



**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, FEBRUARY 1, 2022 REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, February 1, 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: Dixon, McNamara, Nuttall, Smith

Members absent: Burton

Staff Present: Bajdek, Buckley, Said, Suchy

Others Present: 5

III. APPROVAL OF AGENDA

Moved by Smith, supported by Nuttall, to approve the February 1, 2022 agenda as presented. Motion carried.

IV. APPROVAL OF MINUTES

Moved by Nuttall, supported by McNamara, to approve the January 4, 2022 Meeting minutes as presented. Motion carried.

V. UNFINISHED BUSINESS – None

VI. NEW BUSINESS

1. Request for Variance to allow the construction of a 3,600 sq. ft. accessory building in the front yard not satisfying the building appearance standard, Benjamin & Elisabeth Hammer, 6679 3 Mile Road NE, Parcel No. 41-15-04-300-025

Ben Hammer presented his request for a variance and said he would like to construct a pole barn in his front yard within the allowable size, height, and property setbacks of the ordinance, but the only thing disputed was the façade and roof materials.

Mr. Hammer stated that due to the constraints of the property there was no good way to build the pole barn in the back or side yards and explained the difficult circumstances with his property; wetlands, too close to the neighbor, removal of trees, power lines, and interference with well & septic field.

Mr. Hammer explained the reason the pole barn façade and roofing would not match the house was that the current vinyl siding on the house was problematic with pest infestation and deterioration and the pole barn materials would be much higher quality with a steel roof. He said his goal was to change the siding of the house to match the pole barn in the future.

Mr. Hammer referred to his narrative statement included in the packet and the four criteria required to grant a variance and he went through each criteria with explanations.

- * Cause a practical difficulty; side & rear yards impossible to build and matching house with vinyl siding.
- * Alter essential character of the area; it would enhance the look of property with higher quality materials.
- * Circumstances are self-created; purchased house after it was built, therefore no control where house was located.
- * Amending Zoning Ordinance; conditions associated are not typical or recurring, so not deemed appropriate to amend the zoning ordinance.

Mr. Hammer concluded that he cared deeply about his home and property and with the support from his neighbors, he requested the ZBA grant the request for variance.

Zoning Administrator, Bajdek, summarized the staff memo and said the zoning ordinance Sec. 78-20 states an accessory building shall not be located in a front yard, with the exception that one accessory building may be located in the front yard in the AGP, RP-1, RP-2 and RR districts, provided the following standards are satisfied:

- a. The accessory building is located a minimum of 50 feet from any lot line. - *this standard is satisfied.*
- b. The accessory building is located on a lot with a minimum area of three acres in the AGP, RP-1 and RP-2 districts, and two acres in the RR district. – *this standard is satisfied (property is approximately 7.5 acres in the RP-1 district.)*
- c. The façade materials and color, and the roof pitch, shape, material and color, of the accessory building are substantially the same as those of the dwelling unit on the subject property. – *this standard is not met; therefore, the request for variance.*

Bajdek prompted the Board of the standards that need to be met to grant a variance:

1. Whether unique physical circumstances exist which cause a “practical difficulty” in complying with the Zoning Ordinance standards.

The proposed building could easily be constructed outside of the ‘front yard’ and the building appearance regulations would not apply. Therefore, no unique physical circumstances exist which cause a “practical difficulty” in complying with the Zoning Ordinance standards.

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

In staff’s opinion the granting of the variance would alter the essential character of the area. The proposed accessory building would not be consistent/compatible with other existing or future accessory buildings in the surrounding area.

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

Circumstances leading to the variances are self-created. The desired building location and appearance are self-created circumstances.

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

An amendment of the Zoning Ordinance is not deemed an appropriate remedy to the situation.

Bajdek stated based on the above four criteria, denial of the requested variance is recommended.

Dixon opened public comment at 4:46 p.m.

Andy Steenstra, 3126 Carmel Avenue, Grandville MI, said he and his wife recently signed a purchase agreement and will move in a month to live across the street from the Hammer's. Mr. Steenstra expressed his support of the location and materials on the proposed pole barn.

Matt Darragh, 6791 3 Mile Road, Ada, said he lives southeast of Hammer's and has been a neighbor for 7-8 years. Mr. Darragh said that the Hammer's have always been very respectful neighbors and have done a lot of work to improve the aesthetics of their property and he was supportive of the location and materials of the barn.

Dixon closed public comment at 4:53 p.m.

There was Board discussion regarding the overall property and other possibilities for the location of the pole barn and questions were asked of the applicant why he felt the barn could not be built in the side yard or back yard. The applicant reviewed the aerial view of his property with the Board and discussed the problems he had with the location of the powerlines and marshy area.

Smith asked the Planning Director about the pictures of the examples the applicant took and whether those would be considered as "grandfathered in." Planning Director, Said, stated that it was very possible those buildings were built before the zoning requirement and that he was not able to identify that the pictures were of barns being in a front yard location or whenever they were built.

Dixon said to the ZBA members that the request before them was to determine the intent of the code and he felt what was being proposed had a distinct separation/distance between the barn and the house and the current house appearance was undesirable. Dixon stated the intent of the code was to maintain property values and he struggled with a decision to match the proposed barn with the structure of the home of inferior quality.

There was continued Board discussion about the materials to be used; steel siding vs. vinyl siding, whether the property's "wetlands" interfered with location options, the members concurred that the Zoning Board had no way to enforce any cosmetic/aesthetic changes after a variance was granted, and whether the applicant had a viable true hardship or self-created and/or the other options necessary to be in compliance.

Moved by Smith, supported by Nuttall, to deny the request for variance.

Roll Call:

Ayes: McNamara, Nuttall, Smith

Nays: Dixon

Absent: Burton

Motion Carried 3-1, with 1 absent.

VII. CORRESPONDENCE - none

VIII. PUBLIC COMMENT

Said shared that the Township was about to embark on its Master Plan project and that it was last updated in 2016. He said that a review group/sub-committee was formed consisting of Planning Commission members, the Township Manager, Bajdek and himself that would review candidates and put together a recommendation to the Township Board for approval of a consulting agency.

IX. ADJOURNMENT

Moved by Nuttall, supported by McNamara, to adjourn meeting at 5:38 p.m. Motion carried.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:eb