



**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES
TUESDAY FEBRUARY 4, 2014, 4:30 P.M.
ADA TOWNSHIP OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

MEMBERS PRESENT: Lowry, Hartley, Boman, Burton, Dixon

STAFF PRESENT: Kushion and Thompson

COMMUNITY PRESENT: 5

ABSENT: None

I. CALL MEETING TO ORDER-4:30 pm

II. APPROVAL OF AGENDA-Moved by Member Dixon and supported by Member Lowry
Yes: 5 No: 0 Absent: 0 Motion Carried

III. APPROVAL OF THE DECEMBER 3, 2013 MEETING MINUTES. Moved by Member Burton and supported by Member Hartley with the amended date of January 7, 2014. Yes: 5 No: 0 Absent: 0 Motion Carried

IV. OLD BUSINESS-None

V. NEW BUSINESS-

- 1. Request for Variance from Private Road Standards to allow a Private Road to serve 29 homes, more than the allowed 20 on a cul-de-sac with one point of connection to a public road, Scott Lancaster, 6838 Skyevale Ct., 41-15-21-205-015.**

Member Dixon excused himself from the agenda item, stating that he had a conflict of interest. Scott Lancaster, 6838 Skyevale Ct, presented the request to the board. Mr. Lancaster stated he would like to access Skyevale Drive for his proposed parcel which requires a variance because too many homes access off a Private Road with only one access to a public street. He stated that talks with the Planning Director alerted him of this, and that he was not legally non-conforming.

Open to Public Comment

Mark Zylstra, 1436 Cramton, stated he owns two homes/lots on Skyevale. He stated that he has concerns about the lot being outside of Skyevale and not being responsible for paying Skyevale dues. He stated that he thought there wasn't enough justification for the variance.

Closed to Public Comment

The Chairman opened Board Discussion.

Chairman Boman questioned how involved the Zoning Board of Appeals should be when it came to the associated association and its dues and rules, he felt that the board should rule on the variance at hand.

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Planning Director Ferro stated our private road standards state all properties share in the costs of upkeep of the roads. Ferro stated that our Zoning rules don't have jurisdiction over what fees the applicant would be responsible for towards the association.

Chairman Boman stated he is concerned the association is responsible for some of the cost. Ferro stated he has asked for legal counsel regarding this and discuss it at the Planning Commission level.

Additional Comments

Mr. Lancaster stated they would be responsible for association dues.

Mr. Zylstra stated they have had a preexisting easement and the applicant has politely declined as being a dues payors. This is a periodic expense. He is not in favor of the request.

Chairman Boman recapped the issues regarding assessments which would not be a ZBA matter. Chairman Boman stated ~~there is physical practical difficulty in this case.~~ **the alternative access points would pose an undue hardship and practical difficulty to implement due to the physical characteristics of the property.**

Motion by Chairman Boman, supported by Member Lowry to approve the variance with the following conditions:

1. The applicant must receive site plan approval from the Planning Commission for the proposed land division.
2. Before a building permit is issued, the applicant must provide the Ada Township Fire Chief with a site plan showing distance marker posts as well as a fire truck turn around on the proposed parcel.

Yes: 4 No: 0 Abstained: 1 Motion Carried.

2. **Approval of ZBA Board Meeting dates-2014-2015.** Moved by Member Burton to approve the ZBA Board Meeting dates with a change in April's date from April 8th to April 1st, 2014, supported by Member Hartley. Yes: 5, No: 0, Absent: 0. Motion Carried.
3. **Presentation from Paul LeBlanc of LSL Planning regarding Zoning Board of Appeals rules and procedure.**

Paul LeBlanc shared a presentation on "Zoning Board of Appeals Rules and Regulations" to the Zoning Board of Appeals board members.

VI. PUBLIC COMMENT-None

VII. CORRESPONDENCE- None

VIII. ADJOURNMENT-Member Hartley left at 6:00 p.m., Motion to adjourn at 6:38 pm Moved by Member Dixon and supported by Member Lowry. Yes: 4 No: 0 Absent: 1 Motion carried.

Susan Burton, CMC
Ada Township Clerk

Date

RS/DT