



**ADA TOWNSHIP ZONING BOARD OF APPEALS AGENDA
TUESDAY, JANUARY 8, 2019, 4:30 P.M.
ADA TOWNSHIP OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

- I. CALL MEETING TO ORDER**

- II. ROLL CALL**

- III. APPROVAL OF AGENDA**

- IV. APPROVAL OF MINUTES** – December 4, 2018 Meeting Minutes

- V. OLD BUSINESS** – None

- VI. NEW BUSINESS**
 - 1. Request for Modification to a Condition of Approval for a 1994 Variance, to remove the non-buildable restriction for a 2-acre parcel, Bob Tol for MB&T Partners, LLC, 5951 4 Mile Rd. NE, 41-15-05-100-034

- VII. CORRESPONDENCE**

- VIII. BOARD MEMBER/STAFF REPORTS**
 - 1. Approval of Meeting Schedule for Fiscal Year 2019-20

- IX. PUBLIC COMMENT**

- X. ADJOURNMENT**

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, DECEMBER 4, 2018, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, December 4, 2018, 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, McNamara, Nuttall and Smith

Members absent:

Staff Present: Bajdek, Ferro, Winczewski

Public: 5 community members

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Moved by Burton, supported by McNamara, to approve the November 13, 2018, minutes as presented. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

- 1. Request for the following variances from Article XXV, Landscaping Requirements and Standards: 1.) reduction of required 30-foot wide buffer zone adjacent to residential district to 5.5 feet; and 2.) reduction of required 20-foot wide greenbelt along Fulton St. right-of-way from 20 feet to 14 feet, Angela Polizzi with GAFD Properties, LLC, 6650 E. Fulton St., 41-15-28-335-004**

Chairperson Dixon recused himself due to conflict of interest. Vice Chair McNamara invited applicant to speak.

Angela Polizzi, with GAFD Properties, LLC, (Vitale's of Ada), stated that she would like variances to keep her parking lot as it currently stands. She would like a variance allowing a reduced greenbelt from the required 20 feet from the road right-of-way because there is currently a large buffer zone from the street to where the parking lot begins. Ms. Polizzi stated they maintain this buffer zone and have made the area greener than what it used to be. They would like to add pine trees to the front and back of the parking lot but they need a variance before they can make any additional landscaping changes. Ms. Polizzi stated that although there is 5.5 feet of buffer from the residential area to the parking lot, that does not take into consideration the railroad area.

McNamara asked how wide the railroad area is adjacent to the parking lot.

Ferro stated he believes the railroad right-of-way is 100 feet wide as labeled on the original site plan which he then distributed to the board members.

McNamara asked for Staff comments.

Ferro summarized the variance requests as outlined in the staff memo.

Ferro stated 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. The subject property has a long, triangular shape that has an increasingly shallow depth from west to east along Fulton St. The shape of the property is unique to the property, compared to other sites in the C-2 Commercial district, and causes a practical difficulty in complying with the zoning standards, while also meeting the parking needs of the business.

2.) Whether granting the variance would alter the essential character of the area. Approval of the requested variances would not alter the essential character of the surrounding area, based on the following considerations:

- Much of the parking area is visually separated from the residential neighborhood to the south by the retaining wall and the elevated railroad grade between the parking area and the property line. At the east end of the property, where the rail line is not raised above the parking area, additional landscape screening with 7-foot tall evergreen trees is proposed.
- Due to the wide right-of-way of Fulton St., the proposed edge of parking is 50-53 feet from the edge of pavement on Fulton St., instead of 55 feet if the 20-foot greenbelt standard was satisfied. Considering the distance between the highway and the parking area, the requested 2-6 foot relaxation of the pavement setback requirement will not be noticeable by passing traffic on the highway.

3.) Whether the circumstances leading to the variances are self-created. While the applicant could have installed the paved parking area in conformance with the previously-approved variance, considering the current variance request on its merits, using the same criteria applied to the original variance request, the circumstances leading to the variances are not self-created, those circumstances being the awkward triangular shape of the property.

4.) Whether amending the zoning ordinance standards is a more appropriate remedy to the situation. The unique conditions of the applicant's property are not a common occurrence, such that a change in the zoning rules would be a more appropriate remedy.

Ferro stated that staff recommends granting the variances.

The public hearing was opened at 4:47 p.m.

