



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

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

ROLL CALL:

Members present: Hoxsie, Schut, VanHouten, LaSusa, Maitland

Members excused: None

Staff present: Jeff Jocks, Lindsey Wolf

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion.

None

- B. APPROVAL OF AGENDA:** Motion by Maitland, support by Hoxsie to approve the agenda as presented. Motion carries unanimously.

- C. INQUIRY AS TO CONFLICTS OF INTEREST:** None

D. CORRESPONDENCE:

1. **Brian Kelley**
2. **Watershed Center (x2)**
3. **Haggard's Plumbing & Heating**

E. PUBLIC HEARINGS:

- ZBA #2022-02: Non-Use variance request for the construction of an addition to a nonconforming residential building to be located within the 50' setback from the highwater mark, William Debree, 7095 Deepwater Point Road, Williamsburg, MI 49690.
- Chairman LaSusa read the public hearing notice into the record.
- Applicant's representative, James Jones, described the nature of the variance request. The existing patio will be removed and replaced with a covered porch. Porch will allow to re-direct water away from the lake.
- Discussion was had by the board members and the representative on the location of the new gutters. Representative stated they will be located on back to divert more water, decrease ice build up for safety, improve water quality diverting away from lake, gutters will be located 50' from lake. Representative stated will be removing current interlocking pavers. Pavers currently take up half the size of current addition.
- LaSusa asked about tree removal. Applicant stated that damaged trees have already been removed. Trees near the lake won't be removed.
- Chairman LaSusa opens public hearing and public comment at 7:20.
- Glen Shilling, 7113 Deepwater Point, is the next door neighbor and in support of the project.
- Heather Smith, Watershed Center, recommended to ZBA legal framework for a less impactful addition. Confused by materials presented in packet regarding the expanded area of imperviousness and tree removal. Recited zoning code concerns and setting a precedent.
- Brian Kelley, Acme Resident, shared concerns of increasing impervious surface and

nonconformity, contradiction to the master plan and ordinances, applicant not showing a hardship, setting a precedent. Gutters not a solution.

- James Jones, applicants representative explained importance of gutters.
- Chairman LaSusa closed the public comment portion of the hearing. Closed at 7:36 p.m.
- **Motion by Maitland to approve the request as it meets the basic and special conditions #2 with the findings of fact presented in Planning & Zoning Staff Report for ZBA Case 2022-02. Support by Hoxsie. Roll call Yes: Maitland, Hoxsie, VanHouten, Schut. No: LaSusa. Motion carries unanimously.**

F. ADMINISTRATIVE ACTION

1. Approval of Zoning Board of Appeals draft minutes from 11/12/20
 - Motion by Maitland, support by Hoxsie to approve the minutes as presented. Motion carries unanimously.
2. Approval of Zoning Board of Appeals draft minutes from 12/9/21
 - Motion by LaSusa, support by VanHouten to approve the minutes as presented. Motion carries unanimously.
3. Approval of Zoning Board of Appeals draft minutes from 2/10/22
 - Motion by LaSusa, support by Hoxsie to approve the minutes as presented. Motion carries unanimously.
4. Election of officers: Maitland nominates LaSusa for Chair. No other nominations received. LaSusa accepts. Roll call vote. Yes: Maitland, Hoxsie, VanHouten, Schut. LaSusa abstained. LaSusa nominated Hoxsie for vice hair. No other nominations received. Hoxsie accepts. Motion carries unanimously.

G. PUBLIC COMMENT:

Brian Kelley, Acme Resident, confused on the decision with the substantial increase in impervious surface and hardship evidence.

Heather Smith, Watershed Center, confused on the decision. Application was misleading.

ADJOURN: (7:49 p.m.)

Motion by Maitland to adjourn, support by LaSusa. Motion carries unanimously.

Respectfully submitted by: Lindsey Wolf

March 9, 2022

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



Dear Zoning Board of Appeals Members,

I am writing about the variance request at 7095 Deepwater Point that is scheduled for discussion at your March 10, 2022, meeting. The Watershed Center advocates for clean water in Grand Traverse Bay and works to preserve and protect its watershed. Water's edge setbacks are important tools for protecting water quality, and we oppose unsupported setback variances as it weakens the rules adopted by the township to protect sensitive shoreline areas.

We submitted a letter on December 7, 2021, expressing our concerns with this variance request, though we were unable to attend the original public hearing on December 9, 2021. We appreciate the ZBA's reconsideration of the request because we have several concerns that were not incorporated into the record at the original public hearing. We offer the following for your consideration.

Water's edge setbacks are especially important on the Great Lakes because these lakes demonstrate substantial water level variability. This variability is likely to increase in magnitude with a changing climate future. When structures are built too close to Grand Traverse Bay, they may crumble into the water during high water years, destroying private property and increasing the opportunity to introduce pollutants into the bay. Further, vegetation that is critical for shoreline stabilization and habitat is often reduced or removed when encroachments near the water's edge occur. Because of Great Lakes water level variability and extremes, coupled with increased storminess, shoreline communities across the Great Lakes are adopting water's edge setback distances of 75 feet or more to ensure resiliency.

We observe potential conflict between the application and the situation on site. The application suggests this is a request to construct a roof over an already-existing concrete slab. However, we understand there is not (or was not until very recently) a concrete slab that spans the entire area proposed for the covered porch. To the contrary, we understand there may be a mature tree, some pavers or smaller squares of concrete, and landscaping in the area that would be replaced with a covered porch. Both the addition of a concrete slab and a covered porch would extend the parcel nonconformity and set dangerous precedent for granting variances in the township.

According to Section 5.4 of the Zoning Ordinance, non-use variances may only be granted when *all* "Basic Conditions" and *at least one* "Special Condition" are met. The applicant has the responsibility of demonstrating that each of the Basic Conditions in subsection 5.4.1 are satisfied. For the reasons discussed below, we have not seen support in the application that each is met.

- *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.*
 - **UNSATISFIED:** The applicant has not demonstrated that other locations on the property are unsuitable for a covered porch. The applicant has not demonstrated that a smaller, pervious deck may provide similar benefits with lesser adverse impacts. There is no demonstrated practical difficulty.
- *Will not be contrary to the public interest or to the intent and purpose of this Ordinance.*
 - **UNSATISFIED:** This proposal is an extension of a legal nonconformity. Building too close to the water's edge negatively impacts the protected waters as well as nearby neighbors because infrastructure can crumble into the water's edge during high water years and the removal of vegetation in this sensitive shoreline area reduces ecological functionality. Further, this proposal is inconsistent with the intent of Zoning Ordinance section 7.6.7, *Setbacks From Lakes and Streams*.
- *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.*
 - **UNSATISFIED:** The applicant's request is not unique – all shoreline parcel owners have water's edge setbacks where new construction is not permitted. Many property owners have homes that are located partially within the water's edge setback because the home predated the water's edge setback or a variance was obtained. There is no reason the applicant needs a covered porch, cannot build a covered porch in an alternative location that would not requiring further deviating from zoning ordinance standards, or that a smaller pervious deck would not suffice.

Additionally, **NEITHER** Special Condition is met. The applicant has not identified or demonstrated that there are exceptional or extraordinary circumstances that do not generally apply to other properties in this zoning district. In addition, this variance is not necessary for the preservation of substantial property rights possessed by other properties in this district.

The existing home on the parcel already encroaches into the water's edge setback. This variance would thus expand a non-conforming use and cause additional harm by adding incrementally more development within this environmentally sensitive area. We encourage the Board to carefully consider how fulfilling this request meets the standards for a variance. In addition, we encourage the Board to consider that a variance in this case may jeopardize the Township's sensitive lands and impair the integrity of the water's edge setback, setting a dangerous precedent. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Smith". The signature is stylized with a large initial "H" and a long, sweeping underline.

Heather Smith
Grand Traverse BAYKEEPER®

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

March 10, 2022

Subject: ZBA 2022-02, 7095 Deepwater Point Williamsburg

Good evening,

The requested expansion of an existing non-conformity will increase the extent of the non-conformity and does not meet the requirements for approval. It will also increase Impervious Surface - also known as ground or roof cover - and add a roof. This is contrary to both our ordinance, and the Acme Township Master Plan protections for water quality. Protecting water quality is a formalized Cornerstone of our Master Plan.

I would like to begin by referencing a Zoning Board of Appeals precedent cited by former ZBA Chairman Joe Kuncaitis at the February 9, 2017 ZBA hearing. I quote the minutes: "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."

This project proposes to increase the extent of the non-conformity. And we have a precedent on record that documents that it is typically not allowed.

At the previous hearing, one neighbor gave their support for this non-conforming expansion. Google earth images appear to show that neighbor's home features a substantial non-conforming extension into the Bay setback.

Other adjacent property owners oppose this non-conforming expansion. The people of the State of Michigan own Grand Traverse Bay. Our Acme Master Plan and ordinances specifically protect the shoreline of Grand Traverse Bay, and the crystal clear waters we enjoy. Those Health, Safety and Welfare protections for the waters of Acme, and the residents who recreate in them, were further strengthened with the adoption of the 2019 Master Plan update, as they have been strengthened in every prior update, for decades.

It must be a very extraordinary circumstance if someone is able buy a house and then, a year later, request that they be allowed to ignore the ordinances and the Master Plan, and the decades of overwhelming community support, to get an exception so that they can expand in ways that threaten our water quality. That may be how they do things downstate, but Acme residents have spoken in those documents again and again, and we don't want our waters to become like downstate waters.

This decision tonight will set a precedent. If you allow it, other applicants will expect that they can expand into the shoreline setback, with no regard for cumulative effect on the crystal clear waters of Acme. That precedent could apply to hotels and other large developments.

Photos show that the existing impervious coverage of the construction area is approximately 105 square feet. Anything beyond that is a non-conforming expansion.

This site also features extremely steep slopes to the Bay, at a 50% grade, as documented by real estate listing photos provided at the previous meeting. Those extreme slopes begin just 13 feet from the intended area of non-conforming expansion. That is only 4 steps away.

