



ADA TOWNSHIP ZONING BOARD OF APPEALS
TUESDAY, MARCH 3, 2020, 4:30 P.M.
ADA TOWNSHIP OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN
AGENDA

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES – February 4, 2020 Meeting Minutes
- V. UNFINISHED BUSINESS – None
- VI. NEW BUSINESS
 - 1. Request for variance to allow the construction of a 2,300 sq. ft. accessory building in the front yard with a side yard setback of 20 feet from the east property line instead of the required 50 feet, Parcel No. 41-15-27-176-035, 46 Deer Run Dr. NE, Michael & Hannah Veldstra
- VII. CORRESPONDENCE
- VIII. PUBLIC COMMENT
- IX. ADJOURNMENT

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, FEBRUARY 4, 2020, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, February 4, 2020, 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 Co-Chair McNamara at 4:45 p.m.

ROLL CALL

Members present: McNamara, Nuttall, Smith

Members absent: Burton, Dixon

Staff Present: Bajdek, Winczewski

Public: 2 Community members

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Moved by Smith, supported by Nuttall, to approve the January 7, 2020, minutes as presented. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

McNamara informed the applicant that because two ZBA members are absent, all three ZBA members who are present will need to vote to approve the variance in order for it to pass. The applicant can choose to table the request until the full board is present. The applicant chose to proceed with the request.

- 1. Request for variance from the maximum building height standard, to allow the construction of a new single-family dwelling with a height of 54.25 feet rather than the maximum allowable height of 35 feet in the RP-1 zoning district, Parcel No. 41-15-15-400-034, 1551 Honey Creek Ave. NE, Erhardt Construction Company, on behalf of the Stephen A. Van Andel Trust**

Ryan Formsma of Erhardt Construction Company presented the variance request. Mr. Formsma stated the homeowners chose to build where they did in order to disturb the least number of trees, be placed where they could put in a pool, and to be cognizant of their proximity to their neighbors. Mr. Formsma stated that with the way the height variance is measured, from the lowest elevation to the point measured on a mansard roof, they are over the allowable height.

Bajdek summarized the variance request as outlined in the staff memo provided in the board packets. Bajdek stated the construction of a new main dwelling is proposed to replace the main residence that was recently demolished; it

will be situated approximately 563 feet from the nearest neighboring property (*located to the east*), not under the ownership of the Stephen A. Van Andel Trust. The overall property owned by the Stephen A. Van Andel Trust is approximately 178 acres, which consists of several parcels, and is zoned RP-1 Rural Preservation 1. The new residence is planned to be placed west/southwest of the former dwelling's location.

Bajdek noted that the parcel on which the new main residence is to be constructed currently contains a dwelling, which serves as a 'guest house.' The new main residence is not permitted to be constructed on the same parcel as the existing dwelling since only one dwelling per parcel is allowable. Therefore, either adjustments in parcels through a boundary line change is required or the existing dwelling needs to be removed from the subject parcel prior to the construction of the new main residence.

Bajdek stated that the site is topographically varied and fairly wooded in nature. The planned placement of the dwelling is considerate to the topography of the property by following its natural contours, allowing for minimal disturbance to it. It appears that constructing the home in the proposed location and meeting the maximum permitted building height of 35 feet through a daylight basement rather than a walkout level would only be achievable with the reshaping/recontouring of the land by the placement of a substantial amount of fill.

The dwelling has been designed with multiple roof types with a mansard roof being positioned at its highest point.

Bajdek reminded the board that building height is measured from grade (*lowest point at the "walkout" level and five feet from the building*) to the deck line of a mansard roof.

Per the Zoning Ordinance:

- ***Building height*** means the vertical distance above grade to the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building.
- ***Grade*** means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Bajdek stated that this variance request is similar to others that the Board has heard and approved over the last several years in terms of high floor to ceiling height, walkout level, and steep roof pitch that are customary in many current home designs, except to a greater degree due to the proposed high floor to floor height. Per the applicant, the floor to floor dimensions for the home are 14' 6" and 15' 10" to allow for adequate mechanical systems to heat and cool the home, as well as structural members.

Bajdek noted that a height variance was granted in 2003 for the previously existing home allowing a total height of 50 feet, while the current height variance request is to allow a total height of 54.25 feet.

Bajdek stated that since 2000 to present, there have been 16 requests for variance from the maximum building height standard of 35 feet to allow construction of a new single-family dwelling on various properties throughout the Township; the Board approved 14 of the requests, while two (2) were denied by the Board. The Board approved the last request for a building height variance in August of 2018.

Bajdek stated that the Board of the Zoning Appeals may grant variances only upon finding that certain criteria have been satisfied:

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

The grade of the property at the planned walkout level and the high floor to ceiling height, that is commonplace with newer homes, as well as the high floor to floor height cause a physical practical difficulty.

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 due to the size of the property and the proposed location of the residence, approximately 563 feet from the nearest neighboring property not under the ownership of the Stephen A. Van Andel Trust, would have little to no impact to the immediate area.

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.

Given the number of similar variance requests that have been considered and approved in the past, an amendment of the Zoning Ordinance would ordinarily appear to be a more appropriate remedy; however, the Planning Commission in 2004 spent several months considering whether to amend the building height regulations, but did not take action on the matter. In August of 2016, the Planning Commission received communication from Zoning Board of Appeals regarding the revisiting of this matter; however, there has been no movement towards an amendment since that time; the last request for a building height variance was approved in August of 2018.

Bajdek stated that Planning staff recommends approval of the variance subject to adjustments in the parcels of the overall property through a boundary line change or the demolition of the existing dwelling on the subject parcel prior to the construction of the new main residence to comply with the Zoning Ordinance regulations of one (1) dwelling per parcel.

Mr. Formsma stated the boundary line adjustment has not yet been submitted because they are working with the Kent County Health Department for septic approval. There is a possibility that they may need to adjust another boundary line to the south. Once the septic approval process is complete, they will submit their boundary line adjustment.

McNamara opened the floor for public comments. There were no public comments.

Smith stated she is struggling with the amount of the variance and asked if this home could be built in a way that would require a smaller variance. Mr. Formsma stated there were several renditions completed to try to accommodate the height regulations. Mr. Formsma noted that there was a previous variance for the home which was recently demolished which allowed a height variance for 50 feet. That house was a gabled style roof and this is a mansard roof. Due to the way the Township measures height, the mansard roof is taller, but in actuality, the height of the proposed house will be shorter than the previous house.

Moved by Nuttall, supported by Smith, to approve the height variance of 54.25 feet based on the findings that the required conditions to approve a variance have been met and subject to an approved boundary line adjustment.

Motion carried unanimously.

CORRESPONDENCE

No correspondence was received.