Courtney VanValkenburg of 6730 Brookside Woods Ct. stated she has been an Ada resident for almost twenty years. The construction of Vitale's and the parking lot has had a serious impact on her and her neighborhood. The removal of trees along the railroad track a year ago was very upsetting. She and her neighbors can now hear all the traffic on Fulton Ave. as a direct result of the clear-cutting of all the trees. She can see the parking lot and parking

lot lighting when looking out her front door. She can see and hear customer's vehicles and sometimes conversations by customers in the Vitale's parking lot. Ms. VanValkenburg stated that she spoke to the owner last year and was told at that time that trees would be planted to help with the noise problem. She stated that although the current proposal is to add 5 trees, she feels it is not nearly enough to make a difference with noise or privacy. She would like to see more trees planted in the proposed area and additional trees planted on the Brookside Woods side of the railroad tracks. Ms. VanValkenburg stated that she does not agree with Ms. Polizzi's narrative statement comparing her variance request to the variance that was granted to the West Village Development.

Ms. Polizzi stated the reason they have not added trees yet is because they did not want to spend money to make landscaping changes if there was a possibility they would need to make additional changes later. She apologized for the noise and light generated from her business. Ms. Polizzi stated they would like to add big evergreen trees on the east end to protect the Brookside Woods neighborhood from noise and lights.

Brandon Cortese of 6711 Brookside Woods stated that he has not seen the landscaping plan but is concerned about where the trees will be planted. Mr. Cortese stated his home now looks at a large light and vehicles in the Vitale's parking lot. He requests that the new trees cover the light and parked cars. Mr. Cortese stated that a year ago, Vitale's came to the ZBA asking for forgiveness regarding unapproved bathroom changes they already made. He is frustrated that this is another case of asking for forgiveness. Mr. Cortese stated he would like to know why this wasn't done properly in the first place.

Ms. Polizzi stated that some things were lost in translation in the building process which resulted in mistakes being made that impact township rules and ordinances.

After no further comments, public hearing was closed at 5:00 p.m.

Ferro suggested reducing the gaps between the evergreen trees proposed on the southeast side of the parking lot by adding 2 additional trees. If 2 trees were added, the gaps would be reduced from 6-7 feet to 2-3 feet. If a solid screen is desirable, that could be done by packing more trees together or adding smaller shrubs between the gaps.

McNamara asked if anything could be done about the lighting. Ferro stated the lamp post is a high-quality fixture that directs non-glaring light vertically down into the parking lot. He does not feel any changes could be made to the current lighting situation.

Smith expressed concern that this situation was self-created. Had Vitale's followed the original plan, this meeting would not be necessary. Ferro agreed that is a legitimate concern but something the Board should consider is had these variances been presented to them originally, would they have been approved? Ferro stated that if the original plans had been followed, there would still be a noise issue.

Burton stated she is in favor of adding a few more trees to make it denser.

Smith asked Ms. Polizzi how soon she can plant the trees. Ms. Polizzi stated it depends on the weather and ground conditions. She stated she will plant the 7 ft. evergreens on the southeast side of the parking lot as soon as possible and will add 2 additional evergreens. Ms. Polizzi stated she will know by next week, Tuesday, when the trees can be planted and will have the landscape company put it in writing so the details can be shared with the neighbors.

Moved by Burton, supported by Smith, to approve the variances based on the findings that the required standards to grant a variance have been met, subject to the following conditions:

- 1.) **The pavement and parking configuration shall be as shown on the site plan submitted, dated 8/13/18, noted as “Update #2, 11/1/18.”**
- 2.) **A total of 7 evergreen trees will be planted as soon as possible on the southeast side of the parking lot.**

Motion carried unanimously.

Chairman Dixon returned to his seat.

CORRESPONDENCE

There was no correspondence.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Moved by Nuttall, supported by Dixon, to adjourn at 5:21 p.m. Motion carried unanimously.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

Date: 01-04-19



TO: Ada Township Zoning Board of Appeals
FROM: Brent Bajdek – Planner/Zoning Administrator
RE: Agenda Item for the January 8, 2019 Meeting

1. Request for Modification to a Condition of Approval for a 1994 Variance, to remove the non-buildable restriction for a 2-acre parcel, Bob Tol for MB&T Partners, LLC, 5951 4 Mile Rd. NE, 41-15-05-100-034

Overview

In 1994, the Zoning Board of Appeals permitted the creation of the subject 2.09-acre vacant parcel via the granting of lot area variance with the condition that it be a non-buildable site. The property is currently zoned AGP Agricultural Preservation, with its northern property line abutting Cannon Township. A residential development is currently being constructed on the property to the north, located in Cannon Township.

At the time of the 1994 lot area variance request, Joseph and Mary Rasch were the owners of a 6.59-acre tract of land zoned AG Agricultural, which included the subject parcel. The minimum lot area for the AG Agricultural zoning district was 3 acres.

The 1994 lot area variance was requested to enable Mr. and Mrs. Rasch to sell their home with 4.5 acres, and retain 2 acres (*the subject parcel*) for access only purposes to the adjacent property to the north (*located in Cannon Township*) that they also owned and farmed. The applicants stated they had no intentions of selling the 2-acre parcel or allowing a home to be constructed on it in the future, which led/contributed to the non-buildable condition of approval for the lot area variance.