The applicant has suggested that adding gutters to the roof would solve all of these issues and magically make this non-conforming expansion appropriate. They provided no factual basis for that claim. Nowhere in any of our township ordinances, including the storm water ordinance, are gutters mentioned as a component of storm water systems or a way to mitigate impervious surfaces or setbacks. If gutters were effective in that capacity, they would feature prominently as a solution. They do not.

Even if this non-conforming expansion did not increase the Impervious Surface area, it would still be an expansion of a non-conformity. And as Chairmain Kuncaitis referenced, the precedent dictates that it is not typically approved.

Fortunately there is a conforming solution for the application. They have ample side yard available on the North side of the house that is suitable to construct this project. The *Hardship* required to grant this variance does not exist.

Thank you for your consideration,

Brian Kelley

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

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 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.

- 1) Smoke Detectors Are To Be Installed Per Section R314.1
- 2) All Stairway, Handrails And Landings To Conform To R311.7
- 3) Basements With Habitable Space, Habitable Attics And Every Sleeping Room Will Have At Least One Openable Emergency Escape And Rescue Opening This Shall Conform To Section R310.1
- 4) Provide Solid Blocking At All Bearing Points Through Floor Systems.
- 5) Provide Continuous Eave & Ridge Ventilation.
- 6) Maintain Minimum Ceiling Height Of 7'-0"



1



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ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
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Members present:

Members excused:

Staff present:

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. CORRESPONDENCE:**
1. **Brian Kelley**
 2. **Watershed Center**
 3. **Haggard's Plumbing & Heating**
- E. PUBLIC HEARINGS:**
1. ZBA 2022-02 (previously ZBA Case #2021-02): Non-Use variance request for the construction of an addition to a nonconforming residential building to be located within the 50' setback from the highwater mark, William Debree, 7095 Deepwater Point Williamsburg
- F. ADMINISTRATIVE ACTION**
1. Approve Zoning Board of Appeals draft minutes from 11/12/20
 2. Approve Zoning Board of Appeals draft minutes from 12/09/21
 3. Approve Zoning Board of Appeals draft minutes from 2/10/22
 4. Election of Officers
- G. PUBLIC COMMENT & ANY OTHER ZBA BUSINESS**

ADJOURN:

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

Subject: 7095 Deepwater Point Road variance request

December 9, 2021

Good evening,

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

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

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

92%
96%

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

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

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

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

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

Building Blocks

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

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

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

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

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

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

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

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

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

Brian Kelley

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

Subject: Photos of 7095 Deepwater Point Road

December 9, 2021

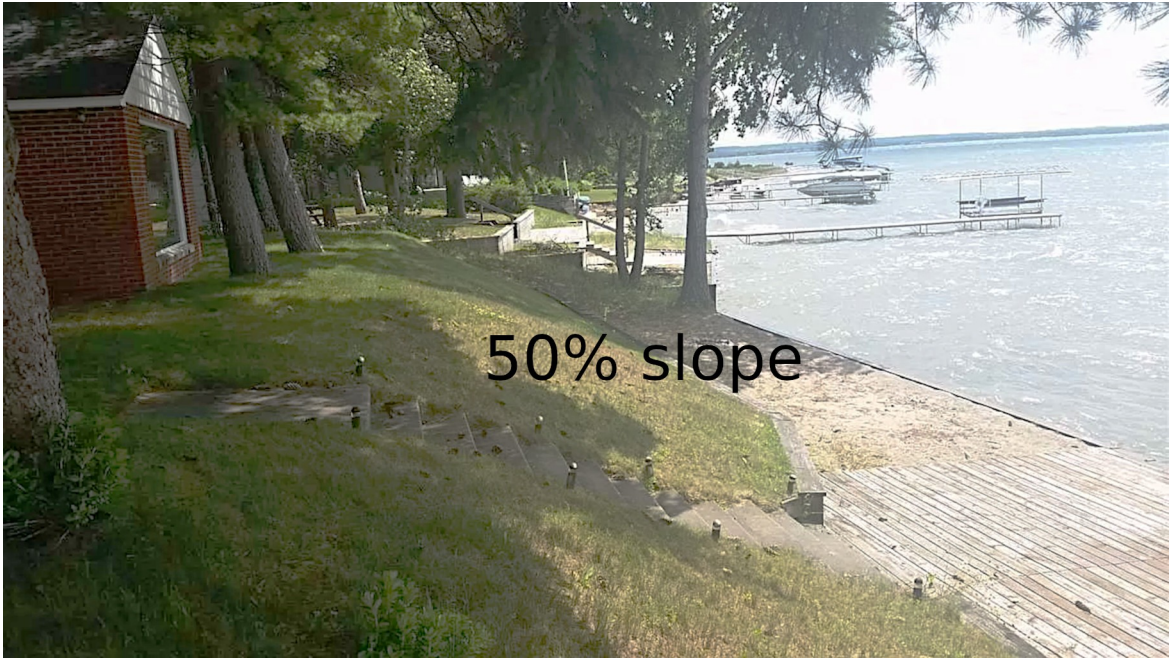
Street View, image #1. Apparent ample space for porch on north side, without variance



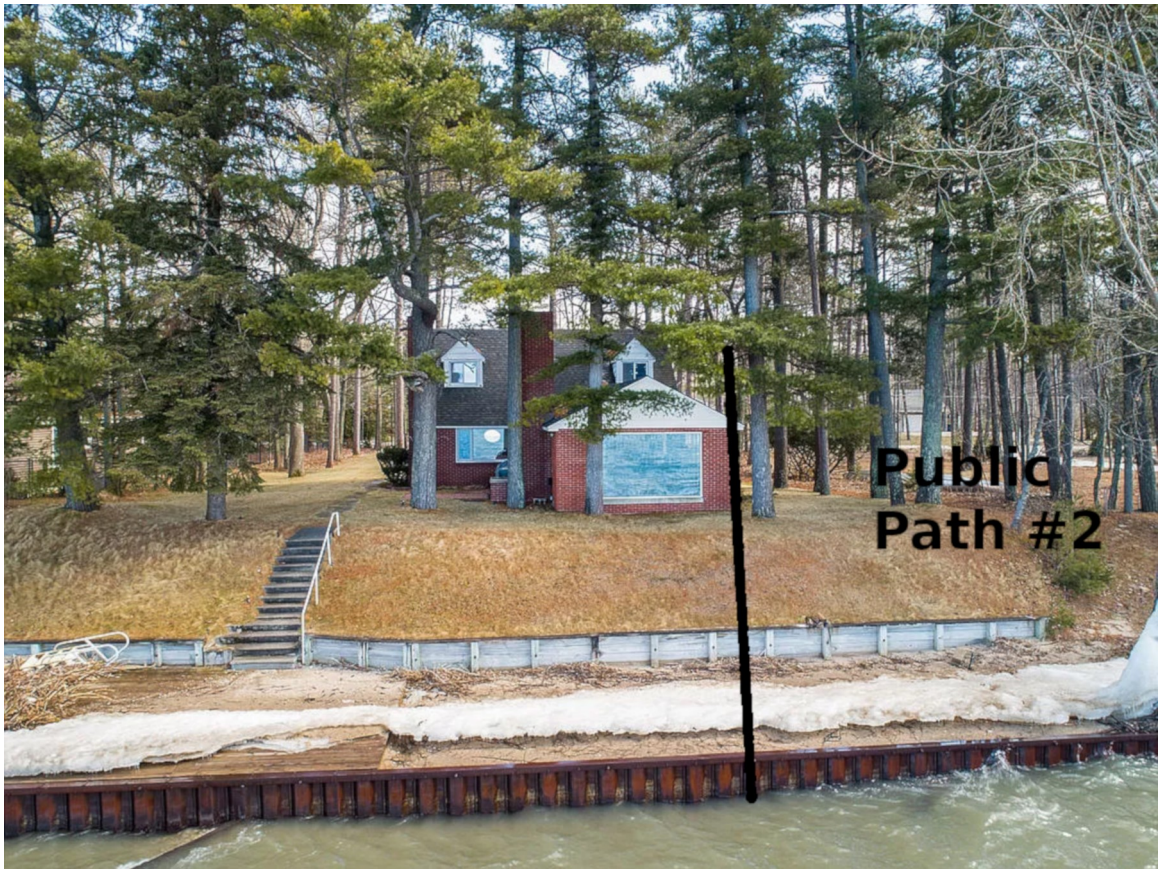
Proposed expansion into setback:



Extremely steep 50% slope to water.



Waterfront view:



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

Address: 7095 Deepwater Point
Williamsburg, MI 49690

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

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

Aerial Map:



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

Zoning: R-2: One-Family Urban Residential

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

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


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

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

[< Back](#)

Public View

Owner's View



Map

Commute Time

7095 Deepwater Point Rd, Williamsburg, MI 49690

1.5

1,560

0.41

baths

sq ft

acres lot

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



127.73%

More expensive than nearby properties ⓘ



\$37.90K

Since last sold in 2020 ⓘ



\$1,884

Rental Estimate ⓘ

Property History

This property was sold twice in the last 21 years.