BOARD MEMBER/STAFF REPORTS

There were no board comments.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Meeting adjourned at 5:02 p.m.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

rs:aw

Date: 02-27-20



TO: Ada Township Zoning Board of Appeals
FROM: Brent Bajdek – Planner/Zoning Administrator
RE: Agenda Item for the March 03, 2020 Meeting

- 1. Request for variance to allow the construction of a 2,300 sq. ft. accessory building in the front yard with a side yard setback of 20 feet from the east property line instead of the required 50 feet, Parcel No. 41-15-27-176-035, 46 Deer Run Dr. NE, Michael & Hannah Veldstra**

Overview

An approximately 2,300 sq. ft. accessory building (*with a covered porch*) is planned to be constructed with the southeast corner of the covered porch being 20 feet from an eastern property line. A single-family home exists northeast of the planned location of the accessory building. The accessory building is intended to be used for standard vehicle, recreational vehicle, and general storage purposes.

The 5.61-acre site is topographically varied with a very awkward, irregular shape (*see the attached site plan/aerial photographs for reference purposes*). A band of dense mature tree coverage exists along the western periphery/front of the property, consisting primarily of coniferous trees with an intermingling of deciduous trees. The remaining portion of the property is forested with deciduous trees.

The proposed accessory building is planned to occupy a relatively level area of the site that would require minimal tree removal. It is in the general area of the property which contains the home. Although level site conditions exist behind/east of the dwelling, the waste disposal system occupies that portion of the property and therefore not a suitable building location for the accessory building. Level site conditions also appear to be present west/northwest of the dwelling; however, the applicant has stated that that area is an unsuitable location for building construction due to its natural 'wet' condition.

Ingress/egress to the property is via a private driveway from Deer Run Drive; an onsite access drive to the accessory building has not been indicated on the site plan.

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. *It should also be noted that all other accessory building regulations have been met.*

Analysis

The Board of the 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.**

With the forested property’s undulating terrain and very awkward, irregular shape, along with limited availability of a level building location due to the location of the waste disposal system, as well as other natural site conditions that exist 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.

- 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

Due to the forested property’s undulating terrain and very awkward, irregular shape, along with limited availability of a level building location due to the location of the waste disposal system, as well as other natural site conditions that exist, a “practical difficulty” exists in being able to comply with the 50-foot side yard setback standard of the Zoning Ordinance to erect a reasonably sized building in the ‘improved area’ of the site. The proposed location of the accessory building will not adversely affect the surrounding properties.

It is recommended that the subject variance request be approved.



ZONING BOARD OF APPEALS APPLICATION
(ZONING VARIANCE OR ADMINISTRATIVE APPEAL)

1. Applicant Information:

Name: Michael Veldstra

Address: 46 Deer Run Dr. Ada, MI

Phone Number: 209-480-0402 Email: michaeldavidveldstra@gmail.com

2. OWNER (if different than above):

Name: Michael + Hannah Veldstra

Address: _____

Phone Number: _____ Email: _____

3. DESCRIPTION OF VARIANCE OR APPEAL REQUEST:

Requesting a variance on the 50 ft setback requirement for new structures. Due to the odd nature of the property lines and the fact that the part of my neighbors parcel cannot be built on as it is only 50 ft and is on a considerable slope. Also due to the size of the proposed building the 50 ft requirement would cause the building to be in a side of a hill. Therefore I am requesting a that I can go to 20 ft.

4. PERMANENT PARCEL NUMBER: 4 1 - 1 5 - 2 7 - 1 7 6 - 0 3 5

5. PROPERTY ADDRESS: 46 Deer Run Dr. NE

6. ZONING DISTRICT: P-1A

7. ATTACH:

A. AN ACCURATE SITE PLAN OF THE PROPERTY, DRAWN TO A STANDARD ENGINEERING 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.

APPLICANT'S SIGNATURE: _____

DATE: 2/14/2020

OWNER'S SIGNATURE: _____

DATE: _____

(If different than applicant)

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 one (1) month prior to the regularly scheduled Zoning Board of Appeals meeting. **Regular meetings of the Zoning Board of Appeals are generally held on the first (1st) Tuesday of each month at 4:30 p.m.**
- b) Notices of the hearing will be given at least 15 days prior to the hearing to the applicant and to all property owners and occupants 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 affect 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:

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.

Please note that the verbiage of the above stated conditions is generally abbreviated due to redundancy when reviewed by Staff and the Board.

APPLICATION FEE: **RESIDENTIAL USE:** \$100.00 **NON-RESIDENTIAL USE:** \$300.00

TO BE COMPLETED BY THE ADA TOWNSHIP PLANNING DEPARTMENT

Application received: 01/23/20 by: _____
(date)

Application fee of \$ 100.00 received: 01/23/20 by: GO Check No: 106
(date)

Receipt No: 286498

Updated 05/30/19

Narrative:

I am requesting a variance to Section 78-20-(a)-(2)-(a) – “The accessory building is located a minimum of 50 feet from any lot line”.

- 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.
- **The building cannot be located “behind” or east of the home due to the location of the septic tanks and septic field.**
 - **The area north of the driveway and west of the northern neighbors was not chosen due to the swampy nature of the land and the lack of mature privacy trees from the said neighbor.**
 - **The area south of the current proposed location was not considered due to the need to remove many more mature trees and require significantly more excavation causing significant changes to the property and removal of vegetation.**
 - **A 50 ft. set back would push the building into a hill causing more excavation, removal of trees, and a retaining wall. The current location was chosen based on flat topography, minimal need of removal of trees, and the amount of mature vegetation between it and the road, which provides privacy. We are requesting that that the 50 ft. setback be reduced to 20 ft. for the one property line just south of the residence (See site plan).**
- 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.
- **Due to location of this building and shape of the adjoining property, the spirit of the ordinance is still observed as this is the most “remote” location from all other property lines and neighbors and no other building can be built within a reasonable amount of distance on any adjoining property.**
- 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.
- **We are requesting a variance from the current 50 ft. requirement to be reduced to 20 ft. from the one property line just south of the residence (See site plan).**

Viewer Map

February 12, 202



0 100 200 400 ft





Schaff Design, LLC
7180 Thornapple River Dr SE Ada MI 49301
TEL (616) 780-1411
zack.schaff@gmail.com

