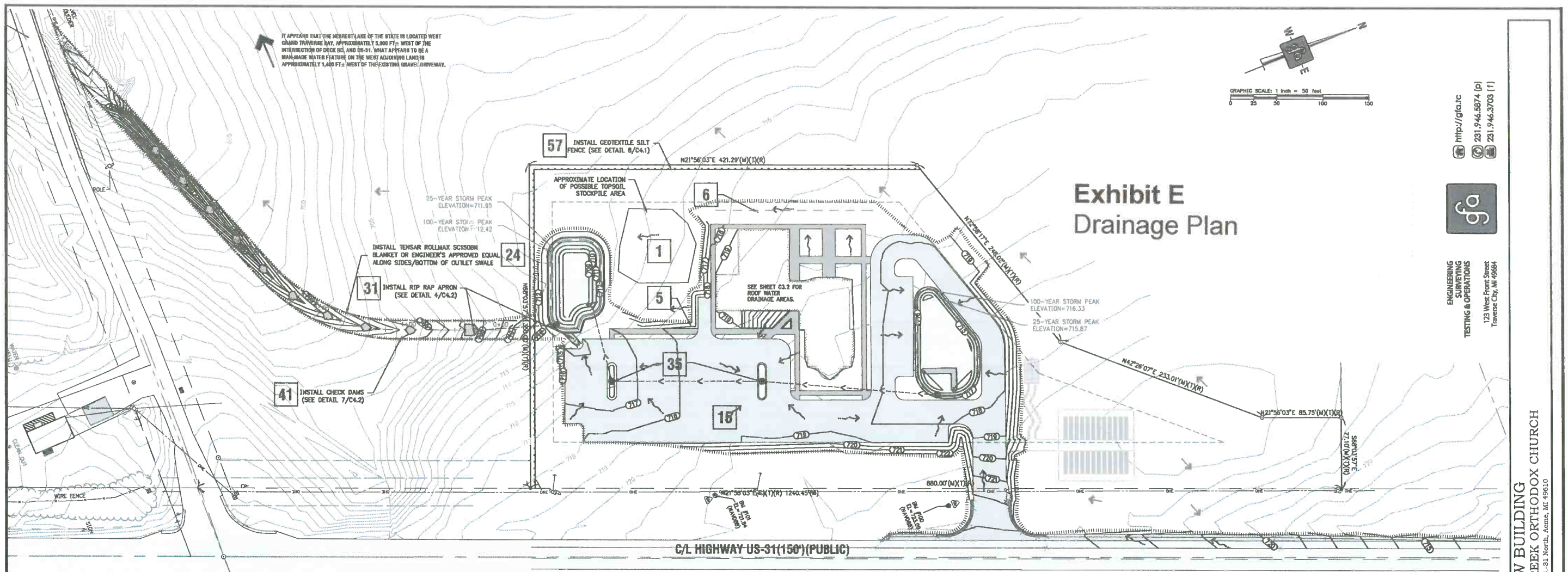
Parking Requirements

PARKING SPACES REQUIRED:
 • ONE (1) SPACE PER 8 SEATS OR 250' OF BENCH/PEW (MIN.)= 204 SEATS/8= 26 SPACES
 • ONE (1) SPACE PER 1.5 SEATS OR 50' OF BENCH/PEW (MAX.)= 204 SEATS/1.5= 136 SPACES
 • 26-136 SPACES REQUIRED

PARKING SPACES PROVIDED:
 • 93 SPACES
 • 4 ADA SPACES
 • 97 TOTAL SPACES PROVIDED

Construction Notes

- | | |
|--|----|
| 1 PAVING DETAIL (SEE DETAIL 1 ON SHEET C4.1) | 8 |
| 2 CONCRETE SIDEWALK (SEE DETAIL 2 ON SHEET C4.1) | 9 |
| 3 CONCRETE CURB & GUTTER (SEE DETAIL 3 ON SHEET C4.1) | 10 |
| 4 BITUMINOUS RAISED EDGE CURB (SEE DETAIL 6 ON SHEET C4.1) | 11 |
| 5 COMMERCIAL DRIVEWAY DETAIL (SEE DETAIL 5 ON SHEET C4.1) | 12 |
| 6 ASPHALT SPILLWAY (SEE DETAIL 7 ON SHEET C4.1) | 13 |
| 7 RIP-RAP APRON (SEE DETAIL 4 ON SHEET C4.2) | |