- Today

☐

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

☒

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

☐

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

☒

Price Changed to \$539,900

Sold Oct 2020

December 7, 2021

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



Dear Zoning Board of Appeals Members,

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

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

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

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

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

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

Sincerely,

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

Heather Smith
Grand Traverse BAYKEEPER®

February 25, 2022

Acme Township Zoning Department
6042 Acme Rd.
Williamsburg, MI 49690

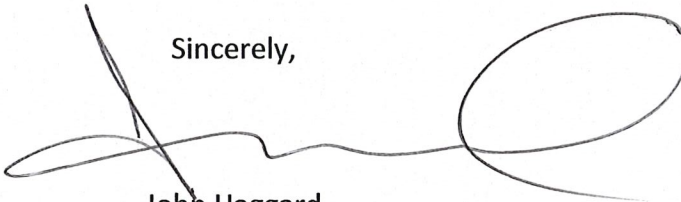
Ref: Applicant for a variance request by William Debree, to construct covered porch with concrete patio within 50 feet of the high water mark. Parcel#28-01-760-020-00 Case#ZBA2021-02



To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the recourses in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,


John Haggard
Haggard's Plumbing & Heating

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

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 02/17/22 12:21 by dling

Acct #: 6 Ad #: 581365 Status: New WHOLD

ACME TOWNSHIP Start: 02/23/2022 Stop: 02/23/2022
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 2.90 Words: 231
WILLIAMSBURG MI 49690 Total STDAD 8.70
Class: 147 LEGALS
Rate: LEGAL Cost: 113.65
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE ACME TOWNSHI
Phone: (231)938-1350 Given by: EMAIL LINDSEY WOLF
Fax#: (231)938-1510 P.O. #:
Email: dwhite@acmetownship.org c Created: dling 02/17/22 12:18
Agency: Last Changed: dling 02/17/22 12:21

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W Wed 02/23/22 1 Wed 02/23/22 SMTWTFS
IN AIN 97 W Wed 02/23/22 1 Wed 02/23/22 SMTWTFS

AUTHORIZATION

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

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

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

We appreciate your business.

(CONTINUED ON NEXT PAGE)

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 02/17/22 12:21 by dling

Acct #: 6

Ad #: 581365

Status: New WHOLD WHOI

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

Please be advised that on MARCH 10, 2022 the Acme Township ZONING BOARD OF APPEALS will conduct a public hearing at a regular meeting at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg, MI 49690. The public hearing will be to consider the following request:

An application for a variance request has been submitted by William Debree, owner, to construct covered porch with the concrete patio within 50 feet of the high water mark (Article 7 Section 7.6.7 Setback from Lakes and Streams). The proposed porch will be 36.5 feet from the high water mark. The property is located at 7095 Deepwater Point Road Williamsburg, MI 49690. Parcel ID #28-01-760-020-00. Legal Description: Lot 20 and S ½ of 21 WOODLAND ACRES. Case # ZBA 2022-02 (previously ZBA Case # 2021-02).

All persons are welcome and will be heard concerning the request. A copy of the application and zoning ordinance are available for viewing at the township hall. Written comments will be received until March 10, 2022 at 5 PM and should be addressed to the Acme Township Zoning Department, 6042 Acme Road, Williamsburg, MI 49690 or zoning@acmetownship.org. If you are planning to attend and require any special assistance, please notify Lisa Swanson, Township Clerk, within 24 hours of the meeting at 938-1350.

February 23, 2022-1T

581365

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

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

WINDISH VICKY L
7124 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

HEDDEN MICHAEL & SHERYL
7020 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

DEBREE WILLIAM & BRONWYN
7095 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

KAETCHEN NANCY
7150 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

MCMILLAN JON M
7074 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

SHILLING GLEN & DEBORAH
7113 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

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

WIKLE LINDA L
TRILL GAIL L
7174 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

EBINGER MATTHEW W
2018 FINDLEY CIR
LAKE ORION MI 48360

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

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

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

GINGRAS FRANCIS J & JACQUELINE TTEE
GINGRAS FRANCIS J TRUST
7057 DEEPWATER PO
INT RD WILLIAMSBURG MI 49690



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

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

Date: December 2, 2021 (provided by Sara Kopriva); **March 7, 2021** (comments in red provided by Lindsey Wolf)

Case #: ZBA 2021-02

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

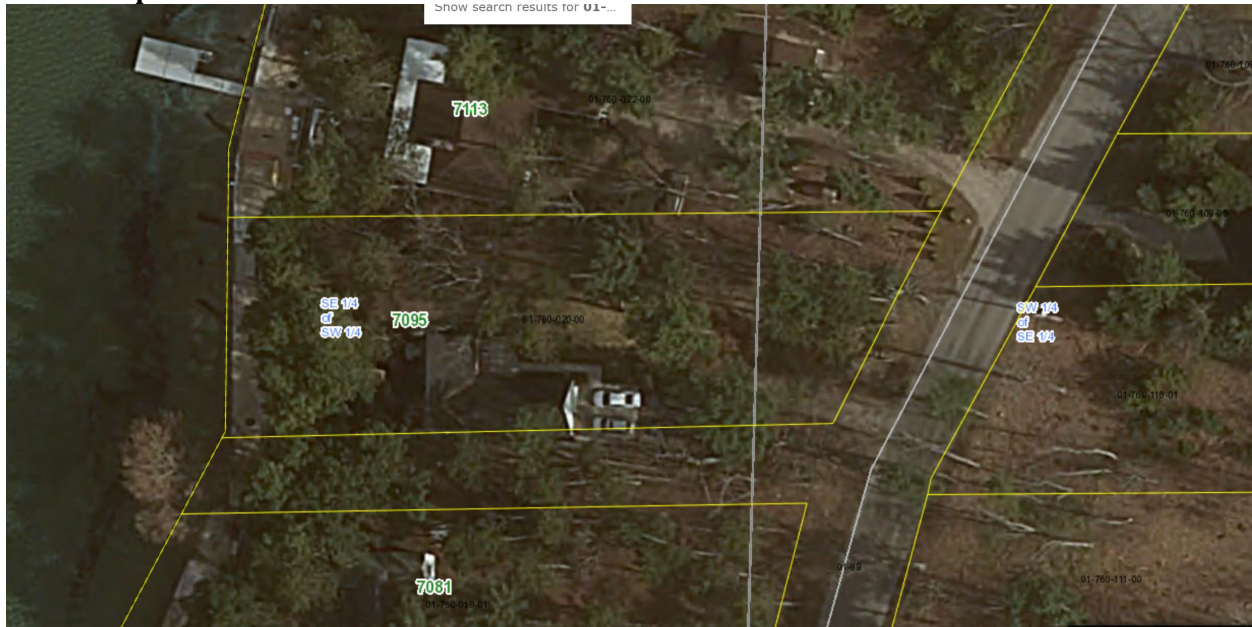
Applicant: James Jones on behalf of William DeBree

Address: 7095 Deepwater Point
Williamsburg, MI 49690

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

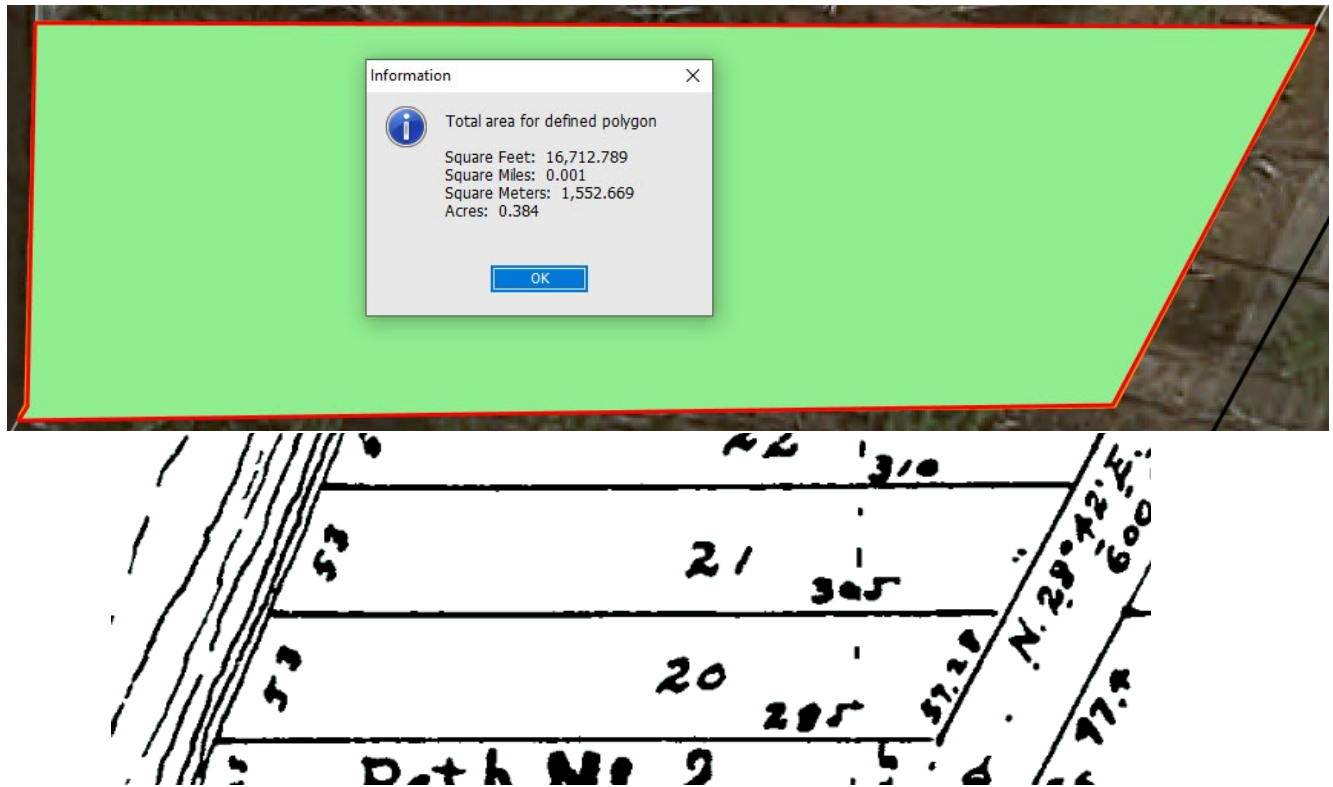
Legal: Lots 20 & ½ of lot 21 of Woodland Acres

Aerial Map:



Property Dimensions:
indicate .384 acres.

100 ' x ~258' = approx.. .60 acres Not correct; plat and BSA



Zoning: R-2: One-Family Urban Residential

Public Notice: Published in the Record Eagle November 24, 2021. A total of (20) 300' mailers were mailed on November 22, 2021. Re-noticed on February 23, 2022. A total of (20) 300' mailers were mailed on February 17, 2022.

