



**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, JUNE 6, 2023, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, June 6, 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: Burton, Courtade, McNamara, Nuttall, Smith

Members absent: 0

Staff Present: Bajdek, Buckley, Said, Suchy

Others Present: 13

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES OF MARCH 7, 2023, REGULAR MEETING

Moved by Smith, supported by Nuttall, to approve the March 7, 2023, meeting minutes as presented. Motion carried.

V. UNFINISHED BUSINESS – none

VI. NEW BUSINESS

- 1. Administrative Appeal regarding a Staff determination of Sec. 78-51 and Sec. 78-24 of the Zoning Ordinance (regarding “use”) of residential property for a home-based dumpster rental business in the AGP zoning district, 1773 McCabe Avenue NE, Parcel No. 41-15-13-100-052, Shaun and Melody Precious**

Thomas Amon, Attorney representing Shaun and Melody Precious, stated they submitted for appeal and request for interpretation of the zoning ordinance in response to the two citations issued by Ada Township Planning Staff regarding his client parking a truck with a roll-off dumpster on his property. He referred to his analysis letter included in the packet.

Mr. Amon addressed the items noted from the Planning Department Staff Report. He said they were appealing a specific citation that said you could not park your truck on your property because that constitutes a “home occupation.” He referred to the Staff interpretations of the relevant sections of the Zoning Ordinance regarding AGP zoning is a residential zoning district as it allows residential uses by right and went over section 78-24(a) of the Zoning Ordinance. He said that he disagrees with those interpretations and provided further explanation.

Mr. Amon concluded that he requests the ZBA rule in their favor for the reasons discussed.

Zoning Administrator/Planner, Bajdek, summarized the staff report and said the applicant wishes to appeal Township Staff's determination that home occupation provisions apply in the AGP (Agricultural Preservation) zoning district.

Bajdek clarified that Staff is saying that having one commercial vehicle with the dumpster on it on that property would require a "Type II Home Occupation" approval from the Planning Commission to allow them to do so.

Bajdek said the definition of a home occupation from Sec. 78-51: *Home occupation means an occupation or profession carried on by an occupant of a dwelling unit in a residential district as a secondary use which is incidental to the use of the dwelling unit for residential purposes, and which is otherwise in compliance with this chapter.*

Bajdek concluded that Staff interprets the relevant sections of the Zoning Ordinance as follows:

- The Agricultural Preservation (AGP) zoning district is a residential zoning district as it allows residential uses by right.
- The language speaks to terms of residential "use and premise;" it makes no reference to zoning districts. *(A home occupation is tied to a "dwelling" regardless of the zoning district in which it is located.)*

Bajdek stated that due to the factors he noted above, Staff recommends that the request be denied.

Planning Director, Said, went over specific zoning regulations with examples of allowed uses and special uses.

McNamara opened the public hearing at 4:40 p.m.

Adam Rush, 1795 McCabe Avenue, shared concern that the weight of the truck and trailer traffic was causing damage to the private road and said that it turns their private drive into a commercial road. Mr. Rush requested the ZBA decline this request.

Sarah Oomen, 1801 McCabe, said that she lives very close to the Precious' and drives by the commercial vehicle many times. She said they moved out in the country for the quiet surroundings and peace of mind and she feels a loss of that with dumpsters and commercial trucks next door.

The Planning Staff noted that there were four letters received (submitted on record) opposing commercial storage at the property at 1773 McCabe.

There was no other public comment and the public hearing was closed at 4:49 p.m.

Said concluded with additional explanation of home occupation regulations and said that the main focus of Staff's interpretation was the exterior evidence on the property (storage of materials, storage of dumpster, a sign, extra traffic) that puts them into a Type II Home Occupation classification, which does require a Special Use Permit.

Following brief ZBA discussion, it was moved by Courtade, supported by Nuttall, to deny the request for administration appeal. Roll call: Yes – Burton, Courtade, Nuttall, McNamara, Smith. No – none. Motion carried by roll call vote 5-0.

2. Request for Variance to allow the creation of a new parcel that exceeds the maximum lot area of 10,000 sq. ft. and the maximum lot width of 70 ft. in the V-R zoning district, 7175 Bronson Street SE, Parcel No. 41-15-33-230-005, Timothy and Kristen Vermeulen

Applicant, Timothy Vermeulen, said he bought the property and demolished the home there before the new zoning regulations were in place. He described the lot area and width of the property and said he would like approval to split the lot, which is a non-conforming parcel under the new zoning ordinance, into two lots.

Mr. Vermeulen went over details of the lot sizes of the proposed two parcels. He said he is proposing the variance to allow him to split a lot into 82 ft. size (more in compliant than his current lot size) and a second lot that is 50 ft. (which is 100% compliant with the current minimum).

Bajdek summarized the staff report and said the applicant is proposing to divide the .4 acre property (zoned V-R Village Residential) into two separate parcels to construct two new single-family homes, and he went over the lot sizes and the new regulations for the V-R zoning district (confirming that the proposed lots would be more in compliant).

Bajdek concluded that this request does not meet the exact letter of all three of the Standards in Sec. 78-107 in carrying out Zoning Ordinance requirements. At the same time, the details of this request may merit further consideration, due to a new lot being created in closer compliance with the maximum lot size requirement of 10,000 sq. ft. for the V-R Village Residential zoning district. 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.

McNamara opened the public hearing at 4:59 p.m.

John Hall, 7220 Thornapple River Drive, said that his family has lived in the Village for 32 years and he shared his concerns about all the variance requests that have taken place and construction projects currently under way, specifically on Bronson Street. He said he does not have any patience with what he is seeing in the Ada community.

Noelle Divozzo, 7115 Bronson Street, shared concern that a larger lot means a larger house. The Planning Staff explained to Miss Divozzo the lot regulations and how they apply to one lot vs. the sizes to split into two. She thanked them for the clarification.

Laurie Hall, 7220 Thornapple River Drive, said that this was all very confusing, and she was concerned it means allowing something massive to be constructed.

The Planning Staff went into further explanation of the zoning requirements and the standards that have changed and how it affects current construction (lot sizes vs. home construction size), shared examples

of possibly 'grandfathered'-in lots, and went over the procedures/process of the roles of the Planning Commission vs. the Zoning Board application processes.

There was no other public comment and the public hearing was closed at 5:13 p.m.

There was ZBA discussion regarding other existing lots and their sizes and the proposed lot sizes, and the options to build on them. Burton said she appreciates the neighbor's concerns about all the changes in Ada, but she thinks the proposed split is the best possible solution. Courtade said he felt the ZBA 3 conditions have been met (hardship, practical difficulties, not so general or recurrent in nature).

Moved by Courtade, supported by Smith, to approve the request for Variance to allow the creation of a new parcel that exceeds the maximum lot area from 10,000 sq. ft. to 13,024.32 sq. ft. and the maximum lot width from 70 ft. to 81.56 ft. Roll call: Yes – Burton, Courtade, Nuttall, McNamara, Smith.
No – none. Motion carried by roll call vote 5-0.

VII. CORRESPONDENCE

Said updated that the Master Plan Draft has been completed, as well as the 63-day public review process, and there will be a Public Hearing at the Planning Commission meeting on June 15th, and Staff will be requesting that the Planning Commission recommend approval of the Master Plan and send it on to the Township Board for final adoption.

VIII. PUBLIC COMMENT - none

IX. ADJOURNMENT

Moved by Nuttall, supported by Courtade, to adjourn meeting at 5:27 p.m. Motion carried.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

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