

**ADA TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF THE THURSDAY, JUNE 4, 2020, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Thursday, June 4, 2020, 4:30 p.m. The meeting was held by video/audio-conferencing, in conformance with the Michigan Governor's Executive Order.

**CALL TO ORDER**

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

**ROLL CALL**

Members present: Dixon, Burton, McNamara, Nuttall

Members absent: Smith

Staff Present: Bajdek, Ferro

Public: 1 Community member

**APPROVAL OF AGENDA**

**Moved by Burton, supported by Nuttall, to approve the agenda as presented. Motion carried unanimously, with 1 member absent.**

**APPROVAL OF MINUTES**

**Moved by McNamara, supported by Burton, to approve the May 12, 2020, minutes as presented. Motion carried unanimously with 1 member absent.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

- 1. Request for variance from minimum building setback standards, to permit an agricultural building housing animals to be 100 feet from the property line instead of the required 150 feet, 1723 Pettis Ave NE, Parcel No. 41-15-18-276-004, Metric Structures, for River Ridge Farm, LLC**

Alicia VanderArk, of Metric Structures presented. Ms. VanderArk stated the property owners are wanting to add a horse barn and guest home to their property. The prime location for the structures is on the south side of the existing buildings. The property is unique in that the buildable area is small compared to the size of the entire site. There is also a high-voltage power line running through the western edge of the property. The property owners would like the home to be on the western side of the property, closer to the pond, and to have the horse barn on the eastern

side of the property, closer to Pettis Ave. With the location of the existing power lines, it is very difficult to get both of the buildings within the 150 ft. setback limits.

Ms. VanderArk stated they are currently working with the county to get a new septic system and well on the property to serve these new buildings. Because there is some contamination on the property from when Rieth Riley leased it, they will need to be certain distances from those contaminated areas.

Planning Director, Ferro, summarized the staff memo as provided in the board packets. Ferro stated the property is just over 97 acres with the majority of that acreage being water or floodplain. There is a narrow buildable area that runs north-south along Pettis Ave. The property was formerly the site of a sand and gravel mining operation by Rieth Riley Construction. There is a former residence and several existing agricultural outbuildings on the property that are all within 250 feet of Pettis Ave. The power line runs north-south through the property, approximately 270 feet west of Pettis Ave.

Ferro 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 “practical difficulty” in complying with the Zoning Ordinance standards.**

The extent to which floodplain, excavated pond, steep slopes and power line corridor restrict placement of buildings on the property constitute unique physical circumstances that create practical difficulty in conforming with the 150-foot setback required for buildings housing farm animals.

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

From Two Mile Rd. extending south, the Pettis Ave. corridor has a largely rural character. At the north end of the subject property, a large horse boarding barn is located on the east side of Pettis Ave. This barn is set back from Pettis Ave. approximately 120 feet, with a parking area located between the building and the road.

The proposed barn location on the subject property is in keeping with the established character in the surrounding 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.**

Although there have been several similar variance requests that have been approved over the last 20 years, the specific variance requested is not so common or recurrent as to warrant amending the zoning regulations, especially considering that farm animals are kept under a wide range of property and neighborhood circumstances in the Township.

Ferro stated that the plans for the proposed barn has an attached residence. An existing residence that was occupied by the previous property owner is located on the property. The zoning regulations prohibit having more than one residence located on the same lot. The property owner has stated that the building is currently used for storage and as a farm employee office/break room, and is not intended to be used as a residence in the future. In addition, the former kitchen in this building is no longer furnished with kitchen appliances, other than a sink.

Ferro stated that approval of the variance is recommended, subject to the condition that if the proposed residence is constructed, the former residential building is prohibited from being used as a residence.

Bob Proos of 1939 Knollpoint Dr. NE, neighbor of the subject property, stated he has no objections to the proposed buildings.

Ferro stated the only correspondence he has received on this matter was an email from one resident of Grand Valley Estates requesting a copy of the site plan which he provided.

Burton asked for clarification on the proposed residence. Ms. VanderArk stated the property owners do not live on the property but they hold events on the property and use it for recreational purposes for their family. They plan to use the residence as a guest house. The existing residence on the property is planned to be demolished at some point. The garage for the existing residence is currently housing chickens and there is a goat enclosure also attached to it. Once the proposed animal barn is built, the goat will go in that barn and they will find someplace else to house the chickens. Once that is complete, the existing residence and garage will be demolished.

Ms. VanderArk stated the property owners have talked about building a larger farmhouse at some point in the future but there are no plans for that at the moment.

Nuttall inquired on what would happen if the property owner sold this property after the new residence was built but before the old residence was demolished. Ferro stated the variance conditions run with the land so the same rules would apply to the new owners. Or, the existing home could be split off as a separate lot.

Dixon stated the proposed buildings meet the character of the area and may even enhance the character. Dixon inquired about the powerline easement. Ms. VanderArk stated the easement is from the right-of-way to 300 feet which is basically to the powerline. So, all of the existing buildings are within the easement. They have had preliminary conversations with Consumers about what they would approve within that easement. It's mostly an access easement but they are going to work with them to try to reduce it at least to the south portion to make it a standard 20 or 30 ft on either side of the powerline easement. This would give the property owners a bit more peace of mind that not all their buildable area will be hung up in the Consumers Energy easement.

Ferro suggested adding a condition that Consumers Power approval for the easement is required prior to issuance of a building permit.

**Moved by Burton, supported by Nuttall, to approve the variance subject to the following two conditions:**

- 1. If the proposed residence is constructed, the former residential building is prohibited from being used as a residence.**
- 2. Documentation of the Consumers Energy approval of the proposed building location must be provided prior to issuance of a building permit.**

**Roll Call: Yes- Burton, Dixon, McNamara, Nuttall; No- None; Absent- Smith. Motion carried.**

#### **CORRESPONDENCE**

No correspondence was received.

**BOARD MEMBER/STAFF REPORTS**

There were no board/staff comments.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

Meeting adjourned at 5:03 p.m.

Respectfully submitted,

---

Jacqueline Smith  
Ada Township Clerk

rs:aw