The Veldstra Barn
46 Deer Run Dr NE
Ada, MI

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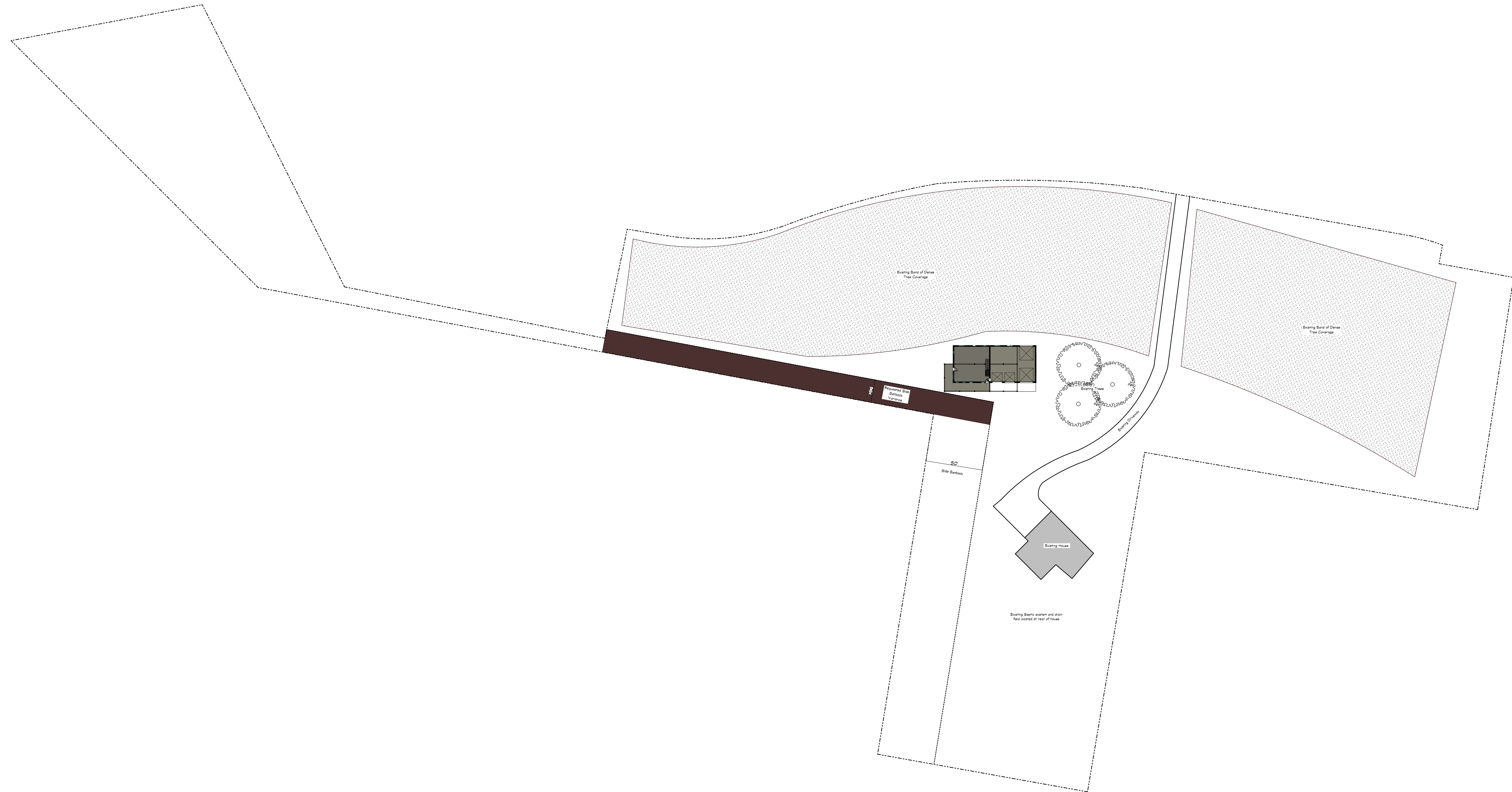
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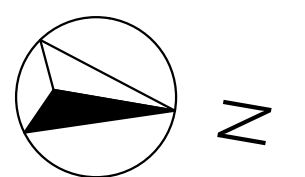
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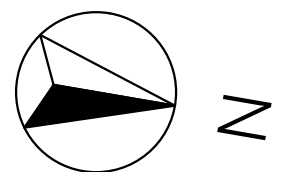
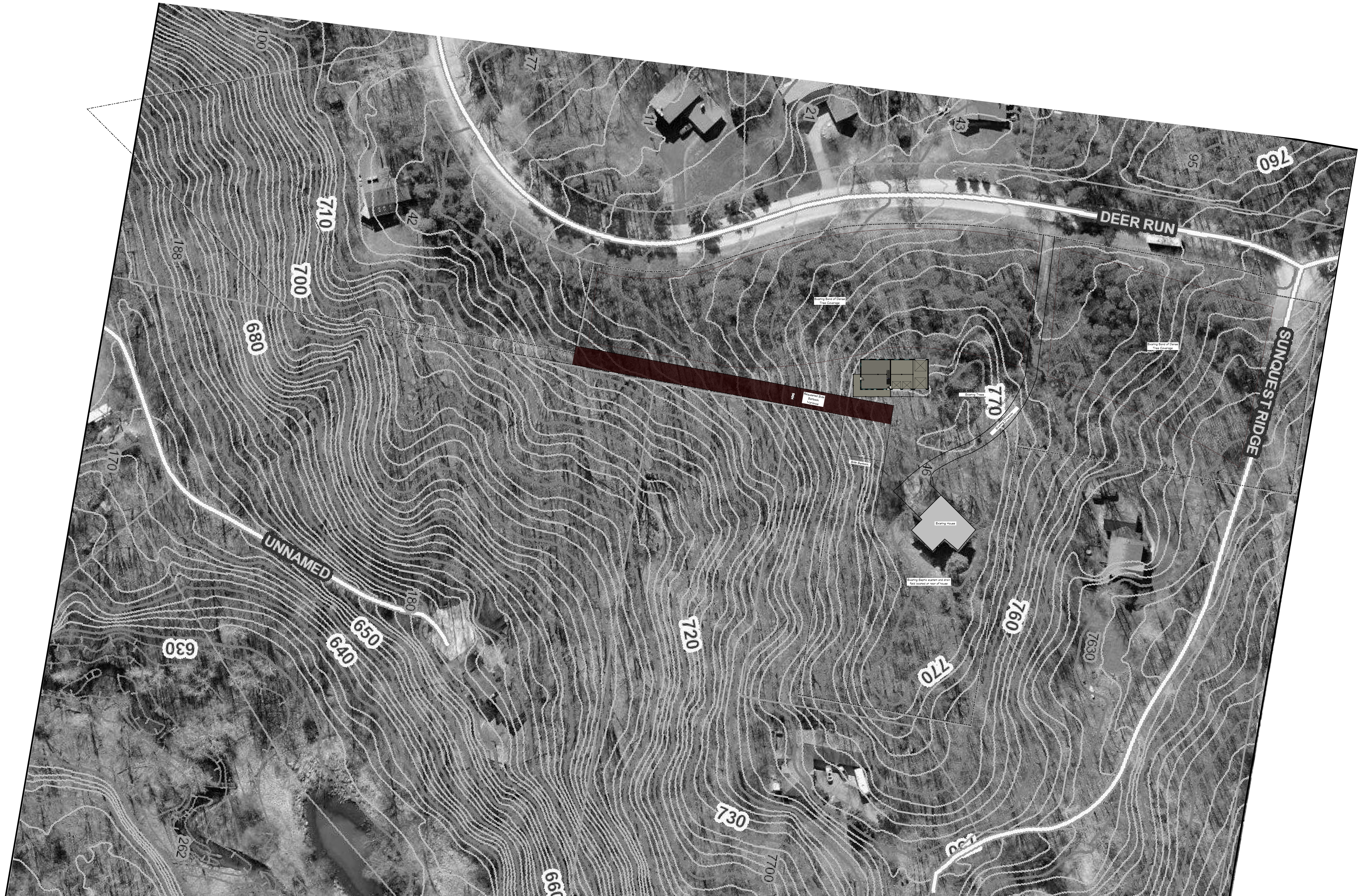


