



**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES
TUESDAY JULY 11, 2006, 4:30 P.M.
ADA TOWNSHIP OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

MEMBERS PRESENT: Korth, Boman, Pratt, and Fields

STAFF PRESENT: Kushion, Thompson, and Ferro. Attorney Sperla is present.

COMMUNITY PRESENT: 7

ABSENT: Jack Hartley

I. CALL MEETING TO ORDER-4:30 PM

II. APPROVAL OF AGENDA-Chairman Boman stated there was an amended agenda. Moved by Member Pratt, supported by Member Korth . Yes: 4 No: 0 Absent: Member Hartley

III. APPROVAL OF THE MAY 2ND, MAY 12TH, and JUNE 8TH 2006 MEETING MINUTES: Moved by Member Korth to postpone approval of all minutes on today's agenda until after new business, supported by Member Pratt. Yes: 4 No: 0 Absent: Member Hartley

IV. OLD BUSINESS – None

V. NEW BUSINESS

- 1. Request for Variance from Accessory Building Setbacks in the VR zoning district to allow a vertical addition on an accessory building that is only 8 feet from the rear property line and 13 feet from the side property line instead of the required 20 feet, Shannon Reincke, 7213 Bronson SE, 41-15-34-103-026.**

Shannon Reincke is present for the variance request. The applicant stated a need for the existing accessory building to be used for more living space with improvements and would be adding onto the existing building for a private home office use.

Open to public comment.

Closed to public comment

Open to board discussion.

Member Pratt stated she had looked at the property and how it would affect the houses along Thornapple River Dr then asked Zoning Administrator Kushion if he had received any correspondence from any of the neighbors. Zoning Administrator Kushion stated there were no phone calls, letters or e-mails received.

Moved by Co-Chair Fields to approve the request, supported by Member Korth Yes: 3 No: 1 Motion Carried.

2. Request for Extension of a Variance from Accessory Building Standards in the Ag Zoning district to allow an Accessory building to remain on a parcel without a Single Family Home, Steve Saunders, 777 McCabe Ave., 41-15-24-300-064.

Steve Saunders, 9245 Conservation is present for the variance. Mr. Saunders stated he is asking for an extension of a variance as their home did not sell as soon as they predicted. They built a pole barn and are currently using an existing building to store furniture and the barn is used to house their animals. Mr. Saunders stated they thought they had the house sold, so they had to house the animals and then the deal on the house fell through.

Opened to public comment.

Closed to public comment.

Opened to Board Discussion

Member Korth asked Chairman Boman to refer to the two correspondences that were received from Walter Vander Wulp, who stated he does not have problem with another extension but would prefer no other storage or cars and no other outbuildings be built and Harold Koltrow, who is concerned with the appearance and usage of the land.

Member Korth stated he did not have a problem with the extension yet did not like the appearance of the property and would like to see improvements made.

Planning Director Ferro asked Zoning Administrator Kushion to enforce action on the new building and removal of the building.

Chairman Boman stated a request from the applicant was not available for maintaining the building.

Zoning Administrator Kushion stated Mr. Vander Wulp “doesn’t want to see any items outside the building” and stated the car that was there was removed two days after he spoke to Mr. Saunders. Currently there are household items and furniture in the building and Mr. Saunders stated there were “no related business items” in storage.

Moved by Chairman Boman to recommend the conditions:

1. Permit to be issued before July 2007
2. The property not be used and should be locked up immediately.
3. No activity should be going on until such time as an active building permit is in place to have a house built on it. (It was noted the permit had expired.)
4. The second accessory building should be removed.

Moved by Member Korth to have the building locked up and no activity, supported by Co-Chair Fields. and to amend the motion to passive storage within the building until further notice. Yes: 4 No: 0 Absent: 1 Motion Carried

3. Request for Variance from Sign Standards in the C-2 Zoning District to allow a wall sign of 42 square feet, in excess of the allowed 24 sq. ft., Kim Gilpin from Fast Signs, 5200 Cascade Rd., 41-15-31-376-007

Kim Gilpin from Fast Signs is present for the applicants, Founders Trust. Mr. Gilpin stated a new design would not fit in where the current signage is and allowing 42 square feet to the side of the building for new signs would be needed so it can be recognizable from Cascade Road.

Open to public comment.

Closed to public comment.

Open to board discussion.

Member Korth asked Planning Director Ferro when the sign standards changed and Mr. Ferro stated he couldn't recall but could look it up.

Moved by Member Korth to approve if limit the size of the sign subject on the condition should multi-tenants come into the building in the future this sign would be reduced as necessary to standards in effect at such time, supported by Member Pratt. Yes: 4 No: 0 Motion Carried.

Chairman Boman suggested approving the minutes from the last four (4) meetings. Before Board discussion Chairman Boman allowed comments from the floor.

Attorney Telman stated the minutes of the three (3) seemed different and might have been drafted or edited by Planning Director Ferro and not staff. Attorney Telman felt "this was interference and the minutes should be put together in a non-bias matter." Attorney Telman stated "if this was done, he requested the Zoning Board of Appeals ask Mr. Ferro if this was the process."

(Co-Chair Fields requested "The record reflects Fields rolled his eyes.")

In regards to the minutes, Mr. Telman stated the first set of minutes were from the May 2, 2006 meeting stating he modified the minutes to change the spelling of his name., then on Page 1, it stated what his objection was and the minutes weren't clear in regards to that matter.

