



**ADA TOWNSHIP ZONING BOARD OF APPEALS AGENDA  
TUESDAY, SEPTEMBER 5, 2017, 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 – July 11, 2017 Meeting Minutes**
- V. OLD BUSINESS – None**
- VI. NEW BUSINESS**
  1. Request for variance from accessory building setback standards to allow the erection of a 360 sq. ft. shed 44 feet from the side lot line instead of the required 50 feet, Jerry & Lynn Sytsma, 8080 Wilderness Trail NE, 41-15-26-100-064
- VII. CORRESPONDENCE**
- VIII. PUBLIC COMMENT**
- IX. ADJOURNMENT**



**ADA TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF THE TUESDAY, JULY 11, 2017, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, July 11, 2017, 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 and Smith

Members absent: None

Seats vacant: One

Staff present: Bajdek

Public: Many 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 McNamara, supported by Smith, to approve the June 6, 2017, minutes as presented. Motion carried unanimously.**

**OLD BUSINESS**

There was no Old Business.

**NEW BUSINESS**

- 1. REQUEST FOR VARIANCE FROM ACCESSORY BUILDING SETBACK STANDARDS TO ALLOW THE CONSTRUCTION OF A POLE BARN 29.6 FEET FROM THE FRONT LOT LINE INSTEAD OF THE REQUIRED 50 FEET, CHUCK & JAN LUEPRITZ, 6980 KNAPP ST. NE, 41-15-09-400-028.**

Applicant Chuck Luepritz explained that they would like to build a pole barn with its southeastern corner being 29.6 feet from the eastern lot line instead of the 50 feet required due to the slope of the lot and the existing septic drain field.

Brent Bajdek, Planner/Zoning Administrator, stated all other accessory building regulations have been met.

Bajdek explained the criteria for granting 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 variance would alter the essential character of the area; 3. Whether the circumstances leading to the variance are self-created; 4. Whether amend the Zoning Ordinance standards is a more appropriate remedy to the situation. Bajdek reported that there are unique physical circumstances due to downward sloping terrain of the property and its associated drainage, along with the onsite location of the septic drain field, the variance would not alter the essential character, the circumstances are not self-created, and an amendment to the Zoning Ordinance would not be a more appropriate remedy.

The public hearing was opened at 4:37 p.m.

Gayle Eaton, 6930 Knapp, stated he is a close neighbor to the west and he has no objection to this variance.

The public hearing was closed at 4:38 p.m.

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

- 2. REQUEST FOR VARIANCE FROM PRIVATE ROAD STANDARDS TO ALLOW A PRIVATE ROAD THAT EXCEEDS REQUIRED GRADE STANDARDS (10% MAXIMUM) IN TWO (2) LOCATIONS ALONG ITS COURSE; AN EXISTING PRIVATE DRIVE IS PROPOSED TO BE CONVERTED INTO A PRIVATE ROAD FOR A PLANNED LAND DIVISION, WHICH INCLUDES THE SUBJECT PROPERTIES, DARREN & JILL HERWEYER, 3333 & 3345 EGYPT VALLEY AVE. NE, 41-15-05-200-008 & 41-15-05-200-021.**

Applicant Darren Herweyer explained this property is his residence and Highpoint Farm. He stated that the Planning Commission had recently approved the land division of his property, the existing 18-year-old private drive is planned to be upgraded to meet private road standards, which includes widening.

Brent Bajdek, Planner/Zoning Administrator, reported that the approved land division created five parcels from four properties, all of which will be accessed via a private road that is the existing private drive and a westward extension. He explained that the maximum grade allowed is ten percent; the driveway exceeds the grade standards by four to six percent in two locations along its course and that the current private driveway had been installed prior to the current regulations.

Bajdek explained the criteria for granting 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 variance would alter the essential character of the area; 3. Whether the circumstances leading to the variance are self-created; 4. Whether amend the Zoning Ordinance standards is a more appropriate remedy to the situation.

