

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, SEPTEMBER 3, 2019, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, September 3, 2019, at 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, Nuttall and Smith

Members absent: None

Staff Present: Bajdek, Winczewski

Public: 1 community member

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Moved by Smith, supported by Burton, to approve the May 28, 2019, special meeting minutes as presented. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

- 1. Request for variance to allow the construction of a 1,200 sq. ft. accessory building in the front yard with it being located 21 feet from the north side yard at its closest point instead of the required 50 feet, and not satisfying the building appearance standard, Michael G. Peskin Jr. Trust, 2510 Grand River Dr. NE, 41-15-07-100-040**

Michael G. Peskin, Jr. presented his request stating he would like to build a storage garage. Mr. Peskin stated he chose an appealing design which he feels will add value not only to his house, but to the neighborhood as well. Mr. Peskin noted that there is an elevation change of about 10 feet from Grand River Drive down to his proposed barn location. He would like a barn-like garage such as one pictured in the board packets. It will have a barn door, cupola, and bump-out with an uncovered porch.

Planner, Bajdek, reviewed the applicant's request. Bajdek stated Mr. Peskin is proposing a 1,200 sq. ft. accessory building with an attached open covered porch and a 15 ft. by 16 ft. bump-out area which would be located in the front yard. The portion of the building that is planned to occupy the front yard will be located 21 feet from the north property line at its closest point and 26.5 feet at the northwesternmost corner of the building. It will primarily be used for storage; no bathroom is proposed. It has been designed with architectural features to resemble a 'farm building' which includes vertical siding, board and batten fiber cement board on the south and

west sides of the building, and vinyl siding for the remaining sides. The façade material and roof are planned to be red in color.

Bajdek stated the proposed accessory building is intended to be situated near the northwestern corner of the property with an existing single-family dwelling positioned south/southeast of the accessory building. The onsite waste disposal system is located mainly southwest of the proposed location of the accessory building.

Bajdek stated the site is 6.87-acres, zoned RP-2, and it terminates at the Grand River at its easternmost extent. The Grand River's floodplain and floodway, as well as designated wetlands occupy much of the fairly long and narrow site; the buildable section of the site is limited to the western portion of the property.

Bajdek stated the definition of 'front yard' is a yard extending across the full width of the lot, the depth of which is the distance between the public street right-of-way line and the main wall of the building or structure. In this case, all the area in the front part of the building is considered to be in the front yard. Bajdek noted that if the entire building was located outside of the 'front yard,' building appearance requirements would not apply. Appearance requirements only apply if the structure is located in the front yard.

Bajdek reviewed the 3 standards which need to be satisfied when locating an accessory building in the front yard:

1. The building needs to be 50 feet from all property lines. This standard is not met based on the information provided by the applicant. All other setbacks, including the front yard setback from Grand River Drive, has been satisfied.
2. Minimum lot area standard has been satisfied. RP-2 district requires at least 3 acres and this parcel is 6.87 acres.
3. Appearance standard has not been met. The applicant desires the accessory building to be red in color (façade material and roof) rather than matching the beige vinyl siding and primarily grayish hued dimensional asphalt roofing shingles.

Bajdek reviewed the criteria which must be satisfied in order for the Zoning Board of Appeals to grant a variance:

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

Although natural water-related features (*the Grand River's floodplain and floodway, as well as designated wetlands*) occupy much of the fairly long and narrow site, it appears that the proposed building could be reconfigured/repositioned to be entirely located outside of the 'front yard' to meet the minimum side yard setback of 20 feet for accessory buildings not located in the 'front yard', while also not infringing upon the 100-foot floodplain or the onsite waste disposal system. Additionally, the building appearance regulations would not apply. Therefore, no unique physical circumstances exist which cause a "practical difficulty" in complying with the Zoning Ordinance standards.

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

The granting of the variances would alter the essential character of the area. An entirely red colored vertical sided accessory building, with a portion of it positioned in the front of the home, would not be consistent/compatible with other accessory buildings in the surrounding area.

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

Circumstances leading to the variances are self-created. The desired building configuration and appearance are self-created circumstances. It appears that the proposed building could be reconfigured/repositioned to be entirely located outside of the 'front yard' to meet the minimum side yard setback of 20 feet for accessory buildings not located in the 'front yard,' while also not infringing upon the 100-year floodplain or the onsite waste disposal system, located mainly southwest of the proposed accessory building. Additionally, the building appearance regulations would not apply.

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

An amendment of the Zoning Ordinance is not deemed 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.

Bajdek stated that staff is recommending denial of the variances.

Mr. Peskin noted that his back yard has wetlands and floodplain. He has added fill-dirt in the past and would prefer not to add more. This accessory building is proposed to be 50+ feet from the road which is farther from the road than a lot of houses in the area. Although the appearance of the accessory building is different from the house, it is not unusual to see contrasting homes and barns when looking at other nearby properties.

Chair Dixon opened the floor for board comments.

Burton stated that this is a very attractive building and would look much better than a pole barn, however, there are front yard zoning ordinance standards (for accessory buildings) which the ZBA must uphold. Dixon agreed, stating that the ZBA's hands are tied. That one section of the barn that protrudes into the front yard is a problem.

McNamara requested clarification on the variances being requested. Bajdek stated there are two being requested, one is for a side-yard setback and the other is for building appearance. Smith stated that if Mr. Peskin could push his accessory building back enough so it's not in the front yard, these variances would not be necessary.

Board discussed different orientations and configurations. Bajdek stated there is enough room to put a 1,200 sq. ft. accessory building on the property and have it not within the front yard.

Moved by Burton, supported by McNamara, to deny the variance requests. Motion passed unanimously.

CORRESPONDENCE

None.

BOARD MEMBER / STAFF REPORTS

None.

PUBLIC COMMENT

None.

ADJOURNMENT

Moved by McNamara, supported by Nuttall, to adjourn at 5:08 p.m. Motion carried unanimously.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk