



**ADA TOWNSHIP ZONING BOARD OF APPEALS AGENDA
TUESDAY, AUGUST 11, 2020, 4:30 P.M.**

NOTICE REGARDING ELECTRONIC PARTICIPATION:

PURSUANT TO GOVERNOR WHITMER’S EXECUTIVE ORDER, THE ADA TOWNSHIP ZONING BOARD OF APPEALS, IN ORDER TO PROTECT THE PUBLIC HEALTH, WILL CONDUCT THIS MEETING VIA ELECTRONIC COMMUNICATIONS. ANY MEMBER OF THE PUBLIC WISHING TO LISTEN TO THE PROCEEDINGS OR PROVIDE PUBLIC COMMENT MAY DO SO BY USING THE FOLLOWING INTERNET CONNECTION OR PHONE NUMBER AND PASS CODE BELOW:

Participate by video: <https://us02web.zoom.us/j/86504162246>

Meeting ID: 865 0416 2246

Participate by phone: 1-312-626-6799

Meeting ID: 865 0416 2246

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES** – July 23, 2020 Special ZBA Meeting Minutes
- V. UNFINISHED BUSINESS** – None
- VI. NEW BUSINESS**
 1. Request for setback variances from the Accessory Building standards for the R-3 zoning district to allow for the construction of a replacement 582 sq. ft. (22.2’ x 26.2’) detached garage:
 - from the required rear yard setback of 20 feet to a width varying from 4 feet to 5 feet; &
 - from the required minimum side yard setback of 20 feet to a width varying from 5 feet to 6 feetTheodore L. Johnson & Patricia Cornelisse, 818 Sarasota Ave. SE, 41-15-31-302-047
- VII. CORRESPONDENCE**
- VIII. PUBLIC COMMENT**
- IX. ADJOURNMENT**

**ADA TOWNSHIP ZONING BOARD OF APPEALS MINUTES
SPECIAL MEETING, THURSDAY JULY 23, 2020, 4:30 P.M.**

DRAFT

A Special Meeting of the Ada Township Zoning Board of Appeals was held on Thursday, July 23, 2020, at 4:30 p.m. The meeting was held by video/audio-conferencing, in conformance with the Michigan Governor's Executive Order.

CALL TO ORDER

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

ROLL CALL

Members present: Burton, Dixon, Nuttall, Smith

Members absent: McNamara

Staff Present: Bajdek, Buckley, Ferro

Public Present: 4

APPROVAL OF AGENDA

Moved by Smith, supported by Nuttall, to approve the agenda as presented. Motion carried by 4-0 vote, with 1 absent.

APPROVAL OF MINUTES

Moved by Nuttall, supported by Burton, to approve the June 4, 2020 meeting minutes as presented. Motion carried by 4-0 vote, with 1 absent.

UNFINISHED BUSINESS - None

NEW BUSINESS

- 1. Request for variance from Sec. 78-803, Standards for Private Driveways, to permit a driveway having a grade of 15 percent, instead of the maximum 10 percent, 894 Skyevale Dr. NE, Parcel No. 41-15-21-205-012, Celebrity Builders, LLC, for Andrew Palazzolo and Brittany Pebbles**

Troy DeHoop, Celebrity Builders spoke on behalf of the applicant. Bajdek noted that he had received an email minutes before the meeting from the applicant, Andrew Palazzolo, to request a variance for a driveway grade of 18 percent instead of the original request of 15 percent. Bajdek noted the current variance request for a 15 percent driveway grade was to be considered at today's Special Meeting. It was pointed out that the public hearing notice specifically identified the variance request as being for a 15 percent driveway grade.

Dixon deferred to Planning Staff for additional comments. Bajdek commented about the late email received for an 18 percent driveway grade. Mr. DeHoop stated reasons for the delayed email request to upgrade to an 18 percent driveway grade. Bajdek stated the variance request being considered today is for a 15 percent driveway grade and cannot consider an 18 percent driveway grade at this time. Board members discussed the possible chance to re-post a variance request for an 18 percent driveway grade or to proceed with discussion on the current request for a 15 percent driveway grade. Dixon stated if applicant wished to pursue an 18 percent driveway grade, then the applicant would need to submit a new variance request and a new meeting date would need to be scheduled.

Dixon presented two (2) options to Celebrity Builders; DeHoop, Vis, and Carr.

1. Proceed with variance request meeting planned for today to consider and act upon the request for a 15 percent driveway grade.
2. Postpone the meeting today and Celebrity Builders and applicants would submit a new request for variance for the 18 percent driveway grade.

Mr. DeHoop agreed to proceed with the request for a 15 percent driveway grade.

Mr. DeHoop presented the application for variance to permit a driveway having a grade of 15 percent. Mr. DeHoop informed the Board of the reasons for the variance request. Mr. DeHoop stated the property owners want to maintain the appearance of their home and a better view of the house with the proposed “straight” driveway. Mr. DeHoop added the 15 percent driveway grade would allow a “straight” driveway entrance and also be able to preserve the cluster of trees along the property. Mr. DeHoop acknowledged the letter from the Ada Fire Chief and the concern for the access challenges for emergency vehicles on the proposed driveway. Mr. DeHoop noted that there is a heated driveway in the site plan and it may defer challenges in the driveway in wet and slippery conditions.

Mr. DeHoop explained the excavation problems of the driveway.

