



**ADA TOWNSHIP ZONING BOARD OF APPEALS MEETING  
TUESDAY, FEBRUARY 6, 2024, 4:30 P.M.  
ADA TOWNSHIP OFFICE, ASSEMBLY ROOM  
7330 THORNAPPLE RIVER DR SE, ADA, MI**

**AGENDA**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES OF JANUARY 2, 2024, REGULAR MEETING**
- V. UNFINISHED BUSINESS** - none
- VI. NEW BUSINESS**
  - 1. Request for a variance, side yard setback, to allow for a covered porch on an existing, non-conforming detached garage/accessory building in the VR zoning district, 7370 Thornapple River, Parcel No. 41-15-34-105-011, Michael and Heather Garbaty
- VII. CORRESPONDENCE**
  - 1. Zoning Board of Appeals Schedule for upcoming fiscal year
- VIII. PUBLIC COMMENT**
- IX. ADJOURNMENT**



**ADA TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF THE JANUARY 2, 2024, REGULAR MEETING**

**DRAFT**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, January 2, 2024, at 4:30 p.m., at the Ada Township Hall Assembly Room, 7330 Thornapple River Dr. SE, Ada, Michigan

**I. CALL TO ORDER**

Chair McNamara called the meeting to order at 4:30 p.m.

**II. ROLL CALL**

Members Present: Courtade, McNamara, Nuttall, Smith

Members absent: Burton

Staff Present: Bajdek, Buckley, Said

Others Present: 3

**III. APPROVAL OF AGENDA**

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

**IV. APPROVAL OF MINUTES OF THE NOVEMBER 7, 2023, REGULAR MEETING**

Moved by Smith, supported by Courtade, to approve the November 7, 2023, meeting minutes as presented. Motion carried.

**V. UNFINISHED BUSINESS - none**

**VI. NEW BUSINESS**

- 1. Request for variance, side yard setback, to allow for an addition on the south side of existing building in the I-Industrial zoning district, 6210 Fulton Street East, Parcel No. 41-15-29-445-001, Dan Vos Construction, property owner WDDG LLC (Ada Valley Meat Co.)**

Joe Geelhoed, Civil Engineer with Dan Vos Construction, presented the request for variance. He said that Ada Valley Meats is growing and would like to expand their building to provide more warehouse and processing space. He explained that the existing side yard setback restricts the allowable width of the building on which is a relatively narrow lot. He described the details on location of the addition and shared some of the history of previous expansions.

Zoning Administrator Bajdek summarized the staff report and said that Ada Valley Meat Co. is proposing a 9,576 addition to its existing facility. The subject site is 2.23 acres in area with a long and fairly narrow (155' in width) configuration.

Bajdek explained that the addition is planned to be erected at the southern extent of the current building with it being a continuation of the established east and west sidewalls; the existing western sidewall does not meet current setbacks requirements. The existing building is situated 26'-4" from the western property line, while the currently planned addition would be slightly closer to the property line at 25 feet, minimum required side yard setback is 50 feet.

Mark Scobell, Architect with Dan Vos Construction, confirmed the property line measurement and said the proposed addition is planned to align with the existing building.

Bajdek concluded that based on current industry standards for industrially zoned and developed properties, the subject property is considered an undersized lot, along with many other existing industrially zoned properties along the E. Fulton Street corridor. The granting of the requested variance would be in-line with similar side yard setback variances that were granted in the past for the subject property, as well as other properties in the vicinity.

Bajdek said that staff is recommending variance approval, contingent upon site plan approval from the Planning Commission for the proposed addition and associated site improvements.

McNamara opened the public hearing at 4:37 p.m. There was no public comment and the public hearing was closed.

Following brief ZBA discussion, it was moved by Courtade, supported by Nuttall, to approve the side yard setback variance request, subject to site plan approval from the Planning Commission. Motion carried.

## **VII. COMMISSION MEMBER / STAFF REPORTS**

Planning Director Said updated that the Planning Department has budgeted for the proposed Zoning Ordinance re-write for the upcoming year. ZBA member Bruce Courtade is part of the Zoning Ordinance review committee, and input and guidance will be sought as part of the project.