1 Site Plan

SCALE: 1" = 50'



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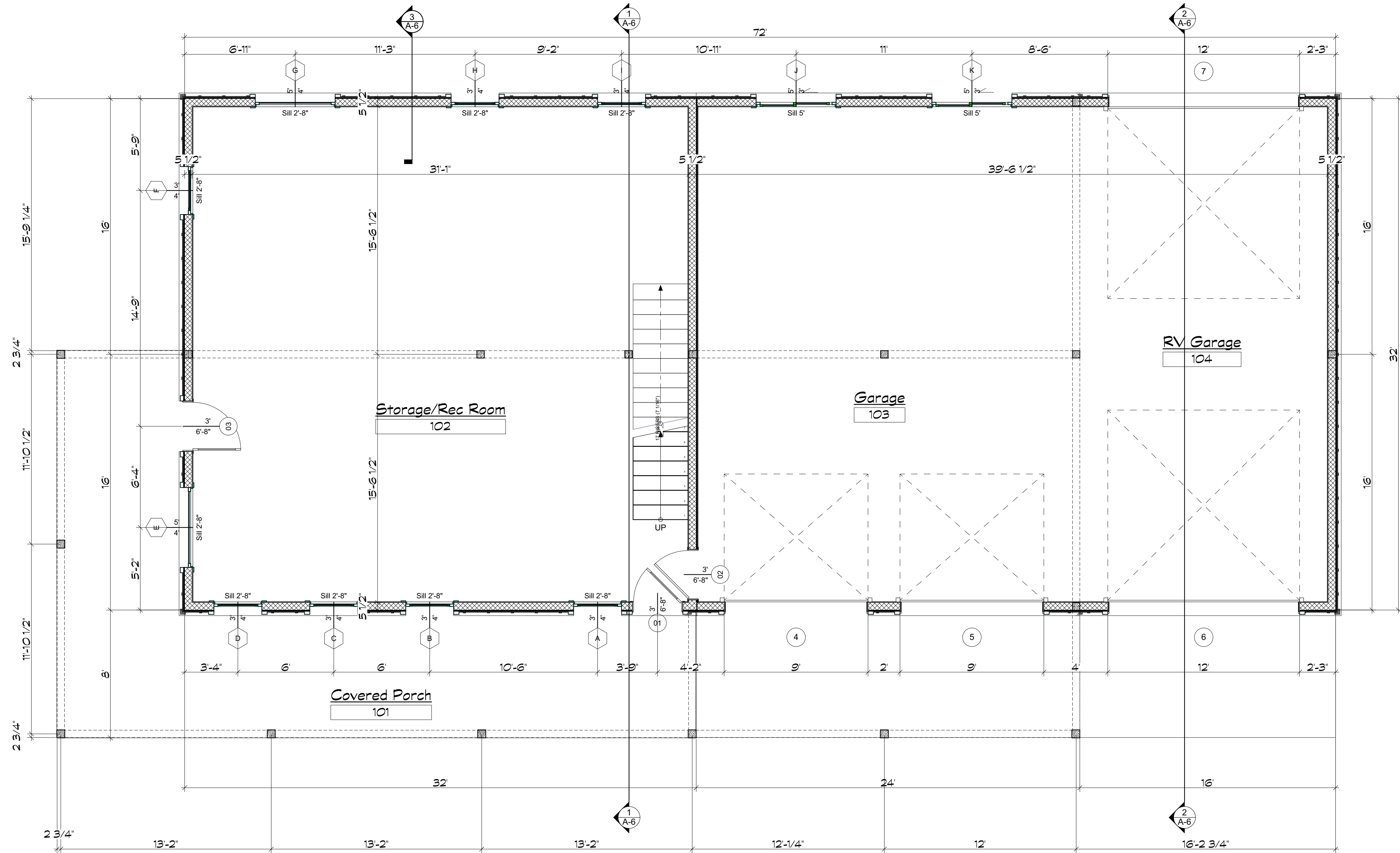




Schaff Design, LLC
7180 Thompkins River Dr SE Ada MI 49301
TEL: (616) 780-1411
zschaff@gmail.com

The Proposed Plans For
The Veldstra Barn
46 Deer Run Dr NE
Ada, MI

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The Proposed Plans For
The Veldstra Barn
46 Deer Run Dr NE
Ada, MI