Nuttall asked if the heated driveway would improve access for emergency vehicles. Bajdek stated that Fire Chief, David Murray, said that a heated driveway may or may not improve accessibility for emergency vehicles considering there is no guarantee it will always be operating. Smith expressed concern of safety issues and the need for emergency vehicles to access the home.

Dixon commented that he has looked at the site plans and aesthetically he could see that the straight-shot driveway was most appropriate. Dixon stated that the fire/life safety code should be complied with to protect fire/life safety for the firefighters, the occupants and others providing medical service. Dixon stated he would like to see other solutions be presented to the Board.

Mr. DeHoop stated his goal is to provide the customer with a beautiful home and a desirable driveway.

Dixon noted the importance of a satisfied/happy customer but then again, the Board must abide by the rules that are set before us unless there is an extreme condition for this site.

Mr. DeHoop stated that Celebrity Builders appreciates the gained knowledge they need to pursue other solutions to the driveway grade and thanked the Board for their consideration.

Burton stated that she feels safety is most important and to continue looking at other solutions.

Dixon presented the applicant with options to have the Board vote on the request for variance or resubmit application or postpone variance request for another time. Mr. DeHoop asked the Board to vote on the request for variance for the 15 percent grade driveway.

It was moved by Smith, supported by Nuttall, to deny the request for variance from Sec. 78-803, Standards for Private Driveways, to permit a driveway having a grade of 15 percent, instead of the maximum 10 percent based on a determination that a practical difficulty in complying with the zoning standard does not exist.

Motion passed by 4-0 roll call vote, with 1 absent.

CORRESPONDENCE

No additional correspondence was received.

BOARD MEMBER/STAFF REPORTS

There were no board member or staff reports.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

Moved by Nuttall, supported by Burton to adjourn meeting at 5:14 p.m. Motion accepted unanimously.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:eb

Date: 08-06-20



TO: Ada Township Zoning Board of Appeals
FROM: Brent Bajdek – Planner/Zoning Administrator
RE: Agenda Item for the August 11, 2020 Meeting

1. Request for setback variances from the Accessory Building standards for the R-3 zoning district to allow for the construction of a replacement 582 sq. ft. (22.2' x 26.2') detached garage:

- from the required rear yard setback of 20 feet to a width varying from 4 feet to 5 feet; &
- from the required minimum side yard setback of 20 feet to a width varying from 5 feet to 6 feet

Theodore L. Johnson & Patricia Cornelisse, 818 Sarasota Ave. SE, 41-15-31-302-047

Overview

A new detached garage is planned to be constructed to replace a recently demolished detached two (2) stall garage that was constructed in the early 1950's and did not conform with the current rear and side yard setbacks (*as stated above*) for accessory buildings in the R-3 zoning district. The 'new' garage is proposed to be erected in the exact same location as the previously existing garage, at the southeast corner of the property. It is the desire of the applicant to utilize the existing slab of the 'old' garage that is no longer in existence; however, it should be noted that the Township's contracted Building Official (*Brian Wilson with Cascade Township*) has stated that an engineer's statement that the existing foundation is sound and will support intended loads would be necessary for such utilization.

The subject .339-acre site is located at the southeast corner of the Ada Drive and Sarasota Avenue intersection. The property is located within a fairly compact/higher density neighborhood. Ingress/egress to the property is via a private driveway from Sarasota Avenue, with the driveway located along the south property line; the site has no direct vehicular access to Ada Drive. An existing single-family dwelling (*without an attached garage*) is situated on the southern portion of the property and is in fairly close proximity to the location of the existing slab/proposed 'new' garage. A garden shed (*84 sq. ft.*) also exists on the southern portion of the property. The northern portion site consists of a fair number of trees, as well as lawn; no site improvements exist in this area of the site.

The applicant explored other onsite placement locations for the 'new' detached garage, as well as reducing its size, but neither was deemed practical.

It should be noted that per 78-20(a)(6) of the Zoning Ordinance, the total combined ground level floor area of all detached accessory buildings on any lot or parcel less than one-half acre, without an attached garage, is limited to 720 sq. ft; this standard will be satisfied/no size variation approval is required (582 sq. ft. + 84 sq. ft. = 666 sq. ft.).

Analysis

The Board of the Zoning Appeals may grant variances only upon finding that the following criteria have been satisfied:

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

Limited land space available in the ‘improved area’ of the site (*consisting of the dwelling, private driveway, the slab of the previously existing garage, and a garden shed*), as well as the layout design of the dwelling and associated deck creates a “practical difficulty” and differentiates this property from other properties justifying the requested variances.

2. Whether granting the variances would alter the essential character of the area.

The granting of the variances would not alter the essential character of the area.

3. Whether the circumstances leading to the variances are self-created.

The applicant did not create the setback nonconformances of the previously existing garage, which was demolished prior to consulting with the Township on reconstruction regulations/requirements.

4. Whether amending the Zoning Ordinance standards is a more appropriate remedy to the situation.

An amendment of the Zoning Ordinance is not deemed as an appropriate remedy to the situation. The conditions leading to this variance request are not so common or recurring, which would indicate that amending the zoning regulations would be a more appropriate solution.

Conclusion & Recommendation

Due to limited land space available in the ‘improved’ portion of the property, as well as the layout design of the dwelling and associated deck, a “practical difficulty” exists in being able to comply with the current rear and yard setback standards of the Zoning Ordinance to erect a reasonably sized and functional detached garage. The proposed location of the accessory building will not adversely affect the surrounding properties.

It is recommended that the subject variance request be approved.