The remainder of the parent parcel is located directly west of the subject parcel and is currently 4.5-acres inclusive of road right-of-way/3.859-acres exclusive of road right-of-way.

Please note that under the current zoning classification of the property as AGP Agricultural Preservation, the lot area requirements for creation of a new lot for single-family dwelling purposes is a 1-acre minimum and a 3-acre maximum. However, the maximum number of lots that may be created from an existing lot is one (1) lot per ten (10) acres of land area; given this requirement, the parent parcel, as it existed in 1994, could not be split without the granting of a variance from Zoning Board of Appeals currently.

Analysis

For clarification purposes, the subject request is not an Administrative Appeal request.

A modification to a condition of approval for a variance requires Zoning Board of Appeals action; Staff does not have the authority to override an action by the Zoning Board of Appeals. Therefore, the request for modification to the condition of approval for the 1994 lot area variance, to remove the non-buildable restriction for the subject 2-acre parcel is required to come before the Board for action.

The subject parcel is currently listed for sale. Staff indicated/determined that per Township records, the parcel is a “non-buildable site,” based on a 1994 lot area variance condition of approval, when the contracted buyer contacted the Township regarding the construction of a dwelling on it. Per the applicant, the “non-buildable site restriction,” was unknown until that time.

The Zoning Board of Appeals granted the 1994 lot area variance contingent upon the subject parcel being a non-buildable parcel; however, the condition of approval did not state/require the recording of a deed restriction pertaining to the non-buildability of the parcel.

The non-buildable restriction condition of approval has rendered the subject 2.09-acre property with very little land value with property tax assessments for the 2-acre parcel reflecting its “non-buildable” zoning status for many years, with assessed values between 2005 and 2018 falling in a range between \$5,300 and \$7,000. The 2018 assessed value was \$5,400, indicating a market value of \$10,800.

At the time of the approval of the 1994 lot area variance with the “non-buildable site restriction,” it appears that the Zoning Board of Appeals did not foresee potential/future issues with the subject condition of approval. If the original seller/owner of the property (*Mr. & Mrs. Rasch*) had disclosed the restriction to the initial buyer, it appears that the questionability of knowledge regarding the subject condition of approval would be nonexistent.

Sales History

09/2002: Joseph and Mary Rasch to Belding Business Center, Inc.
09/2002: Belding Business Center, Inc. to Neller & Wesley Land Development Co.
11/2005: Neller and Wesley Land Development Co. to Railside Development Corp.
07/2017: Railside Development Corp. to MB & T Partners, LLC

Recommendation

It is of Staff’s opinion that modifying the condition of approval for the 1994 lot area variance, to remove the non-buildable restriction for the 2-acre parcel located at 5951 4 Mile Road NE, would be an inappropriate action by the Board. Although, there appears to be a questionability of knowledge regarding the subject condition of approval, it is highly transparent that the subject parcel was never to be built upon, based on the imposed condition of approval by the Board in 1994.

Denial of the subject request is recommended.



TOWNSHIP

APPLICATION FOR
~~ZONING VARIANCE OR~~ ADMINISTRATIVE APPEAL

1. APPLICANT

Name: Bob Tol

Address: 1593 Galbraith Ave # 202 City: Grand Rapids State: MI Zip: 49546

Telephone: (616) 458-7015 Fax: (616) 458-7065

2. OWNER

Name: MB&T Partners, LLC

Address: 1593 Galbraith Ave #202 City: Grand Rapids State: MI Zip: 49546

Telephone: (616) 458-7015 Fax: ()

3. DESCRIPTION OF VARIANCE OR APPEAL REQUEST: _____

4. PERMANENT PARCEL NUMBER: 41 - 15 - 05 - 100 - 034

5. PROPERTY ADDRESS: 5951 4 Mile Rd. NE

6. ZONING DISTRICT: RP-1

7. ATTACH TEN (10) COPIES OF:

A. AN ACCURATE SITE PLAN OF THE PROPERTY, DRAWN TO SCALE, SHOWING:

- 1) Property boundaries
- 2) Existing and proposed buildings or structures.
 - 3) Distance from lot lines of each existing and proposed building or structure.
- 4) Unusual physical features of the site, building, or structure.
- 5) Abutting streets.

B. A NARRATIVE STATEMENT WHICH ADDRESSES COMPLIANCE OF THE VARIANCE REQUEST WITH THE STANDARDS FOR APPROVAL CONTAINED IN THE ZONING ORDINANCE AND LISTED ON THE REVERSE SIDE OF THIS APPLICATION FORM. APPLICATIONS SUBMITTED WITHOUT A NARRATIVE STATEMENT WILL NOT BE ACCEPTED.

