

ACME TOWNSHIP
Zoning Board of Appeals
December 23, 2003

Tuesday, 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: J. Hull, Zoning Administrator
S. Corpe, Recording Secretary

1. **Review and approval of the agenda, inquiry as to conflicts of interest:**
Approved, none noted

2. **Correspondence:** None

3. **Reports:** None

4. **Hearings:**

a) **Public hearing on the application of James & Kathy Mills, 6154 Plum Dr., Williamsburg, MI 49690, for a non-use variance of Section 7.2.3,**

Accessory Buildings, which prohibits accessory structures of a height greater than fourteen (14) feet on a property currently zoned R-1, One Family Forest and Costal Zone (Attachment A included and incorporated by reference): Mr. and Mrs. Mills were present to support their application. Belcher read the published hearing notice into the record. Mr. Mills stated that he requested and received a Land Use Permit from Acme Township for a home and a detached garage through his construction contractor. His plans were also required to be submitted to a subdivision architectural control committee. They wished the pitches of the roofs on the home and garage to match, planned for a 12/12 pitch. While the detached garage was being constructed, a neighbor, Steve Vanderveer noted that the garage exceeded the township's 14' accessory structure maximum height requirement. He called Hull, who contacted the Mills to notify them that a problem existed.

Construction was halted pending the outcome of the hearing. Mr. Mills stated that there would be a financial hardship involved in retrofitting the garage with different roof trusses, and the architecture of the garage and the house would not match. Mr. Mills also understands that Mr. Vanderveer has since contacted the township to say that he would have no objection to a height variance being granted.

Hull stated that he agreed with Mr. Mills' characterization of the situation. He recalls issuing the permit for this property and stated that he either neglected to check the building height or made an error when checking it. County Construction Code only checks to be sure that the township has issued a

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Noelle Knopf, Township Clerk, within 24 hours of the meeting date at (231) 938-1350

Land Use Permit, but does not double-check to ensure that all ordinance requirements have been met.

Mrs. Mills stated that they included a cost estimate for changing the roof in their application. Belcher noted that the estimate includes the cost of both the existing roof and installation and the new roof and installation. It would only seem reasonable to consider the cost of the replacement, as they would have paid for the original roofing and installation in any event. The Mills feel strongly that the look and valuation of the property and neighborhood would suffer if they must use a lower pitched roof.

Kuncaitis noted that Hull has provided information about a prior similar variance that was granted (#2001-The Mills feel strongly that the look and valuation of the property and neighborhood would suffer if they must use a lower pitched roof.

Kuncaitis noted that Hull has provided information about a prior similar variance that was granted (#2001-4Z, Grof). He also noted that financial hardship is not normally basis for granting a variance. Mr. Mills stated that he has read the description of the R-1 zoning district (One Family Forest & Coastal Zone) and feels that a key consideration is maintaining views. He does not feel that granting the variance would impede any views.

Public Hearing opened at 7:50 p.m.

Mr. Halliday, 6308 Plum Drive, owns Lot 9 in Orchard Shores. He expressed neutrality regarding the application

Corpe stated that John Holtz, owner of Lot 13 in Orchard Shores, came to the office today to state that he would oppose granting of the variance.

Hull confirmed Mr. Mills statement that Mr. Vanderveer came to the office today and stated that he would not object to the variance being granted. He was ultimately more concerned with the fact that he had to change his original building plans when he sought a Land Use Permit from Corpe and was asked to lower his detached garage roofline to meet requirements.

Public Hearing closed at 7:55 p.m.

The Board discussed the definitions of building heights and calculations as set forth in the definitions section of the ordinance. Smith asked which special condition has been met that would enable granting of the requested variance. He feels that special condition A, hardship, would apply. Kuncaitis also mentioned that requiring the modification could create a hardship by impacting surrounding property values, in light of the architectural controls in place for the neighborhood. Mr. Mills mentioned the elements of his letter in which he argues that that there is no detriment to public welfare and he believes there was gross oversight on the township's part.

Belcher stated that the economics of the situation will not impact his vote, nor will the action of the Zoning Administrator, whether in error or not.

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Noelle Knopf, Township Clerk, within 24 hours of the meeting date at (231) 938-1350

Motion by Smith, support by Knopf to grant Variance #2003-10Z, all Basic Conditions and Special Conditions A & B having been met. Motion carried unanimously.

5. Other Business:

a) Approve 2004 meeting schedule: Approved by consensus.

b) Select Officers for 2004:

Motion by Smith, support by Knopf to reappoint the same slate of officers for 2004 (Kuncaitis as Chair, Smith as Vice Chair and Belcher as Secretary). Motion carried unanimously.

c) Belcher mentioned that he will be going to Florida for 3 months and asked if his resignation would be desired. The Board unanimously said they would not. The ZBA would like to have the Board of Trustees seek and appoint an alternate in case it is difficult to obtain a quorum. Kuncaitis is aware that Art and/or Theresa Bak might be interested in serving.

Discussion of creating new ordinance forbidding berms.

6. Approval of minutes from the August 14, 2003 regular meeting:

Motion by Knopf, support by Collins to approve the minutes of the August 14, 2003 meeting as printed. Motion carried unanimously.

Meeting adjourned at 8:27 p.m.