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

1. Applicant Information:

Name: Theodore L. Johnson/Patricia Cornelisse (homeowners)

Address: 818 Sarasota Ave SE, Grand Rapids, MI 49546

Phone Number: 616 446 9052 (Pat's cell) Email: cda@sbcglobal.net

2. OWNER (if different than above):

Name: _____

Address: _____

Phone Number: _____ Email: _____

3. DESCRIPTION OF VARIANCE OR APPEAL REQUEST:

Rear and sideyard setback variance to replace old garage on original location at original size

4. PERMANENT PARCEL NUMBER: 41 - 15 - 31 - 302 - 047

5. PROPERTY ADDRESS: 818 Sarasota Ave, SE, Grand Rapids, MI **6. ZONING DISTRICT:** R-3

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: Pattin Scarnelone DATE: 06.24.20

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 (1st) 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:** \$100.00 **NON-RESIDENTIAL USE:** \$300.00

TO BE COMPLETED BY THE ADA TOWNSHIP PLANNING DEPARTMENT

Application received: _____ by: _____.			
(date)			
Application fee of \$	<u>100⁰⁰</u>	received: <u>6/26/20</u>	by: <u>ek</u>
(date)			Check No: <u>7911</u>
			Receipt No: <u>293392</u>

Updated 05/30/19

Narrative Statement for Variance Request

818 Sarasota Ave SE

06.24.20

Grand Rapids, Michigan

The original 2 stall garage (early 1950's) was built under rear and side yard setbacks no longer in existence. This Variance Application requests that we be allowed to replace the old garage on the existing slab location (which does not meet current setback standards).

This particular variance request is driven by an oversight that myself and our contractor made. It had no 'malicious' intent or forethought....simply put....my stupidity.

After years of trying to find a contractor to repair or replace our 70 year old structurally-failing garage, we landed a contractor. We ASSUMED that a simple exact replacement would only require a building permit. Contractor applied for it. Again I ASSUMED we had a permit and proceeded with tear-down (a better option than repair of the existing garage).

Until the last wall to come down, we then realized we did NOT have an approved permit and our old garage was, with current zoning, a non-compliant structure. We have stopped any further work except cleanup and safety. The Township Planning Dept. explained our options now that the building is essentially gone. We cannot rebuild without applying for an accessory building variance for both setback and size. The concrete slab is approximately 5'+ from the rear and side lot lines and the garage was 582 s.f. (see attached drawing labeled ORIGINAL GARAGE).

We are hoping that this unwillful' ignorance will not negatively affect our hoped for outcome.

Sec. 78-20. - Accessory buildings and uses

Site facts: The property is .339 acres and has/had 2 accessory buildings:
existing garden shed, 8' x 10.5', 84 s.f.
the old garage, 22.2' x 26.2', 582 s.f.
total accessory footprint coverage: 666 s.f.

- variance needed:

Section 78-20.A3 Size of Accessory Building and Min. Setback (both 582 s.f slab size and 5' rear and side yard setbacks do not meet the requirements of this section).

- requirements met:

Section 78-20.A5 Maximum Height on parcel less than 3 acres (we propose the replacement garage to be no higher than 9')

- requirements met:

Section 78-20.A6 Maximum Ground Coverage: At less than ½ acre this parcel would have less than the 720 s.f. allowed with the garden shed and the proposed garage replacement at 666 s.f. proposed).

Criteria A of Appeal Form: Exceptional considerations

Due to current residential building placement, residential entrance locations and driveway placement, the built lot presents difficulties in meeting current accessory building setback requirements in any meaningful way. It would be a hardship to relocate the residence of the driveway.

Criteria B of Appeal Form: Practical Difficulties

- 1). To meet the current 10' rear/side yard setbacks we are left with a garage building that cannot be driven into because the driveway bends in such a way that the new garage door opening in this position would be very difficult to use for an average size vehicle. See the drawing labeled POTENTIAL GARAGE @ 10' SETBACK.
- 2). To meet the 20' setback option would not allow a garage at all, merely a very small shed, unless we tore the deck off the house. Even then, the car maneuverability would be severely limited (see drawing labeled CURRENT SETBACK OPTIONS.)
- 3). To ATTACH a small garage to the house entrance on the south side drive would place it at or near the side yard property line.
- 4). To build a completely new structure with a second driveway on Ada Drive would:
 - Require Road Commission Permit
 - Require large amounts of fill and wooded area removal
 - Be useless for daily use that far from house entrances

Criteria C of Appeal Form: Generalities

This request to reuse the current garage slab location is unique to this property with its existing layout and building developments. Any other property owners would not have this particular set of limitations, as each older residential lot development tends to differ.

Summary

- This old neighborhood has many similar residences with unattached garages that are non-conforming under current setbacks. Our property and garage are consistent with this old compact residential layout.
- Discussing it with our immediate neighbors, we hear of no harm that would occur with rebuilding the garage where it was and NO concerns regarding it.
- If we are forced to consider either the 10' or 20' setback requirement, a functional garage could not be built. Functional garages are considered a necessity for most homeowners now.

We respectfully request this variance, as we are fearful of what would happen to our property values without a useful garage. Frankly, we love our little lot with its maximized open space area in Ada and that is due partially to the garage location!

Survey for: Old Kent Bank
One Vandenberg Center
Grand Rapids, Michigan 49503

Re: Theodore Johnson

Description: Lots 147 and 148, Orchard Homes Plat, Section 31,
T7N, R10W, Ada Township, Kent County, Michigan.