PROJECT DESCRIPTION:

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

SITE IMAGES:



(aerial view)

APPLICABLE ZONING ORDINANCE SECTION(S):

Article XV Non-Conforming Uses

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

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

7.6.1 SETBACK FROM LAKES AND STREAMS:

Notwithstanding other provisions of this Ordinance, **every building and off-street parking area constructed on a shoreline parcel shall be set back at least 50 feet from the water mark** or normal stream bank of the

lake or stream. The natural vegetation shall be maintained within these set-back areas, and trees shall only be removed as allowed in Section 7.6.10, below. Every off-street parking area shall be constructed that no surface water shall shed into or towards such body of water unless such surface water is first treated or filtered to remove any silt, grease or oil, salt or other matter which would deteriorate the water quality of said water body.

Article VI Zoning Districts: Map and Schedule Of Regulations

6.13.1 Schedule of Regulations

Setbacks R-2 District:

Front: 30'

Side: 10'

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

Water: 50'

STAFF REVIEW & RECOMMENDATION

The existing structure currently sits within the 50' waterfront setback in the R-2: One-Family Urban Residential district (violation of §6.13.1). The extension of nonconforming use of structure may be allowed with permission granted by the Zoning Board of Appeals be Article XV Nonconforming Uses Section §15.7.

Standards for Determination:

5.4 NONUSE VARIANCES The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance, **PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.**

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

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

SATISFIED: *This legally non-conforming structure was built in the setback either prior to zoning or on accident. While the new porch is located in the setback, it is not located any closer than the existing dwelling.*

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

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

-OR-

NOT SATISFIED: *The applicant's non-use variance and extension of a legal non-conformity requests are not contrary to public interest in that it will create no discernable negative impact on property owners but does increase the amount of impervious surface near the water. It is not the intent of the Ordinance to allow for new construction in the waterfront setback.*

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

***SATISFIED:** The Applicant's proposed non-use variance and extension of a legally non-conforming use requests are believed to have no discernable negative impact on surrounding properties.*

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

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

-OR-

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

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

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

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

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

5.4.2 Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a nonuse variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

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

NOT EVALUATED

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

***SATISFIED:** As stated, the existing building is located in the side setback and the construction will not be any closer to the water than the existing house.*

FOR BOARD DISCUSSION:

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

The Zoning Board of Appeals may specify, in writing, such conditions that will in its judgment, secure the objectives and purposes of this Ordinance. Any conditions imposed shall meet the requirements for conditions set forth the Michigan Zoning Enabling Act. Violation of conditions imposed shall nullify the variance.

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

CONCLUSION & RECOMMENDATION:

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

SUGGESTED MOTION FOR CONSIDERATION:

Motion to adopt the findings of the Planning & Zoning Administrator and grant/not grant the non-use variance and extension of a legal non-conformity request to allow the proposed addition as indicated on the site plan submitted by the applicant for the property located at 7095 Deepwater Point, Williamsburg, MI 49690.

Original Staff Report and Packet 12.9.2021



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

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

Members present:

Members excused:

Staff present:

A. APPROVAL OF AGENDA:

B. APPROVAL OF MINUTES: September 9, 2021

C. INQUIRY AS TO CONFLICTS OF INTEREST:

D. CORRESPONDENCE:

1. None at this time

E. PUBLIC HEARINGS:

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

F. ADMINISTRATIVE ACTION

ADJOURN:



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

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

Date: December 2, 2021

Case #: ZBA 2021-02

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

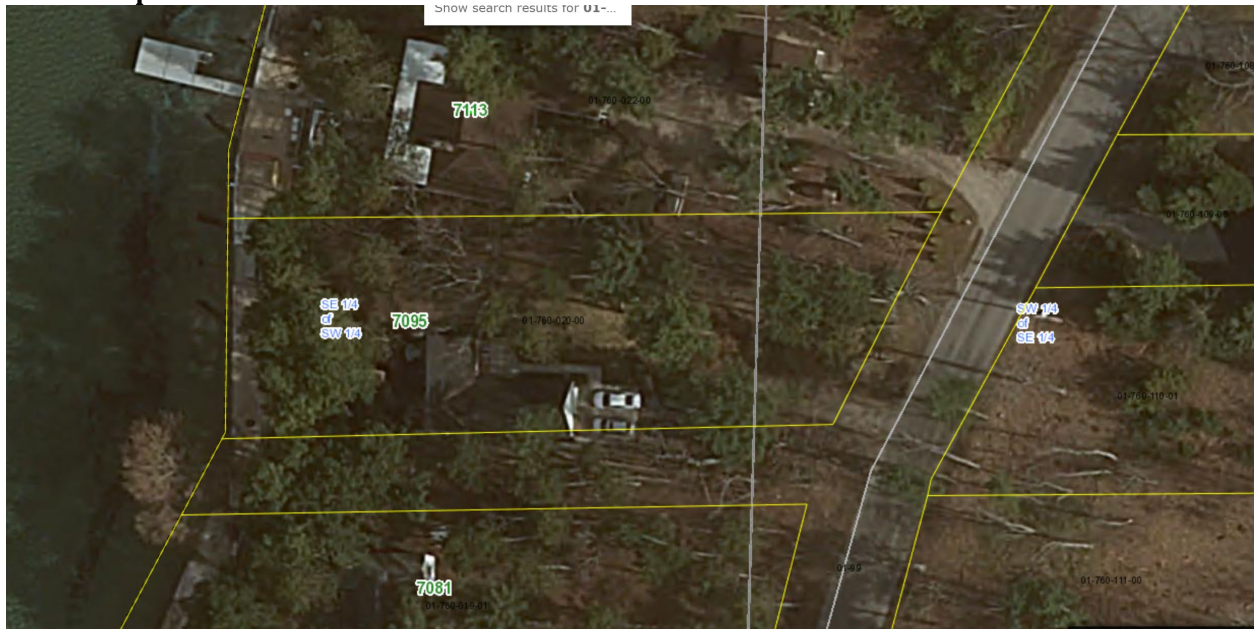
Applicant: James Jones on behalf of William DeBree

Address: 7095 Deepwater Point
Williamsburg, MI 49690

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

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

Aerial Map:

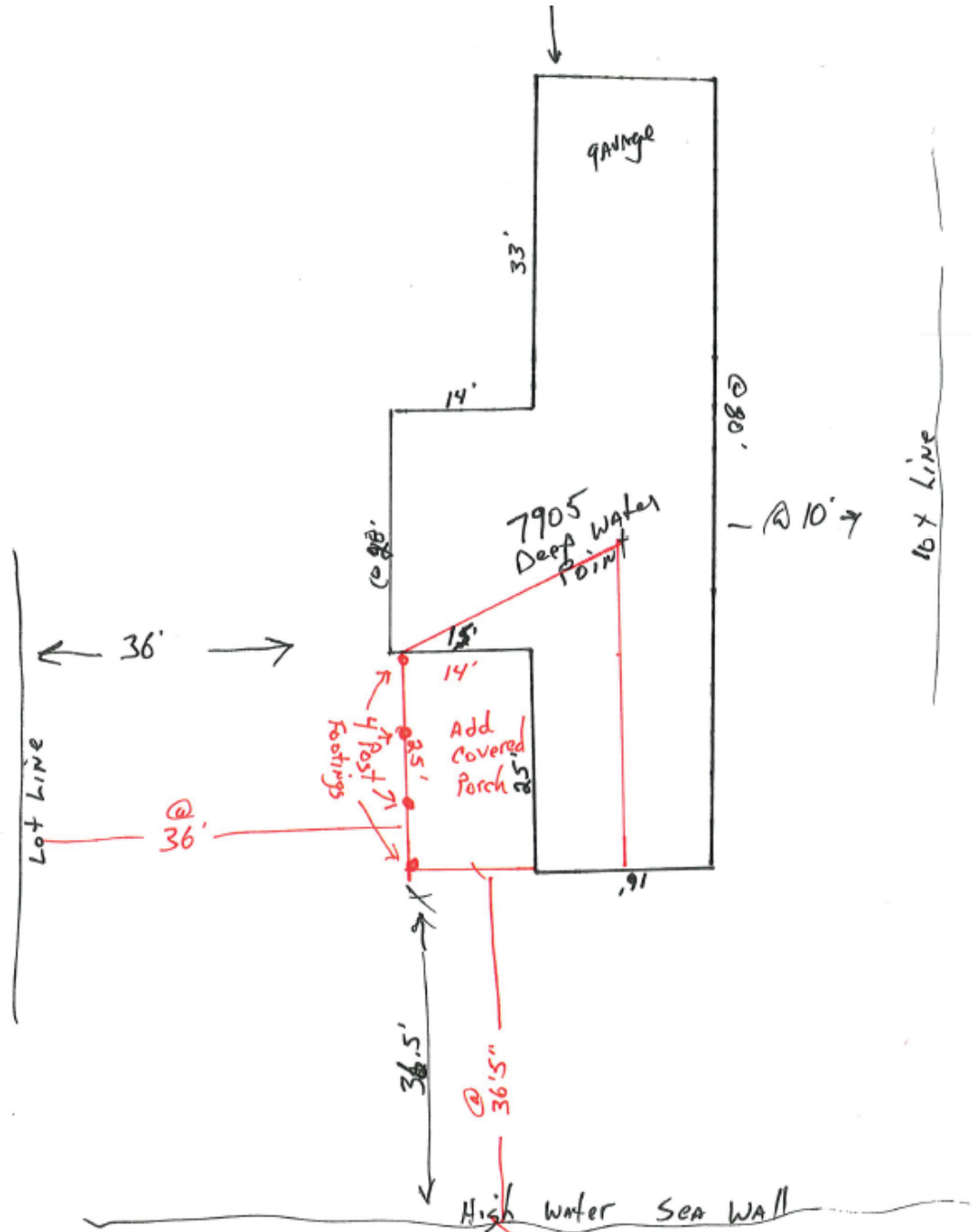


Property Dimensions: 100 ' x ~258' = approx.. .60 acres

Zoning: R-2: One-Family Urban Residential

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

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



Property currently has a single-family home.