NARRATIVE ATTACHED

8. PETITIONER AFFIDAVIT

I understand that if the requested variance or appeal is granted, I am not relieved from complying with all other applicable requirements of the Ada Township Zoning Ordinance or any other Township Ordinances. By signing, the applicant and owner hereby grant permission to Ada Township officials and employees to enter upon the subject property for purposes of review and evaluation of this request.

APPLICANTS SIGNATURE: [Signature] DATE: 11/27/18

OWNER'S SIGNATURE: [Signature] DATE: 11/27/18

9. PLEASE NOTE THE FOLLOWING BOARD OF APPEALS PROCEDURES:

- a) The application form, application fee, site plan and narrative statement must be submitted at least 21 days prior to the regularly scheduled Zoning Board of Appeals meeting.
- b) Notices of the hearing will be given at least 15 days prior to the hearing to the applicant and to all property owners within 300 ft. of the property subject to appeal.
- c) Following the hearing, the Board of Appeals will make its decision and may reverse or affirm, in whole or part, or may modify any order, requirement, decision or determination.
- d) The variance or exception expires one (1) year after it is granted if no action is taken to effect the variance within the period. The Zoning Board of Appeals may grant up to an additional one- (1) year extension of this time limit.
- e) A zoning variance does not excuse the applicant from obtaining a building permit. A building permit must be secured before construction begins.

CRITERIA FOR APPROVAL

The Zoning Board of Appeals treats each variance or appeal request individually and approves or denies each request on its own merits. In order for the Board of Appeals to grant a variance or appeal the applicant must satisfy all of the following findings which are contained in Section 78-107 of the Ada Township Zoning Ordinance:

- 1. That where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this Ordinance, the Board of Zoning Appeals shall have the power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Board of Zoning Appeals may grant such variances only upon finding that all of the following conditions exist:
 - a) Where it is found that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship; provided that no variance shall be granted on a lot if the owner owns adjacent land which could, without undue hardship, be included as part of the lot in question avoiding the need for a variance.
 - b) Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and the ordinance can be varied in such a way that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
 - c) Where it is found that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation in this Ordinance for such condition or situation.

APPLICATION FEE: RESIDENTIAL USE: \$100.00 NON-RESIDENTIAL USE: \$300.00

TO BE COMPLETED BY THE ADA TOWNSHIP PLANNING DEPARTMENT

Application received: <u>11/28/18</u> by: <u>[Signature]</u>
Application fee of \$ <u>100.00</u> received <u>11/28/18</u> by <u>[Signature]</u> Check No: <u>1122</u>

Narrative Statement relating to 5951 4 Mile Road NE, Ada

Administrative Appeal by MB&T Partners, LLC

November 27, 2018

This statement supports the request of MB&T Partners, LLC (“Owner”), the owner of the vacant land at 5951 4 Mile Road NE (the “Parcel”), appealing the decision of Planning Director Ferro.

The background is as follows. Owner purchased the Parcel on July 14, 2017. The Parcel has its own tax parcel number, and there are no recorded restrictions affecting the Parcel. With no knowledge of any restrictions, Owner recently entered into a contract to sell the Parcel to a buyer, for construction of a new home. When the buyer met with the Township discuss building a home, the Township indicated that the Parcel was a “non-buildable site” and provided minutes from a 1994 Zoning Board of Appeals meeting in support of that position.

Counsel for Owner contacted Mr. Ferro and asked him to determine that the Parcel was in fact buildable, since there were no recorded restrictions giving evidence that the Township had sought to restrict the Parcel 24 years ago. Mr. Ferro indicated that he did not have the authority to override the actions of a prior Zoning Board of Appeals, and stated that this appeal process could be followed.