TRU-LINE SURVEYING

1386A Baldwin Street • Jackson, Michigan 49228

Telephone: (616) 437-1711

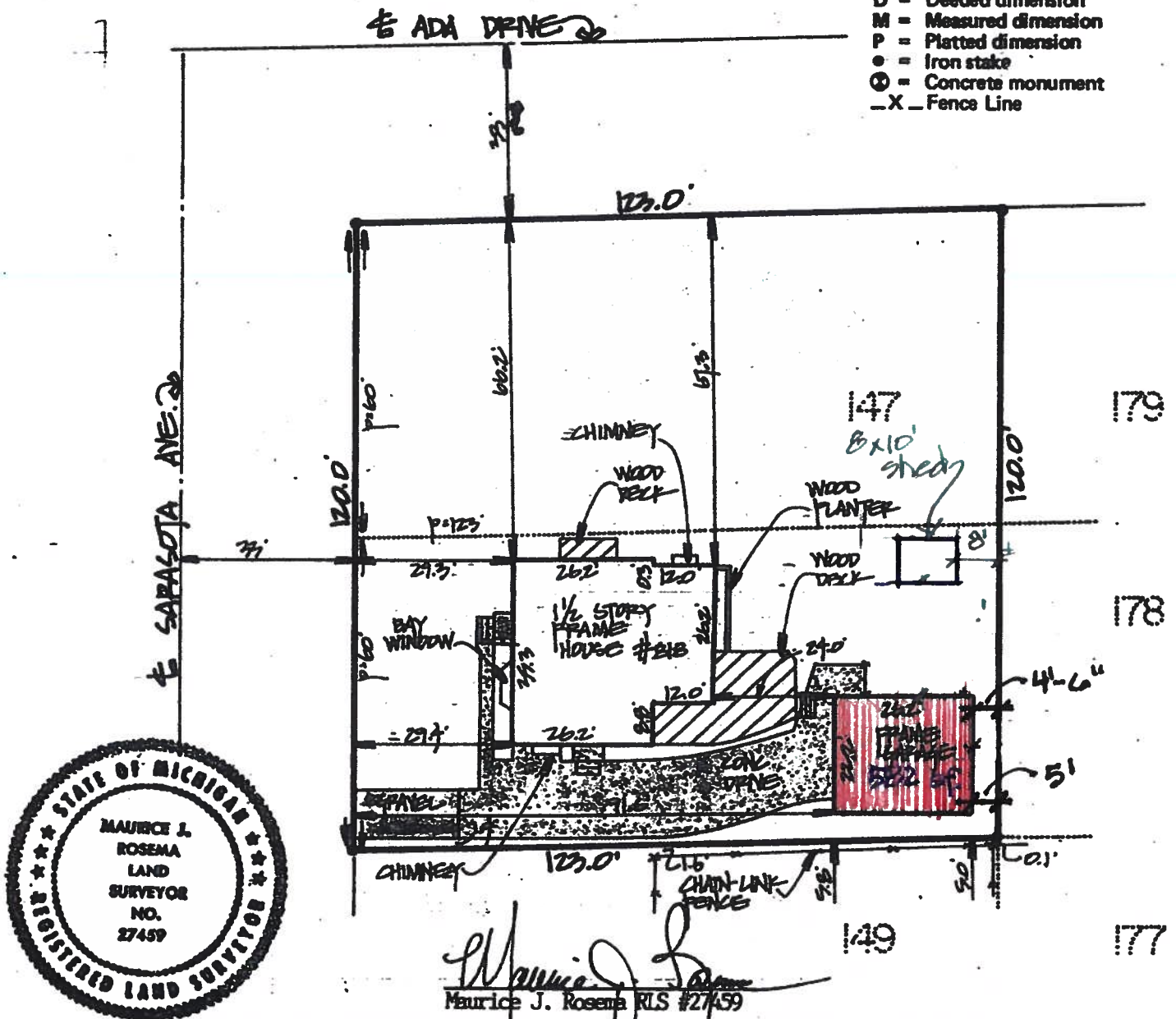
File No.: 87085

Date: 2/27/87

ORIGINAL GARAGE (desired)
location
and size

Scale 1" = 30'

- D = Deeded dimension
- M = Measured dimension
- P = Platted dimension
- = Iron stake
- ⊙ = Concrete monument
- X- Fence Line



