

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, OCTOBER 5, 2021, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, October 5, 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: Burton, Dixon, McNamara, Nuttall

Members absent: Smith

Staff Present: Bajdek, Buckley, Said

Public: 8

APPROVAL OF AGENDA

Moved by Burton, supported by McNamara, to approve the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Dixon pointed out an error in the attendance of the May 11, 2021 minutes; member absent was Burton, not Norman.

Moved by Nuttall, supported by Burton, to approve the May 11, 2021 Meeting minutes as amended.

Motion carried.

UNFINISHED BUSINESS – None

NEW BUSINESS

1. Request for variance from private road standards to allow the subject parcel to be divided into two (2) parcels on a private road, serving as the primary access to more than four (4) parcels, that does not meet current standards for private roadway width, cul-de-sac radius, and maintenance agreement requirements, Harry & June Kooyman, 1010 Fernridge Ave. SE, Parcel No. 41-15-31-476-064

Dixon invited the applicant to present his request and said he wanted to inform/remind the applicant that in order to meet the ZBA board requirements of a majority vote, the applicant would need 3 of the 4 board members to vote in support of the variance in order for the approval to pass.

Applicant, Harry Kooyman, 1010 Fernridge Ave. SE, said he would like to request for consideration by the Zoning Board a variance of the Code of Ordinance 78-804 Standards for Private Roads. He said he would like to request this so that Mr. Truax and his family could purchase the property to build a new home for his handicapped daughter and his entire family.

Referring to his letter and drawings submitted with the variance application, Mr. Kooyman went over details on the sections and sub sections of the ordinance and explained his reasons. He said the grade of the private road meets requirements; adding the required 6' width and adding easement for the turn-around would create undue and unnecessary hardship; and that there was a written private road maintenance agreement with the neighborhood that the road would be maintained and it was attached to property deeds.

Mr. Kooyman notified the board that there was an updated private road maintenance agreement being reviewed by the neighborhood, but is not signed yet nor has it been reviewed by the zoning board/Ada Township staff. He also read a letter of support of the new agreement from a neighbor that could not attend the meeting.

Bajdek summarized his staff report included in the packet. He said the applicant's request was that he was looking to divide his parcel into two parcels on an existing private road that does not meet current standards of the zoning ordinance. The zoning regulations require any newly-created parcel to have vehicular access in accordance with current zoning standards. The existing private road (Fernridge Drive) has been in existence well before the enactment of the Township's current private road standards and does not meet applicable standards.

Bajdek informed the board of a similar request that went before the Zoning Board in 2018 and the variance request was approved.

Bajdek recapped; the variances being requested but do not comply are: the minimum improved width standard of 22 feet, the requirement for a cul-de-sac turn-around area, and the maintenance agreement requirements. He confirmed that the private road neighborhood was working on a new road maintenance agreement, but it has not been reviewed by Ada Township staff.

Dixon opened the public hearing/ comment at 4:43 p.m.

Michael Tresch, 1140 Fernridge, said he was in support of what Harry and June were trying to do and he feels the neighborhood are all in agreement with the new maintenance agreement.

David Pettijohn, 1085 Fernridge, said he sent in a letter of support (which was included with the packet) and he strongly supports the need to finalize the new maintenance agreement.

Chair, Dixon, asked Mr. Pettijohn if there was any issue at the end of the road for vehicular access. Mr. Pettijohn said the road needs maintenance, it was deteriorating, but no problem with clearance or width.

There was no other public comment and the public hearing was closed.

There was board discussion regarding the road width and the number of homes at certain road widths, the requirement of the cul-de-sac turn-around, and the original private road maintenance agreement (lacking enforcement) vs. the new/unsigned agreement and whether it meets the township's standards.

Burton stated a similar variance was approved before and everything else looks favorable to her, but she shared concern with the maintenance agreement. Dixon stated that he would like to see the new maintenance agreement in-place. Bajdek read the original maintenance agreement to the board.

Bajdek went over the criteria that need to be met to grant a variance:

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

The existing physical state of the private road and associated conditions, which have been existence prior to current standards, cause a practical difficulty in meeting the Township's private road standards. While the construction of one (1) additional dwelling will not adversely influence the traffic flow on the existing private road, modifications to it would unnecessarily affect the natural landscape along its course.

2. Whether granting the variances 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 variances 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.

The conditions associated with this request are not typical or reoccurring, therefore an amendment to the Zoning Ordinance is not deemed as an appropriate remedy to this situation.

Bajdek stated that staff is recommending approval of the variance subject to the approval of a Land Division.

There was additional board discussion on the different options for approval with or without conditions

Nick Truax, 2929 11 Mile Rd, Rockford MI, (the person who would purchase the new parcel) shared his concern regarding the variance for the maintenance agreement and said it would affect his timeline that he was trying to achieve and also create a financial burden with finalizing documents. Mr. Truax said his hope is if the variance is approved today, he could get land cleared and foundation poured to begin building next year.

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 Burton, supported by Nuttall, to approve the variance request as presented, subject to approval of a Land Division. Ayes: Burton. McNamara, Nuttall; Nyes: Dixon. Absent: Smith. Motion carried.

CORRESPONDENCE

No correspondence was received.

PUBLIC COMMENT

John Said, new Planning Director, introduced himself to the ZBA board and stated that he looked forward to working with the board members.

ADJOURNMENT

Moved by Burton, supported by McNamara, to adjourn meeting at 5:08 p.m. Motion carried.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:eb