**ADA TOWNSHIP ZONING BOARD OF APPEALS**

**MINUTES OF THE TUESDAY, JUNE 7, 2016, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, June 7, 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, Burton, Lowry, McNamara and Smith.

Staff Present: Bajdek.

Public: Three community members.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

**Moved by McNamara, supported by Burton, to approve the May 10, 2016, minutes as presented. Motion carried unanimously.**

**OLD BUSINESS**

There was no Old Business.

**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 35.5 FEET RATHER THAN THE MAXIMUM ALLOWABLE HEIGHT OF 35 FEET, EPIQUE HOMES INC., 1586 LOOKOUT FARM DRIVE NE, 41-15-16-151-047.**

Troy Schrock, Epique Homes, explained that because of the way the grade is on the property, the height problem is there wherever they place the home, and the height is only too tall in the back.

Brent Bajdek, Planner/Zoning Administrator, explained that the proposed single-family home exceeds the maximum height allowance. The proposed height is 35.5 feet, and the maximum allowed is 35 feet. A building permit has been issued, and this height issue was discovered at the time of plan submittal review. Adjustments had been considered by the applicant, but the applicant preferred to seek the height variance. This request is similar to others that have been applied for and approved in the past. The criteria which must 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. Bajdek stated there is a practical difficulty in complying due to the grade of the property and the high floor-to-ceiling height, the essential character of the area would not be altered, the circumstances are not self-created, and an amendment to the zoning ordinances would ordinarily be a more appropriate remedy. The Planning Commission in 2004 spent several months considering an amendment to the building height regulations of the zoning ordinance but no action was taken. There was a similar request last month, and it is being recommended the Planning Commission consider an amendment to this ordinance again with this request.

Member McNamara stated that the styles of the newer homes are different and asked how that created a practical difficulty. Bajdek replied that this (building height regulation amendment being a more appropriate remedy) has been going on since 2004, however a downturn in the economy resulted in fewer homes being built.

The public hearing was opened.

There was no public comment.

The public hearing was closed.

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

Applicant Schrock stated that some townships use the average elevation.

1. **REQUEST FOR VARIANCE FROM THE MINIMUM LOT SIZE STANDARD IN THE RR ZONING DISTRICT, TO ALLOW THE EXISTING NONCONFORMING PARCEL TO BE INCREASED IN SIZE FROM 1 ACRE TO 1.342 ACRES, THROUGH BOUNDARY LINE ADJUSTMENTS WITH ADJACENT PARCELS (41-15-30-226-005 & 007) UNDER THE SAME OWNERSHIP, BUT NOT MEETING THE MINIMUM TWO (2) ACRE REQUIREMENT, JAMES AND LAVONNE LAST, 333 GRAND RIVER DRIVE NE, 41-15-30-226-006.**

Vonne Last, 333 Grand River Drive, stated they own three parcels. The home is on the middle parcel, which is one acre in size. They would like to adjust the lot lines to increase the middle parcel to 1.342 acres. The outside lots would each continue to meet the two-acre size requirement. Jim Last added that the back parcel would be accessed by a private drive which runs behind the property.

Brent Bajdek, Planner/Zoning Administrator, explained that this property is in the RR Zoning District, which requires a minimum two-acre parcel size. There are three parcels which are under the same ownership. The smallest of the three is the middle parcel, which is only one acre. This request would allow the middle parcel to increase to 1.342 acres while the outside two parcels maintain the two-acre minimum. The standards that need to be met to grant a variance are: 1. Whether unique physical circumstances exist which cause a practical difficulty in complying with the Zoning Ordinance standards, 2. Whether granting the variances 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 is a more appropriate remedy to the situation. Bajdek stated that there is a practical difficulty due to the physical onsite location of the existing dwelling in relationship to the eastern lot line creating a difficulty in meeting setback standards, that the essential character of the area would not be altered (no additional buildable parcels are created), the situation is primarily not self-created, and amending the Zoning Ordinance would not be an appropriate remedy to the situation.

The public hearing was opened.

There was no public comment.

The public hearing was closed.

Member Burton asked for clarification whether all three parcels would be in compliance. Bajdek replied that the two outside parcels would meet current standards, and the middle parcel would be brought closer to compliance, but still not meeting the two-acre requirement.

Member Smith asked if the property was purchased as one parcel and whether the parcels were in existence before the lot size standards were created. Ms. Last stated they were purchased together and the standards were changed after they purchased the property.

Member Lowry stated the property would still not conform to the standards. Chair Dixon replied that there was not enough property to make them all conforming, but this change would comply with setback requirements.

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

**BOARD DISCUSSION**

There was discussion among board members regarding recommending the Planning Commission to reevaluate the building height regulations/measurements of the zoning ordinance.

Member McNamara asked how it was a practical difficulty when someone designs a house that’s too big. Chair Dixon explained that in this case today it was the grade of the property and it being a walkout. He didn’t like that a trend would be a reason to approve a variance and wondered what was the true reason. Bajdek stated different communities use different ways to measure the height.

Member Smith asked if we should do some research regarding number of variances requested, etc. before making the recommendation to the Planning Commission. Planner/Zoning Administrator Bajdek stated that in 2004 the Planning Commission spent several months considering whether to amend the building height regulations, but did not take action on the matter. Bajdek said he would compile some information regarding variances over the past several years (2000-present) and bring that information back to the next ZBA meeting to assist in preparing the recommendation to the Planning Commission.

**CORRESPONDENCE**

There was no correspondence.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

**Moved by McNamara, supported by Lowry, to adjourn at 4:59 p.m. Motion carried unanimously.**

Respectfully submitted,

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Jacqueline Smith

Ada Township Clerk

RS: js