

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, JANUARY 5, 2021, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, January 5, 2021, at 4:30 p.m., via video/audio-conferencing, in conformance with Public Act 228 of 2020 concerning temporary authorization of remote participation in public meetings.

CALL TO ORDER

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

ROLL CALL

Members present: Burton, Dixon, McNamara, Nuttall, Smith

Members absent: 0

Staff Present: Bajdek, Buckley Ferro, Suchy

Public: 1

APPROVAL OF AGENDA

Moved by Burton, supported by Smith, to approve the agenda as presented. Motion passed by unanimous roll call vote.

APPROVAL OF MINUTES

Moved by Smith, supported by McNamara, to approve the December 22, 2020 Special Meeting minutes as presented. Motion passed by unanimous roll call vote.

UNFINISHED BUSINESS – None.

NEW BUSINESS

- 1. Request for a use variance to permit the continued use of professional mortgage office and the construction of a 30' x 40' accessory building for storage and additional office/conference room space, 6410 Knapp St., Parcel No. 41-15-09-301-001, Jonathan Arnold, for 6410 Knapp Street LLC**

Applicant, Jonathan Arnold, presented his request for a use variance. Mr. Arnold stated they are looking to add a building to the existing property to have extra space for the storage of items and for extra flex space to utilize for the mortgage office. Mr. Arnold stated he had been working with a designer on the existing building and had done improvements on the siding, roof, windows, and other enhancements to improve the building and help beautify the area. Mr. Arnold said the plan for the proposed accessory building is to have the same improved design appeal and general character as the existing building. Mr. Arnold stated the location of the accessory building would be tucked in the furthest southeast corner of the property, so it would be set back from the road.

Bajdek summarized the request as provided in the staff memo. Bajdek stated the site is approximately one acre located at the southeast corner of Knapp Street and Egypt Valley Avenue and is zoned RP-1 Rural Preservation 1; the driveway access is from Knapp Street.

Bajdek said the applicant is proposing to construct an additional building in the southeastern corner of the site, with a building footprint of 1,200 sq. ft. (30' x 40'). It is intended to be used for storage and office/meeting space auxiliary to the current mortgage office operating from an existing building located on the site. The ground level of the building is planned for storage/garage space, and the finished upper level/attic space area is proposed to be used for office/meeting space and also includes a kitchenette and a bathroom.

Bajdek stated the applicant is proposing the building to be in-line with the accessory building regulations for the Zoning Ordinance, as if it were accessory to a principal structure.

Bajdek shared a brief history of the property and said the existing structure was initially constructed and utilized as a 'Grange' building; after the 'Grange' operations ceased the building continued to be used to hold various community meetings/events until a photo studio occupied it from the early 80's to early 90's. In 1994, the Zoning Board of Appeals granted a use variance to permit the use of the building as a commercial design studio, and in 2018 the Zoning Board of Appeals granted a use variance permitting the current use of the building as a mortgage office.

Bajdek stated currently the mortgage office is considered a **conforming use**, based on the ZBA's approval of the use variance at that time; however, since a use expansion/modification is planned the granting of a 'new' use variance by the ZBA is required for such use expansion/modification.

Bajdek reviewed the following criteria that must be satisfied in order for the ZBA to grant a variance:

1. Whether unique physical circumstances exist which cause a 'hardship' in complying with the Zoning Ordinance standards.

It was previously established that based on the physical location and size of the site, with the 'Grange' building, a "hardship" existed and that the property cannot be reasonably used for uses that are permitted in the RP-1 zoning district.

2. Whether granting the variance would alter the essential character of the area.

The granting of the 'new' variance to permit the subject building would not alter the essential character of the area; there are similarly massed buildings that are permitted and exist in the RP-1 zoning district. The continued use of the existing building for office purposes allows for the preservation of the existing structure.

3. Whether the circumstances leading to the variance are self-created.

Circumstances leading to the variance are not self-created.

4. Whether amending the Zoning Ordinance standards is a more appropriate remedy to the situation.

An amendment to the Zoning Ordinance, through a rezoning, creating a 'commercial node' at the Knapp Street/Egypt Valley Avenue intersection was discussed in the past by the Township; however, movement towards it was not viewed favorably at that time.

Bajdek concluded although the office use of the property does not conform to the use regulations of the RP-1, Rural Preservation zoning district, it is consistent with other established uses that do not conform with the zoning district in the area of the Knapp Street/Egypt Valley Avenue intersection. Due to the physical location and size of the property, the reuse/redevelopment of the property for a residential or agricultural use would be challenging.

Bajdek stated the addition of the proposed building will not alter the essential character of the surrounding area; similar massed buildings exist/are permitted in the RP-1 zoning district.

Bajdek stated staff recommended approval of the use variance, subject to the following 4 conditions:

1. The use of the property shall be limited to a mortgage office.
2. The proposed building shall only be used as an auxiliary use to a mortgage office operating from the existing building located on the property.
3. If the property is sold, any future owners must also conform to this use or apply for a new use variance.
4. A building permit application submittal satisfying all zoning and building code requirements for the construction of the subject building.

Dixon opened the public hearing at 4:43 p.m. There was no public comment and the public hearing was closed.

Dixon asked Mr. Arnold if he had any issue with the 4 conditions the planning/zoning staff mentioned and Mr. Arnold stated no he does not.

Bajdek added since the proposed building is a commercial building, it will need to adhere to all commercial building code requirements, not residential.

Burton stated she lives in the neighborhood that the property exists in and Mr. Arnold has done a very nice job fixing up the building; it still looks like a historical structure. Burton said as long as the auxiliary building meets the zoning guidelines and is designed to go along with the existing building, she would have no problem with the variance request.

Smith asked if building plans had been submitted yet. Bajdek stated no official building permit application has been submitted yet but based on the drawings/sketch that was submitted, Mr. Arnold showed setback requirements would be met/in-line with accessory building standards in the RP-1 zoning district.

Dixon complimented Mr. Arnold and said they have done an amazing job at the site and the proposed accessory building is beautiful. Dixon shared concern and asked if there is a commitment with the variance approval on the types of exterior materials to be used.

Bajdek stated the accessory building in that location is not required to meet any architectural requirements.

There was some Board discussion regarding the lack of commitment to the exterior materials and possibly adding another condition to the variance approval; condition 5; no vinyl siding.

Mr. Arnold explained the design features and exterior material used on the existing building and how they designed it; keeping it within the period it was built. He said the accessory building is not meant to look like the current building, it is meant to stand alone on its own design element. Mr. Arnold described some of the exterior materials to be used and said the exterior would complement what they already have going on at the site.

Mr. Arnold stated he is not opposed to the Board putting in some type of condition regarding materials, but prefers flexibility on the materials selection.

Moved by Nuttall, supported by Smith, to approve the variance based on a finding that the required standards to grant a variance have been met, subject to the following conditions:

1. The use of the property shall be limited to a mortgage office.
2. The proposed building shall only be used as an auxiliary use to a mortgage office operating from the existing building located on the property.
3. If the property is sold, any future owners must also conform to this use or apply for a new use variance.
4. A building permit application submittal satisfying all zoning and building code requirements for the construction of the subject building.
5. There shall be no vinyl siding used.

Motion passed by unanimous roll call vote.

CORRESPONDENCE

No correspondence was received.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Moved by McNamara, supported by Nuttall, to adjourn meeting at 4:56 p.m. Motion passed unanimously.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:eb