



**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, FEBRUARY 7, 2023 REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, February 7, 2023, 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 McNamara at 4:30 p.m.

II. ROLL CALL

Members present: Courtade, McNamara, Nuttall, Smith

Members absent: Burton

Staff Present: Bajdek, Boerman, Buckley, Said

Others Present: 6

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES OF JANUARY 3, 2023, REGULAR MEETING

Moved by Nuttall, supported by Courtade, to approve the January 3, 2023, meeting minutes as presented. Motion carried.

V. UNFINISHED BUSINESS – none

VI. NEW BUSINESS

**1. Request for setback variances, 7000 Ada Drive SE, Parcel No. 41-15-33-426-015,
Kelly Kuiper on behalf of Krause Family Trust**

Kelly Kuiper, representing the Krause Family Trust, was also joined by Tony and Jamie Krause and Jim Wierenga, Attorney. Ms. Kuiper said they were requesting two variances for side setbacks. The first request was a side setback of 29 feet from the required 40 feet from the east property line and the second was a side setback of 39 feet 4 inches from the required 40 feet from the west property line.

Ms. Kuiper explained that the variances were being requested for the construction of a new home where an existing home has been since 1978. She made note that the existing home does not currently meet the side setback of 40 feet (13.8 ft. on east property line and 12 ft. on west property line) and briefly went over the specifications of the proposed new home.

Ms. Kuiper referred to the variance standards and the historical zoning of the parcel comparing specific differences from 1978 to current day zoning requirements (unnamed private road predates the private

road ordinance, lot configuration). She said the zoning of the parcel in 1978 is unknown, however, the parcel meets current day R2 minimum lot width and area requirements and the home meets R2 setbacks.

Ms. Kuiper concluded that she believes the variance would correct practical difficulties and unnecessary hardship that the current day setbacks are placing on the property and the spirit of the ordinance can be observed by allowing it to continue its same use and setbacks that it was configured for since 1978.

Bajdek summarized the staff report and confirmed that a 40-foot setback is required from all property lines and as the applicant stated, they are requesting a variance from two of the property lines; 11 feet from the east property line and 39.33 feet from the west property line.

Bajdek stated per section 78-107 of the Zoning Ordinance, the Zoning Board of Appeals may grant such variances only upon finding the three conditions exist (conditions are included in the staff memo).

Bajdek stated that staff conclusion and recommendation is that the request does not meet the exact letter of all three of the Standards in Sec. 78-107 including no practical difficulties nor unnecessary hardship in carrying out Zoning Ordinance requirements. At the same time, the details of this request may merit further consideration, especially given the existing home's setbacks. As well, while the property to the east (7008) has accessory uses/structure, these are at least 65 feet away from the proposed home, and the existing home at 7008 is located over 300 feet away to the north of the proposed (and existing) home on the subject property. As such, if the Zoning Board of Appeals determines that the above standards have been satisfied, Staff has no objections to approval of the requested variance.

Chair McNamara opened the public hearing 4:40 p.m. There was no public comment and the public hearing was closed.

McNamara informed that two letters in support of the variance requests were sent into the Planning and Zoning Staff and he read the letters to the ZBA members. The letters were provided from neighbors: Joel & Danielle Caldon, 7006 Ada Drive, and Robert Hinton, 7008 Ada Drive.

There was ZBA member discussion regarding the setback difference from the proposed home vs. the existing home, the letters of support received from the two most affected neighbors, and whether it was necessary to apply conditions to any approval, if granted.

Nuttall requested clarification on the location of privacy landscape near a driveway between the garage and the Hinton's house, as stated in the email from Jamie Krause to the landscaper. Jamie Krause, homeowner at 7000 Ada Drive, explained how the Hinton's driveway (to the boat house) runs along their property line and that there was already some landscaping there.

Moved by Courtade, supported by Nuttall, to approve the request for setback variances.
Roll call: Yes - Courtade, McNamara, Nuttall; No - Smith. Motion carried by roll call vote 3-1, with 1 absent.

VII. CORRESPONDENCE

1. Zoning Board of Appeals Schedule

Said requested the ZBA members to review the proposed calendar for meeting dates for the fiscal year 2023-2024.

Moved by Courtade, supported by Nuttall, to approve the 2023-2024 meeting dates for the Zoning Board of Appeals. Motion carried.

VIII. PUBLIC COMMENT -

none Said provided updates:

- The Master Plan process – Said stated that we are at the stage where we are in the ‘home stretch’. Master Plan Consultant, Progressive AE, will present the draft plan to the public at a community workshop on February 9th at 5:30 p.m. at the Library. Progressive AE will also present the draft to the Planning Commission at their regular scheduled meeting on February 16th at 5:30 p.m. Said anticipates after that, the Master Plan draft will go through a public review plan to start in late-March, and possibly have an approved Master Plan by the end of June.
- On February 6th there was a special meeting between the Planning Commission and the Downtown Development Authority Board to talk about their functions and the PVM Overlay Zoning District. There is a second joint meeting scheduled for February 22nd at 4:00 p.m. at the Library.
- Said emailed the ZBA members information about Planning and Zoning essentials training that is available remotely through the State of Michigan Planning Association.

IX. ADJOURNMENT

Moved by Nuttall, supported by Courtade, to adjourn meeting at 5:04 p.m. Motion carried.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:eb