



**ADA TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES  
TUESDAY MAY 13, 2014, 4:30 P.M.  
ADA TOWNSHIP OFFICES  
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

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

**STAFF PRESENT:** Kushion and Ferro

**COMMUNITY PRESENT:** 5

**ABSENT:** Burton

**I. CALL MEETING TO ORDER-4:35 pm**

**II. APPROVAL OF AGENDA-**Moved by Member Lowry and supported by Member Dixon  
Yes: 4 No: 0 Absent: 1 Motion Carried

**III. APPROVAL OF THE APRIL 1, 2014 MEETING MINUTES.** Moved by Member Dixon and supported by Member Hartley. Yes: 4 No: 0 Absent: 1 Motion Carried

**IV. OLD BUSINESS-**None

**V. NEW BUSINESS-**

**1. Request for Use Variance to allow a commercial landscape company to operate in the RP-1 Zoning District, Woods Landscaping, 9599 Fulton St., 41-19-01-400-060.**

Ken Remijn, owner of Woods Landscaping, presented the case to the board. He stated that he intended to use the property the same as BJ Roark and company had used it in the past for landscaping and lawn mowing.

Chairman Boman asked about commercial sales on the property. Remijn replied that it was his goal to sell mulch, stone and other landscape items on the property, much like Roark's.

Hartley asked the applicant if he was familiar with Roark's operation and he stated he was.

Dixon asked about the current condition of the property. Remijn replied that it needed a few months of work to clean it up and that his goal was to have an attractive property.

Lowry inquired about the semi loads and stated that it would be a great location for Mr. Remijn's proposed business. Remijn agreed that the property would be a perfect location.

The chairman opened Public Comment.

Al Mathews, 9541 Fulton Street, stated that his family owned Tip Top Gravel to the east and he lived in the house on the west side of the property, which was originally Bruce Roark's home.

Mr. Mathews stated that he was disappointed that the applicant didn't contact him first about his opinion of the request. He has no issue with the proposed use as a co-owner of Tip Top Gravel, but as a homeowner to the west, he would like to see a fence or some screening installed.

Jim Ferro, Planning Director, asked if the salt would be covered to prevent run off.

Mr. Remijn stated that he would keep the area tidy and vehicles and stockpiles would be kept orderly on the property. He stated that most vehicles leave in the morning and don't come back until late afternoon. He stated that the salt storage would be covered.

Closed to Public comment.

Opened to Board discussion

Boman and Hartley stated that the property could not be used as a residence and that the use fit the property.

Motion by Dixon to approve the variance with the following conditions-

1. Retail sales shall be limited to items associated with outdoor landscaping such as mulch, topsoil, fertilizer, trees, shrubs, flowers, etc.
2. Salt shall be stored in an enclosed building.

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

## **2. Request for interpretation of PUD zoning rules by the Planning Director.**

Jim Ferro, Planning Director, outlined the request regarding considering Darby Farms phase 1 and 2 as one development.

Boman inquired about the issue of density and that he felt like there were more issues at hand regarding the PUD rules. He also asked if a traffic impact study had been completed.

Ferro stated that although they are two separate zoning approvals, he feels that they should be considered one development. Boman asked Ferro if there was any public notice sent out, Ferro replied that no public notice was given but that the condo association was notified.

Opened to public comment.

Chad Cassidy, owner of Lot 44 in Darby Farms stated that he has lived in Darby Farms for 10 years and has approval from the Darby Farms association. He stated that he believes it should be considered one development.

Closed to public comment.

Opened to board discussion.

Boman stated that he feels that the ZBA may not be a proper venue for this request, he believes it may be an issue for the Planning Commission.

Hartley also stated that he believed it should be taken up by the Planning Commission.

Lowry stated that he believes it's a matter to be forwarded to Township legal counsel.

Dixon stated that he didn't have any issue with the request and thinks taking it to the Planning Commission would result in a lot of lost time, but feels it may be the best way to go because he is worried about degrading the zoning code.

The board discussed the option of sending the request to legal counsel. Boman stated that he felt a PUD amendment at the Planning Commission may be the best course of action.

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Todd Hendricks from Rhoades McKee spoke on the issue. He stated that he felt purpose and intent would be achieved if the 2 phases were considered one development.

Boman stated that we could consider the “purpose and intent” of the 2 PUD’s, as one development allowing for 44 lots.

Dixon stated that this was a unique circumstance.

Moved by Dixon to recommend a staff level approval, treating the two adjacent PUD’s as a single development allowing a maximum of 44 units, allowing the administrative approval of the division of Unit 44 into 2 units. Seconded by Hartley. Yes: 4 No:0 Absent:1 Motion carried.

**VI. PUBLIC COMMENT-None**

**VII. CORRESPONDENCE- None**

**VIII. ADJOURNMENT-** Motion to adjourn at 5:35 pm by Member Dixon and supported by Member Hartley. Yes: 4 No: 0 Absent: 1 Motion carried.

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Susan Burton, CMC  
Ada Township Clerk

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Date

**RS/DT**