Bajdek stated that there are unique physical circumstance due to the terrain of the property in the location of existing private drive and that a modification to the grade would negatively affect the natural features of the property in that location of the site, the variance would not alter the essential character, the circumstances are not self-created, and an amendment to the Zoning Ordinance would not be a more appropriate remedy.

The public hearing was opened at 4:46 p.m.

The public hearing was closed without comment at 4:46 p.m.

Member Burton asked for clarification as to how the grade would be evened and filled in and widened. The applicant stated they would be moving the guardrails and placing some fill.

Brent Bajdek stated there are two very large ravines.

Member McNamara asked for clarification regarding the new grade. The applicant stated that most would be 12% maximum, but a maximum of 16%. The plan is to maintain the grade along the existing private driveway.

Brent Bajdek recommended approval subject to a finding that the granting of the variance would not result in an increased safety problem.

**Moved by Burton, supported by McNamara, to approve the variance based on the finding that the required standards to grant a variance have been met and that the granting of the variance would not result in an increased public safety hazard. Motion carried unanimously.**

- 3. REQUEST FOR VARIANCE FROM REAR YARD SETBACK REQUIREMENTS IN THE C-2 ZONING DISTRICT TO ALLOW A PORTION OF THE RESTAURANT FACILITY, CURRENTLY UNDER CONSTRUCTION, TO BE 23 FEET FROM THE SOUTH PROPERTY LINE INSTEAD OF THE REQUIRED 25 FEET, LET US, INC., FOR GAFD PROPERTIES (VITALE'S OF ADA), 6650 E. FULTON ST., 41-15-28-335-004.**

Chair Dixon stated he had a conflict of interest due to his involvement in the project and turned the chair over to Member McNamara.

Applicant Angela Polizzi stated this is a small (two feet) request. They tried to only build on the current foundations but found a need to increase the size of the bathrooms.

Brent Bajdek, Planner/Zoning Administrator, stated they utilized the majority of the old foundations. He also noted there is a 100-foot wide railroad right-of-way abutting the entire extent of the rear property line and that a grade differential exists between the railroad right-of-way and the subject property which creates an elevated vegetated buffer. He also noted that Board had previously granted buffer zone and greenbelt variances to allow for the construction of parking lot expansion.

Bajdek explained the criteria for granting 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 variance would alter the essential character of the area; 3. Whether the circumstances leading to the variance are self-created; 4. Whether amend the Zoning Ordinance standards is a more appropriate remedy to the situation. Bajdek stated that there are unique physical circumstances due to the constraints associated with adaptive reuse of the foundation/footings of the former building for the majority of the new construction, as well as the expansive railroad right-of-way that borders the subject property to its south, the variance would not alter the essential character, the circumstances are not self-created, and an amendment to the Zoning Ordinance would not be a more appropriate remedy.

The public hearing was opened at 4:56 p.m.

Greg Wallington, 6681 Brookside Woods Court, questioned if the variance would alter the location of the retaining wall. Bajdek answered no.

The public hearing was closed at 4:57 p.m.

Member Burton asked for clarification about the foundations. The applicant stated they had planned to use all the existing foundations, but they ended up shifting the building a little bit.

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

#### **CORRESPONDENCE**

There was no correspondence.

#### **PUBLIC COMMENT**

Brandon Cortez, 6711 Brookside Woods Court, asked about the trees that were cut down on the Vitale's of Ada property and questioned if they would be replaced. Angela Polizzi stated some trees will be replaced once the retaining wall is installed. Brent Bajdek, Planner/Zoning Administrator, noted that a buffer zone is required.

#### **ADJOURNMENT**

**Moved by McNamara, supported by Burton, to adjourn at 5:02 p.m. Motion carried unanimously.**

Respectfully submitted,

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Jacqueline Smith  
Ada Township Clerk

RS: js

Date: 08-31-17



**TO:** Ada Township Zoning Board of Appeals  
**FROM:** Brent Bajdek – Planner/Zoning Administrator  
**RE:** Agenda Item for the September 5, 2017 Meeting

**1. Request for variance from accessory building setback standards to allow the erection of a 360 sq. ft. shed 44 feet from the side lot line instead of the required 50 feet., Jerry & Lynn Sytsma, 8080 Wilderness Trail NE**

**Overview**

A 360 sq. ft. (20' x 18') shed (320 sq. ft. was initially proposed) is planned to be constructed in the expansive front yard of the subject 7.7 acre-site, zoned RR Rural Residential. An existing single-family home is located at the southern extent of a somewhat 'pie-type shaped' property, which extends into a pond. The proposed accessory building is intended to be placed slightly north of the dwelling, along the western edge of the existing driveway.

