

**ADA TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF THE TUESDAY, DECEMBER 4, 2018, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, December 4, 2018, 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:

Staff Present: Bajdek, Ferro, Winczewski

Public: 5 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 Burton, supported by McNamara, to approve the November 13, 2018, minutes as presented. Motion carried unanimously.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

- 1. Request for the following variances from Article XXV, Landscaping Requirements and Standards: 1.) reduction of required 30-foot wide buffer zone adjacent to residential district to 5.5 feet; and 2.) reduction of required 20-foot wide greenbelt along Fulton St. right-of-way from 20 feet to 14 feet, Angela Polizzi with GAFD Properties, LLC, 6650 E. Fulton St., 41-15-28-335-004**

Chairperson Dixon recused himself due to conflict of interest. Vice Chair McNamara invited applicant to speak.

Angela Polizzi, with GAFD Properties, LLC, (Vitale's of Ada), stated that she would like variances to keep her parking lot as it currently stands. She would like a variance allowing a reduced greenbelt from the required 20 feet from the road right-of-way because there is currently a large buffer zone from the street to where the parking lot begins. Ms. Polizzi stated they maintain this buffer zone and have made the area greener than what it used to be. They would like to add pine trees to the front and back of the parking lot but they need a variance before they can make any additional landscaping changes. Ms. Polizzi stated that although there is 5.5 feet of buffer from the residential area to the parking lot, that does not take into consideration the railroad area.

McNamara asked how wide the railroad area is adjacent to the parking lot.

Ferro stated he believes the railroad right-of-way is 100 feet wide as labeled on the original site plan which he then distributed to the board members.

McNamara asked for Staff comments.

Ferro summarized the variance requests as outlined in the staff memo.

Ferro stated the standards that need to be met to grant a variance are:

**1.) Whether unique physical circumstances exist which cause a practical difficulty in complying with the zoning ordinance standards.** The subject property has a long, triangular shape that has an increasingly shallow depth from west to east along Fulton St. The shape of the property is unique to the property, compared to other sites in the C-2 Commercial district, and causes a practical difficulty in complying with the zoning standards, while also meeting the parking needs of the business.

**2.) Whether granting the variance would alter the essential character of the area.** Approval of the requested variances would not alter the essential character of the surrounding area, based on the following considerations:

- Much of the parking area is visually separated from the residential neighborhood to the south by the retaining wall and the elevated railroad grade between the parking area and the property line. At the east end of the property, where the rail line is not raised above the parking area, additional landscape screening with 7-foot tall evergreen trees is proposed.
- Due to the wide right-of-way of Fulton St., the proposed edge of parking is 50-53 feet from the edge of pavement on Fulton St., instead of 55 feet if the 20-foot greenbelt standard was satisfied. Considering the distance between the highway and the parking area, the requested 2-6 foot relaxation of the pavement setback requirement will not be noticeable by passing traffic on the highway.

**3.) Whether the circumstances leading to the variances are self-created.** While the applicant could have installed the paved parking area in conformance with the previously-approved variance, considering the current variance request on its merits, using the same criteria applied to the original variance request, the circumstances leading to the variances are not self-created, those circumstances being the awkward triangular shape of the property.

**4.) Whether amending the zoning ordinance standards is a more appropriate remedy to the situation.** The unique conditions of the applicant's property are not a common occurrence, such that a change in the zoning rules would be a more appropriate remedy.

Ferro stated that staff recommends granting the variances.

**The public hearing was opened at 4:47 p.m.**

Courtney VanValkenburg of 6730 Brookside Woods Ct. stated she has been an Ada resident for almost twenty years. The construction of Vitale's and the parking lot has had a serious impact on her and her neighborhood. The removal of trees along the railroad track a year ago was very upsetting. She and her neighbors can now hear all the traffic on Fulton Ave. as a direct result of the clear-cutting of all the trees. She can see the parking lot and parking lot lighting when looking out her front door. She can see and hear customer's vehicles and sometimes conversations

by customers in the Vitale's parking lot. Ms. VanValkenburg stated that she spoke to the owner last year and was told at that time that trees would be planted to help with the noise problem. She stated that although the current proposal is to add 5 trees, she feels it is not nearly enough to make a difference with noise or privacy. She would like to see more trees planted in the proposed area and additional trees planted on the Brookside Woods side of the railroad tracks. Ms. VanValkenburg stated that she does not agree with Ms. Polizzi's narrative statement comparing her variance request to the variance that was granted to the West Village Development.

Ms. Polizzi stated the reason they have not added trees yet is because they did not want to spend money to make landscaping changes if there was a possibility they would need to make additional changes later. She apologized for the noise and light generated from her business. Ms. Polizzi stated they would like to add big evergreen trees on the east end to protect the Brookside Woods neighborhood from noise and lights.

Brandon Cortese of 6711 Brookside Woods stated that he has not seen the landscaping plan but is concerned about where the trees will be planted. Mr. Cortese stated his home now looks at a large light and vehicles in the Vitale's parking lot. He requests that the new trees cover the light and parked cars. Mr. Cortese stated that a year ago, Vitale's came to the ZBA asking for forgiveness regarding unapproved bathroom changes they already made. He is frustrated that this is another case of asking for forgiveness. Mr. Cortese stated he would like to know why this wasn't done properly in the first place.

Ms. Polizzi stated that some things were lost in translation in the building process which resulted in mistakes being made that impact township rules and ordinances.

**After no further comments, public hearing was closed at 5:00 p.m.**

Ferro suggested reducing the gaps between the evergreen trees proposed on the southeast side of the parking lot by adding 2 additional trees. If 2 trees were added, the gaps would be reduced from 6-7 feet to 2-3 feet. If a solid screen is desirable, that could be done by packing more trees together or adding smaller shrubs between the gaps.

McNamara asked if anything could be done about the lighting. Ferro stated the lamp post is a high-quality fixture that directs non-glaring light vertically down into the parking lot. He does not feel any changes could be made to the current lighting situation.

Smith expressed concern that this situation was self-created. Had Vitale's followed the original plan, this meeting would not be necessary. Ferro agreed that is a legitimate concern but something the Board should consider is had these variances been presented to them originally, would they have been approved? Ferro stated that if the original plans had been followed, there would still be a noise issue.

Burton stated she is in favor of adding a few more trees to make it denser.

Smith asked Ms. Polizzi how soon she can plant the trees. Ms. Polizzi stated it depends on the weather and ground conditions. She stated she will plant the 7 ft. evergreens on the southeast side of the parking lot as soon as possible and will add 2 additional evergreens. Ms. Polizzi stated she will know by next week, Tuesday, when the trees can be planted and will have the landscape company put it in writing so the details can be shared with the neighbors.

**Moved by Burton, supported by Smith, to approve the variances based on the findings that the required standards to grant a variance have been met, subject to the following conditions:**

- 1.) The pavement and parking configuration shall be as shown on the site plan submitted, dated 8/13/18, noted as "Update #2, 11/1/18."**

- 2.) A total of 7 evergreen trees will be planted as soon as possible on the southeast side of the parking lot.**

**Motion carried unanimously.**

*Chairman Dixon returned to his seat.*

**CORRESPONDENCE**

There was no correspondence.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

**Moved by Nuttall, supported by Dixon, to adjourn at 5:21 p.m. Motion carried unanimously.**

Respectfully submitted,

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Jacqueline Smith  
Ada Township Clerk