Survey for: Old Kent Bank
One Vandenberg Center
Grand Rapids, Michigan 49503

TRU-LINE SURVEYING

1386A Baldwin Street • Jenison, Michigan 49428
Telephone: (616) 437-1711

File No.: 87085

Date: 2/27/87

Re: Theodore Johnson

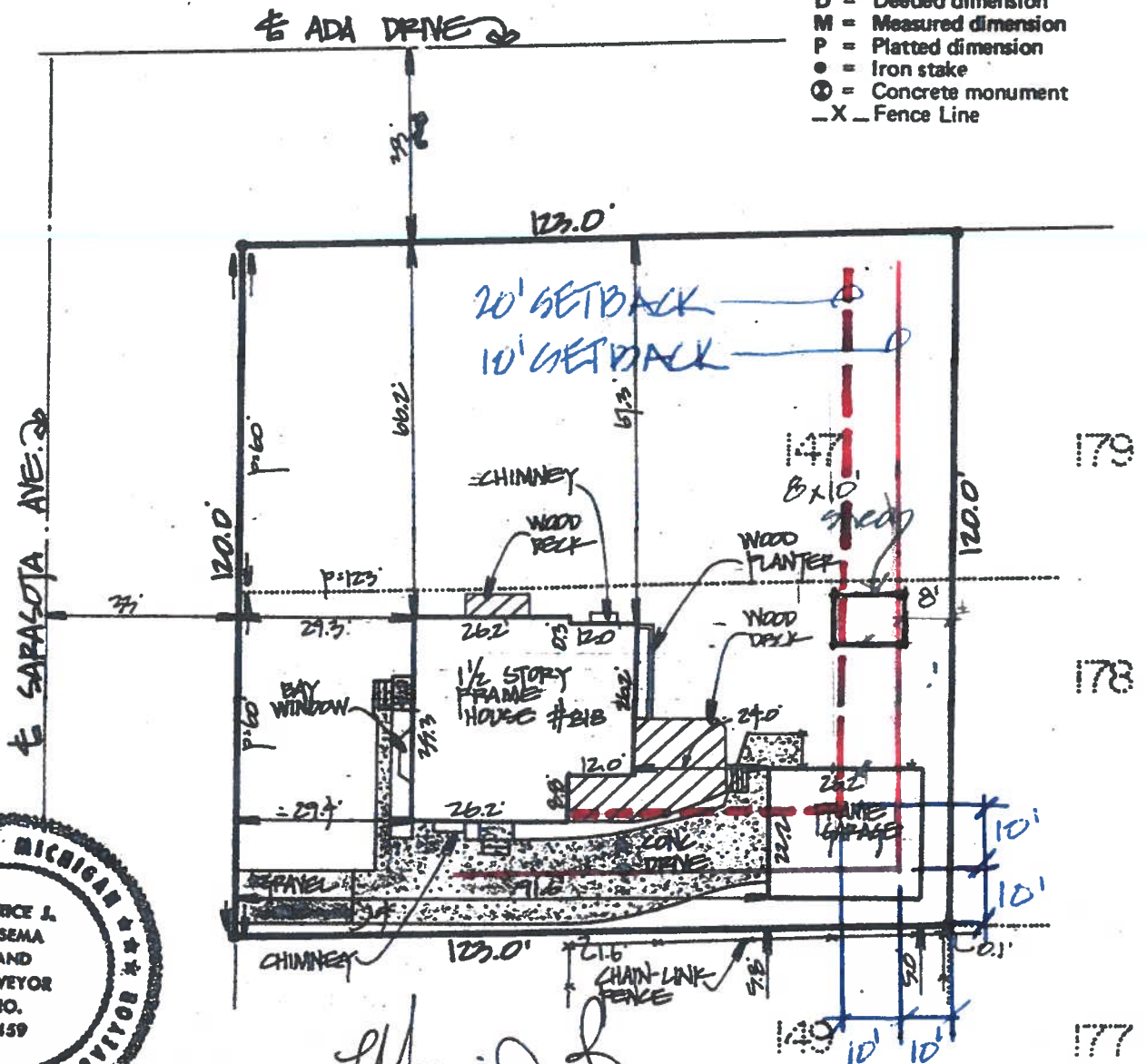
Description: Lots 147 and 148, Orchard Homes Plat, Section 31,
T7N, R10W, Ada Township, Kent County, Michigan.



CURRENT SETBACK OPTIONS

Scale 1" = 30'

- D = Deeded dimension
- M = Measured dimension
- P = Platted dimension
- = Iron stake
- ⊗ = Concrete monument
- X- Fence Line



Maurice J. Rosema
Maurice J. Rosema RLS #27459

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.

Survey for: Old Kent Bank
One Vandenberg Center
Grand Rapids, Michigan 49503

Re: Theodore Johnson

Description: Lots 147 and 148, Orchard Homes Plat, Section 31,
T7N, R10W, Ada Township, Kent County, Michigan.