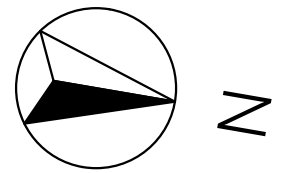
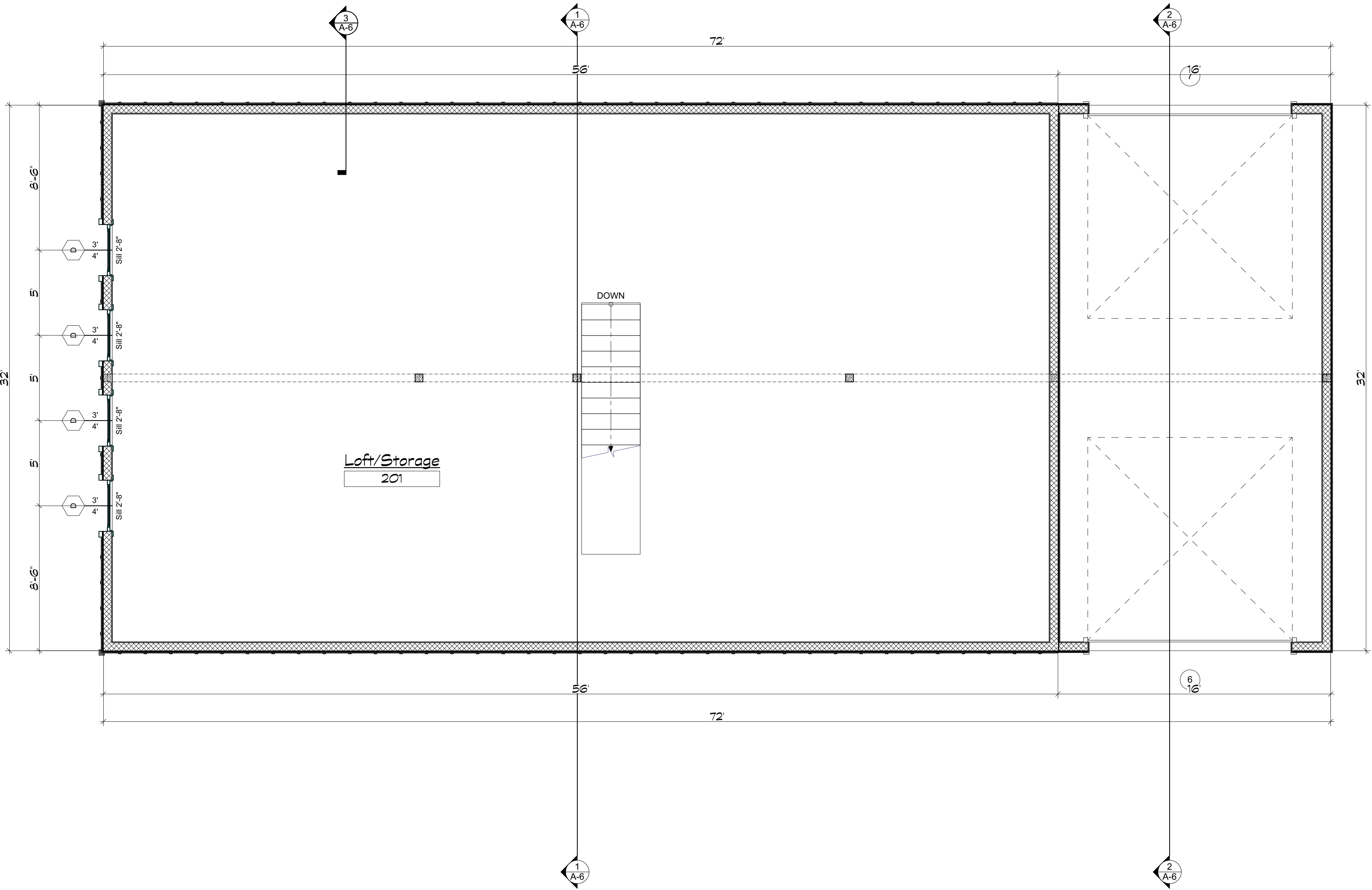
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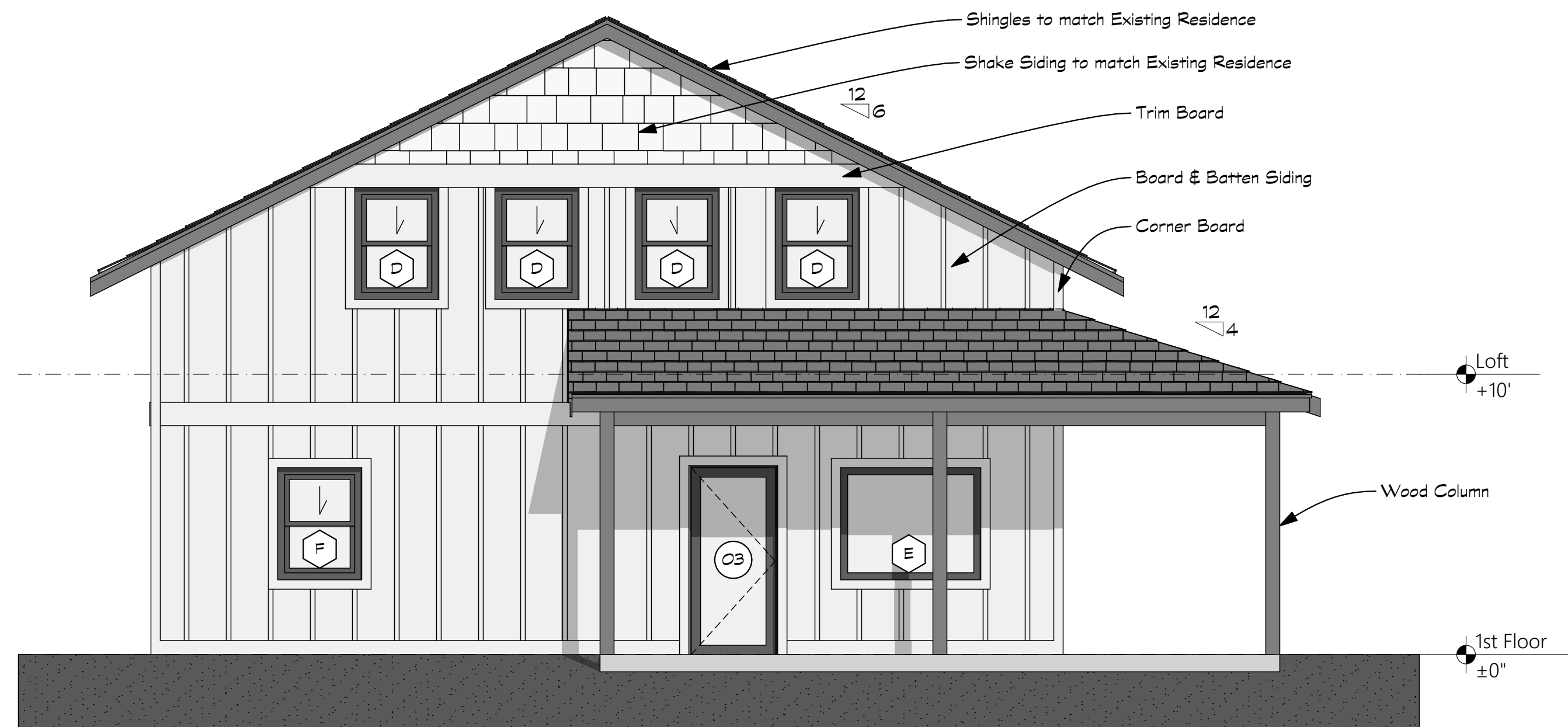
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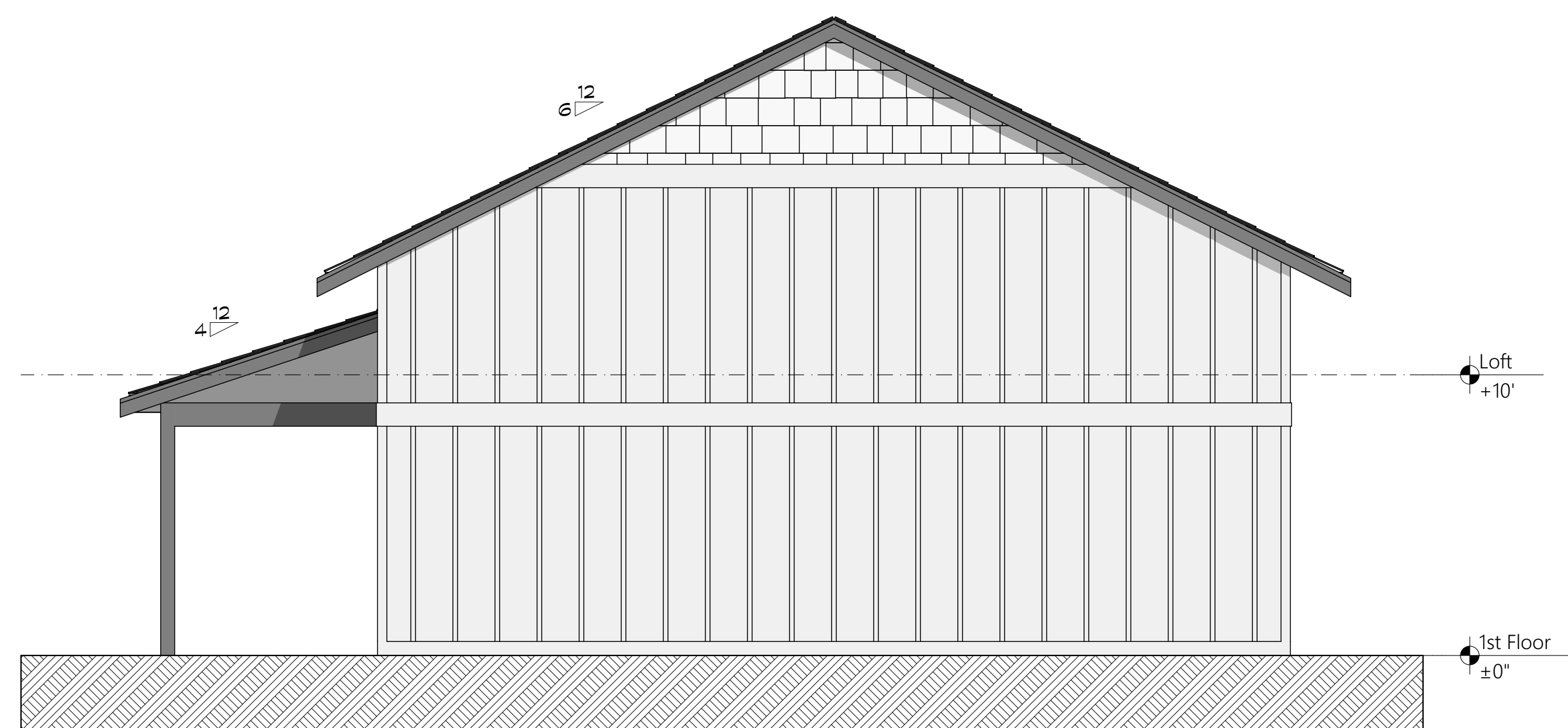