## **VIII. PUBLIC COMMENT - none**

## **IX. ADJOURNMENT**

Moved by Nuttall, supported by Courtade, to adjourn the meeting at 4:43 p.m. Motion carried.

Respectfully submitted,

---

Jacqueline Smith, Ada Township Clerk

rs:eb

Date: 01-29-24



**TO:** Ada Township Zoning Board of Appeals  
**FROM:** Department of Planning  
**RE:** Agenda Item for February 6, 2024 Meeting

**Request for side yard setback variance, 7370 Thornapple River Drive SE, Parcel No. 41-15-34-105-011, Michael and Heather Garbaty**

**Overview**

The applicant proposes to complete construction of a covered porch addition to their existing detached garage on the subject parcel (construction was begun without Township zoning review and approval). The subject parcel contains approximately 0.23 acres and is zoned V-R Village Residential. The porch addition to the garage is proposed to be 0.0 feet from the side lot line rather than the required 3 feet; the existing garage is also located approximately 0.0 feet from the from the side lot line. The proposed addition would meet the other applicable zoning requirements.

**Analysis**

The proposed porch addition essentially extends into the rear yard by 9 feet, although it is open-sided. Therefore it does not result in a different side yard setback than is already present with the existing detached garage, and does not significantly contribute to additional building "bulk." The patio will extend almost the entire width of the garage, with sections that are stepped back along the east and west edges of the porch; each of these stepped back sections measures about 4 feet deep by 6 feet wide. The applicant indicates that the porch will be helpful in providing shelter when they enter and exit the garage.

Per Section 78-107 of the Zoning Ordinance:

*The board of zoning appeals may grant such variances only upon finding that all of the following conditions exist:*

- (1) 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 chapter 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.*

*(2) Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and the chapter can be varied in such a way that the spirit of this chapter shall be observed, public safety secured, and substantial justice done.*

*(3) Where it is found that the condition or situation of the specific piece of property or the intended use of such 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 chapter for such condition or situation.*

### **Conclusion & Recommendation**

While the proposed porch would extend a nonconforming structure about four feet further along the property line, the open-sided nature of the covered porch translates to minimal building “bulk” intrusion within the setback area. While the proposal does not appear to meet the applicable variance conditions, it would not appear to cause significant difficulty nor major intrusions in the area. As such, Staff has no objections if the Zoning Board of Appeals opts to approve the requested variance.



RECEIVED

JAN - 5 2024

PLANNING & ZONING  
ADA TOWNSHIP

**ZONING BOARD OF APPEALS APPLICATION**  
(ZONING VARIANCE OR ADMINISTRATIVE APPEAL)

**1. Applicant Information:**

Name: Michael & Heather Garbaty

Address: 7370 Thornapple River Drive

Phone Number: 616 893 1159 Email: garbaty@aol.com

**2. OWNER (if different than above):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**3. DESCRIPTION OF VARIANCE OR APPEAL REQUEST:**

Would like to add attached covered porch to  
NON conforming garage.

**4. PERMANENT PARCEL NUMBER:** 41-15-34-105-011

**5. PROPERTY ADDRESS:** 7370 Thornapple River Dr. **6. ZONING DISTRICT:** VR

**7. ATTACH:**

**A. AN ACCURATE SITE PLAN OF THE PROPERTY, DRAWN TO A STANDARD ENGINEERING 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 \***

## 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.

APPLICANT'S SIGNATURE: Heather Zubaty DATE: 1/5/23

OWNER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(If different than applicant)

## 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 one (1) month prior to the regularly scheduled Zoning Board of Appeals meeting. **Regular meetings of the Zoning Board of Appeals are generally held on the first (1<sup>st</sup>) Tuesday of each month at 4:30 p.m.**
- b) Notices of the hearing will be given at least 15 days prior to the hearing to the applicant and to all property owners and occupants 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 affect 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:

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.

Please note that the verbiage of the above stated conditions is generally abbreviated due to redundancy when reviewed by Staff and the Board.