Mr. Telman regards to page two (2) there were references to that document Exhibit 25 in the 3 ring binder and he inserted the quote as it is read in the ordinance. Further down "Contracting was the original wording and conducting a concrete crushing business." Reference to moving concrete and that the scale, scale-house and office could be moved down to the Marshal center. The next change in reference to Reith Riley, Mr. Wall was aware of the petitioner's concrete recycling operation.

Mr. Telman stated further down the paragraph indicated in Exhibit 15 for clarification and Exhibit 17 wasn't very clear what the approval was.

Next paragraphs said "Letters" should have been affidavits that are reviewed and some are residents but not all residents so he indicated it was individuals.

The next change was the reference was each district described the purpose of the district, and then each district then listed specific permitted uses which is exactly what he had done.

These were all the corrections he made except for the regards where it said on the last page "Co-chair Fields asked for 1997 legal opinion not 1990 in May 2, 2006 minutes.

Attorney Telman stated in the May 12th minutes, Page 2, under "this operation" should say the Davis operation, correction of Sylvas not Sylvans, and the actual affidavit is from Edith Pettis to accept materials from out of the district.

Attorney Telman stated the next change he inserted "in 1999" in reference of the meeting of the township, and also inserted waste composting, not waste, as this was the topic of those minutes. On Page 3, in the middle of the paragraph, should read subsection "I" applies to the contour map and "J" applies to the site plan you look to for the buffer.

Attorney Telman stated in the June 8, 2006 minutes, on Page 3, on the original page $\frac{3}{4}$ way down it stated Mr. Ferro went on to discuss the 1999 legality and stating "Ms. Pettis knew she wasn't legal" and feels this should be deleted. Mr. Telman stated on Page 5, second paragraph to bottom, the original draft minutes should state "township board member" referencing to John Westra and to insert this into the minutes.

Open to Board Discussion about the May 2, 2006 minutes

Co-Chair Fields stated he did not have any changes on the original draft. Chairman Boman suggested the Zoning Board of Appeals read through the minutes, vote on them at the next meeting, exclude the June 6th minutes and to postpone May 2, 2006, May 12, 2006, and June 8, 2006 minutes shown on the June 11, 2006 Agenda. Moved by Member Korth and supported by Member Pratt. Yes: 4 No: 0 Absent: 1 Motion Carried.

Chairman Boman made a motion to approve the June 6th minutes. Moved by Member Pratt, supported by Member Korth. Yes: 4 No: 0 Motion Carried.

4. Consideration and Adoption of Resolution Affirming in part and Reversing in part the Decisions of Zoning Administrator with Regard to the Pettis Property Located at 1101 Pettis Avenue.

Chairman Boman stated a draft was received by the Zoning Board of Appeals and suggested a couple of changes and to vote separately on each item.

For the record Co-Chair Fields stated the township attorney did not influence the board as Mr. Telman stated nor had there been exerted influence on this board or Co-Chair Fields as suggested by Mr. Telman.

Co-Chair Fields stated it was not an appropriate draft. Chairman Boman stated it was a working document and should start over and asked if Co-Chair Fields would like to draft a new resolution and Mr. Fields stated he did not have time and Chairman Boman opened up to the board to make changes.

Planning Director Ferro stated the following changes to the resolution:

Changes made from the earlier draft on page 6. The earlier draft states the board would hereby to sign and determines a temporarily operated and not intermittently and felt it describe more accurately the operation.

Page 13 concern that paragraph 6, started on page 12, by a 5-0 vote, whether there was any expansion of the use after 1999 was not raised by Zoning Administrator's letter, therefore no proofs were taken on that issue and the Zoning Board did not take any findings on that issue so they added phrase "initiated by the Zoning Administrator" to the last sentence where this issue is expressly preserved for later determination if raised by the township by virtue by subsequent enforcement proceedings by the Zoning Administrator.

Member Korth stated the resolution misconstrued what he felt the language was originally.

Co-Chair Fields agreed to determine a nonconforming use or an expansion and proposed to scrap the resolution.

Chairman Boman asked the Zoning Board of Appeals to agree to have the attorney redraft the resolution with changes made and Co-Chair Fields stated he wanted the history should be eliminated.

Member Korth suggested taking the document and basically red lining and circle paragraphs the Zoning Board of Appeals agreed with or not, then stated it should be on one page. Member Korth stated "it was the intent of this ordinance, it was not to create a permanent facility and this other stuff was not asked for", then stated the resolution should be simplified.

Attorney Sperla stated a lot of the material in the draft was from the board which was from the Reith Reilly trial and Chairman Boman stated "that was that trial, not this one." Attorney Sperla stated he "was trying to capture everything that was presented during the course of the hearing and not just each individual's thinking and tried to capture all of this." Attorney Sperla stated "nothing was locked in stone but this was a draft, there were a lot of different views and we need to get the resolution right."

Chairman Boman made a request for a motion to delay approval of resolution until every member had time to look it over carefully and then give their input.

Moved by Member Korth to delay approval of the resolution until every member has the opportunity to give their input into the document, supported by Member Pratt. Yes: 4 No: 0 Absent: 1 Motion Carried.

VI. CORRESPONDENCE- None

VII. PUBLIC COMMENT-Member Korth stated he drafted a letter to the Ada Township Board of Trustees and read it to the Zoning Board of Appeals members and public.

VIII. ADJOURNMENT-5:45 pm Moved by Member Pratt to adjourn, supported by Member Fields Yes: 4 No: 0 Absent : 1 Motion Carried.

Deborah Ensing Millhuff, CMC
Ada Township Clerk

RS/DT

Zoning Board of Appeals Minutes

July 11, 2006

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