

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, JANUARY 4, 2022 REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, January 4, 2022, at 4:30 p.m. at the Ada Township Hall, 7330 Thornapple River Dr. SE, Ada, Michigan

I. CALL TO ORDER

The meeting was called to order by Chair Dixon at 4:30 p.m.

II. ROLL CALL

Members present: Burton, Dixon, McNamara, Nuttall

Members absent: Smith

Staff Present: Bajdek, Buckley, Said

Public: 8

III. APPROVAL OF AGENDA

Moved by Burton, supported by Nuttall, to approve the agenda as presented. Motion carried.

IV. APPROVAL OF MINUTES

Moved by Nuttall, supported by McNamara, to approve the October 5, 2021 Meeting minutes as presented. Motion carried.

V. UNFINISHED BUSINESS – None

VI. NEW BUSINESS

1. Administrative Appeal regarding a Staff determination that a proposed accessory Building does not qualify as an (exempt) agricultural farm building, Benjamin & Elisabeth Hammer, 6679 3 Mile Road NE, Parcel No. 41-15-04-300-025

Applicants Lisa & Ben Hammer presented their request for appeal. Ms. Hammer stated that they did not fully understand the ruling on why their building could not be called an agricultural building and she described the logistics of their home and the proposed barn off of 3 Mile Road.

Ms. Hammer explained that several years ago they planted many fruit trees which should start producing fruit in the upcoming year and they would like to build the barn to be able to store a tractor and other maintenance equipment in. She said they were in the RP-1 Zoning District that allows for agricultural buildings and she referred to the definition/regulations of the farm and farm building and felt they were following all of the requirements.

Mr. Hammer handed out copies of excerpts of the zoning ordinance to the ZBA members and read aloud some of the ordinance language related to farm buildings. He said that the Township's reason for denying his request was that the primary purpose of the land was not farming, but he mentioned that the farmers that live in his area primary purpose of land was to live on their land and farming was supplemental.

Mr. Hammer addressed some items mentioned in the Planning department staff memo; accessory building in front yard requirements, he commented that the farm building would not set a poor precedent for future requests, and concluded that he was hopeful to build a big, beautiful, barn that he could use for his family.

Chair, Dixon, opened public comment at 4:44 p.m.

Emily Balk, neighbor at 6721 3 Mile Road, said she was 100% in full support of the Hammer's building the barn.

Robert Moulder, neighbor at 6785 3 Mile Road, said he was 100% in favor of the Hammer's doing what they intend to do with their property.

There were no other public comments and the public comment was closed.

Planning Director, Said, summarized the staff memo and addressed a few items for clarification. Said stated that the primary use of the property was as a single-family home not a farm site devoted to agriculture, and that agricultural could at best be an accessory use. Said explained some history of the applicant's request and shared the options that were available of what the applicant could do: accessory building in the rear or side yard or having the appearance match and building accessory building in the front yard (vs. an agricultural building). Said further explained the definition of a 'front yard', the unknowns of the other buildings referenced, and shared that the Planning Staff received an opinion and concurrence of interpretations from the Township attorney.

Dixon prompted the ZBA members that what was being determined was not a variance request or the appearance of the structure but the Administrative Appeal and what qualifies/constitutes as an agricultural building/site; the definition of a farm was what needed to be agreed upon by the Board.

There was Board discussion regarding the need for clarification to what extent did the proposed building qualify as an agricultural building, whether a dollar value/profit of \$1,000 per year (noted from the USDA) would help determine if it qualified as an agricultural building, and that the Board agreed that the way the ordinance was written regarding the definition of a "agricultural/farm building" could be made clearer.

Burton asked the applicant what their plans were with the produce grown. Mr. Hammer said they hoped to sell the produce (i.e.; Farmers Market things with their children), as well as bee keeping and produce and sell honey.

Dixon asked the applicant if he planned to produce enough on the site to be a value of \$1,000 or more. Mr. Hammer said yes that was his goal.

McNamara asked applicant if there was a business entity being set up for the farming. Mr. Hammer replied yes, that would be his hope in the future.

Jeff Kemperman, attorney that represented the Hammers, spoke briefly about: the location of the proposed building and said it was the only feasible place to build it and referred to the front yard regulations and said that the only neighbor that would see the building already spoke in support of its location; he addressed Dixon's point about value and said that the Michigan Court of Appeals said that one singular egg sold, counts as a commercial farm; and he confirmed clarification that the principal use of the Hammer property was single-family home.

There was additional Board discussion about: understanding the difference of the actual use of the property vs. what the allowable use for the RP-1 zoning district and that the principal use of the property was a single-family home; the fact that this was an Administrative Appeal action and that the applicant could handle the process as an application for a Variance at a later time; and reviewed the terminology within the ordinance for "farm" building and whether the primary use of property was devoted to farming or single-family home use.

Dixon expressed concern with the challenging ordinance language regarding a farm building and asked the ZBA members whether they were prepared to form an opinion on the subject matter.

Moved by McNamara, supported by Burton, to deny the Administrative Appeal.

Roll Call:

Ayes: Burton, McNamara, Nuttall

Nays: Dixon

Absent: Smith

Motion Carried 3-1.

Burton made a request that the language in the ordinance be reviewed and updated.

VII. CORRESPONDENCE

Said advised that he received an email prior to the meeting from the LaMasters informing they did not wish to have their email letter be read aloud at the hearing and just allow the Zoning Board to make their decision.

Said mentioned that there were some new training opportunities from the Michigan Association of Planning and he would get information sent out to the ZBA members.

VIII. PUBLIC COMMENT

Robert Moulder, 6785 3 Mile Road, expressed concern about the process the Hammers went through and said Mr. Hammer just wants to put up a building and had support from many of the neighbors.

IX. ADJOURNMENT

Moved by Burton, supported by Nuttall, to adjourn meeting at 5:51 p.m. Motion carried.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

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