

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, FEBRUARY 4, 2020, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, February 4, 2020, 4:30 p.m., at the Ada Township Office, 7330 Thornapple River Drive, Ada, Michigan.

CALL TO ORDER

The meeting was called to order by Co-Chair McNamara at 4:45 p.m.

ROLL CALL

Members present: McNamara, Nuttall, Smith

Members absent: Burton, Dixon

Staff Present: Bajdek, Winczewski

Public: 2 Community members

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Moved by Smith, supported by Nuttall, to approve the January 7, 2020, minutes as presented. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

McNamara informed the applicant that because two ZBA members are absent, all three ZBA members who are present will need to vote to approve the variance in order for it to pass. The applicant can choose to table the request until the full board is present. The applicant chose to proceed with the request.

- 1. Request for variance from the maximum building height standard, to allow the construction of a new single-family dwelling with a height of 54.25 feet rather than the maximum allowable height of 35 feet in the RP-1 zoning district, Parcel No. 41-15-15-400-034, 1551 Honey Creek Ave. NE, Erhardt Construction Company, on behalf of the Stephen A. Van Andel Trust**

Ryan Formsma of Erhardt Construction Company presented the variance request. Mr. Formsma stated the homeowners chose to build where they did in order to disturb the least number of trees, be placed where they could put in a pool, and to be cognizant of their proximity to their neighbors. Mr. Formsma stated that with the way the height variance is measured, from the lowest elevation to the point measured on a mansard roof, they are over the allowable height.

Bajdek summarized the variance request as outlined in the staff memo provided in the board packets. Bajdek stated the construction of a new main dwelling is proposed to replace the main residence that was recently demolished; it will be situated approximately 563 feet from the nearest neighboring property (*located to the east*), not under the

ownership of the Stephen A. Van Andel Trust. The overall property owned by the Stephen A. Van Andel Trust is approximately 178 acres, which consists of several parcels, and is zoned RP-1 Rural Preservation 1. The new residence is planned to be placed west/southwest of the former dwelling's location.

Bajdek noted that the parcel on which the new main residence is to be constructed currently contains a dwelling, which serves as a 'guest house.' The new main residence is not permitted to be constructed on the same parcel as the existing dwelling since only one dwelling per parcel is allowable. Therefore, either adjustments in parcels through a boundary line change is required or the existing dwelling needs to be removed from the subject parcel prior to the construction of the new main residence.

Bajdek stated that the site is topographically varied and fairly wooded in nature. The planned placement of the dwelling is considerate to the topography of the property by following its natural contours, allowing for minimal disturbance to it. It appears that constructing the home in the proposed location and meeting the maximum permitted building height of 35 feet through a daylight basement rather than a walkout level would only be achievable with the reshaping/recontouring of the land by the placement of a substantial amount of fill.

The dwelling has been designed with multiple roof types with a mansard roof being positioned at its highest point.

Bajdek reminded the board that building height is measured from grade (*lowest point at the "walkout" level and five feet from the building*) to the deck line of a mansard roof.

Per the Zoning Ordinance:

- **Building height** means the vertical distance above grade to the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building.
- **Grade** means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Bajdek stated that this variance request is similar to others that the Board has heard and approved over the last several years in terms of high floor to ceiling height, walkout level, and steep roof pitch that are customary in many current home designs, except to a greater degree due to the proposed high floor to floor height. Per the applicant, the floor to floor dimensions for the home are 14' 6" and 15' 10" to allow for adequate mechanical systems to heat and cool the home, as well as structural members.

Bajdek noted that a height variance was granted in 2003 for the previously existing home allowing a total height of 50 feet, while the current height variance request is to allow a total height of 54.25 feet.

Bajdek stated that since 2000 to present, there have been 16 requests for variance from the maximum building height standard of 35 feet to allow construction of a new single-family dwelling on various properties throughout the Township; the Board approved 14 of the requests, while two (2) were denied by the Board. The Board approved the last request for a building height variance in August of 2018.

Bajdek stated that the Board of the Zoning Appeals may grant variances only upon finding that certain criteria have been satisfied:

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

The grade of the property at the planned walkout level and the high floor to ceiling height, that is commonplace with newer homes, as well as the high floor to floor height cause a physical practical difficulty.

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

The granting of the variance would not alter the essential character of the area due to the size of the property and the proposed location of the residence, approximately 563 feet from the nearest neighboring property not under the ownership of the Stephen A. Van Andel Trust, would have little to no impact to the immediate area.

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.

Given the number of similar variance requests that have been considered and approved in the past, an amendment of the Zoning Ordinance would ordinarily appear to be a more appropriate remedy; however, the Planning Commission in 2004 spent several months considering whether to amend the building height regulations, but did not take action on the matter. In August of 2016, the Planning Commission received communication from Zoning Board of Appeals regarding the revisiting of this matter; however, there has been no movement towards an amendment since that time; the last request for a building height variance was approved in August of 2018.

Bajdek stated that Planning staff recommends approval of the variance subject to adjustments in the parcels of the overall property through a boundary line change or the demolition of the existing dwelling on the subject parcel prior to the construction of the new main residence to comply with the Zoning Ordinance regulations of one (1) dwelling per parcel.

Mr. Formsma stated the boundary line adjustment has not yet been submitted because they are working with the Kent County Health Department for septic approval. There is a possibility that they may need to adjust another boundary line to the south. Once the septic approval process is complete, they will submit their boundary line adjustment.

McNamara opened the floor for public comments. There were no public comments.

Smith stated she is struggling with the amount of the variance and asked if this home could be built in a way that would require a smaller variance. Mr. Formsma stated there were several renditions completed to try to accommodate the height regulations. Mr. Formsma noted that there was a previous variance for the home which was recently demolished which allowed a height variance for 50 feet. That house was a gabled style roof and this is a mansard roof. Due to the way the Township measures height, the mansard roof is taller, but in actuality, the height of the proposed house will be shorter than the previous house.

Moved by Nuttall, supported by Smith, to approve the height variance of 54.25 feet based on the findings that the required conditions to approve a variance have been met and subject to an approved boundary line adjustment.

Motion carried unanimously.

CORRESPONDENCE

No correspondence was received.

BOARD MEMBER/STAFF REPORTS

There were no board comments.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Meeting adjourned at 5:02 p.m.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:aw