<http://gfa.ic>
 231.946.6874 (P)
 231.946.3703 (F)
 ENGINEERING
 CONCRETE
 TESTING & OPERATIONS
 123 West Front Street
 Traverse City, MI 49684

NEW BUILDING
 ARCHANGEL GREEK ORTHODOX CHURCH
 7111 U.S.-31 North, Acme, MI 49610

PROPOSED DRAINAGE
 PLAN
 DRAWN
 06-07-17
 REVISIONS
 A 06-14-17
 B 07-11-17

JOB NO.
 201525

C3.1
 Page 1 of 3

REV B: AGENCY PERMIT APPLICATIONS

Michigan Unified Keying System

1	STRIPPING & STOCKPILING TOPSOIL	TOPSOIL MAY BE STOCKPILED ABOVE BARRIERS TO ACT AS A DIVERSION STOCKPILE SHOULD BE TEMPORARILY SEEDED
5	SEEDING	IMMEDIATE AND VERY EFFECTIVE STABILIZES SOIL, THIS REDUCES EROSION POTENTIAL SUBJECT TO INFILTRATION, REDUCING RUNOFF VOLUME SHOULD INCLUDE PREPARED TOPSOIL BED
6	SEEDING w/ MULCH OR MATING	FACILITATES ESTABLISHMENT OF VEGETATIVE COVER, EFFECTIVE FOR GRADESLOPES w/ LOW VELOCITY, EASILY PLACED IN SMALL QUANTITIES BY UNEXPERIENCED PERSONNEL, SHOULD INCLUDE PREPARED TOPSOIL BED
15	PAVING	PROTECTS AREA WHICH OTHERWISE CANNOT BE PROTECTED, BUT INCREASES RUNOFF VOLUME AND VELOCITY DRAINAGE SURFACE WILL HELP SLOW VELOCITY
24	GRASSSED WATERWAY	MUCH MORE STABLE FORM OF DRAINAGEWAY THAN BARE CHANNEL, GRASS TENDS TO SLOW RUNOFF AND FILTER OUT SEDIMENT USED WHERE BARE CHANNEL WOULD BE ERODED
41	STONE AND ROCK CROSSING	MAY BE ROCK OR CLEAN RUBBLE MINIMIZES STREAM TURBIDITY, UNEXPENSIVE MAY ALSO SERVE AS DITCH CHECK OR SEDIMENT TRAP
31	ENERGY DISSIPATOR	SLOWS RUNOFF VELOCITY TO NON-EROSIVE LEVEL PERMITS SEDIMENT COLLECTION FROM RUNOFF
35	STORM SEWER	SYSTEM REMOVES COLLECTED RUNOFF FROM SITE, PARTICULARLY FROM PAVED AREAS CAN ACCEPT LARGE CONCENTRATIONS OF RUNOFF CONDUCTS RUNOFF TO MUNICIPAL SEWER SYSTEM OR STABILIZED OUTFALL LOCATION USE CATCH BASINS TO COLLECT SEDIMENT
57	GEOTEXTILE SILT FENCE	USES GEOTEXTILE AND POSTS OR RALES MAY BE CONSTRUCTED OR PREPACKAGED EASY TO CONSTRUCT AND LOCATE AS NECESSARY