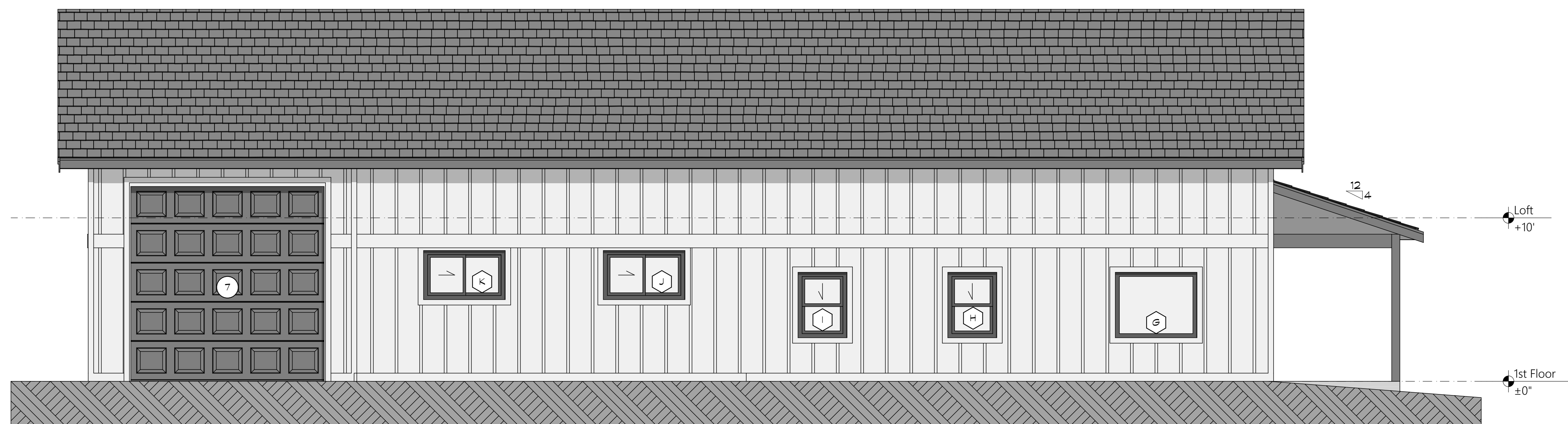
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SCALE: 1/4" = 1'-0"



