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**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.**

1. **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.**

1. **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