Soil Erosion & Storm Water Control

1. TOPSOIL TO BE STRIPPED AND STOCKPILED IN WHERE INDICATED OR AT A LOCATION DESIGNATED BY THE OWNER'S REPRESENTATIVE.
2. THE CONTRACTOR SHALL PROVIDE TEMPORARY SOIL EROSION CONTROL MEASURES, PER P.A. 451, AS AMENDED. WITH THE USE OF SILT FENCE AND OTHER TEMPORARY MEASURES, THE CONTRACTOR SHALL PROTECT ADJACENT AREAS FROM ACCELERATED EROSION AND SEDIMENTATION FLOWS RESULTING FROM CONSTRUCTION. THE CONTRACTOR SHALL INSTALL ADDITIONAL TEMPORARY AND PERMANENT SOIL EROSION CONTROL MEASURES, IF DIRECTED BY THE ENGINEER OR SOIL EROSION CONTROL OFFICER, AT NO ADDITIONAL COST TO THE PROJECT.
3. INSTALLATION AND MAINTENANCE OF TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. SHOULD ADDITIONAL SOIL EROSION CONTROL MEASURES BE DETERMINED TO BE NECESSARY BY EITHER THE SOIL EROSION CONTROL OFFICER OR THE OWNER'S ENGINEER THEY SHALL BE IN PLACE NO LATER THAN 24 HOURS FROM THE TIME OF NOTIFICATION TO THE GENERAL CONTRACTOR FOR THE PROJECT. IF NOT PLACED IN 24 HOURS OR LESS ALL ON SITE CONSTRUCTION WILL BE HALTED UNTIL SUCH MEASURES ARE INSTALLED AND APPROVED BY EITHER THE SOIL EROSION CONTROL OFFICER OR THE OWNER'S ENGINEER.
5. ALL DISTURBED NON-HARD SURFACE AREAS TO BE STABILIZED WITH TOPSOIL AND THEN SEED, FERTILIZED AND MULCHED. DISTURBED AREAS SHALL BE TOPSOILED TO A DEPTH NOT LESS THAN FOUR (4) INCHES. SLOPES BETWEEN 1 ON 3 AND 1 ON 2 SHALL BE SOODED AND STAKED OR RECEIVE SEED WITH MULCH BLANKET.
6. IF REQUESTED BY THE ENGINEER OR SOIL EROSION CONTROL OFFICER, A WATER TRUCK SHALL BE KEPT ON STAND-BY ON SITE DURING THE CONSTRUCTION PHASE OF THE PROJECT. THE WATER TRUCK SHALL BE USED AS DIRECTED BY THE ENGINEER OR SOIL EROSION CONTROL OFFICER TO CONTROL WIND EROSION.
7. ALL STORM DRAINAGE PIPE SHALL BE CORRUGATED GALVANIZED STEEL PIPE, HDPE OR APPROVED EQUAL.
8. A MINIMUM OF TWO (2) FEET OF COVER FROM FINISHED ELEVATIONS SHALL BE MAINTAINED OVER ALL STORM DRAIN PIPES.
9. ALL DRAINAGE PIPES THAT OUTLET AT GROUND SURFACE SHALL INCLUDE END SECTIONS.
10. EXISTING STORM DRAINAGE DITCHES SHALL BE REBUILT IF FILLED IN OR REMOVED DURING CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE TO REPAIR OR REPLACE, AS REQUIRED, ALL DRAINAGE CULVERTS DAMAGED DURING CONSTRUCTION AND SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT.
11. THE CONTRACTOR SHALL REMOVE OR CAUSE TO BE REMOVED ALL SEDIMENT OR SOILS THAT HAVE BEEN DROPPED, WASHED ONTO OR TRACKED OUT ONTO PUBLIC RIGHT-OF-WAY OR PRIVATE ROADS AT THE END OF EACH WORKING DAY OR AFTER EACH RAIN EVENT ON NON-WORK DAYS.
12. THE CONTRACTOR SHALL REPAIR ALL WASHOUTS AND EROSION DURING THE GUARANTEE PERIOD OF ONE (1) YEAR AT NO ADDITIONAL COST TO THE OWNER.