ADJACENT ZONING & USES:

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

SITE IMAGES:



(aerial view)

APPLICABLE ZONING ORDINANCE SECTION(S):

Article XV Non-Conforming Uses

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

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SATISFIED: *The Applicant's proposed non-use variance and extension of a legally non-conforming use requests are believed to have no discernable negative impact on surrounding properties.*

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SUGGESTED MOTION FOR CONSIDERATION:

Motion to adopt the findings of the Planning & Zoning Administrator and grant/not grant the non-use variance and extension of a legal non-conformity request to allow the proposed addition as indicated on the site plan submitted by the applicant for the property located at 7095 Deepwater Point, Williamsburg, MI 49690.



Zoning Board of Appeals – Application for Hearing/Appeal

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

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

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

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

A. Applicant Information:

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

B. Purpose of Hearing:

- ☐ Appeal from a Determination by the Zoning Administrator
☒ Apply for a Variance Permit as Authorized by Section(s) _____ of the Acme Township Zoning Ordinance
☐ Request Extension or Resumption of a Nonconforming Use
☐ Request an interpretation of the Zoning Ordinance

C. Property Information:

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

D. Please Attach the Following Documents:

- ☒ **Site Plan/Plot Plan** – drawn to scale, showing size and shape of buildings, accurate locations on lots, and accurate dimensions.
☒ **Elevation Drawings** – showing the height of the structure(s) @15' MAX
☐ **Additional Drawings/Information as Listed Below:** \$ matching existing Roofline

- ☒ **Fees** – include initial fee as required in the attached Fee Schedule
☒ **Fee Escrow Policy Acknowledgement** – signed form with initial fee deposit (if determined applicable)

E. Affidavit:

The undersigned affirms that he/she is the Agent (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements, and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials and staff of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future special use permit and zoning ordinance compliance.

Signature of Owner/Agent: [Signature] Date: 10-28-21

FOR TOWNSHIP USE ONLY

Application No.: 2021-02

Date of Advertising: _____

Date Received: _____

Date of Hearing: _____

Fee Tendered: _____

Action Taken: _____





Residential Land Use Permit Application

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org
Planning & Zoning Administrator: Lindsey Wolf Email: zoning@acmetownship.org

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

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

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

Name of Property Owner(s): William DeBree

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

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

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

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

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

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

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

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

Affidavit: The undersigned affirms that he/she is the Agent (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials, staff and consultants of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future Sign Permit and Zoning Ordinance compliance.

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

FOR TOWNSHIP USE ONLY

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

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

ZBA Application #: _____

ZBA Date: _____

LUP Application #: _____

Filing Date: _____

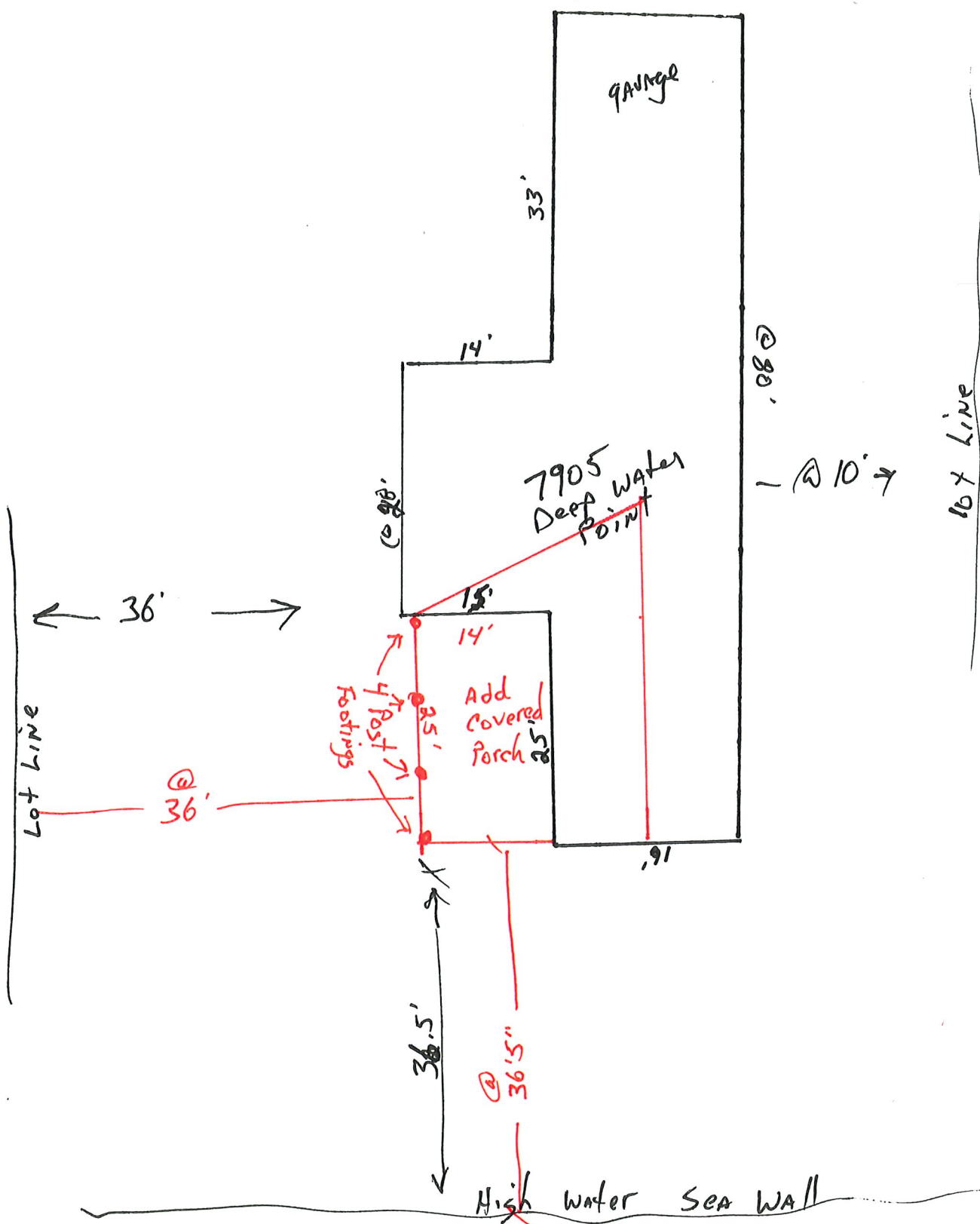
Related SUP#: _____

Fee Tendered: \$500

10-25-21

Deep Water Point Rd.

Add Covered Porch to Existing Structure
Consisting of 4 Post Footings or Concrete Piers w/ 6x6 post
Land use: 25' x 14' = 350 sq ft. Slab w/ Roof Framed Above it.