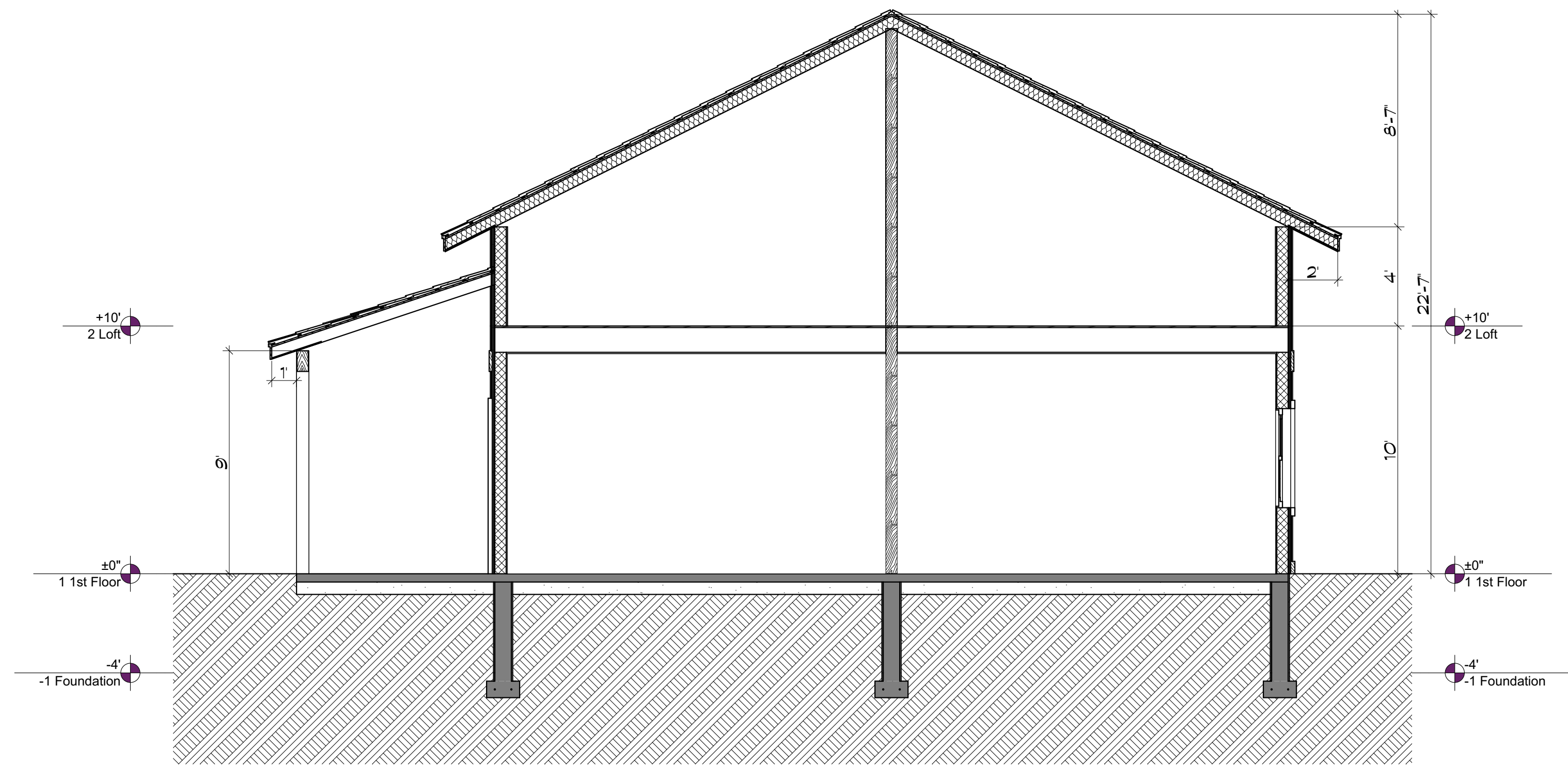
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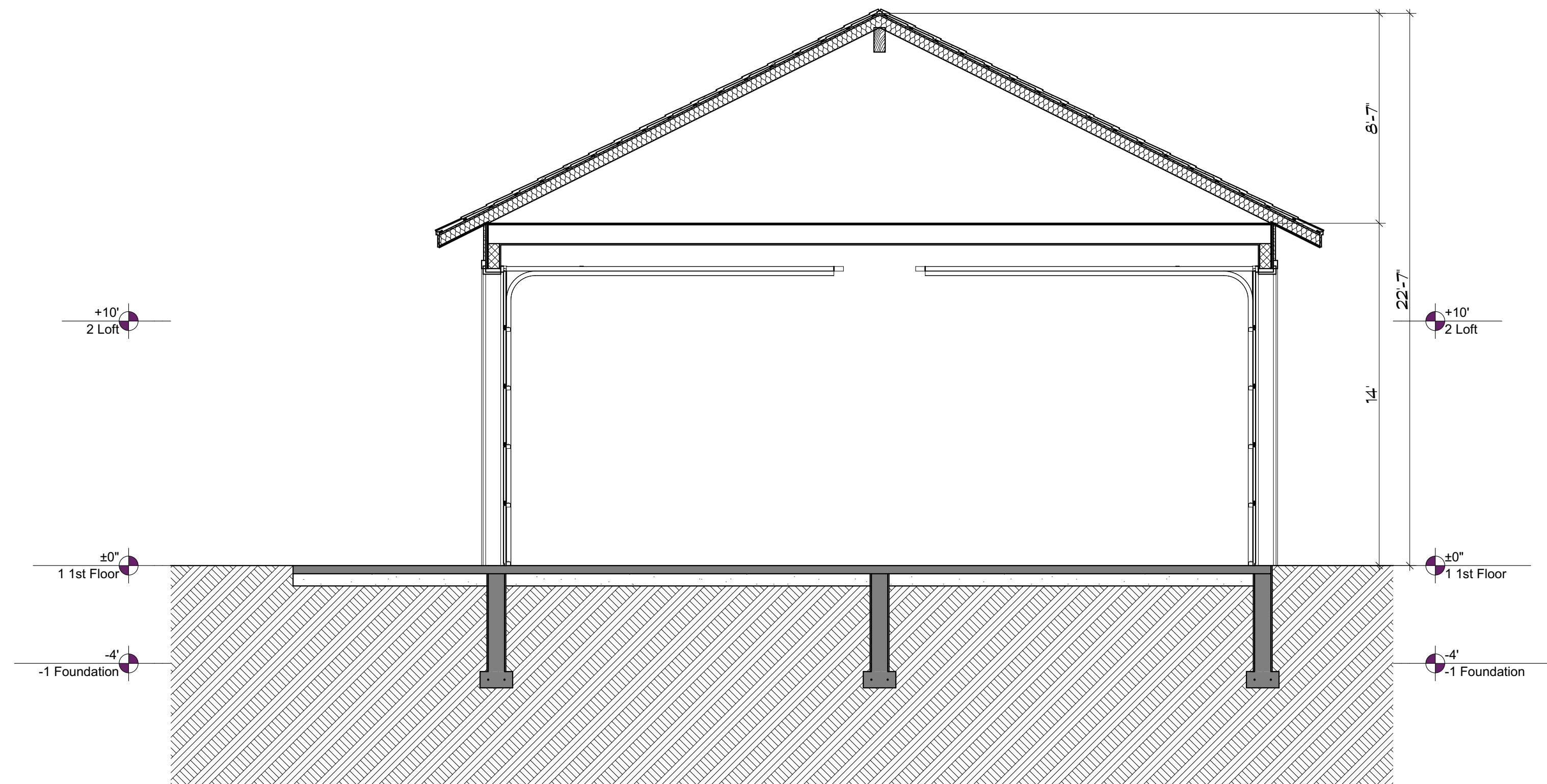
3 Right Elevation
SCALE: 1/4" = 1'-0"



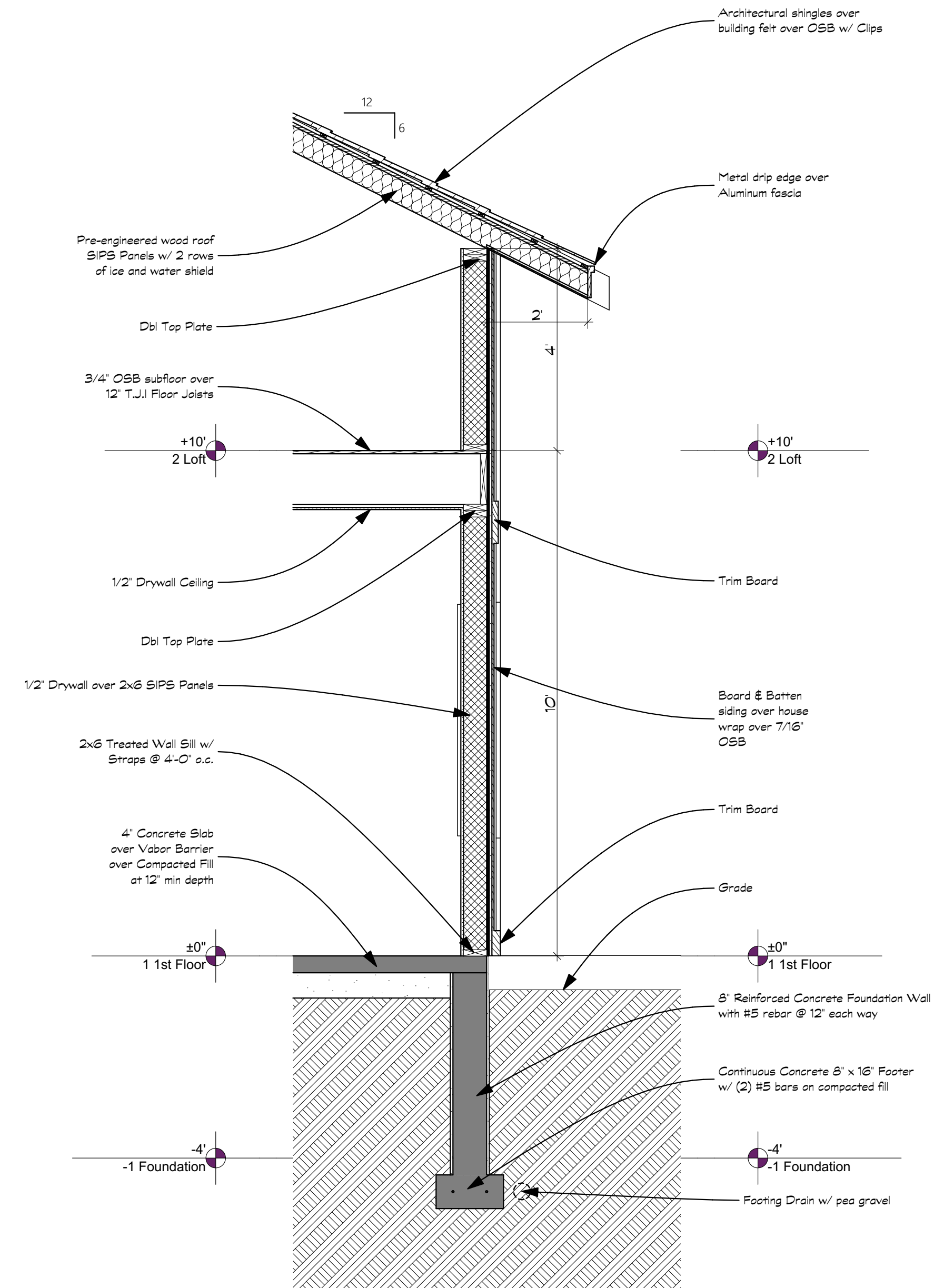
4 Rear Elevation
SCALE: 1/4" = 1'-0"