Map Unit Legend

Grand Traverse County, Michigan (MIG05)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EyA	Emmet sandy loam, 0 to 2 percent slopes	27.8	72.8%
EyB	Emmet sandy loam, 2 to 6 percent slopes	6.1	16.9%
EyC	Emmet sandy loam, 6 to 12 percent slopes	0.1	0.2%
EyD	Emmet sandy loam, 12 to 15 percent slopes	0.5	1.4%
EyE	Emmet sandy loam, 16 to 25 percent slopes	0.0	0.1%
EyE2	Emmet sandy loam, 16 to 25 percent slopes, moderately eroded	3.7	9.7%
RoA	Richter loams, 0 to 2 percent slopes, overwash	0.0	0.0%
Totals for Area of Interest		38.2	100.0%

NRCS Soil Survey Information



National Resources Conservation Service
 Web Soil Survey
 National Cooperative Soil Survey
 8/2/2017
 Page 1 of 3

ACME TOWNSHIP
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP ZONING BOARD OF APPEALS will hold a public hearing at a special meeting on Wednesday, August 30, 2017 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

An application by Mark Humitz of Cornwell Architects, on behalf of TC Greek Orthodox Mission Church, has been submitted for a variance to allow parking in the front yard and to adjust the placement and location of the required landscaping and screening elements for a proposed 12,385 square foot church facility to be located at 7111 US-31 N, Williamsburg, MI 49690. The property is more fully described as:

PART OF SE 1/4 SW 1/4 SEC 26 T28N R10W COM AT SW CNR SEC 26 TH S 88
DEG 45'26" E 1484.15' TH N 21 DEG 56'03" E 360.45' TO POB TH N 68 DEG 03'57"
W 350' TH N 21 DEG 56'03" E 421.19' TH N 72 DEG 58'17" E 246.02' TH N 42 DEG
26'07" E 233.01' TH N 21 DEG 56'03" E 85.75' TH S 68 DEG 03'57" E 77.10' TH S 21
DEG 56'03" W 880' TO POB SPLIT ON 03/26/2008 FROM 01-227-001-06;

Parcel No.: 28-01-226-010-02

The variance request will be considered pursuant to §§5.4, 7.5.4(a), 7.5.4(c), 7.5.6(d), and 7.5.6(e) 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

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 08/14/17 10:45 by dling

Acct #: 6 Ad #: 472286 Status: N
ACME TOWNSHIP Start: 08/16/2017 Stop: 08/16/2017
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 4.97 Words: 348
WILLIAMSBURG MI 49690 Total STDAD 14.91
Class: 147 LEGALS
Rate: LEGAL Cost: 121.25
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE ACME TOWNSH
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 Created: dling 08/14/17 10:42
Email: szollinger@acmetownship.org Last Changed: dling 08/14/17 10:45
Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W 08/16/17 1 08/16/17 SMTWTFS
IN AIN 97 W 08/16/17 1 08/16/17 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)

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 08/14/17 10:45 by dling

Acct #: 6

Ad #: 472286

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 a special meeting on Wednesday, August 30, 2017 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Rd, Williamsburg, MI 49690 to consider the following:

An application by Mark Humitz of Cornwell Architects, on behalf of TC Greek Orthodox Mission Church, has been submitted for a variance to allow parking in the front yard and to adjust the placement and location of the required landscaping and screening elements for a proposed 12,385 square foot church facility to be located at 7111 US-31 N, Williamsburg, MI 49690. The property is more fully described as:

PART OF SE 1/4 SW 1/4 SEC 26 T28N R10W COM AT SW CNR SEC 26 TH S 88 DEG 45'26" E 1484.15' TH N 21 DEG 56'03" E 360.45' TO POB TH N 68 DEG 03'57" W 350' TH N 21 DEG 56'03" E 421.19' TH N 72 DEG 58'17" E 246.02' TH N 42 DEG 26'07" E 233.01' TH N 21 DEG 56'03" E 85.75' TH S 68 DEG 03'57" E 77.10' TH S 21 DEG 56'03" W 880' TO POB SPLIT ON 03/26/2008 FROM 01-227-001-06;

Parcel No.: 28-01-226-010-02

The variance request will be considered pursuant to §§5.4, 7.5.4(a), 7.5.4(c), 7.5.6(d), and 7.5.6(e) 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