TRU-LINE SURVEYING

1386A Baldwin Street • Jenison, Michigan 49428
Telephone: (616) 457-1711

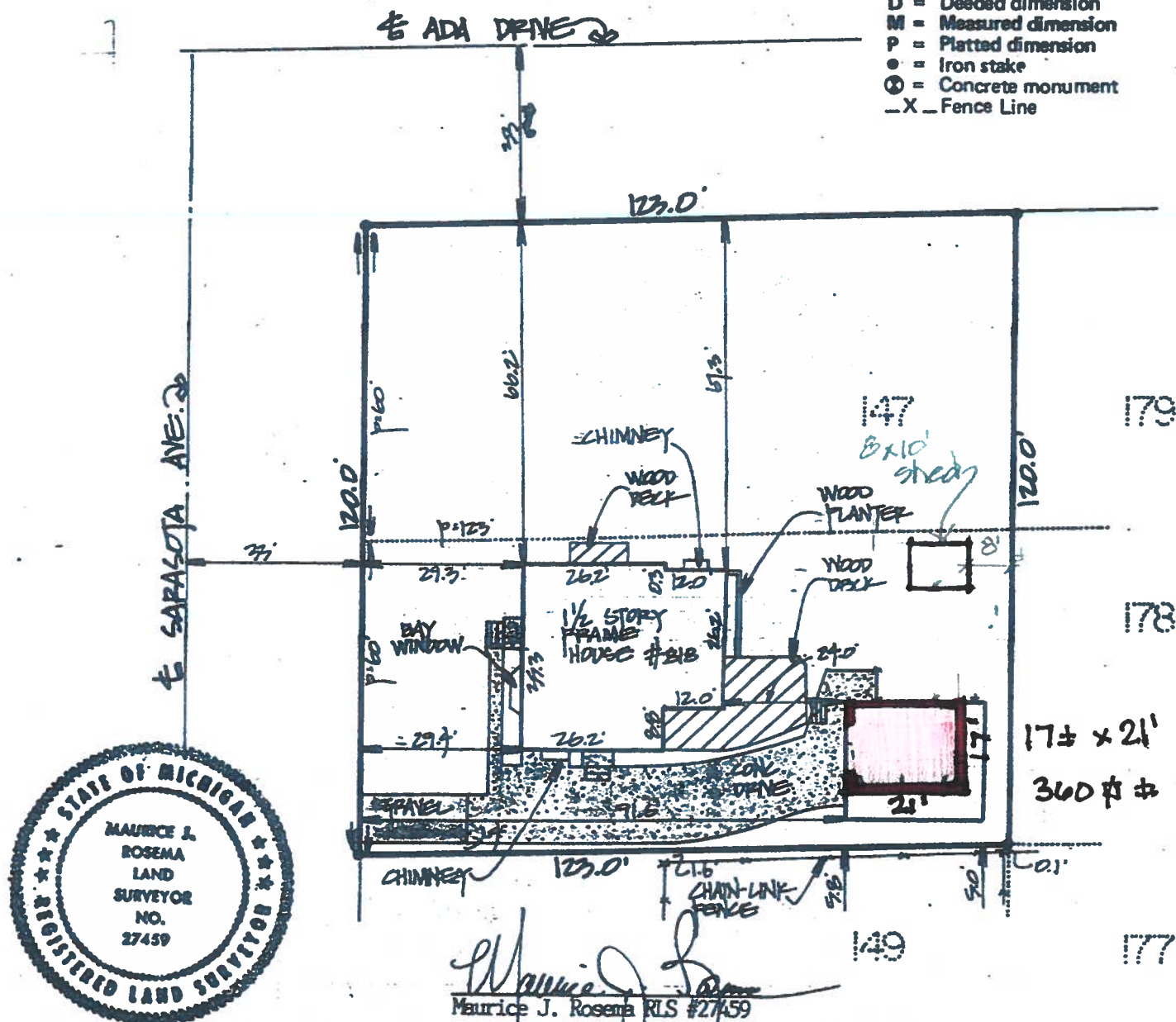
File No.: 87085

Date: 2/27/87

POTENTIAL GARAGE @ 10' SETBACK
not acceptable

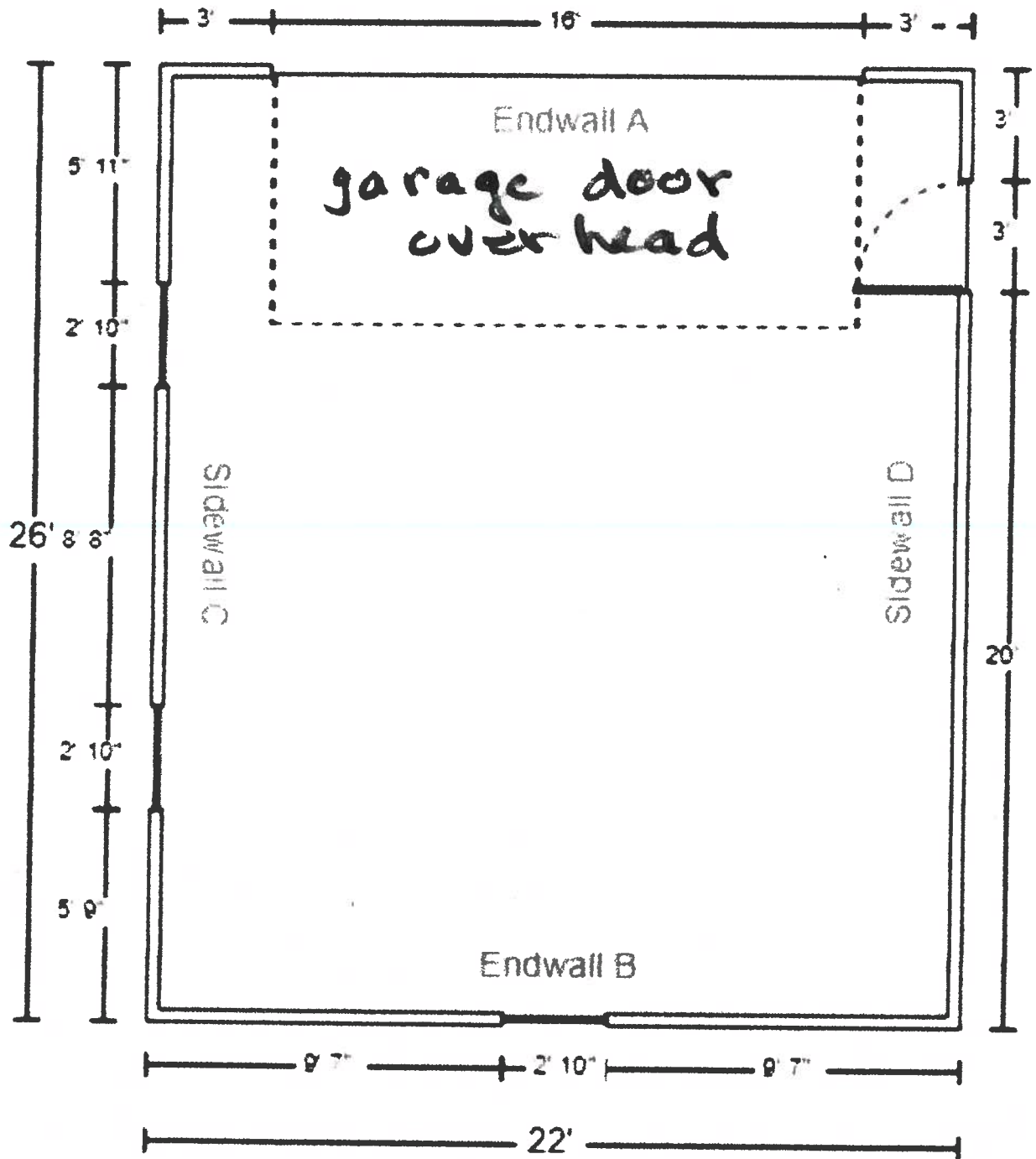
Scale 1" = 30'