The heavily forested undulating terrain slopes and drains downwards to the pond from north to south. Fairly level site conditions are limited to the planned location of the accessory building, the existing septic drain field area (*east of the proposed site placement area for the shed*) and the currently 'improved area' of the property (*which includes the single-family residence, swimming pool, and other site improvements*).

The building appearance will be consistent with the existing dwelling, satisfying the design standards that are required to permit an accessory building in a front yard.

**Analysis**

*The Board of 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.**

The downward sloping terrain of the heavily forested property and the physical location of the 'improved area' of the site that is far removed from the private road right-of-way creates a “practical difficulty” and differentiates this site from other sites justifying the requested variance.

**2. Whether granting the variance would alter the essential character of the area.**

The granting of the variance would not alter the essential character of the area. Similar types of structures exist in the surrounding and immediate areas.

**3. Whether the circumstances leading to the variance are self-created.**

Circumstances leading to the variance are not self-created.

**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**

The downward sloping terrain of the heavily forested property and the physical location of the 'improved area' of the site (*far removed from the private road right-of-way*) creates a "practical difficulty" and differentiates this site from other sites justifying the requested variance. Complying with the 50-foot setback standard of the Zoning Ordinance to erect a reasonably sized building in the 'improved area' of the site proves to be difficult due to the limited level area that is available onsite.

It is recommended that the subject variance request be approved.



TOWNSHIP

**APPLICATION FOR  
ZONING VARIANCE OR ADMINISTRATIVE APPEAL**

**1. APPLICANT**

Name: Jerry Sytsma  
Address: 8080 Wilderness Trl NE City: Ada State: MI Zip: 49301  
Telephone: (616) 540-3380 Fax: ( )

**2. OWNER**

Name: Jerry + Lynn Sytsma  
Address: 8080 Wilderness Trl NE City: Ada State: MI Zip: 49301  
Telephone: (616) 540-3380 Email: jsytsma@epionline.com  
Fax: ( )

**3. DESCRIPTION OF VARIANCE OR APPEAL REQUEST:** a six foot variance on the accessory building set back ordinance to allow erection of a 360 sq ft shed 44 feet from the side property line instead of the required 50 ft due to unique site

**4. PERMANENT PARCEL NUMBER:** 41-15-26-100-064

**5. PROPERTY ADDRESS:** 8080 Wilderness Trl NE **6. ZONING DISTRICT:** RR

**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.**

**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: 8-4-17

OWNER'S SIGNATURE: [Signature] DATE: 8-4-17

**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>9/7/17</u> <small>(date)</small>	by: <u>[Signature]</u>	
Application fee of \$ <u>100.00</u>	received <u>9/7/17</u> <small>(date)</small>	by <u>[Signature]</u> Check No: <u>1234</u>



## Jerry Sytsma

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**Subject:** FW: Set-back variance application - August 4, 2017 request for inclusion in the Sept 5, 2017 meeting.

**Attachments:** setback variance request for 8080 wilderness trail.pdf

### Request

Request for variance from accessory building setback standards to allow the construction of a 320 sq. ft. accessory building 44 feet from the side property lot line instead of the required 50 feet, Jerry & Lynn Sytsma, 8080 Wilderness Trail NE, 41-15-26-100-064

### Overview of request and compliance of the variance request with the standards for approval contained in the zoning ordinance.

A <sup>320</sup>320 sq. ft. accessory building (20' x 16') is planned to be constructed with the western back edge of the building being 44 feet from the western boundary line. A single-family home with attached garage exist onsite. The accessory building is intended to be primarily used for storage of personal lawn equipment, toys, bikes, etc., with no bathroom proposed. The building appearance is proposed to be compatible with the design character of the existing home, garage (including similar roofing material, same garage door design, etc.), as well as the surrounding area.