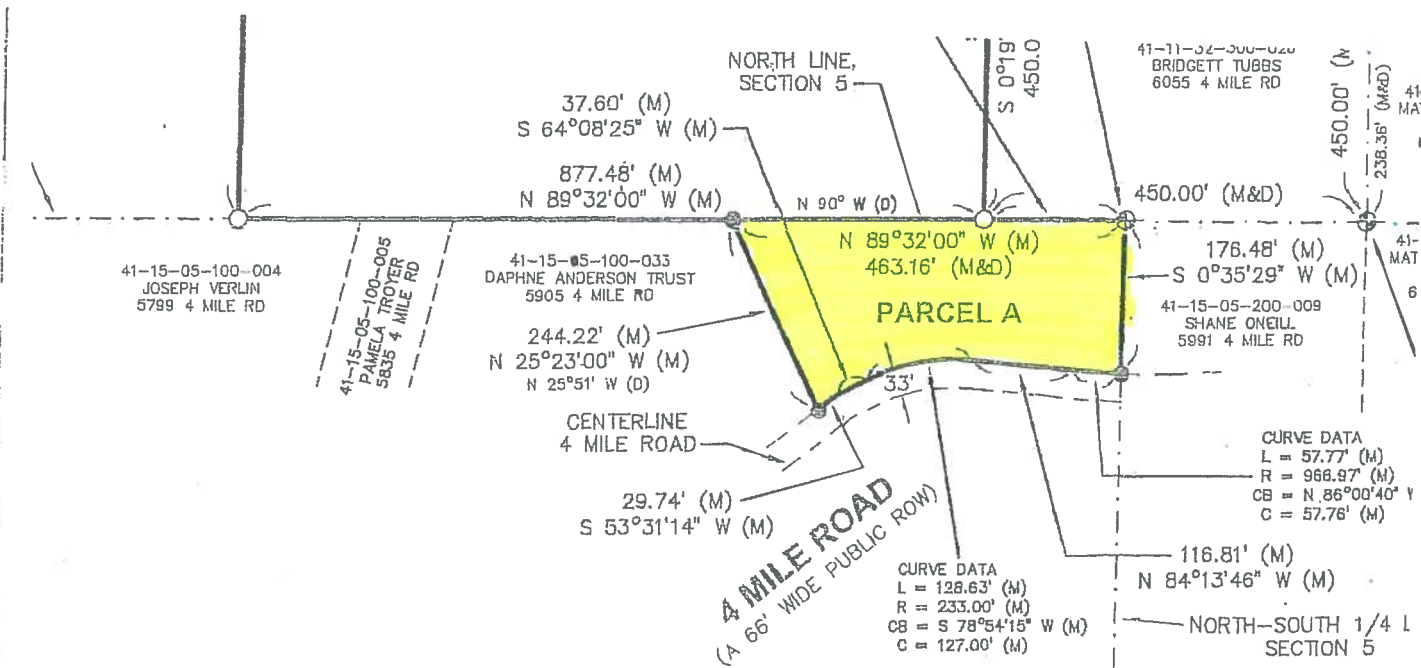
Owner requests the Board to overrule the decision from 1994 and declare that the Parcel is *not* “non-buildable”. If the Township continues with the position that the Parcel is non-buildable, then the value of the Parcel will be reduced to zero, Owner will not be able to sell the Parcel to anyone for construction of a new home, and the current transaction will fail to close, resulting in substantial loss to Owner.

This situation causes undue hardship to Owner; there would be extreme difficulty to Owner in carrying out the strict letter of the ordinance; and this Parcel is unique and will not be recurrent in nature. Owner believes it is not appropriate to hold Owner to restrictions imposed 24 years ago, without notice to any future owner of the Parcel, and that fairness requires the overruling of the 1994 decision.

Owner respectfully requests this Board to overrule the 1994 decision and determine that the Parcel is *not* “non-buildable”

5951 4 Mile Road NE
Ada Township, Michigan

PARCEL A



That part of the North fractional one-half of the Northwest one-quarter of Section 5, Town 7 North, Range 10 West, Ada Township, Kent County, Michigan, described as: Commencing at the North one-quarter corner; thence West 792.03 feet; thence South 14°17' West 427.8 feet more or less to the centerline of 4 Mile Road; thence Easterly along said centerline to the North and South one-quarter line; thence North to beginning, except that part of the Northwest one-quarter, Section 5, Town 7 North, Range 10 West, Ada Township, Kent County, Michigan, described as: Commencing at the Northeast corner of said Northwest one-quarter; thence North 90°00' West 463.16 feet along the North line of said Northwest one-quarter, to the point of beginning; thence North 90°00' West 328.87 feet; thence South 14°07' West 460.80 feet to the centerline of 4 Mile Road; thence Easterly and Northeasterly along said centerline to a line bearing South 25°51' East from the point of beginning; thence North 25°51' West 284.31 feet to the point of beginning. Subject to a right-of-way for 4 Mile Road over the Southerly 33.00 feet thereof.

**MINUTES OF THE ADA TOWNSHIP
ZONING BOARD OF APPEALS MEETING
JUNE 7, 1994**

The meeting was called to order by Chairman Oosting at 4:30 p.m. with approximately 10 people in the audience.

Board Members present: Allaben, Beimers, Black, Oosting, Rankin
Board Members absent: (none)
Staff present: Murray, Horjus

APPROVAL OF AGENDA

The agenda was accepted as submitted.

APPROVAL OF MINUTES

Rankin, seconded by Allaben, moved to approve the minutes for the May 3, 1994 Meeting as presented.

NEW BUSINESS

Edgar and Elinor Foster, 7750 Leonard St, 41-15-22-210-006:
Request permission to allow more than three parcels to be served by a private drive without widening the easement or widening and resurfacing the road or creating a cul-de-sac in the RR District. Contrary to Section 3.21.