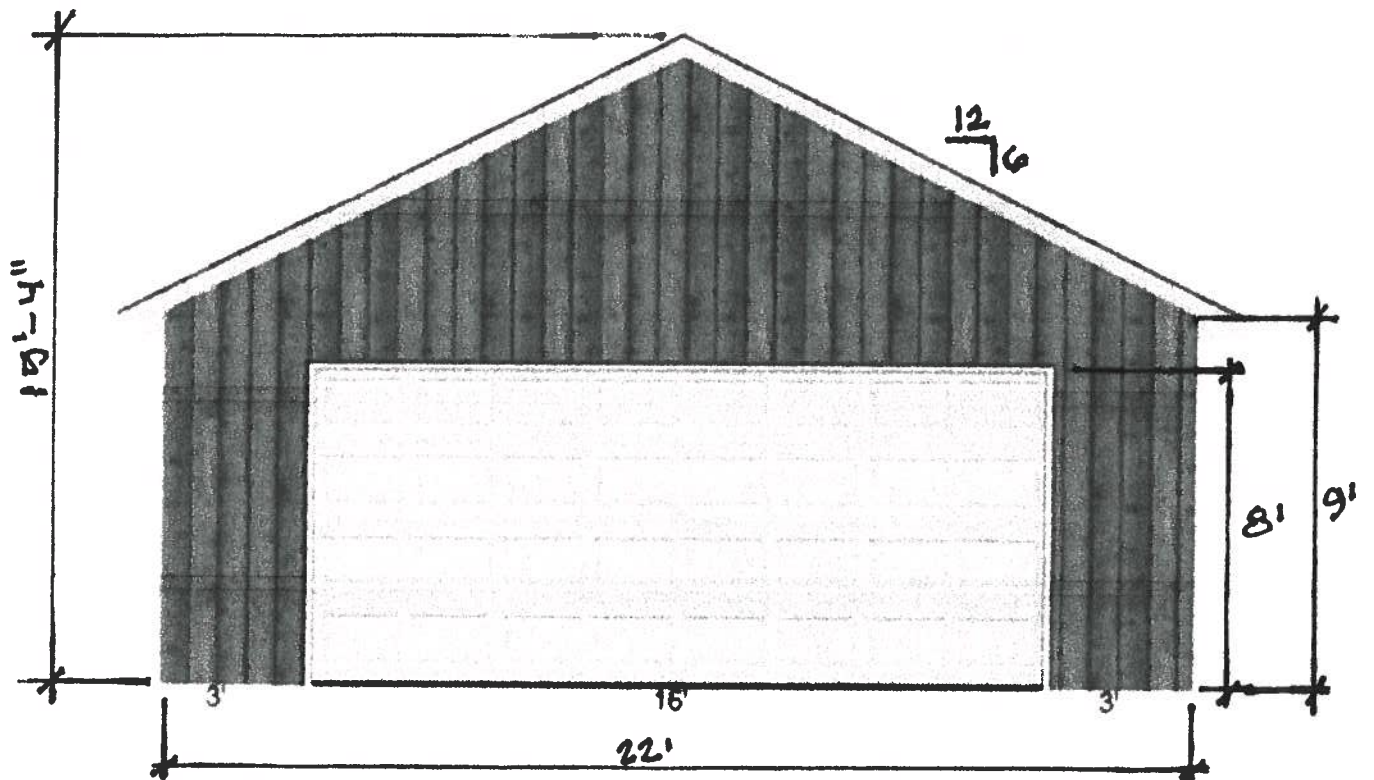
- D = Deeded dimension
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- P = Platted dimension
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- ⊙ = Concrete monument
- X- Fence Line