The proposed accessory building is intended to be situated in the western portion of the site and to be in the general area of the property that contains the home, garage, access to current driveway, and on a buildable area. All existing buildings are located in the same area towards the southwestern portion of the property. The rest of the property to the south of the home and all towards the north and east is densely forested and marked by hilly terrain including ravines and areas of water drainage. The only other flat, accessible site on the property is limited by the existence of septic drain field surrounded by large mature oaks. The whole 7.7-acre property slopes downward from north to south and drains down to the south eastern side of the pie shaped property which restricts the construction of peripheries on the site to the north, east, northeast, and south of the home.

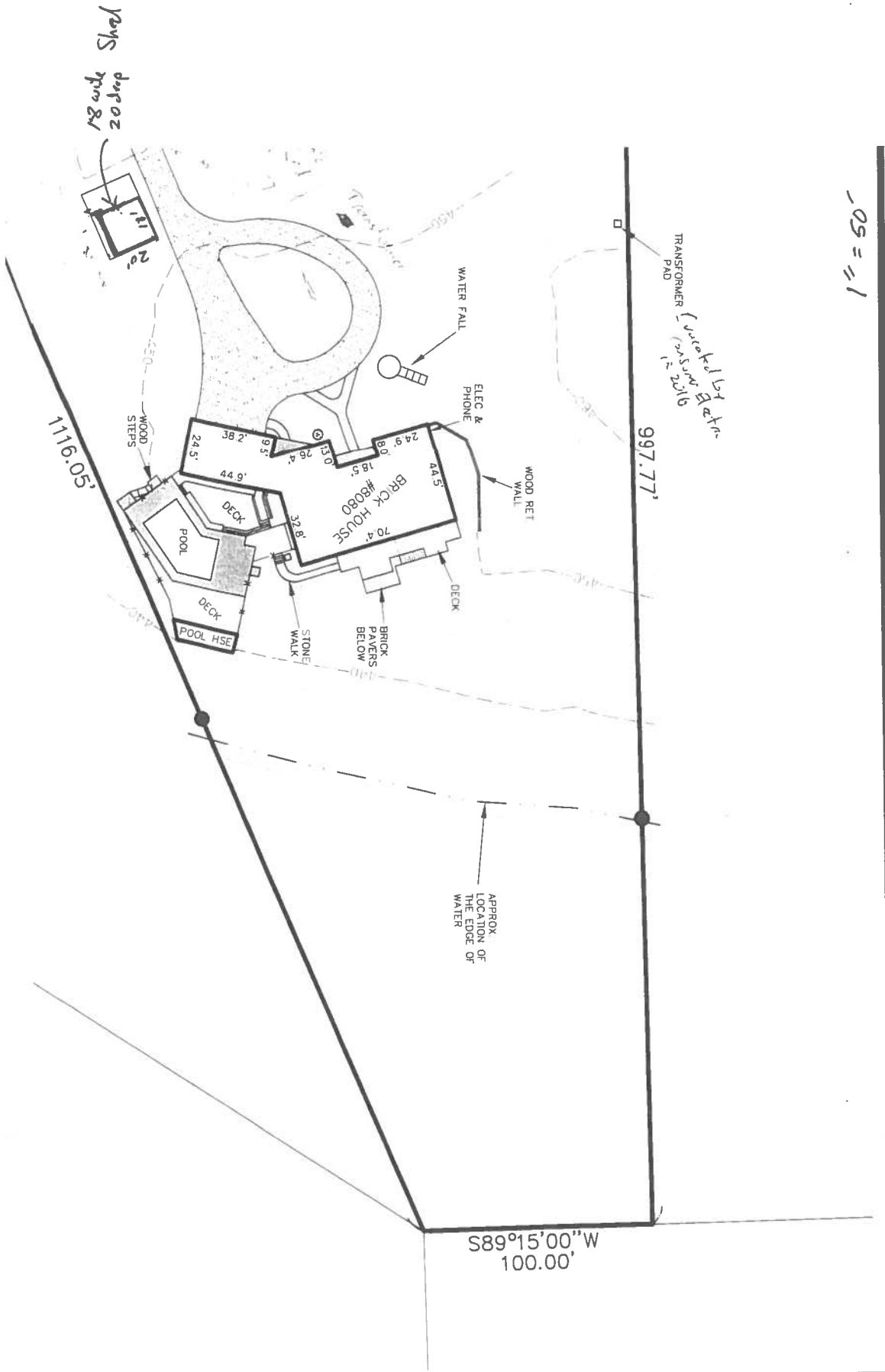
As a result a practical difficulty exists that differentiates this site from other sites justifying the requested variance. The granting of the variance would not alter the essential character of the area as similar structures exist in the surrounding area including on the private drive. The circumstances leading to the variance are not self-created. Amending the zoning ordinance is not deemed as an appropriate remedy to the situation since the conditions leading to the request are not so common or recurring.