Ted Hudson, Prestige Property, read a letter from Mr. and Mrs. Foster, who are in Arizona. The Fosters had planned to divide their two 5+ acre parcels into four 2+ acre lots. Mr. Hudson stated two of the new lots (A and B) will be accessed by another drive off Leonard Street. Parcel C has been sold, and Parcel D can not be built on unless the variance is granted as developing the drive and creating the 66 foot easement would make Parcel D under the 2 acre minimum. (1.982821 acres)

Oosting asked Mr. Hudson if the home on Parcel C would be more valuable if Parcel D remained vacant. Mr. Hudson responded they were unable to sell C and D as one 5 acre parcel for over 18 months. Dividing the 5 acres in to parcels C and D made them more marketable.

Oosting stated four homes are now being serviced by the private drive (Soby, Rockwell, Foster, and Stoddard) this condition being grandfathered.

Black asked if fire trucks would be able to get down the drive; Murray responded he had not tried but thought it would be possible.

Allaben asked if the drive is wide enough for two cars to pass each other; Murray responded no.

Charles B. Reintges, 8461 E. Fulton, 41-15-35-400-004: Request permission to create a one (1) acre parcel in the RR District. Contrary to Section 6.04, (e).

Mr. Reintges stated that in 1978 he sold one acre of his property on a land contract to his daughter and moved a house on to the property. A building permit was issued by the Township and a septic permit was issued by the Kent County Health Department in compliance with the ordinances in 1978. Because the land contract was not registered with the County until April 4, 1994, the split was not recorded and both his home and his daughter's remain on the same parcel. This made it impossible for his daughter to apply for the Homestead Property Tax Exemption. Mr Reintges stated he is unable to sell his daughter another acre to comply with the two acre minimum, or subdivide the property further because the property belongs to an irrevocable Trust.

Oosting, seconded by Beimers, moved to grant the variance because the house and garage have been there since 1978 and land contracts were not always registered at that time. Motion approved unanimously. Variance granted.

Joseph A. Rasch, 5905 Four Mile Road, 41-15-05-100-011: Request permission to create a two (2) acre parcel in the AG District. Contrary to Section 5.04, (e).

Mr. Rasch stated he would like permission to split his 6.59 acres, in order to sell their current home and 4.5 acres. They would like to keep 2 acres to use as access to their farm. They do not want to split the 6+ acres into two 3 acre lots because of the topography of the land and the placement of the current drive to the house. Also, they have no intention of selling the 2 acre lot or allowing a home to be built on it because a green line is needed around the farm due to the spraying of insecticides.

Kathy Freeland of 5830 Four Mile Ed, stated she has no objections to the variance request.

Correspondence in favor of granting the variance request was received from Cyril Mayne of 6011 Four Mile Road.

Oosting, seconded by Allaben, moved to grant the variance with the condition that the two acre parcel be a non-buildable site. Motion approved unanimously. Variance granted. (5951 4 mile Rd NE)

OTHER BUSINESS

Black questioned what was being done about the used cars for sale in the parking lot on the corner of M-21 and Ada Drive. Rankin

Correspondence against granting the variance request was received from Robert L. Schout of 1067 Honey Creek Avenue, John Soby of 7730 Leonard Street and Ann Falkenstern of 7576 Leonard Street.

Carl Falkenstern, 7576 Leonard, stated there are five parcels currently served by the private drive; there are four homes with a potential for a fifth which has been grandfathered. Mr. Falkenstern stated he was opposed to the variance request for the following reasons: safety, loss in value of neighboring properties, spot zoning, and the only hardship appears to be economic.

Black stated not being able to sell Parcel D is a hardship for the Fosters but they do have alternatives.

Allaben stated the hardship has been self imposed. Safety is the primary reason for the ordinance.

Black, seconded by Rankin, moved to deny the variance. Motion approved unanimously. Variance denied.

Paul and Nancy Rockwell, 7710 Leonard St, 41-15-22-210-015:

Request permission to allow more than three parcels to be served by a private drive without widening the easement or widening and resurfacing the road or creating a cul-de-sac in the RR District. Contrary to Section 3.21.

Mrs. Rockwell stated if the variance is denied they and the Fosters have the option of improving the road, but questioned how the cost to finance such improvements could be equally distributed among the other neighbors (the Stoddard's and the Soby's) who are not interested in doing so. The neighbors can not be forced to finance or give permission to improve the road. If the variance is not approved the Rockwells feel they are being denied the use of their land.

Oosting stated all land developers have to follow the Township Zoning Ordinances and Building codes, and use a portion of their financial gain to compensate for the costs. You and the Fosters will be rewarded financially by the sales of your properties, some portion of that should compensate for the improvements.

Correspondence against granting the variance request was received from Robert L. Schout of 1067 Honey Creek Avenue, John Soby, 7730 Leonard Street, and Deborah Bielik of 7600 Leonard Street.

Rankin stated land developers must expect to incur some expenses. Ingress/egress is a very important issue to land developers.

