**ADA TOWNSHIP ZONING BOARD OF APPEALS**

**MINUTES OF THE TUESDAY, MAY 10, 2016, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, May 10, 2016, 4:30 p.m., at the Ada Township Office, 7330 Thornapple River Drive, Ada, Michigan.

**CALL TO ORDER**

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

**ROLL CALL**

Members present: Dixon, McNamara, Lowry and Smith

Members absent: Burton

Staff Present: Bajdek

Public: Three community members

**APPROVAL OF AGENDA**

**Moved by Lowry, supported by McNamara, to approve the agenda as presented. Motion carried unanimously.**

**APPROVAL OF MINUTES**

**Moved by McNamara, supported by Lowry, to approve the April 4, 2016, minutes as presented. Motion carried unanimously.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

1. **REQUEST FOR VARIANCE FROM THE MAXIMUM HEIGHT STANDARD, TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING WITH A HEIGHT OF 42 FEET RATHER THAN THE MAXIMUM ALLOWABLE HEIGHT OF 35 FEET, SCOTT CHRISTOPHER HOMES FOR CANTERBURY HOLDINGS LLC, 5931 ADA DRIVE SE, 41-15-32-176-016.**

Scott Blouw from Scott Christopher Homes explained the property owners wanted to build a single family structure on this property, which has a significant amount of topographic variance. The maximum height allowed is 35 feet. The majority of the home complies, except for the northeast portion, which is a walkout with a height of 42 feet. The height as measured in the ordinance goes from the grade to the highest point of the gable end of the roof. This causes some difficulty with a two-story walkout. Ordinance section 78-107 has three conditions: 1. Exceptional narrowness, shallowness or shape of specific parcel, 2. Hardship in carrying out strict letter of ordinance, and 3. Conditions on site specific to the property. Blouw said these conditions are all present and referred to his aerial photos. The location of the building on the property was chosen for multiple reasons, including to allow minimal disturbance, minimal grading and to leave the area as natural as possible. The natural features makes it difficult to carry out the height ordinance. The unique topography makes the site difficult.

Planner/Zoning Administrator Brent Bajdek explained the board has approved similar requests over the past several years in terms of high floor to ceiling height, walkout level, and steep roof pitches that accompany many of the newer homes. The vertical distance above grade to the average height of the highest gable. He cited the following criteria which must be met: 1. Whether unique physical circumstances exist which cause a practical difficulty in complying with the zoning ordinance standards, 2. Whether granting the variance would alter the essential character of the area, and 3. Whether the circumstances leading to the variances are self-created, and 4. Whether amending the zoning ordinance standards is a more appropriate remedy to the situation. Bajdek stated that there is a practical difficulty due to the topography, that granting the variance would not alter the essential character of the area, and that the circumstances leading to the variance are not self-created. He stated that several similar requests had been approved and an amendment to zoning ordinance would appear to be more appropriate; however in 2004 the Planning Commission spent several months considering whether to amend the ordinance regarding building height restrictions. In that time they did not take any action, then a downturn in the economy happened and there were fewer homes built. Now it appears more of these requests may be coming in. It is recommended that the Planning Commission revisit the height restriction in the ordinance.

The public hearing was opened at 4:43 p.m.

Kevin Panter, 6040 Adaway Court, S.E., explained that his property shares approximately 443 feet of frontage with the subject property. He stated he didn’t really have an issue with it but wanted to say it’s in direct sight of his home now because foliage has been removed and a fence constructed, and that he was afraid occupants of this home could look into his kitchen and bedroom.

The public hearing was closed at 4:45 p.m.

Chair Dixon asked for clarification of where the height was too high, and the details of the lowest grade. He stated the area was heavily wooded, and that maybe there should be a condition of no tree removal. Smith asked how long that condition would stay in place and stated that with the size of the property there could be a whole development built.

**Moved by McNamara, supported by Lowry, that based on the findings that the required standards to grant a variance have been met, the ordinance be granted with no conditions. Motion carried unanimously.**

1. **REQUEST FOR VARIANCE FROM THE MINIMUM FRONT YARD STANDARD IN THE RR ZONING DISTRICT, TO ALLOW THE CONSTRUCTION OF A 6’ BY 16’ COVERED FRONT PORCH TO THE EXISTING DWELLING, WHICH DOES NOT CURRENTLY CONFORM TO THE MINIMUM FRONT YARD STANDARD, 37.2 FEET FROM THE PROPERTY LINE INSTEAD OF THE REQUIRED 50 FEET, SHUART ASSOCIATES LLC FOR THE PETER & CAROL HALLAS TRUST, 7910 CONSERVATION STREET NE, 41-15-22-400-006.**

Mark Shuart, Shuart and Associates, representing homeowners, Peter and Carol Hallas, explained that the owners want to add a 6’ x 16’ foot covered porch to the north side of the residence. This would create a 37.2 setback instead of the required 50 feet. He felt the three criteria had been met, and he wanted to point out, as well, that they had been granted a 2004 variance for an accessory building.