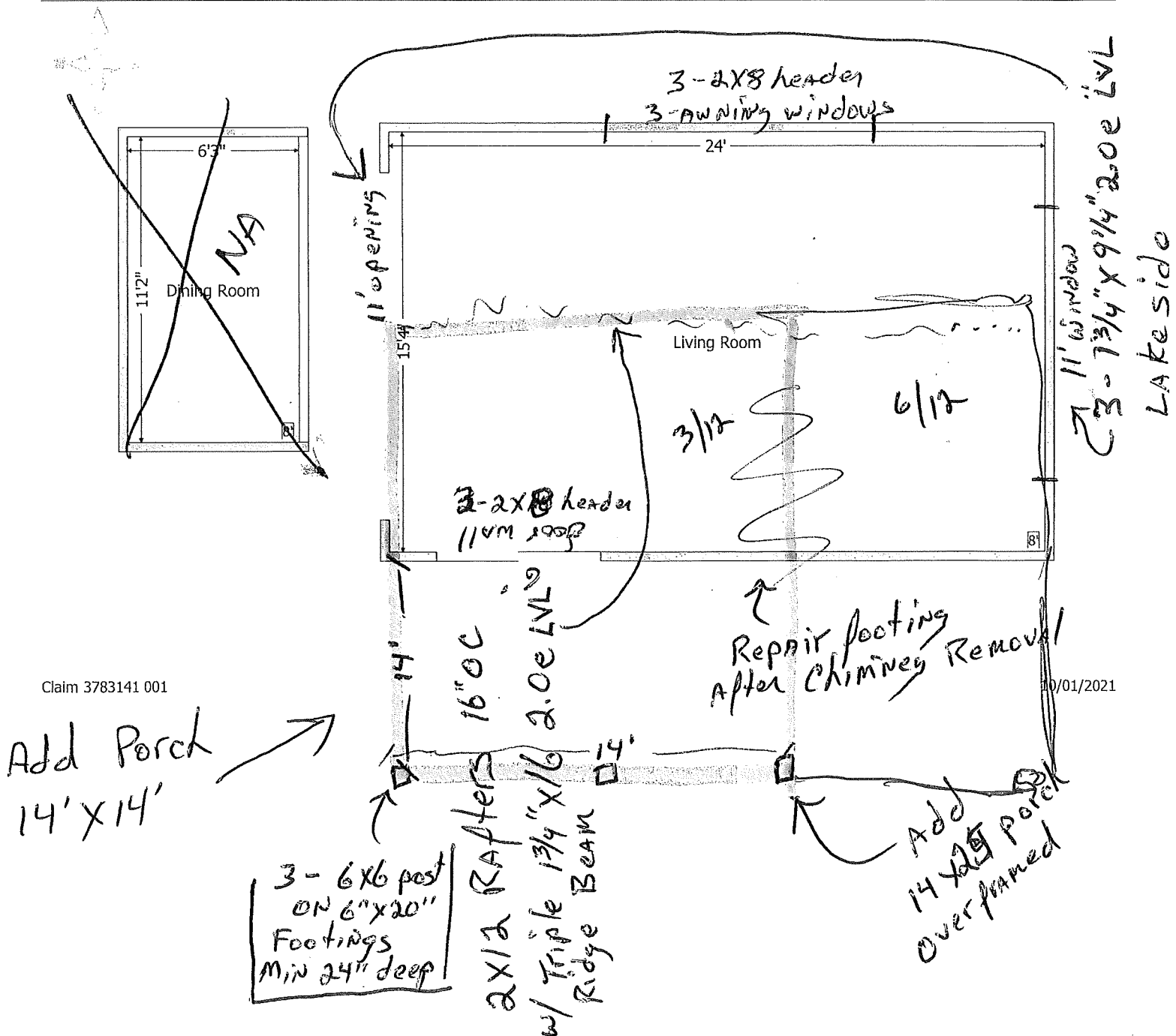


Reframe Exterior walls to 2X6



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

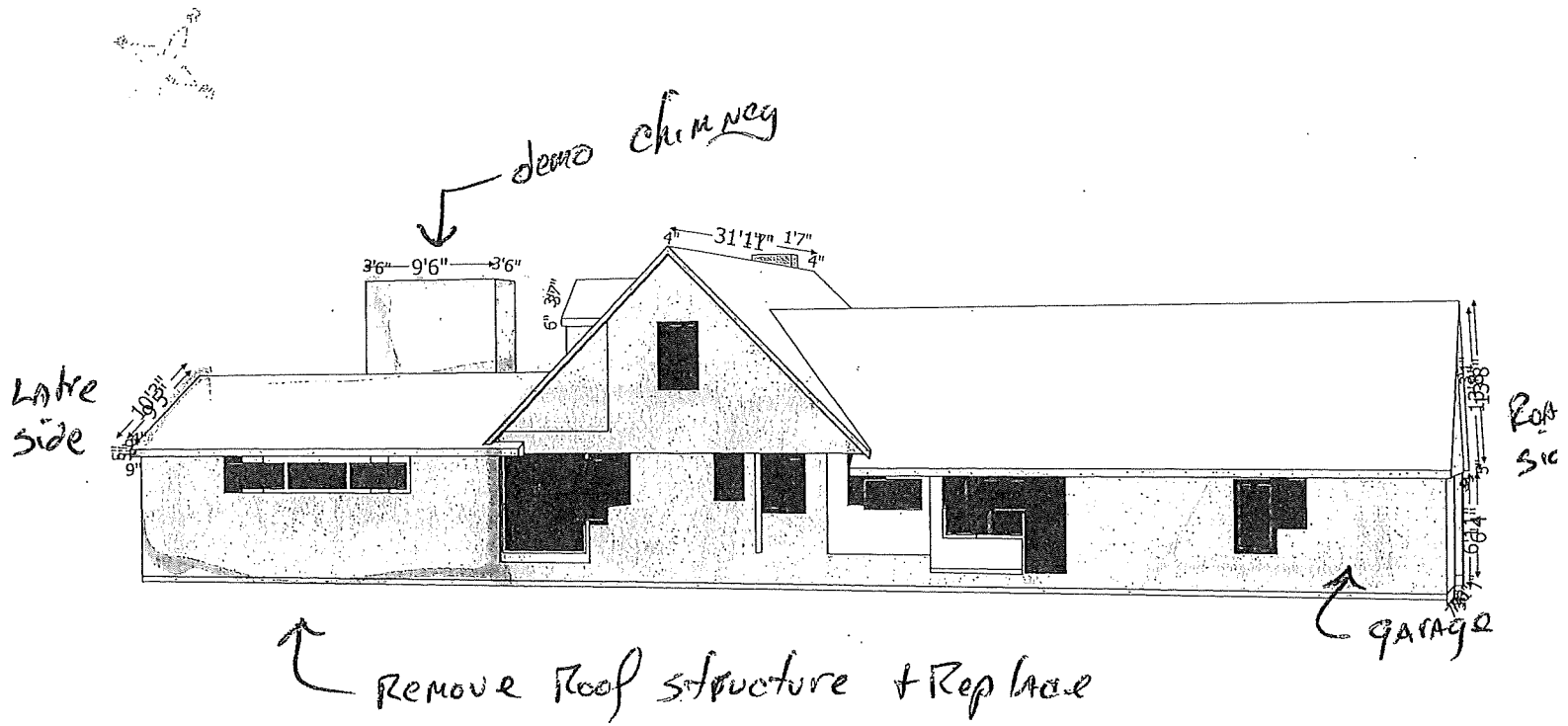
Floorplan:





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

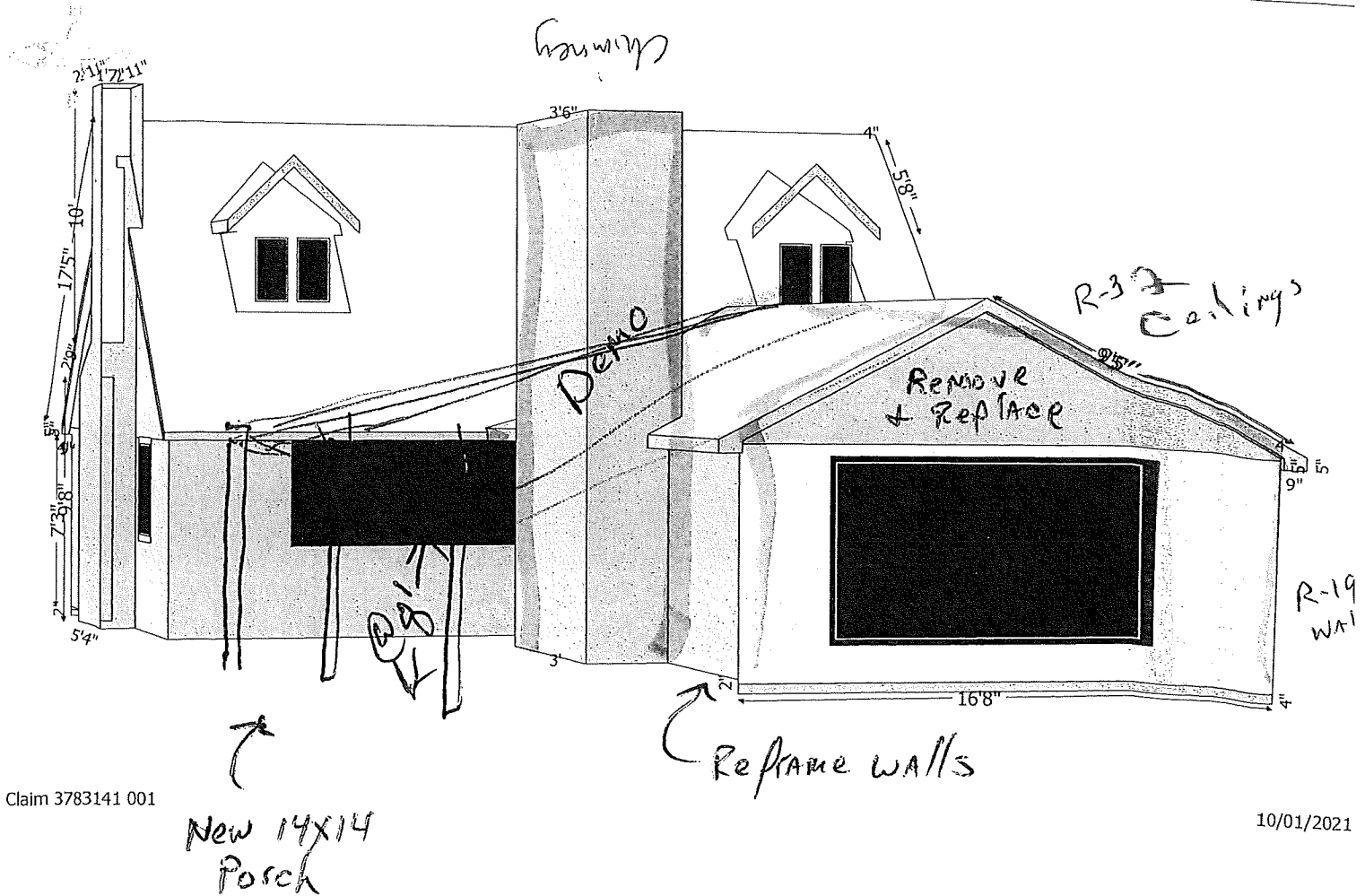
Exterior Plan - View 1:





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

Exterior Plan - View 3:



Claim 3783141 001

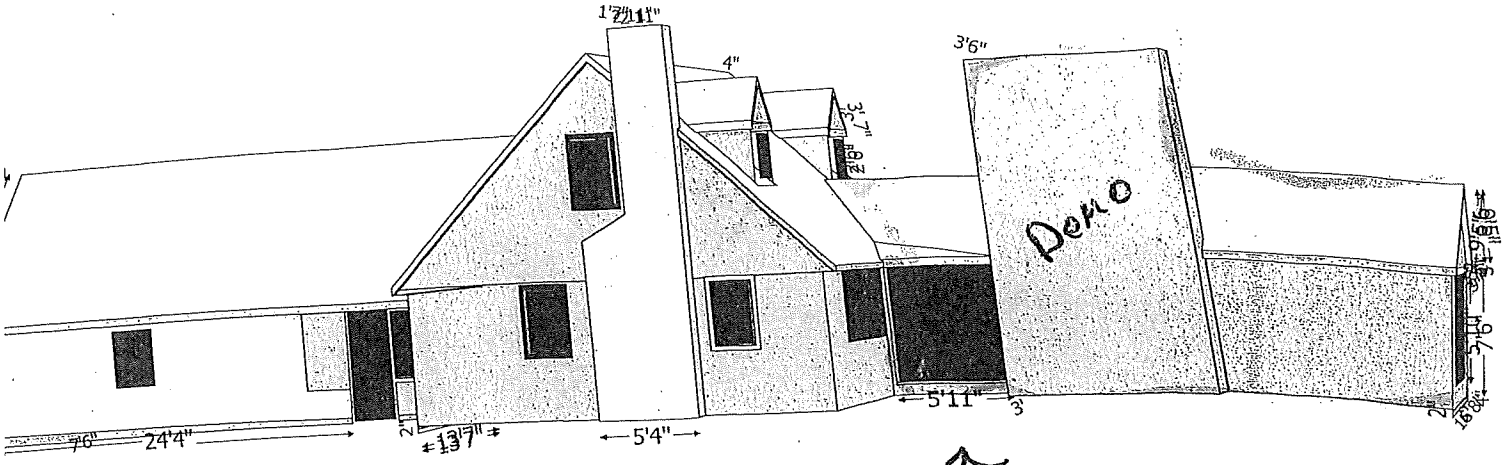
10/01/2021

will Apply for Porch at latter date!

