

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, MAY 11, 2021, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, May 11, 2021, at 4:30 p.m. at the Ada Township Hall, 7330 Thornapple River Dr. SE, Ada, Michigan

CALL TO ORDER

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

ROLL CALL

Members present: Dixon, Nuttall, Smith
Members absent: McNamara, ~~Norman~~ Burton
Staff Present: Buckley, Ferro, Suchy
Public: 1

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Moved by Smith, supported by Nuttall, to approve the January 5, 2021 Meeting minutes as presented. Motion passed unanimously.

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 36' x 52' 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, office located at 6410 Knapp St., presented his request for a use variance. Mr. Arnold stated he had previous approval of a use variance that was submitted in January. This new request proposes a larger accessory building. Mr. Arnold referred to the site plan included in the packet and explained the property lay out and elevations of the proposed site. Mr. Arnold stated the proposed new building expansion causes no visual obstruction to anything other than his building. Mr. Arnold shared details about the design of the proposed building and described the materials to be used.

Ferro spoke on behalf of Bajdek's staff memo. Ferro stated that in summary Brent's memo concluded that an increase in the footprint of the building from 1,200 sq. ft. (30' x 40') to 1,872 sq. ft. (36' x 52'), an increase of over 50%, is not in conformance with the standard of whether the request alters the essential character of the area.

Dixon stated to Mr. Arnold that there were only 3 board members in attendance at the meeting and he has the option to request postponing the decision today until all 5 board members are in attendance. Mr. Arnold stated that he was not only seeking an approval but also looking for direction from the board.

There was board discussion regarding the obligation of the board to protect the spirit of the zoning ordinance and the applicant options if the request is denied.

Dixon opened the public hearing at 4:56 p.m. There was no public comment and the hearing was closed.

Smith asked applicant what he plans to do with the additional space. Mr. Arnold stated he needs extra space for his employees to work within a safe distance from each other, more open-air work space with newly created offices, and create an office for himself (he is currently working out of the lunch room).

Nuttall referred to the staff memo comments for criteria #2 and asked if the 20' setbacks have been met. Ferro stated those are the rules that would apply to a residential accessory building. Nuttall stated that it seems like we are applying residential rules but have allowed them commercial use. Dixon clarified that there was a consideration for rezoning that area to a commercial node in the past but that was not viewed favorably by the Planning Commission. Dixon said that they are trying to maintain the residential form-based regulations. Nuttall stated they already have a use variance for commercial use property. Dixon agreed with Nuttall and stated that he struggled with seeing the hardship.

Smith stated when this request was before the board in January, the staff memo concluded that the proposed building would not alter the essential character of the area and the staff report of May 7 says that it would alter the essential character of the area. Smith stated if you do not see the building from the road, then how can it alter the character.

Ferro stated that would be a judgement call for the zoning board to make based on the what you are hearing from both the applicant and the staff report.

Following board discussion and based on the findings that there are unique circumstances, the variance does not alter the essential character of the area, the circumstances are not self-created, and amending the zoning ordinance is not a more appropriate remedy; it was moved by Smith, supported by Nuttall, to grant approval of the use variance 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 unanimously.

CORRESPONDENCE

No correspondence was received.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Moved by Nuttall, supported by Dixon, to adjourn meeting at 5:17 p.m. Motion passed unanimously.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:eb