Rankin, seconded by Black, moved to deny the variance. Motion approved unanimously. Variance denied.

suggested the Planning Commission should be asked to create an ordinance to eliminate that problem. Murray stated he had spoken with the owner, Joseph Martin, who would also like an ordinance adopted to prohibit the parking of unauthorized vehicles.

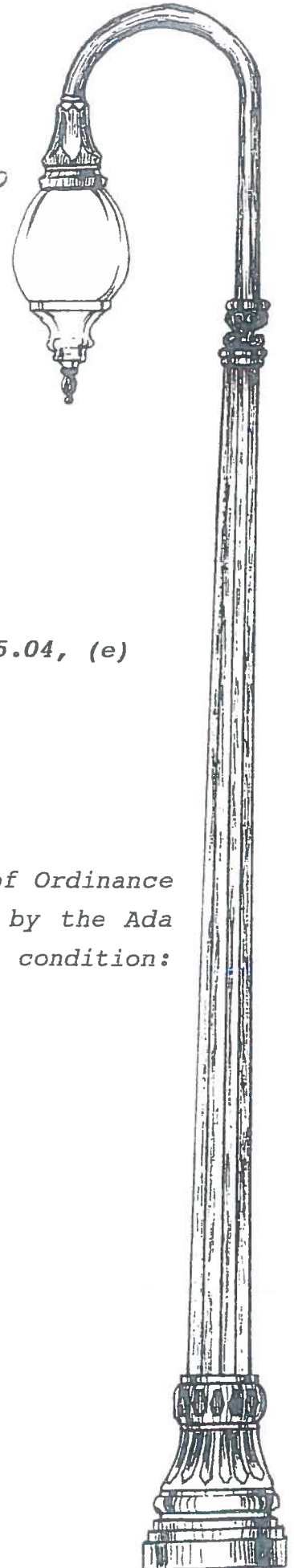
After a brief discussion, Rankin stated he would notify James Ferro and the Planning Commission that the Zoning Board of Appeals is in favor of the adoption of an ordinance that states you can not sell a vehicle anywhere except on your own land.

ADJOURNMENT

The meeting was adjourned at 6:15 p.m.

Martha J. Horjus/jrb
Recording Secretary
ZONING\MINJUN.694

Ada Township



June 14, 1994

Joseph A. Rasch
5905 Four Mile Road
Ada MI 49301

Request for Variance of Ordinance 15.244, Section 5.04, (e)

Dear Mr. Rasch:

This is to confirm that your request for a variance of Ordinance 15.244, Section 5.04, (e) was granted, June 7, 1994, by the Ada Township Zoning Board of Appeals with the following condition: that the 2 acre lot never be used as a building site.

Sincerely,

David Murray
Zoning Administrator
676-9191, ext 24

APPLICATION FOR
ADA TOWNSHIP
ZONING VARIANCE AND ADMINISTRATIVE APPEALS

1. **APPLICANT**

Name: Joe & Mary Rasch
Address: 5905 4 Mile
Ada MI ZIP 49301
Telephone: (616) 676 9261

2. **OWNER**

Name: Same as above
Address: _____

ZIP _____
Telephone: ()

3. **FILING FEE MUST ACCOMPANY THIS APPLICATION**

RESIDENTIAL: \$75.00 (X) COMMERCIAL: \$150.00 ()

4. **DESCRIPTION OF VARIANCE OR APPEAL REQUEST**

We would like to
make parcel "B" a separate lot for access to 137 acres
in cannon twp. no building would be involved in Parcel "B"
We are selling Parcel "A", terrain of "A" does not allow different boundrie

CONTRARY TO SECTION 5.04 (e) OF THE ADA TOWNSHIP ZONING ORDINANCE.

5. **PERMANENT PARCEL NUMBER** 41-15-05-100-011

6. **PROPERTY ADDRESS** 5905 4 Mile

7. **ZONING DISTRICT** Ada Ag

8. **ATTACH AN ACCURATE DRAWING OF THE SITE SHOWING:**

- a) Property boundaries
- b) Existing and proposed buildings or structures.
- c) The distance from the lot lines of each existing building or structure and of each proposed building or structure.
- d) Unusual physical features of the site, building, or structure.
- e) Abutting streets.

9. **PLEASE NOTE THE FOLLOWING BOARD OF APPEALS PROCEDURES:**

- a) The application and fee must be submitted at least 14 days prior to the regularly scheduled Board of Appeals meeting.
- b) Notices of the hearing will be given at least seven days prior to the hearing to the appellant and to all property owners within 300 ft. of the property subject to appeal.
- c) Following the hearing, the Board of Appeals will make its decision and may reverse or affirm, in whole or part, or may modify any order, requirement, decision or determination.
- d) The variance or exception expires one (1) year after it is granted if no action is taken to effect the variance within the period. The Board of Appeals may grant up to an additional one (1) year extension of this time limit.
- e) A zoning variance does not excuse the applicant from obtaining a building permit. A building permit must be secured before construction begins.