ATI

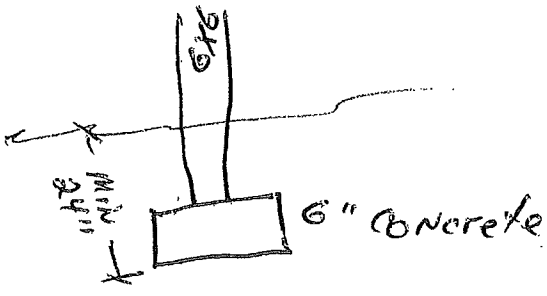
The Cincinnati Insurance Company
The Cincinnati Indemnity Company
The Cincinnati Casualty Company
The Cincinnati Specialty Underwriters Insurance Company

Plan - View 2:



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

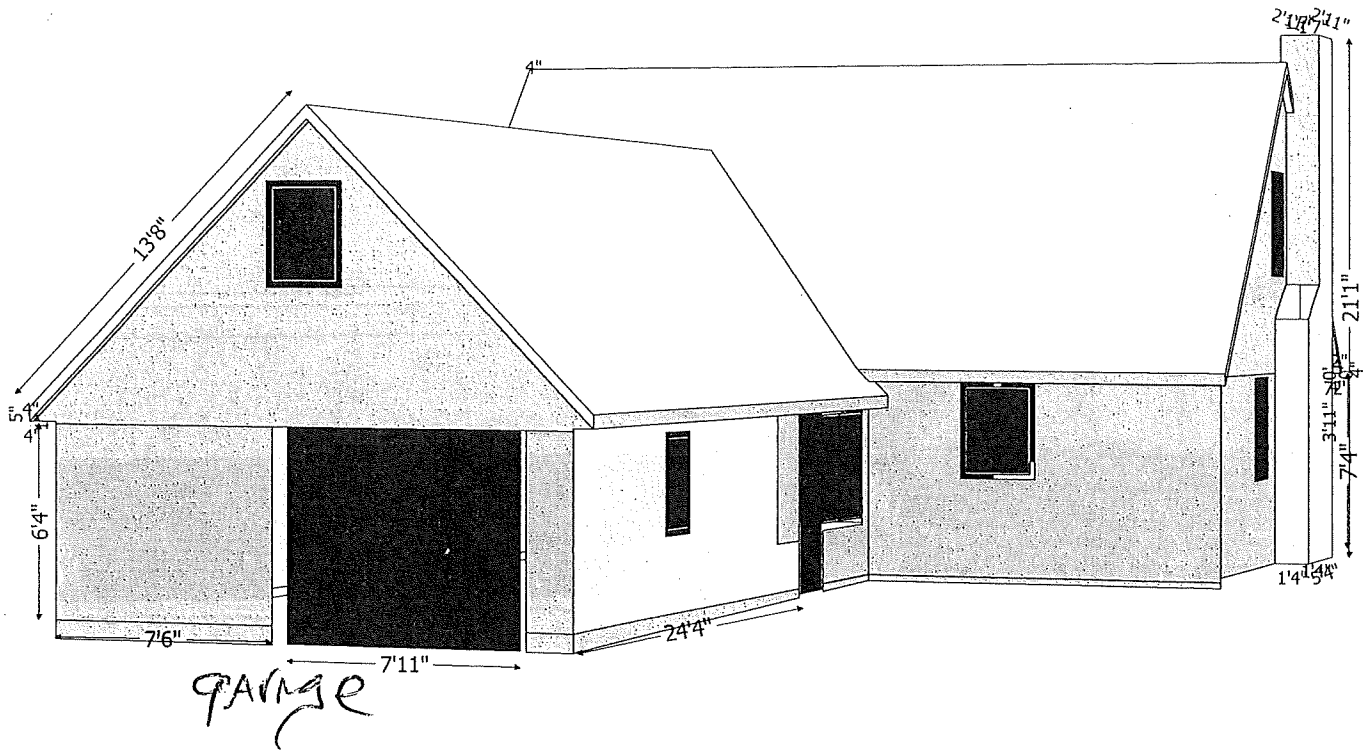
3783141 001





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

Exterior Plan - View 4:



Claim 3783141 001

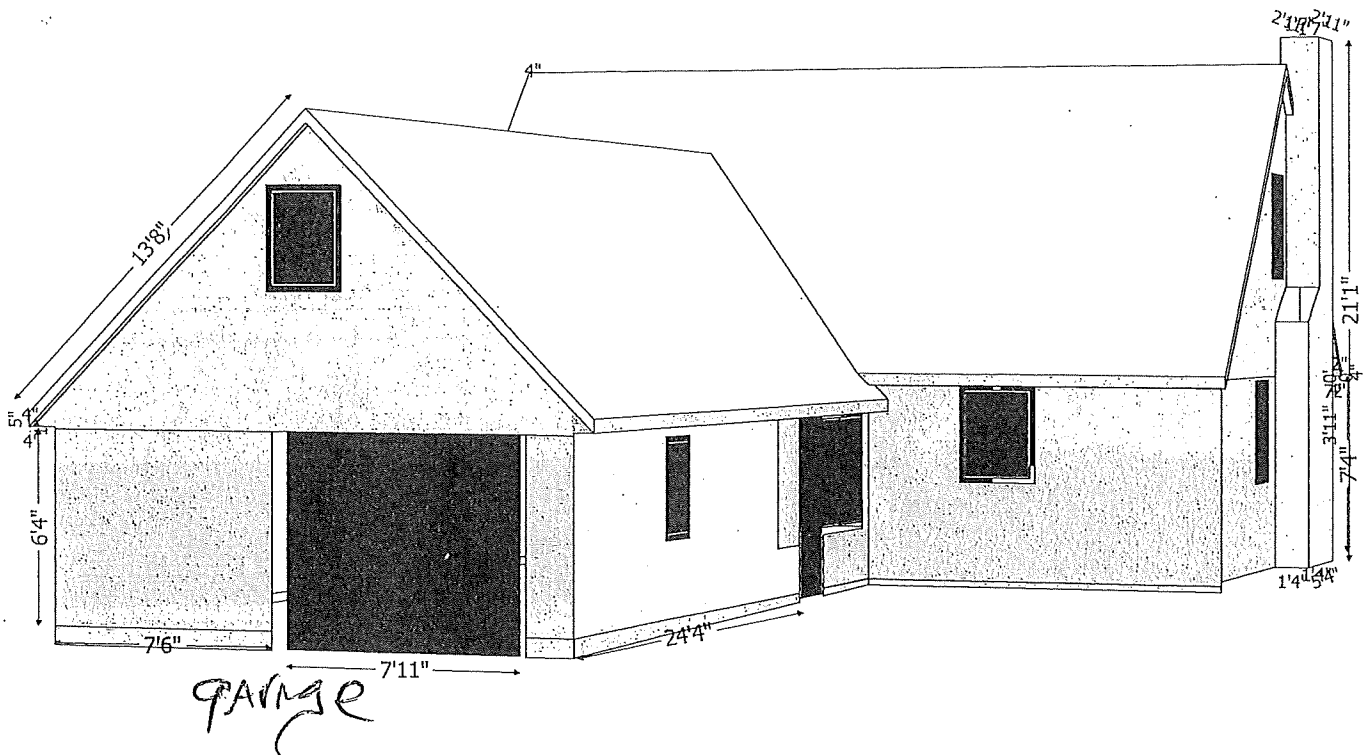
10/01/2021

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



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

Exterior Plan - View 4:



Claim 3783141 001

10/01/2021

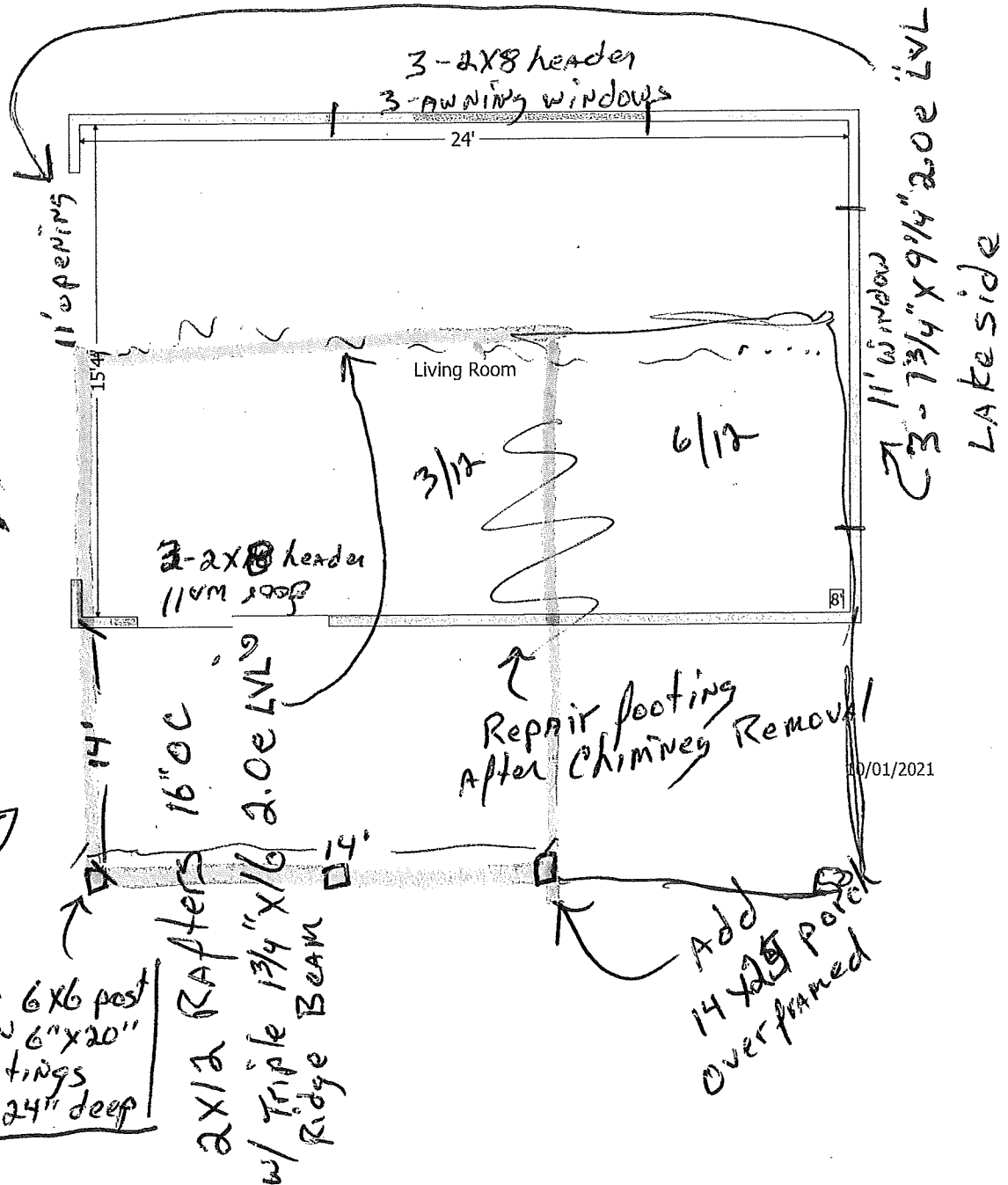
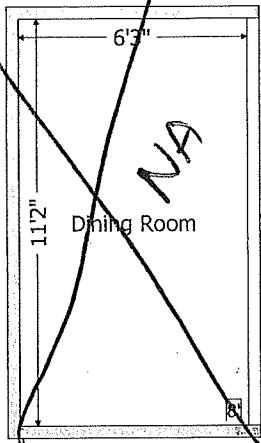
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than Reroof on this
view
other than extend Roof ~~to~~ Gable.
Eave Overhangs to 12"