Planner/Zoning Administrator Brent Bajdek, agreed that the existing home does not meet the required 50-foot front-yard setback. In 1968 when the residence was initially constructed, the property was zoned R-1, and at that time the front-yard setback requirement was 40 feet. The ZBA granted a variance for the accessory structure as mentioned in 2004 for a 29-foot setback due to the steep slope at the rear of the property. The covered porch would not only reduce exposure to the outdoor elements but would also visually enhance the overall structure while not altering the essential character of the surrounding area. The functional expansion improvement to the front of the home could not be accomplished without the front-yard setback variance. The required standards to be met are: 1. Whether unique physical circumstances exist which cause a practical difficulty in complying with the zoning ordinance standards, 2. Whether granting the variance would alter the essential character of the area, 3. Whether the circumstances leading to the variances are self-created, and 4. Whether amending the zoning ordinance standards is a more appropriate remedy to the situation. He added that there is a practical difficulty due to the terrain, the original placement of the home was in compliance at the time it was constructed, the granting of the variance would not alter the essential character of the area, that the circumstances leading to the variances are not self-created, and that amending the ordinance would not be a more proper way to handle the situation.

The public hearing was opened at 4:58 p.m.

There was no public comment.

The public hearing was closed at 4:58 p.m.

**Moved by Lowry, supported by Smith, to approve the variance as requested, based on the finding that the required standards to grant a variance have been met. Motion carried unanimously.**

1. **REQUEST FOR VARIANCE FROM THE MINIMUM REAR YARD STANDARD IN THE R-3 ZONING DISTRICT, TO ALLOW THE NORTHEAST CORNER OF A PROPOSED ADDITION 46.4 FEET FROM THE REAR PROPERTY LINE INSTEAD OF THE REQUIRED 50 FEET, REX ANDRINGA FOR KALEE & TJ OLTHOFF, 7042 ADARIDGE DR., SE, 41-15-33-226-016.**

Rex Andringa, representing Kalee and T. J. Olthoff, explained that after having the property surveyed, he had talked with Consumers Power about buying additional land to extend the lot line, and he did not get a sufficient response.

Planner/Zoning Administrator Brent Bajdek, explained that this applicant wants to put an addition to the rear of the existing structure where there is currently a deck, and that it will not meet the required 50 feet rear yard setback due to the lot line running at an angle. The angle causes an irregular shaped back yard, and the corner of the proposed addition would be 46.4 feet rather than the required 50 feet. Consumers Power owns property to the rear. The applicant did explore other onsite placement as well as reducing its size, but neither were deemed practical. Consumers Power was contacted, but that option did not seem viable. The standards to be met are 1. Whether unique physical circumstances exist which cause a practical difficulty in complying with the zoning ordinance standards, 2. Whether granting the variance would alter the essential character of the area, 3. Whether the circumstances leading to the variances are self-created, and 4. Whether amending the zoning ordinance standards is a more appropriate remedy to the situation. He added that there is a practical difficulty due to the existing structure and the irregular shape of the back yard. The property abuts property owned by Consumers Power which was unwilling to work with the property owner. The essential character of the area would not altered by this variance, that the circumstances leading to the variances were primarily not self-created. An amendment to the zoning ordinance would not be an appropriate remedy to the situation. The variance is recommended.

The public hearing was opened at 5:05 p.m.

There was no public comment.

The public hearing was closed at 5:05 p.m.

Member McNamara asked if there were any thoughts about resdesigning the project. Andringa explained the proposed addition and stated that they had looked at all the options.

Member Smith asked if there were any neighbors to the rear of the property. Andringa explained that there were none. Consumers Power owns the land, and it is vacant.

**Moved by Smith, supported by Lowry, to approve the variance based on the findings that the required standards to grant a variance have been met. Motion carried unanimously.**

**CORRESPONDENCE**

There was no correspondence.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

**Moved by McNamara, supported by Lowry, to adjourn at 5:10 p.m. Motion carried unanimously.**

Respectfully submitted,

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Jacqueline Smith

Ada Township Clerk

RS: js