August 16, 2017-1T

472286

STARS & STRIPES 3J LLC
COLD RIVER LAND LLC
6435 SHILOH ROAD, SUITE A
ALPHARETTA GA 30005

HYDUK RODNEY & NANCY
460 E LONG LAKE RD
BLOOMFIELD HILLS MI 48304

BUSH JAMES N & BETTY M
10 FRANCONIAN CT
FRANKENMUTH MI 48737

GRAND TRAVERSE RESORT AND SPA LLC
P O BOX 404
ACME MI 49610

CHERRIES R DA BERRIES LLC
6137 QUARTERLINE RD
KEWADIN MI 49648

MUSIC HOUSE CORPORATION
7377 US 31 N
WILLIAMSBURG MI 49690

MUSIC HOUSE MUSEUM
7377 US 31 N
WILLIAMSBURG MI 49690

SIXEEM LLC
7874 TURNBERRY CIRCLE
WILLIAMSBURG MI 49690

TC GREEK ORTHODOX MISSION CHURCH
P O BOX 6350
TRAVERSE CITY MI 49696



Acme Township
6042 Acme Road
Williamsburg, MI 49690
(231) 938-1350

RECEIPT

Number: 19996
Cashier: NANCY

Date: 08/22/17
Received Of: CORNWELL ARCHITECTS
The Sum Of: \$475.00

CODE	DESCRIPTION	GL CREDIT	TENDER	CHECK #	AMOUNT
ZONF	ZONING FEES	101-000-608.001	Check 013981		\$475.00



**ACME TOWNSHIP ZONING BOARD OF APPEALS
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
June 8th, 2017 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: 7:05

ROLL CALL:

Members present: Forgette, Kuncaitis, LaSusa, Hoxsie

Members excused: Maitland

Staff present: Winter

A. APPROVAL OF AGENDA:

No objection

B. INQUIRY AS TO CONFLICTS OF INTEREST:

None

C. CORRESPONDENCE:

None

D. PUBLIC HEARINGS:

1. ZBA 2017-01: Non-Use Variance Request, GJ's Pizza & Market, 2700 Holiday Rd

a. Request by Jason Francisco to replace exterior signage

- Winter read the public hearing notice into the record.
- The Applicant, Jason Francisco, was present to give a recap of his proposed sign plan.
- An updated sign plan that includes a changeable (manual) message component, bringing the total area of signage to 100 square feet.
- None of the new signage would be lit.
- Kuncaitis asked about outdoor sales, the applicant said the extent would be the existing propane, firewood and ice.
- Winter suggested the provision that temporary advertising signs on the exterior be prohibited. This has been an issue at this location in the past.
- Kuncaitis inquired if the old GJ's lighted sign will remain. The Applicant would like to keep it and have it repaired, but willing to part with it if it is a deal breaker. Not sure if it includes flashing/running lights since it does not work.
- No public present to comment.
- LaSusa supports the prohibition of additional outside advertising on the facade as a condition of approval.
- Motion by LaSusa to accept the findings of fact provided by the zoning administrator that the request meets all the basic conditions and at least one special condition necessary to approve the updated sign plan in the application with the condition that no other banners or advertisements on the outside of the building, and the existing sign is grandfathered in and can be repaired. Second by Hoxsie. Motion carries unanimously.

E. ADMINISTRATIVE ACTION

1. Approve Zoning Board of Appeals draft minutes from 02/09/17

- Motion by Forgette, Second by Hoxsie. Motion passes unanimously.

2. Discuss proposed ZBA fee and compensation schedule

- Winter went over the proposed change to the fee schedule. The change would have a decreased rate for residential buildings, additions and accessory buildings. Commercial and multifamily development fees would remain the same. The fee would not be split

between applicants having hearings on the same day. The ZBA members would then be paid per hearing, not meeting.

- Discussion occurred over the details and some clarifying questions.

ADJOURN:

Motion by LaSusa, Second by Forgette. Motion passes unanimously.