Reframe Exterior Walls to 2X6



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

Floorplan:



Claim 3783141 001

10/01/2021

Add Porch
 14' X 14'

3- 6X6 post
 ON 6" X 20"
 Footings
 Min 24" deep

2X12 Rafters 16" OC
 w/ Triple 1 3/4" X 16 2.0e LVL
 Ridge Beam 14"

Repair footing
 After Chimney Removal

Add
 14' X 21' porch
 over framed

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

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

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

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

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

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

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

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

THE FOLLOWING CRITERIA DO NOT APPLY:

SOM PA 451, PART 91 REQUIREMENTS

GTCHD SESC REQUIREMENTS

☐ Within 500' of Lake or Stream

☒ Within 500' of Regulated Wetland

☒ Slopes of 20% or greater

☒ Disturb 1 acre or more

☒ Within 500' of a County Drain

☒ Group D Hydrologic Soils

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

☒ OFFICE REVIEW ☐ FIELD REVIEW

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

☒ NOT REQUIRED

☐ REQUIRED

Sanitarian Reviewer: *[Signature]*

Date: *10/22/21*

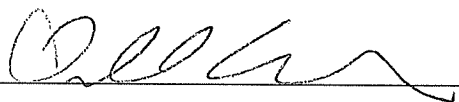
Designated Advocate Form

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

7095 Deep Water Point Rd.
Williamsburg, MI

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

This authorization will expire 1 year from date signed.

Signed: _____

Bill Debree

Date: 10/23/21

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

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

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

All persons are welcome and will be heard concerning the request. A copy of the application and zoning ordinance are available for viewing at the township hall. Written comments will be received until December 9, 2021 at 5 PM and should be addressed to the Acme Township Zoning Department, 6042 Acme Road, Williamsburg, MI 49690 or zoning@acmetownship.org. If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

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

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

01-99
,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT

Printed at 11/22/21 14:37 by dling

Acct #: 6

Ad #: 577956

Status: New WHOLD

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

Start: 11/24/2021 Stop: 11/24/2021
Times Ord: 1 Times Run: ***
STDAD 3.00 X 2.90 Words: 226
Total STDAD 8.70
Class: 147 LEGALS
Rate: LEGAL Cost: 113.65
Affidavits: 1

Contact:

Phone: (231)938-1350

Fax#: (231)938-1510

Email: dwhite@acmetownship.org

Agency:

Ad Descrpt: LEGAL NOTICE ACME TOWNSHI
Given by: EMAIL SARA KOPRIVA
P.O. #:

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

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

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

AUTHORIZATION

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

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

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

We appreciate your business.

(CONTINUED ON NEXT PAGE)

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 11/22/21 14:37 by dling

Acct #: 6

Ad #: 577956

Status: New WHOLD WHOI

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

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

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

All persons are welcome and will be heard concerning the request. A copy of the application and zoning ordinance are available for viewing at the township hall. Written comments will be received until December 9, 2021 at 5 PM and should be addressed to the Acme Township Zoning Department, 6042 Acme Road, Williamsburg, MI 49690 or zoning@acmetownship.org. 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.

November 24, 2021-1T

577956



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

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

ROLL CALL:

Members present: Hoxsie, Maitland, VanHouten

Members excused: Kuncaitis, LaSusa

Staff present: Lindsey Wolf

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

Standards for Determination:

5.4 NONUSE VARIANCES The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance, **PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.**

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

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

SATISFIED: *This legally non-conforming use was built in 1957 which predates the current township zoning ordinance. Zoning created the non-conformity.*

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

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

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

SATISFIED: *The Applicant's proposed non-use variance and extension of a legally non-conforming use requests are believed to have no discernable negative impact on surrounding properties. The proposed expansion will not further encroach into the front yard setback – nor violate the 10' side yard setback.*

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

SATASFIED: *The applicants' request is unique to their needs. The roof and back wall were in need of repair due to water damage making it an ideal time to construct the proposed addition.*

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

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

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

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

5.4.2 Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a nonuse variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property uses in the same zoning

district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.

NOT EVALUATED

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

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

E. ADMINISTRATIVE ACTION

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

ADJOURN: (7:23 pm)

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

ACME TOWNSHIP ZONING BOARD OF APPEALS

DRAFT MINUTES

December 9, 2021

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Members present: Hoxsie, Schut, VanHouten

Members excused: Maitland, LaSusa

PUBLIC COMMENT

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

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

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

A. APPROVAL OF AGENDA

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

B. APPROVAL OF MINUTES: Meeting of September 9, 2021

Motion by _____, seconded by _____ to approve the minutes as presented. Voice Vote. No discussion. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST

None stated.

D. CORRESPONDENCE

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

E. PUBLIC HEARING

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

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

APPLICABLE ZONING ORDINANCE SECTION(S):

Article XV Non-Conforming Uses

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

15.7 Extension of Nonconforming Use of Structure: The extension of any nonconforming use or structure throughout all or a portion of a given lot or parcel may be allowed, upon prior application to and permission granted by the Zoning Board of Appeals. Permission shall be granted

by the Zoning Board of Appeals if it finds that said extension is consistent with the public health, safety or welfare, particularly with regard to surrounding property owners.

7.6.1 SETBACK FROM LAKES AND STREAMS:

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

Article VI Zoning Districts: Map and Schedule of Regulations

6.13.1 Schedule of Regulations

Setbacks R-2 District:

Front: 30'

Side: 10'

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

Water: 50'

Standards for Determination:

5.4 NONUSE VARIANCES The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance, **PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.**

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

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

SATISFIED: *This legally non-conforming structure was built in the setback either prior to zoning or on accident. While the new porch is located in the setback, it is not located any closer than the existing dwelling.*

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

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

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

SATISFIED: *The Applicant's proposed non-use variance and extension of a legally non-conforming use requests are believed to have no discernable negative impact on surrounding properties.*

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

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

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

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

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

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

5.4.2 Special Conditions:

When ALL of the foregoing basic conditions can be satisfied, a nonuse variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance. NOT EVALUATED Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

SATISFIED: *As stated, the existing building is located in the side setback and the construction will not be any closer to the water than the existing house.*

PUBLIC COMMENT

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

Adjournment

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

No discussion. Motion passed.



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

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

ROLL CALL:

Members present: Hoxsie, Schut, VanHouten

Members excused: LaSusa, Maitland

Staff present: Lindsey Wolf

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

B. INQUIRY AS TO CONFLICTS OF INTEREST: None

C. CORRESPONDENCE: None

D. PUBLIC COMMENT:

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

E. PUBLIC HEARINGS:

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

Standards for Determination:

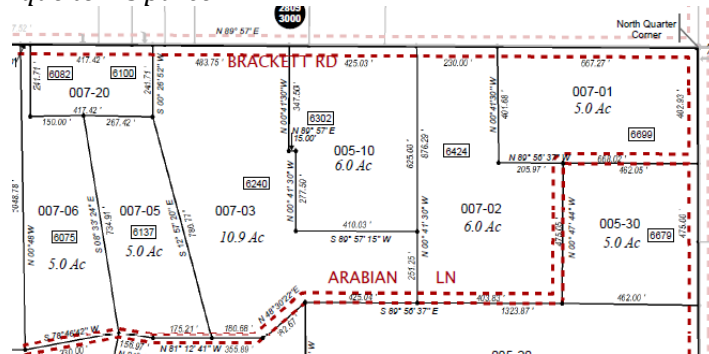
If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

5.4 NONUSE VARIANCES The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance, **PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.**

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

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

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



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

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

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

Or

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

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

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

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

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

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

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

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

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

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

5.4.2 Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a nonuse variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

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

NOT EVALUATED

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

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

F. ADMINISTRATIVE ACTION

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

G. PUBLIC COMMENT:

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

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

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

ADJOURN: (7:32 pm)

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

Respectfully submitted by: Lindsey Wolf

Election of Officers – Procedure

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

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