

ACME TOWNSHIP
Zoning Board of Appeals
March 14, 2002

Thursday, 7:30 p.m.
Acme Township Hall
Acme, Michigan

Meeting called to order at 7:30 p.m.

Members present: J. Kuncaitis (Chair), L. Belcher, P. Collins, N. Knopf, H. Smith
Members excused: None
Staff present: S. Corpe, Zoning Administrator/Recording Secretary

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** approved with no conflicts noted.
2. **Correspondence:** None
3. **Reports:** None
4. **Hearings:**
 - a) **Public Hearing on Application #2002-4Z by Mark Smith for non-use Variances of Section 6.11.1, Schedule of Regulations and Section 7.2.3, Accessory Buildings to allow for construction of a 36' x 75' storage building with no setback from the front yard lot line on property currently zoned B-2, General Business and located at 4144 M-72 East.** (Attachment A included and incorporated by reference): Belcher read the public hearing notification into the record. Mr. Smith was present in support of his request. He would like to build a warehouse on his rear parcel, behind Outdoor Adventures. More than half of this parcel is covered by wetlands areas associated with Acme Creek, which makes situating a building challenging. The existing retention basin, "Basin A" will be enlarged to accommodate runoff from both buildings.

The easement is currently only used for the township sewer utility, and for access to the subject property. It is partially graveled, to slightly past the sewer lift station. Ameritech, the Smith property and the Lutheran Church all have the ability to use the easement. Corpe has determined the lot line abutting the easement to be the front lot line based on the Ordinance definition stating that the front of the lot abuts the road or easement from which access is obtained.

Belcher asked about setback requirements from wetlands areas. Corpe stated that a 25' setback is required. Belcher was seeking to understand if the building could be moved back from the easement. Corpe responded that technically it could but this would require trucks backing to the loading dock to have to curve around the retention basin, which could be problematical.

Kuncaitis asked if warehousing is addressed in the B-2 district zoning. Corpe responded that it is not specifically mentioned one way or the other, and that she views the request as being similar to a request for an accessory structure such as a garage or storage shed for a private residence.

Kuncaitis is very concerned about the precedent that might be created by approval of the request for a zero front yard setback. Smith and Belcher both offered the opinion

that this situation is truly unique and that additional requests based on this situation are unlikely.

Public Hearing opened at 7:49 p.m.

Richard Bruening, 4160 M-72 East, is the proprietor of the Stained Glass Company, which is next door to Outdoor Adventures. He expressed support for the application.

Public Hearing closed at 7:50 p.m.

Belcher wouldn't favor such a request generally, but feels that the specific conditions of this lot merit approval. Collins concurred. Kuncaitis asked Smith to consider the impact of runoff on the easement; Smith assured him that the building would have gutters to direct runoff back into the property and towards the retention basin

Motion by Knopf, support by Smith to approve Variance #2002-4Z allowing construction of a 36' x 75' warehouse at the front yard lot line. The request is based on the information that the west property line abutting the easement is considered to be the front lot line. All Basic Conditions and Special Conditions A and B have been met. Motion carried unanimously.

5. Other Business:

- a) **Request for interpretation of Sign Ordinance relative to JTS Quick Lube** (Attachment C included and incorporated by reference): Corpe was approached by Craig Swartz, the owner of the JTS Quick Lube. His store is affiliated with Valvoline, which has come up with a new corporate "look." He will be installing new freestanding and wall signage in the near future.

The standard wall signage recommended would encompass approximately 200 sq. ft., which is double the maximum allowable wall signage area. Mr. Swartz asked if only the portions of the sign that contained a worded message or logo and be internally lit could be considered a "sign", or if the entire piece would be considered the sign. Corpe gave an interpretation that the entire fixture would be a sign based on our ordinance language and on past precedent, but indicated that she would ask the ZBA to review this particular circumstance.

After reviewing pictures of the proposed fixture, the ZBA formed an unanimous consensus that the entire piece would be considered a sign for area calculation purposes and under the intent of the ordinance language.

- 6. Approval of minutes from the February 14, 2002 regular meeting** (Attachment B included and incorporated by reference):

Motion by Smith, support by Knopf to approve the February 14, 2002 regular meeting minutes. Motion carried unanimously.

Meeting adjourned at 8:12 p.m.