

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, AUGUST 11, 2020, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, August 11, 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 4:34 p.m.

ROLL CALL

Members present: Burton, Dixon, McNamara, Nuttall, Smith

Members absent: 0

Staff Present: Bajdek, Buckley, Ferro

Public: 1

APPROVAL OF AGENDA

Moved by McNamara, supported by Smith, to approve the agenda as presented. Motion carried with roll call vote 5-0.

APPROVAL OF MINUTES

Moved by Smith, supported by Burton, to approve the July 23, 2020 special meeting minutes as presented. Motion carried with roll call vote 5-0.

UNFINISHED BUSINESS – None.

NEW BUSINESS

1. Request for setback variances from the Accessory Building standards for the R-3 zoning district to allow for the construction of a replacement 582 sq. ft. (22.2' x 26.2') detached garage:

- from the required rear yard setback of 20 feet to a width varying from 4 feet to 5 feet; &
- from the required minimum side yard setback of 20 feet to a width varying from 5 feet to 6 feet

Theodore L. Johnson & Patricia Cornelisse, 818 Sarasota Ave. SE, 41-15-31-302-047

Dixon invited the applicant to present her request. Ms. Cornelisse explained that the variance request is to allow for a new detached garage to be constructed in the same location as a previously existing garage from the 1950's that was recently demolished and determined to be nonconforming.

Bajdek summarized the request as included in his staff memo. Bajdek stated a new detached garage is planned to be constructed in the same location to replace a recently demolished detached two (2) stall garage that did not conform with the current rear and side yard setbacks. The 'new' garage is planned to be erected in the same location as the previously existing detached garage, at the southeast corner of the property. Bajdek stated the property is .339 acres and is located at the southeast corner of Ada Drive and Sarasota Avenue and is within a fairly compact/higher density neighborhood. Ingress/egress to the property is via a private driveway from Sarasota Avenue, with the driveway located along the south property line; the site has no direct vehicular access to Ada Drive. The home is situated at the southeast portion of the property, does not contain an attached garage, and is in fairly close proximity to the location of the existing slab/proposed 'new' garage. There is also a garden shed which is 84 sq. ft. that exists on the southern portion of the property. The northern portion of the site consists of a fair number of trees and lawn

area; there are no site improvements in this area of the site. The applicant stated that they did explore other placement locations for the ‘new’ garage, as well as reducing its size, but neither was deemed practical.

Bajdek reviewed the criteria which must be met in order for the Zoning Board of Appeals to grant a variance:

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

Limited land space available in the ‘improved area’ of the site (and that is the area of the site that contains the dwelling, private driveway, the slab of the previously existing garage, and a garden shed). The layout of the dwelling and associated deck creates a “practical difficulty” and differentiates this property from other properties justifying the requested variances.

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

The granting of the variances would not alter the essential character of the area.

3. Whether the circumstances leading to the variances are self-created.

The applicant did not create the setback nonconformances of the previously existing garage, which was demolished prior to consulting with the Township on reconstruction regulations/requirements.

4. Whether amending the Zoning Ordinance standards is a more appropriate remedy to the situation.

An amendment of the Zoning Ordinance is not deemed as an appropriate remedy to the situation.

Bajdek concluded due to limited land space available in the ‘improved’ portion of the property, as well as the layout of the dwelling and associated deck, a “practical difficulty” exists in being able to comply with the current rear and side yard setback standards of the Zoning Ordinance to erect a reasonably sized and functional detached garage. The proposed location of the detached garage will not adversely affect the surrounding properties. Bajdek stated approval of the request for variance is recommended by staff.

Chair Dixon opened the public hearing. There was no public comment, and the public hearing was closed.

Following Board member discussion, it was moved by Smith, supported by Burton, to approve the variance request, based on the findings that the required standards to grant the variances have been satisfied.

Motion passed by 5-0 roll call vote.

CORRESPONDENCE

No correspondence was received.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Moved by Nuttall, supported by McNamara to adjourn meeting at 4:48 p.m.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:eb