

**ADA TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF THE TUESDAY, SEPTEMBER 15, 2020, SPECIAL MEETING**

A special meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, September 15, 2020, at 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 4:36 p.m.

**ROLL CALL**

Members present: Burton, Dixon, Nuttall, Smith

Members absent: McNamara

Staff Present: Bajdek, Ferro

Public: 1

**APPROVAL OF AGENDA**

Moved by Nuttall, supported by Smith, to approve the agenda as presented. Motion carried with roll call vote 4-0, with 1 absent.

**APPROVAL OF MINUTES**

Moved by Smith, supported by Burton, to approve the August 11, 2020 meeting minutes as presented. Motion carried with roll call vote 4-0, with 1 absent.

**UNFINISHED BUSINESS** – None.

**NEW BUSINESS**

- 1. Request for variance from the required rear yard setback of 50 feet to a width varying from 41.7 feet to 45.8 feet, for a deck and associated stairs, 770 Dogwood Meadows Dr. SE, Parcel No. 41-15-34-479-102, Chris Penning for Charles Draznin & Nirali Bora**

Dixon invited the applicant to present his request. Mr. Draznin stated he lives in the Ada Moorings neighborhood at 770 Dogwood Meadows Dr, SE. An overview of the variance request for the proposed deck project was given by Mr. Draznin. He stated that his current deck is structurally unsafe and explained the nonconformities of it and the associated stairs.

Bajdek summarized the request as included in his staff memo. Bajdek stated a new rear yard deck system is planned for the subject property, which does include the replacement of an existing 12' x 12' elevated deck and associated stairs along with an eight (8) foot northwesterly extension which would create a 12' x 20' elevated deck; a ground level deck is also proposed. Bajdek stated additionally, a 4-season room is planned to be constructed on the 12' x 12' portion of the deck in the future, and that is stated on the attached survey drawing/site plan. The elevated deck and ground level deck are planned to "tie" into each other/connect with one another.

Bajdek stated the existing 12' x 12' elevated deck (without stairs) was indicated on the site plan provided and approved at the time of building permit application submittal for the construction of the existing dwelling. However, with the submittal of a building permit application for the current deck project, as the applicant stated, it

was determined that a portion/corner of the existing deck was constructed not meeting the required 50-foot setback and that unapproved deck stairs also exist, not conforming to rear yard setback regulations.

The northwestern portion of the corner of the elevated deck, as well as the stairs, do not satisfy the 50-foot rear yard setback due to the rear lot line running at an angle and the onsite placement/orientation of the dwelling causing an irregular back yard configuration. Bajdek pointed out that the ground level decks that are less than 30 inches above grade are not subject to the setback requirements, so we are only looking at the elevated deck.

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.**

The layout design of the home, as well as its location in relationship to the irregular shape of the back yard due to the angular rear lot line, causes a practical difficulty in constructing a moderately sized elevated deck with associated stairs meeting the required 50-foot rear yard setback that logically connects to a ground level deck.

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

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

**3. Whether the circumstances leading to the variance are self-created.**

Circumstances leading to the variance are primarily not self-created.

**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 the layout design of the home, as well as its location in relationship to the irregular shape of the back yard, due to the angular rear lot line, causes a practical difficulty in constructing a moderately sized elevated deck with associated stairs meeting the required rear yard setback of 50 feet.

It is staff’s recommendation that the subject setback variance request be approved to permit the elevated deck, including the future 4-season room, and associated stairs, as depicted on the submitted survey drawing/site plan, which would encroach into the required rear yard.

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

Smith asked if the original 12’ x 12’ deck was built when the house was built or added later. Bajdek confirmed the deck was built at the time the house was built.

Smith asked how does the elevated part of the deck tie into the ground level part of the deck. Mr. Draznin explained the layout of the upper deck landing with stairs going down to lower level landing to tie in the upper and lower levels.

Smith also asked a question on the applicant’s narrative statement regarding the future consideration of turning a portion of the new deck into a 4-season room. If we grant the variance would it apply toward the future enclosure of the room. Bajdek stated the variance would apply as long as the footprint is not expanded.

There was some discussion about the shapes of lots in the Ada Moorings neighborhood and Bajdek shared some history of other rear yard setback variances granted for decks in the neighborhood.

Following Board member discussion, it was moved by Smith, supported by Nuttall, to approve the variance request, based on the findings that the required standards to grant the variance have been satisfied. Motion carried with roll call vote 4-0, with 1 absent.

### **CORRESPONDENCE**

No correspondence was received.

### **PUBLIC COMMENT**

There was no public comment.

### **ADJOURNMENT**

Moved by Burton, supported by Nuttall to adjourn meeting at 5:00 p.m.

Respectfully submitted,

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Jacqueline Smith  
Ada Township Clerk

rs:eb