**APPLICATION FEE:      RESIDENTIAL USE: \$300.00      NON-RESIDENTIAL USE: \$500.00**

**NOTE: Electronic file/pdf is required on all applications (submit via email).**

TO BE COMPLETED BY THE ADA TOWNSHIP PLANNING DEPARTMENT

Application received: 1-5-2024 by: eb  
(date)

Application fee of \$ 300<sup>00</sup> received: 1/8/24 by: [Signature] Check No: 5250  
(date) Michael Garbaty

Receipt No: 316055

Updated 12/21/2023 ( f:\users\planzone\app&forms\app templates)



## NARRATIVE STATEMENT

7370 THORNAPPLE RIVER DRIVE SE  
MIKE & HEATHER GARBATY

We would like to attach a covered porch to our detached garage.

Safety is our concern. The purpose of this space is to provide coverage from the elements as we enter and exit the garage. It will also provide a covered staging area for loading and unloading groceries and what not from our cars. This is the primary way for us to enter our house since it's not possible for us to park on our street.

The plan is to have a metal roof, wrapped posts, a wood-like ceiling, and lights that dim. Finished to the same detail as the rest of the garage.

Construction of the structure has started. Once we were informed of our mistake, we stopped construction. We are so sorry about this error.









BOUNDARY SURVEY

FOR: Heather Z Garbaty  
Crown Real Estate Partners  
8200 Ashwood Dr SE  
Ada, MI 49301



**Feenstra**  
& Associates, Inc.  
CIVIL ENGINEERS & SURVEYORS  
3145 Prairie St SW  
Grandville, MI 49418  
Phone: 616.457.7050  
www.feenstrainc.com

Proj 230385

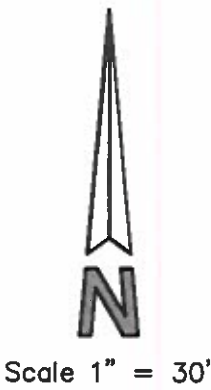
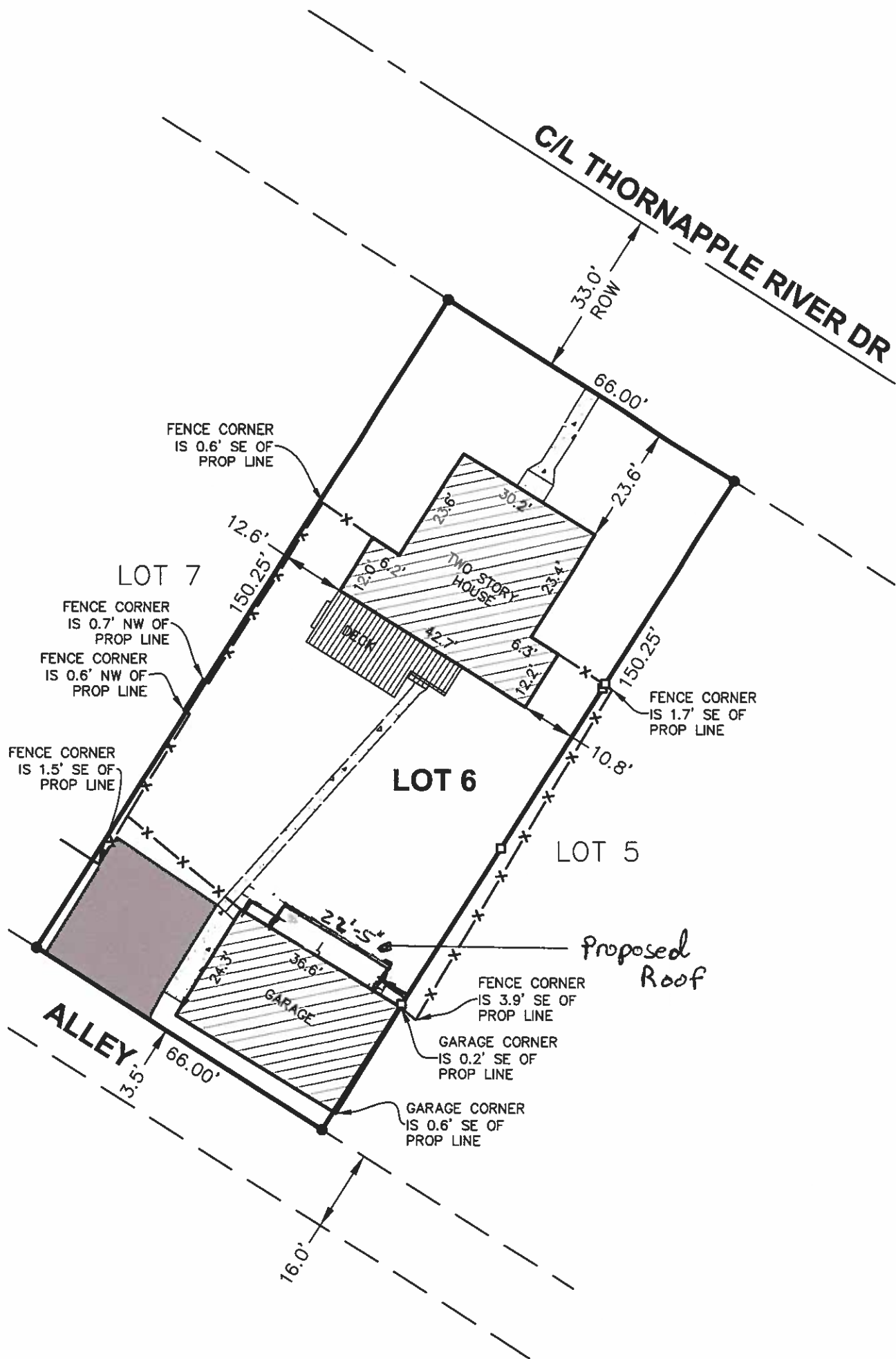
File CITIZEN'S PLAT OF ADA