Ingress and egress to the property is via a private road (Wilderness Trail NE), from Honey Creek Ave.

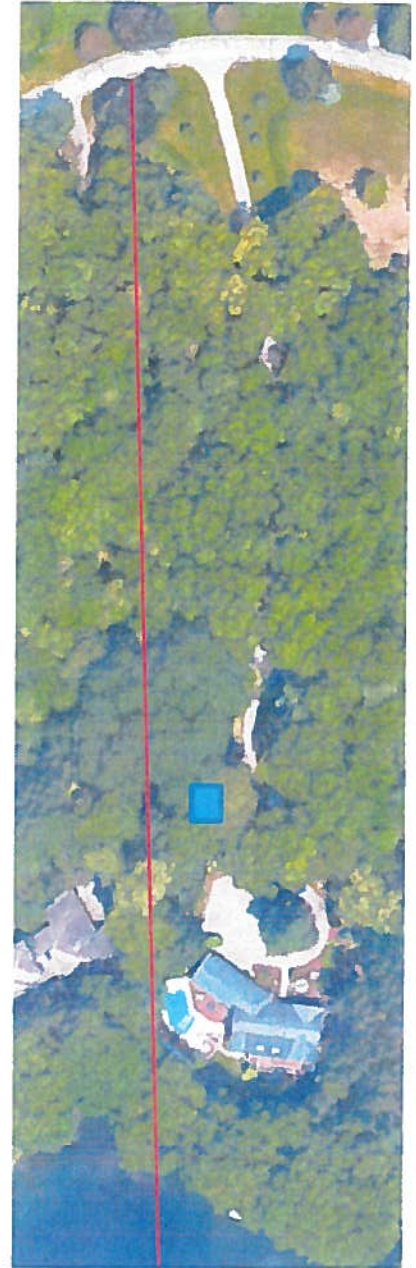
Enclosed with this request is an application for zoning variance, copies of the property survey including a drawing of the proposed accessory building drawn to scale in the proposed location, distance to lot line, and pictures of the property supporting the request.

Jerry Sytsma  
8080 Wilderness Trail NE, Ada MI 49301

1" = 50'



S89°15'00"W  
100.00'



Top left image

Shows the only flat area along the drive available for erecting a 360sq ft accessory building

55  
9-17

Center image:

Different view of planned accessory building site (location of former smaller shed and play structure) Red flags on the right of image represent the 50 ft set-up line, and the proposed set-back line on far right red flag

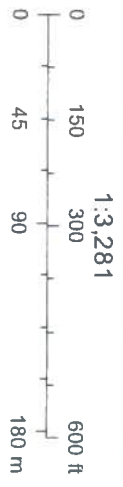
TOP RIGHT IMAGE:

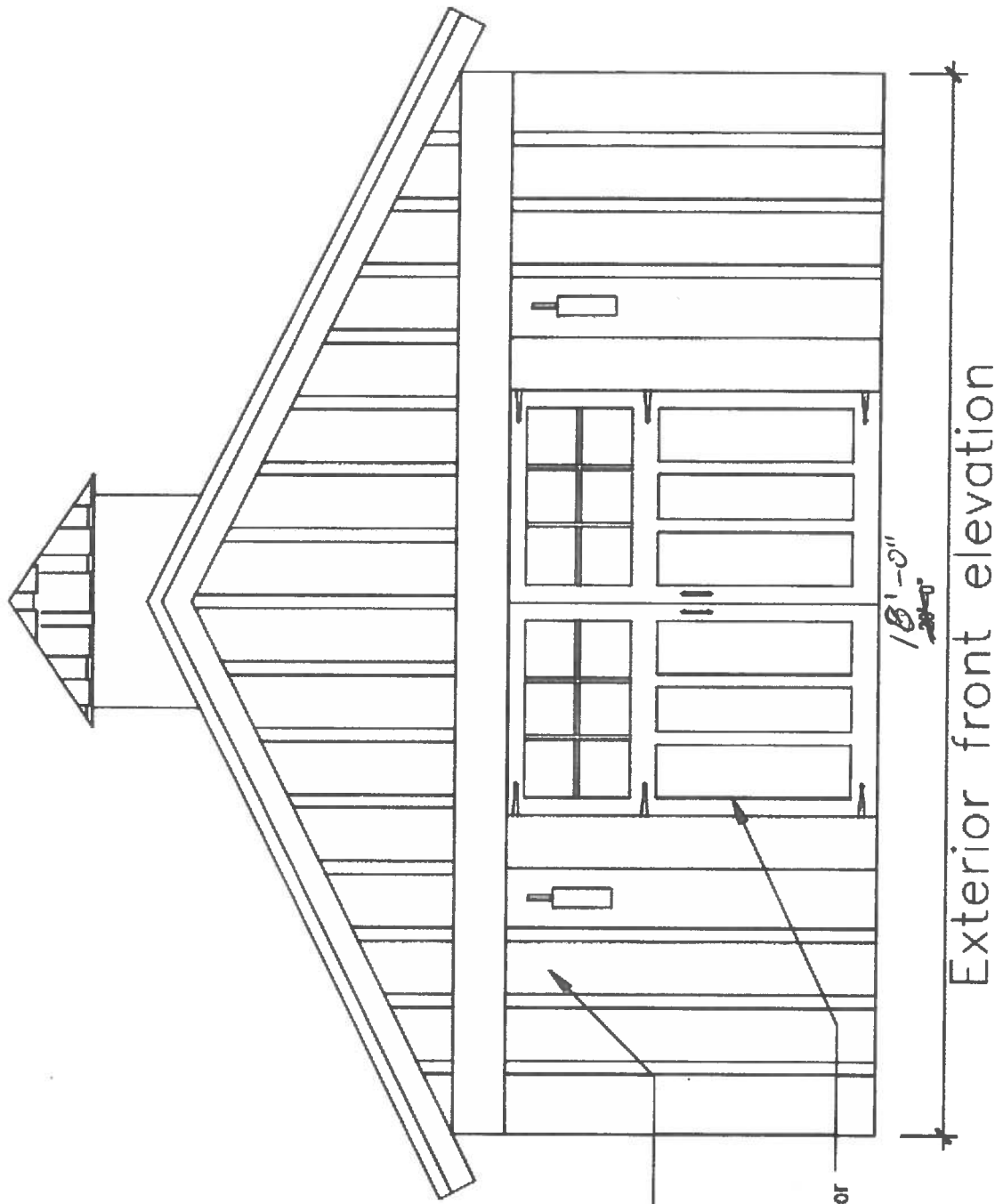
Red line on right image is approximation of property line. Small blue box represents approximate scale of a 20 ft by 16 ft accessory building located approximately 3 feet of edge of driveway. The location for the accessory building is limited to this area due it being a flat & open space in contrast to the remainder of the property which is densely wooded and contoured with steep hills or limited by septic bed. There is no space for accessory in back of home or on sides as alternatives for the same reasons. As a result and due to proposed building being within 45 feet of the property line, a set-back variance is requested.

