

**ADA TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF THE TUESDAY, APRIL 2, 2019, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, April 2, 2019, 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 member Burton at 4:30 p.m.

**ROLL CALL**

Members present: Burton, Nuttall and Smith

Members absent: Dixon, McNamara

Staff Present: Bajdek, Winczewski

Public: 2 community members

Burton noted that because a majority of the board is required for approval, and due to the fact that two members were missing from this meeting, that all three present would be required to approve the request on the agenda. The applicants chose to keep the item on the agenda for this meeting.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

**Moved by Nuttall, supported by Smith, to approve the January 8, 2019, minutes as presented. Motion carried unanimously.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

- 1. Request for variance from accessory building standards, to permit accessory buildings without a principal structure; the existing home is planned to be demolished with an existing garage (1200 sq. ft.) and a shed (150 sq. ft.) being proposed to remain onsite, 41-15-33-426-019, 7080 Ada Dr. SE, Brent Dykstra with AMDG Architects, for Windy Hill LLC.**

Don Cok of AMDG Architects was present to summarize the applicant's request. The applicant would like to leave the two accessory buildings on the property while demolishing the home.

Zoning Administrator/Planner, Bajdek, summarized the applicant's request in greater detail stating that a single-family dwelling and two accessory buildings presently occupy the subject 4.66-acre site, zoned R-2 Single-Family

Residential. The irregularly shaped parcel narrowly fronts Ada Drive and extends southward, terminating at the Thornapple River. Site improvements are currently concentrated to the eastern end of the property, with the southern portion of the site containing the single-family dwelling; the accessory buildings are located north of the dwelling.

Bajdek reminded the Board that this is a **use variance** which is a variance that permits a use of land or structure that would not otherwise be allowed in the zoning district in which the parcel is located. Use variances are considered inappropriate except when the property cannot be reasonably used as it is presently zoned and other attempts to obtain local approval have been denied.

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

**1. Whether unique circumstances exist which cause a “hardship” in complying with the Zoning Ordinance standards.**

There are no unique circumstances peculiar to the property, which cause a hardship in complying with the Zoning Ordinance standards. The property can continue to be reasonably used for uses permitted within the subject zoning district without the need for a 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. No physical modifications to the exterior of the existing buildings are proposed at this time.

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

Circumstances leading to the variance are 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.

Burton opened the public hearing at 4:40 p.m.

Dan Clemo, Sr. Director of Business Operations at CDV5 Properties LLC, an affiliated entity of Windy Hill LLC, provided a background summary stating they own the properties both east and west of the subject parcel. They are currently demolishing the house located west of the subject property. Mr. Clemo stated that leaving the accessory buildings on the subject property would help them with storage for construction projects of surrounding properties. They would be fine with having a time constraint if the ZBA so chooses.

Public hearing was closed at 4:43 p.m.

Bajdek stated that denial of the variance is recommended as no unique circumstances exist which are peculiar to the property causing a hardship in complying with the Zoning Ordinance standards. The property can continue to be reasonably used for uses permitted within the subject zoning district without the need for a variance.

Bajdek stated that if the Board does not grant the subject variance, compliance with Zoning Ordinance regulations require that the existing single-family dwelling remain onsite as long as an accessory building exists on the property until a building permit application submittal is received for the construction of a replacement dwelling on the property or all buildings are demolished.

Bajdek reminded the Board that zoning administrative decisions are permanent. They can not be made on a temporary basis or have an expiration date.

Smith stated that two of the four criteria for granting variances have not been met. There is not a hardship in this case and the circumstances are self-created. Nuttall agreed.

Mr. Clemo stated that a similar request was granted in the past at their Duxbury property where they were given approval to leave an accessory structure on the premises for a certain period of time. He requested to know why that can not be granted now.

Bajdek stated that Planning staff have looked into the Duxbury case and found that the variance granted in 2008 was done so inappropriately. There should not have been a time limit on the variance request because zoning administrative decisions are permanent.

**It was moved by Smith, supported by Nuttall, to deny the request for variance from accessory building standards.**

**Motion carried unanimously.**

#### **CORRESPONDENCE**

None.

#### **BOARD MEMBER/STAFF REPORTS**

None.

#### **PUBLIC COMMENT**

None.

#### **ADJOURNMENT**

**Moved by Nuttall, supported by Smith, to adjourn at 4:50 p.m. Motion carried unanimously.**

Respectfully submitted,

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Jacqueline Smith, Ada Township Clerk