Date 05/25/2023




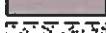
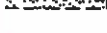
DESCRIPTION: Lot 6, Block 1, Citizens Plat of the Village of Ada.

PROPERTY ADDRESS: 7370 Thornapple River Dr SE

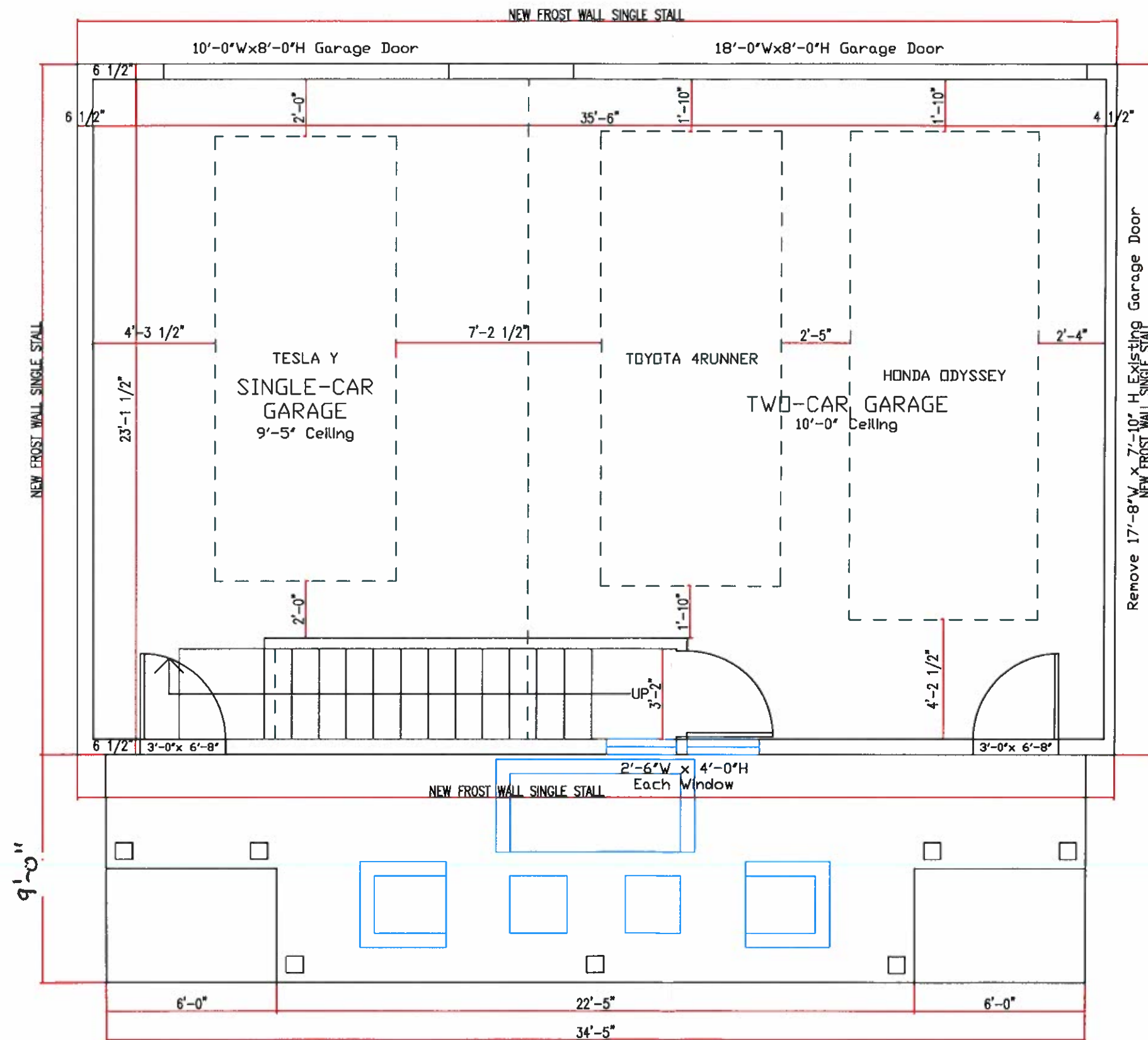
WE HEREBY CERTIFY that the buildings and visible improvements are located within the lands and property herein described and that there are no encroachments except as shown hereon.