# Viewer Map



September 1, 2017



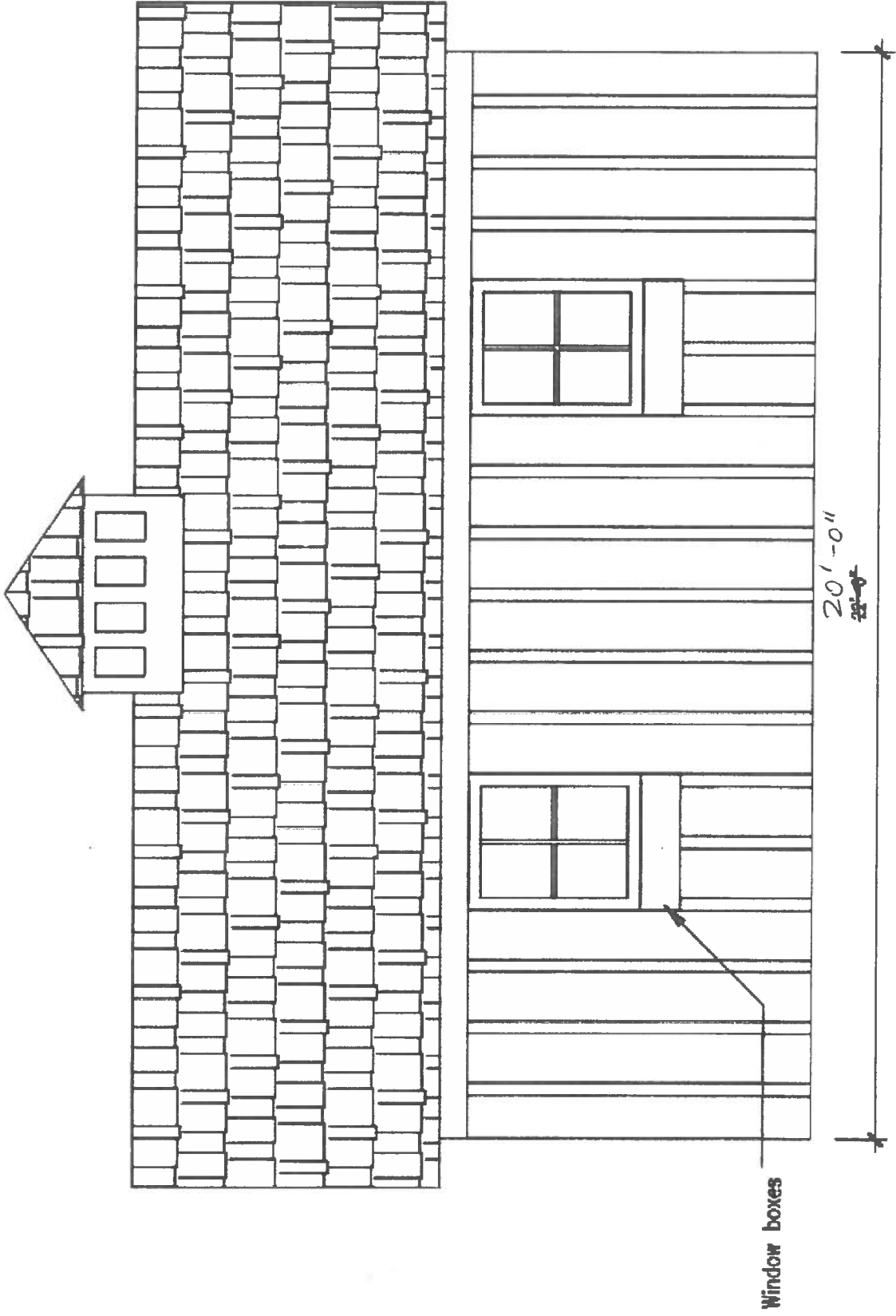


Board and batten exterior  
approximately 12" spacing

96" X 84" Craftsman style carriage door

18'-0"  
~~20'-0"~~

Exterior front elevation



Exterior side elevation