To: Ada Township Zoning Board

From: Joe & Mary Rasch

Date: May 26, 1994

Re: Variance on 5905- 4 Mile Rd NE

We are requesting a variance because we own 6.5 acres with our home and would like to sell our home with 4.5 acres and to keep 2 acres.

The property has a second drive to the barn which is the only access to the barn. The 4.5 acres we are selling includes the drive to barn. We need to keep the other 2 acres for a drive to our farm as we have always used the drive to the barn for access to our farm. We have a party who would like to purchase our home but neither party wants a dual drive.

It would be a hardship to us because we need road access on this side of our farm. We are presently building a home on the property adjoining the 2 acres that we would like to keep and put a drive to our home and for access to the farm. We have road frontage further east on 4 Mile but terrain and orchard layout is not set up for regular vehicle use.

We are requesting that we receive a variance and be allowed to keep the 2 acres as we

will be using the parcel for access purpose
to our farm and our new home and we will
not be building on the parcel.

Thank you for your time and consideration
in this matter.

Joe Rasmussen
Mary Resch
5905-4 Mile Rd NE
Ada MI
676-9261

Brent Bajdek

From: Jim Ferro
Sent: Wednesday, January 2, 2019 8:48 AM
To: Brent Bajdek
Subject: FW: Upcoming Request for Variance on 4 Mile Rd.

From: Jim Ferro <jferro@adatownshipmi.com>
Sent: Monday, December 31, 2018 12:37 PM
To: Mark Anderson <manderson@bdo.com>
Cc: George Haga <ghaga@adatownshipmi.com>
Subject: Re: Upcoming Request for Variance on 4 Mile Rd.

Tuesday, 1/8 at 4:30pm

Sent from my iPhone

On Dec 31, 2018, at 9:19 AM, Mark Anderson <manderson@bdo.com> wrote:

George/Jim,

I hope you both have had a nice holiday break. I was not sure which of you this should be addressed to.

We recently received notice regarding a meeting at the township office regarding a request for variance for a piece of property on 4 Mile in Ada Twp. (41-15-05-100-034). This is a 2.09 acre parcel for which the owner is requesting a variance to build on. This parcel is currently owned by Tol Companies and was purchased by this entity or one of the owner's related entities about 10-15 years ago from Rasch Orchards along with the acquisition of the approximately 160 acre orchard property connected to it in Cannon Township directly to the north. Tol is currently developing the orchard as a residential development. In that process Tol could have included the 2.09 acre subject property with the development or could have combined the appropriate amount of orchard acreage with the adjacent subject property to meet Ada and Cannon's minimum buildable acreage requirements. Instead Tol chose to break off the 2.09 acre subject property separately and is now requesting a variance to classify this as a buildable size.

I agree with Ada Township's decision to set a minimum buildable lot size in the township to prevent property owners from dividing off smaller pieces of property and doing just as is being requested here, in order to maintain the rural atmosphere. My concern is that if this variance is granted it will set a precedent, allowing other property owners to do the same as the price of land in the township rises. I don't think this was the intention when the minimum buildable lot size was increased nor is it in the best interest of the township. I would be against granting this variance.

I unfortunately misplaced the notice regarding this meeting which I believe was scheduled for Thursday 1/3/19 at 4pm, but I did not see a meeting listed for this time/day on the Township calendar. Please confirm the meeting date or let me know if it has been rescheduled.

Best regards.

Mark
5905 4 Mile Rd.

Ada

Mark Anderson
Manager, Fixed Asset Advisory Services
616-776-3768 (Direct) 308-3768 (Internal)
616-776-3680 (Fax)
manderson@bdo.com

BDO
200 Ottawa Ave NW, Suite 300
Grand Rapids, MI 49503
UNITED STATES
616-774-7000
www.bdo.com

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**PROPOSED MEETING DATES
ZONING BOARD OF APPEALS
FY 2019 – 2020**

<u>MEETING DATES - 2019</u>	<u>AGENDA DEADLINE</u>
APRIL 2	MARCH 5
MAY 7	APRIL 9
JUNE 4	MAY 7
JULY 2	JUNE 4
AUGUST 6	JULY 9
SEPTEMBER 3	AUGUST 6
OCTOBER 1	SEPTEMBER 3
NOVEMBER 12 *	OCTOBER 15
DECEMBER 3	NOVEMBER 5

* Meeting is the 2nd Tuesday, changed to avoid conflict with Election Day

<u>MEETING DATES - 2020</u>	<u>AGENDA DEADLINE</u>
JANUARY 7	DECEMBER 10
FEBRUARY 4	JANUARY 7
MARCH 3	FEBRUARY 4