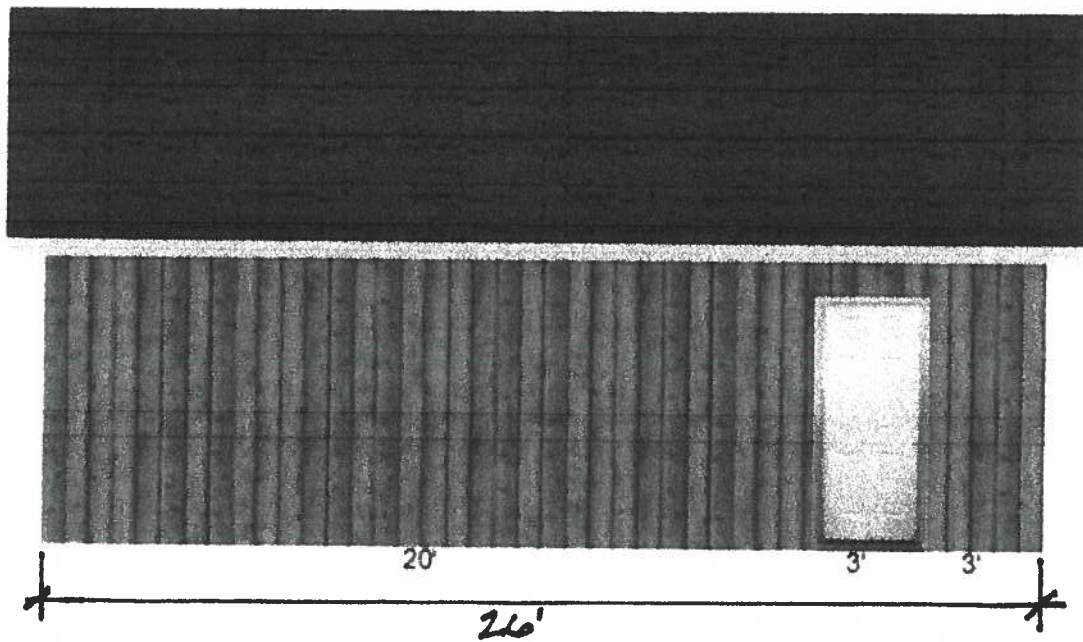
This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Plan View

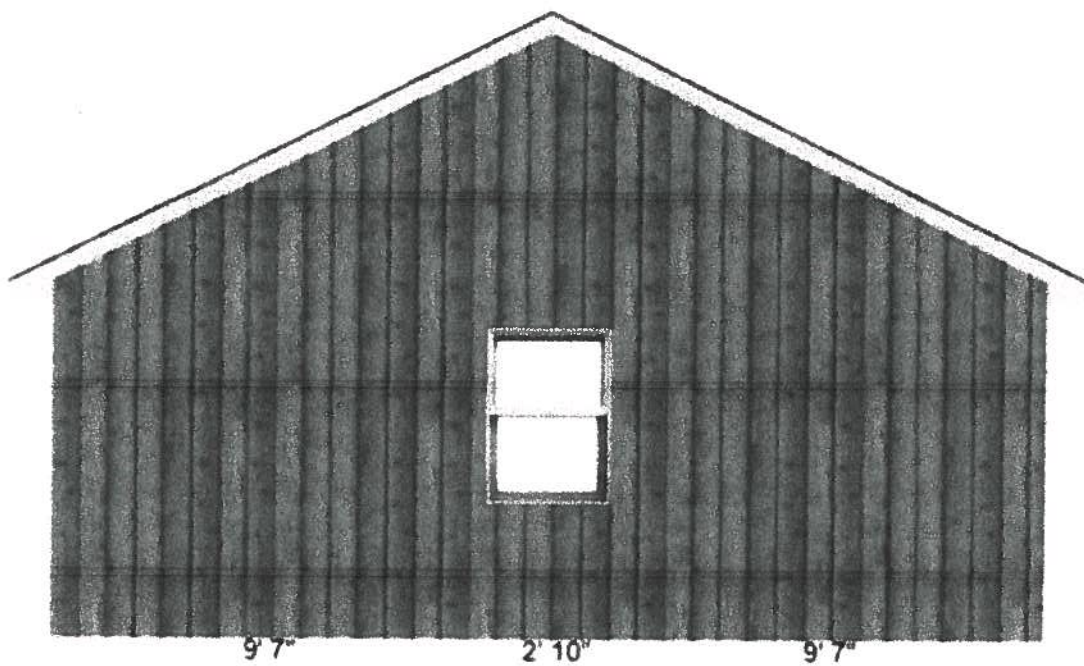




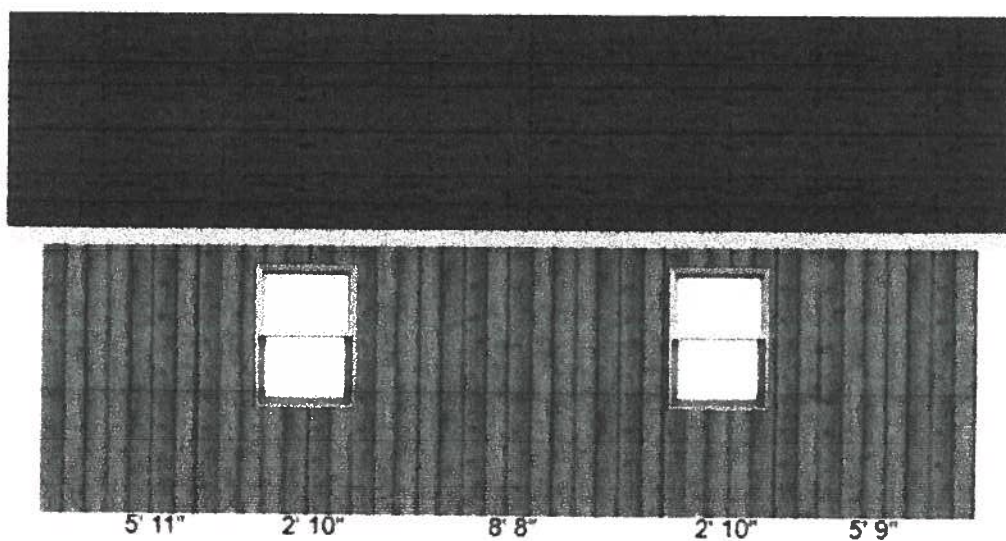
FRONT (ENDWALL A)



NORTH SIDE (SIDEWALL D)



BACK (ENDWALL B)



SOUTH SIDE (SIDEWALL C)