



**ADA TOWNSHIP ZONING BOARD OF APPEALS MINUTES  
TUESDAY JULY 13, 2010, 4:30 P.M.  
ADA TOWNSHIP OFFICES  
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

**MEMBERS PRESENT:** Hartley, Lowry, Fields, Boman and Burton

**STAFF PRESENT:** Kushion and Thompson

**COMMUNITY PRESENT:** 7

**ABSENT:** None

- I. CALL MEETING TO ORDER:** 4:30 pm
- II. APPROVAL OF AGENDA:** Moved by Member Lowry, supported by Member Hartley.  
Yes: 5 No: 0 Absent: 0 Motion carried
- III. APPROVAL OF THE, JUNE 1, 2010 MEETING MINUTES-**Moved by Member Lowry, supported by Member Burton Yes: 5 No: 0 Absent: 0 Motion carried.
- IV. OLD BUSINESS-**None
- V. NEW BUSINESS**

- 1. Request for Variance from Accessory Building setbacks to allow an Accessory building to be rebuilt 1 foot from the property line, less than the require 20 feet, 41-15-33-228-002, Conservation Properties, LLC, 7125 Bronson St.**

Bernie Veldkamp was present to represent Conservation Properties, LLC for the request. Mr. Veldkamp stated the only place to build the garage is on the property where the current garage is located. Mr. Veldkamp cited the large grade change on the property as difficulty for the applicant.

Mr. Veldkamp stated the new garage would be built in a carriage style which would match the age of the house and keep with the character of the village. He believes it would be an asset and add quality to the township.

Chairman Boman questioned if the garage could be moved closer to the home, minimizing the variance requested. Mr. Veldkamp stated it would be too close to the house and he felt it would destroy the character of the property.

Mr. Veldkamp stated technically there was and that would be putting the garage next to the house including attaching the garage to the house and having to build a firewall. With aesthetic value and value to the community Mr. Veldkamp didn't think it was possible. The current accessory building is 24 feet from the house and has been there since the late 30's/40's.

Open to Public Comment.

Noelle Divozzo stated she lives next door to the house and appreciated the board's intent with the ordinances. She stated moving the garage closer to the house would render both spaces on both sides unusable. She stated she would like to leave the garage where it is from an aesthetic point of view.

Closed to public comment

Open to Board comment

Member Burton stated form based codes are something that have not been fully developed and are being worked on. Formed based codes would probably allow this and asked if the garage could be grandfathered in.

Chairman Boman stated no it could not be grandfathered in.

Member Fields moved to approve a three foot instead of one foot, supported by Member Lowry. Motion carried Yes: 5 No: 0 Absent : None

**2. Request for Variance from Building Height standards in the Industrial Zoning District to allow a portion of a building to be 55 feet 6 inches above grade, more than the allowed 45 feet, 41-15-28-401-016, Erhardt Construction for Amway Corp, 7575 East Fulton St.**

Ben Wickstrum with Erhardt Construction presented the application to the board. Mr. Wickstrum stated Amway plans to relocate an existing food processing line from California, and to construct the addition requires a vertical space above the height of the existing structure which are beyond the height limitations permitted by the Ada Township zoning ordinance.

The applicant stated that the practical difficulty and hardship that would be imposed is that the process equipment specifically requires this vertical orientation and is a powder manufacturing. The process was described by Mr. Wickstrum: 1.)The equipment requires height, 2.)the location is set back from Amways property not visible to general public, no impact to neighbors and 3.) by moving this manufacturing line to the Ada campus would increase local jobs to the area.

Member Fields stated he was sympathetic to request but typically when accessing practical difficulty there is something about the property, not the building, the cause is to look at the difficulty. Member Fields stated he did not see this and suggested the solution would be having the ordinance revised as opposed to a variance.

Mr. Wickstrum state the difficulty is introduced by the equipment which dictates the height. It's like a grain elevator or a silo. The timeline is urgent and under specific time directed the announcement has been made public. In order to meet the timeline construction would have to start in the Fall.

Chairman Boman stated a memorandum was received by the board to Ada Township Planning Commission regarding height indicating they would be reviewing building height at their next Planning Commission meeting.

#### **Open to Public Comment**

Brian Harrison, governor of affairs at Amway, stated he makes sure uses of a property do not conflict with other uses, neighboring uses. Mr. Harrison stated the property will be 400 feet from the nearest property boundary and 2000 feet from the nearest residence and is in harmony with the surrounding buildings and property. In reviewing of Zoning Board of Appeal minutes of the past, he found acceptance for residential building to exceed minimum height. There are multiple examples of setbacks variances and there is a timeline.

#### **Closed to Public Comment**

#### **Open to Board Comment**

Chairman Boman stated this is scheduled to go before the Planning Commission at the upcoming meeting.

Jim Ferro, Planning Director, stated he placed the request before the Planning Commission and asked them to consider amending the ordinance along the lines the wording that he suggested in the memo he prepared for the Planning Commission. An Ordinance Amendment would be subject to a Planning Commission Public Hearing.

Jim Ferro, Planning Director, stated the legal criteria is practical difficulty associated with the land and is a tough standard to meet. There have been some variances granted for the Amway property such as the Cosmetic Building for building height.

Chairman Boman stated given the timelines Mr. Ferro presented, he suggested to table the request until the Planning Commission can discuss it and determine if a special meeting is appropriate, assuming they have a special meeting and don't approve it, the variance would be revisited in August which allows sufficient time for the construction of the building should it be approved in August.

Member Fields moved to table to a special meeting and if Amway wanted to come to the meeting we could see the history of what has been done on Amway property and revisit it at the August meeting, supported by Member Burton. Yes: 5 No: 0 Absent: Request is tabled.

### **3. Request for Variance from Building Height standards in the RP1 Zoning District to allow a Single Family Home to be 38 ½ feet tall instead of the allowed 35 feet, 41-15-05-351-003, Michael and Barbra Homier, 2977 Mela Via Ct.**

Michael Homier is present for the variance request. He stated he and his wife are building a house, had the plans designed and came to their attention the height of the roof pitch. Mr. Homier stated the lowest grade is in the basement and has a 9/12 roof pitch. Their house is a standard two story house walkout basement.

Steve Kushion, Zoning Administrator, stated that the ordinance amendment for building height had not yet been taken up by the Planning Commission.

#### **Open to Public comment.**

**Closed to Public comment.**

**Open to Board comment**

There was discussion amongst the board about the steep grade in the rear of the home causing practical difficulty for the applicant.

Member Fields moved to approve the variance request, Member Lowry supported. Yes: 5  
No: 0 Absent: 0 Motion Carried

Member Lowry, stated for record, height issue and residential zoning should be brought up at the Planning Commission level.

**VI. CORRESPONDENCE-None**

**VII. PUBLIC COMMENT-None**

**VIII. ADJOURNMENT-Moved to adjourn at 5:25 pm by Member Fields, supported by Member Hartley. Yes: 5 No: 0 Absent: None. Motion carried.**

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Susan Burton  
Ada Township Clerk

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Date

RS/dt