LEGEND

- Found Iron Stake
- Set Iron Stake
- Set Wood Stake
- ⊕ Utility Pole
- x—x— Fence Line
- D = Deeded
- P = Platted
- M = Measured
-  Building
-  Deck
-  Concrete
-  Asphalt
-  Gravel

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions. The relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying. I certify that the requirements for 1970 PA 132, MCL 54.213 have been met.



GARAGE MAIN LEVEL



Francesca Owings  
Interior Design  
ASID - NCIDQ

880 Ada Drive SE, Suite 102  
Ada, MI 49301  
Phone: (616) 901-3837  
e-mail: francesca@francescaowings.com

Project:  
Garbaty  
Residence  
Garage

Location:  
  
Main Level

Description:  
Floor Plan  
  
\*CONCEPTUAL\*  
\*all  
measurements  
to be site  
verified by  
builder/installer\*

Scale:  
  
1/4" = 1'-0"

Date:  
  
September 26,  
2023

Finishes:

Ada Township Zoning Board of Appeals  
7330 Thornapple River Drive SE  
Ada Michigan, 49301

Received  
Friday 1.26.24  
JDS.

W&C LLC  
9087 Conservation NE  
Ada Michigan 49301

The request for a variance for the address of 7370 Thorapple River Drive SE parcel number 41-15-34-105-011 for a side yard setback, to allow for a covered porch or a existing, non conforming detached grage accessory building in the VR zoning district.

W&C LLC doesn't have a objection with Ada Township giving a variance to Michael & Heather Garbaty.

Sincerity, Walter Vander Wulp, Member



## PROPOSED (12/28/23)

### MEETING DATES FOR FISCAL YEAR 2024-2025

**ZBA** - 4:30pm, 1<sup>st</sup> Tuesday of the Month

\*2<sup>nd</sup> Tuesday due to spring break, holiday, &/or elections

<u>Meeting Dates - 2024</u>	<u>Agenda Deadline</u>
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April 9*	March 12
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May 7	April 9
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June 4	May 7
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July 2	June 4
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August 13*	July 16
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September 3	August 6
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October 1	September 3
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November 12*	October 15
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December 3	November 5
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<u>Meeting Dates - 2025</u>	
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January 7	December 10
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February 4	January 7
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March 4	February 4
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