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**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES
TUESDAY JANUARY 9, 2007, 4:30 P.M.
ADA TOWNSHIP OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

MEMBERS PRESENT: Korth, Hartley, Pratt, Boman. (Co-Chair Fields arrived at 4:33 pm)

STAFF PRESENT: Kushion and Thompson

COMMUNITY PRESENT: 1

ABSENT: None

I. CALL MEETING TO ORDER-4:30 PM

II. APPROVAL OF AGENDA-Moved by Member Korth, supported by Member Hartley. Yes: 4
No: 0 Absent: 1 Motion Carried.

III. APPROVAL OF THE DECEMBER 5th, ZBA MEETING MINUTES-Moved by Member
Hartley, supported by Member Korth. Yes: 4 No: 0 Absent: 1 Motion Carried.

Co-Chair Fields arrived at 4:33 PM

IV. APPROVAL OF 2006/2007 FISCAL YEAR ZBA MEETING DATES-Moved by Member
Korth, supported by Co-Chair Fields. Yes: 5 No: 0 Motion Carried.

V. OLD BUSINESS-None

VI. NEW BUSINESS

1. Request for Variance from Stable Building setbacks to allow a Stable Building to be 79 feet from the property line instead of the required 150 feet, Tom Rinks, 5530 Michigan St., 41-15-19-200-034

The applicant is present for the variance. Mr. Rinks stated he bought the property five years and it was divided for three houses. At that time he had plans to build a home and a new barn. Mr. Rinks stated a year ago, Mr. Tom Green, another resident, called and wanted to build a 6,000 ft pole barn and he was approved by the Zoning Board of Appeals. Mr. Rinks built a house a year ago and knew at that time he was going to build a barn. When he asked about the barn size and mentioned the livestock he planned on having, he was told by builder and developer he did not need a permit and there was no size restriction. He now has had problems with the DEQ and water run

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off. He stated they have put over 10 ft. tall trees in and have spent over \$300,000 dollars with Rooks Landscaping to improve the property. Mr. Rinks stated he is not reckless and he does care about the surroundings of the property.

Zoning Administrator Kushion stated both he and Planning Director Ferro have walked the property. He stated if approved at Planning Commission level it will need a permit, but if not approved it will need to be torn down.

Open to public comment.

Rob Cummings stated he owns property to the east and south of this property and the barn is a pretty addition and he is not opposed to the barn being built.

Betty Jo Crosby, 411 Grand River Dr. stated she lives south and east of the property. She stated there was a stream going thru the property and wondered when the drive went in was there permits sought through the DEQ for access. She realized there were problems with the wetlands and people tend to take the position they will change the site to fit their building plan. She feels there should be the slightest amount of damage in any case in making adjustments with what they had originally. She stated people should come to the township and inquire about the ordinances and specifications regarding their property before they build. She asked the board to think about this on a broad basis and not just on this specific situation.

Rob Cummings stated the stream is on the north side of the property and he previously owned the property.

Closed to public comment.

Open to Board discussion.

Chairman Boman stated on record there is communication from John and Louise Hoekstra, 5401 Michigan NE, Ada, indicating they would oppose the variance but upon further consideration they are rescinding their position with a new letter stating they are now in favor.

Chairman Boman stated on record the Zoning Board of Appeals received from Lawrence Bos, Sr. communication regarding this request and asked that the Zoning Board of Appeals address the issue as to what can and cannot be done.

Member Korth asked Zoning Administrator Kushion if this was within a normal request for zoning and does it meet the setback. Zoning Administrator Kushion stated the building will have some use of animals and the code of the township will hold to the animals being present.

Chairman Boman stated he has difficulty with the request as it was a pretty simple question to ask the township before building the structure. He stated to construct without asking the township is unfortunate and also without recognizing that builders do not have the authority to tell people to go ahead and build.

Co-Chair Fields stated it was easy enough to find the answers, and it should have been brought to the Zoning Board of Appeals, but will agree there should be further conditions on the property, and the parcel be limited to a one house structure.

Zoning Administrator Kushion stated there is not room to pasture horses.

Member Hartley agreed with Co-Chair Fields.

Co Chair Fields moved to support with three (3) conditions:

1. Must go before the Planning Commission for a special use permit.
2. Apply to Ada Township for a building permit.
3. Restrict this parcel to one residence.

Supported by Pratt. Then Member Korth stated the Planning Commission can authorize the setback and the Zoning Board of Appeals shouldn't move on this issue and is not sure if this is the proper procedure. He felt the hardship was self created.

Co-Chair Fields withdrew his motion pending determination of the Planning Commission. Member Pratt withdrew her support. New motion by Co-Chair Fields to table the variance request pending determination of the Planning Commission, supported by Member Pratt Yes: 5 No: 0 Motion Carried

VII. CORRESPONDENCE-in record under new business.

VIII. PUBLIC COMMENT-None

IX. ADJOURNMENT-Moved by Co-Chair Fields, supported by Member Hartley. Yes: 5 No: 0 Motion carried. Meeting Adjourned at 5:05 pm.

Deborah Ensing Millhuff, CMC
Ada Township Clerk

**All Correspondence regarding variance requests are on file in the Planning and Zoning Department*

RS/DT