1 SECTION
SCALE: 1/4" = 1'-0"



2 SECTION
SCALE: 1/4" = 1'-0"



3 TYP. WALL SECTION
SCALE: 1/2" = 1'-0"

Brent Bajdek

From: Michael Veldstra <michaeldavidveldstra@gmail.com>
Sent: Wednesday, February 26, 2020 1:43 PM
To: Brent Bajdek
Subject: Fwd: Variance Request

Michael Veldstra

----- Forwarded message -----

From: Kevin and Angie Morris <lockmor@comcast.net>
Date: Wed, Feb 26, 2020, 1:09 PM
Subject: Re: Variance Request
To: Michael Veldstra <michaeldavidveldstra@gmail.com>

Thank you Micheal for providing this additional information. Given the current plans we have no issues with the variance. We will send a retraction to the township office. In our letter, we provided a snap shot of the property and where we assumed the barn location would be in correlation of our house. Obviously that wasn't the correct location, the township should have realized that. I wish they would have included additional details with their letter to display where the barn would be placed to limit confusion like we had.

Appreciate the call. Looks like an awesome addition to your property!!

Angie and Kevin

Sent from my iPhone

> On Feb 26, 2020, at 12:28 PM, Michael Veldstra <michaeldavidveldstra@gmail.com> wrote:
>
>
> Kevin & Angie,
>
> The township just notified me that you had sent a letter of opposition to the variance request.
>
> I was curious as to why? This new barn is going to be in FRONT of my property and not behind and will substantially match my house. In fact, I can't place a barn behind the house because of the location of my septic tank and field.
>
> I have attached the location of the Barn to this email. As you can see I am just asking for a variance to reduce the 50 ft set back to 20ft just for the weird little sliver of land that wraps around mine....the main reason for this is so that I don't have to excavate too much of a hill and cut more trees down to meet the 50 ft setback.
>
> If you wouldn't mind giving me a call or stopping by this evening to discuss that would be great. I don't want to upset any neighbors (this is also why I chose the location I did as it is the farthest from any neighbors.
>
> Michael Veldstra

> Phone: 209-480-0402

> <Veldstra Barn Variance Set Revised.pdf>

2/21/2020

RE: Request by parcel number 41-15-27-176-035 for variance

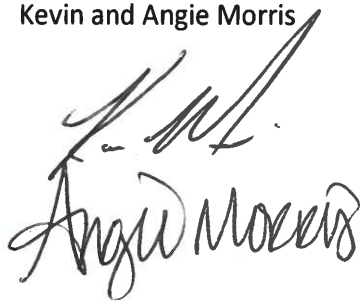
To whom it may concern:

I am writing from parcel number 41-15-27-200-042 located at 7700 Sunquest Ridge NE. The purpose of this letter is to voice my concerns over the request for variance, and ask that the board of appeals deny the request made. As you can see from the enclosures, the request to put a 2300 square foot building 20 feet from the property line vs the required 50 feet will not impact the owner of the property line due to the way the properties are divided. There is a 10 foot strip of property from 7630 that runs between my property and the property of the requestor. Due to this, a building built 20 feet within the property line will directly impact me. As I look out my kitchen windows today, I see a heavily wooded backdrop with a house (46 deer run) far in the distance. If this building is to be built 20 feet from the existing property line, my view will now be the back of a large outbuilding, significantly reducing the charm of being surrounding by a natural backdrop.

I respectfully request that the 50 foot min requirement be enforced as I see no reason to waive it based on what I stated above as well as the fact that the requestor has plenty of area on his property to place the outbuilding without infringing on others. Placing it within 20 feet of the property line will put this building approximately 40 feet from my home which I feel is too close.

Sincerely,

Kevin and Angie Morris

A handwritten signature in cursive script, appearing to read "Angie Morris". The signature is written in dark ink and is positioned below the typed name "Angie Morris".



Brent Bajdek

From: Romkema, Steve <sromkema@fishbeck.com> - 7630 Sunquest Ridge Dr NE
Sent: Friday, February 14, 2020 9:15 AM
To: Michael Veldstra
Cc: Brent Bajdek
Subject: Re: 46 Deer Run Variance Request

Mike/Brent

With the understanding the variance only applies to this project and that location on our property, both Andria and I are in support of reducing the setback to 20'-0" (twenty feet).

Thanks

Steve Romkema | Design Architect
Fishbeck | w: [616.464.3864](tel:616.464.3864) | c: [269.921.1837](tel:269.921.1837) | Fishbeck.com

** For your reference, my email and company name have changed. **

On Feb 14, 2020, at 9:04 AM, Michael Veldstra <michaeldavidveldstra@gmail.com> wrote:

Steve,

It was greeting talking with you last night and as I mentioned if you wouldn't mind replying all to this email stating that we talked and you are OK with a 20 ft variance as it relates to the "weird sliver" of your property that would be greatly appreciated. (I have also attached a pdf of the site plan that I provided last night).

I have cc'd Brent at the township so he can have a record of you showing your support.

Thanks!

Michael Veldstra
Phone: 209-480-0402



Veldstra Barn Variance Site Plan.pdf