



**ADA TOWNSHIP ZONING BOARD OF
APPEALS MINUTES
TUESDAY AUGUST 12, 2014,
4:30 P.M. ADA TOWNSHIP
OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

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

STAFF PRESENT: Kushion and Ferro

COMMUNITY PRESENT: 8

ABSENT: None

I. CALL MEETING TO ORDER-4:33 pm

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

III. APPROVAL OF THE July 8, 2014 MEETING MINUTES. Moved by Member Burton and supported by Member Dixon to approve the minutes. Yes: 5 No: 0 Absent: 0 Motion Carried

IV. OLD BUSINESS-None

V. NEW BUSINESS-

1. Request for Variance from lot size standards in the RP-1 Zoning District to allow a lot to be 4.1 acres instead of the required 5 acres, John McCarthy for Larridan Abel, 9191 Vergennes, 41-15-25-300-074.

John McCarthy presented the variance request to the board. He explained that the practical difficulty on the property was the amount of private road right of way that Mr. Abel has on his property, which is over an acre. He stated that the property line adjustment would result in a larger parcel for himself and Mr. Abel would be just under 5 acres.

Opened for public comment.

No public comment.

Close for public comment.

Opened for Board Discussion.

Boman said he had trouble finding physical practical difficulty in having a large amount of road right of way. Kushion discussed a past variance in the Mountain Ridge development that was giving a similar variance.

Closed for Board Discussion.

Moved by Burton to approve the variance based on the physical practical difficulty of the private road right of way on the parcel, supported by Lowry. Motion passed Y:4 N:1 (Boman).

2. Request for Variance from accessory building standards to allow a detached garage to be located 7 feet from the side property line instead of the required 20 feet, Abdurahman and Selfika Kavara, 847 Clifford Ave. SE, 41-15-31-303-021.

The applicant explained that their garage had collapsed due to heavy snow over the winter and they were requesting a variance to rebuild the garage in the same location. The applicant said the setbacks would require him to rebuild in the middle of the back yard.

Opened for public comment.

No public comment.

Closed for public comment.

Opened for board discussion.

The board discussed a similar case that was approved in the past and how it would be a physical practical difficulty to put an accessory building in the middle of the backyard. Hartley stated that the garage had existed in the location for many years and putting it back in the same location makes the most sense.

Moved to approve the variance by Hartley, Supported by Lowry. Motion passed.Y:5 N:0.

3. Request for Variance from lot size standards to allow a parcel of 3.75 acres and 4.37 acres, less than the required 5 acres and a request for variance from land division standards to create a lot that exceeds the maximum 3 to 1 length to width ratio, Jeri Galloway and Char Firlik, 9009 Conservation NE, 41-15-24-101-011.

Ruth Skidmore from McShane and Bowie presented the variance request to the board. Skidmore spoke about the original variance approval for this parcel in 2000. She explained the variance for the 3 to 1 length to width ratio was approved by the board, but not the lot size variance for the proposed parcel A. She explained the applicants received a letter from the Zoning Administrator saying the split was approved. She explained this is a difficulty on the applicant because that acreage was lost at the time. She stated that the physical practical difficulty for the length to width ratio request was the amount of wetland on the east portion of the property.

Boman asked Skidmore why the sale wasn't completed at the time and the tax implications involved. Burton questioned the tax implications in this case.

Skidmore stated the parcels were never created as suggested by the letter from the Zoning Administrator, the applicants had no reason to believe it wasn't split and were planning on selling in the future.

Kushion stated the Zoning Administrator at the time had sent a letter co-signed by the Township Assessor indicating the parcel split had been approved.

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Steve Stawski, representing Richard and Irene Wilcox at 1012 Conservation Ct. stated the new application to meet current 5 acre standards and be considered a new request. Stawski felt that the ordinance is meant to preserve the land in the area. He submitted aerial photos to the board showing the subject properties. He believes that the property would not be rendered useless if the variance was denied. He believes the initial land division was a self-created hardship. Stawski stated that he believes that the board doesn't act in perpetuity, that it's the applicants duty to follow through. He stated that the original variance is null and void. He stated the board is not subject to legal action in this case. He requested that the variance be denied.

Attorney Skidmore stated that with respect to the 12 month time limit, the applicants took substantial steps to meet the criteria and were told by the Township that their variance was approved as well as their land division. She stated that since they have less acreage now, that's a substantial hardship.

Opened for Board Discussion.

Boman stated that he had a hard time grasping why they didn't notice they had 2 tax bills. Dixon and Hartley both agreed that they had a hard time figuring out why they didn't notice that they were only getting one tax bill. Lowry stated that he had a hard time approving a variance for anything less than 5 acres, but would like to see an attorney opinion on the matter.

Closed for Board Discussion.

Opened for Public Comment.

Stawski stated that he feels they should not look at a past ordinance, that the decision should be made on the current 5 acre minimum.

Skidmore stated that the former "parcel A" was sold to Mr. Korth creating a hardship and that the applicant relied on the Township to complete the process. She believes the applicants took all steps necessary to split the property.

Jeri Galloway, 9009 Conservation Ct., talked about the history of the parcel and the conveyance "Parcel A" to Mr. Korth. The intent was to split the property at the time of the original variance and sell later. He was told at the time that the property would take care of the land division and he received confirmation of that. He stated that having 2 tax bills was never on his mind and he was told the Township had split the parcel.

Boman and Galloway clarified that the Galloway's had never split property before the year 2000, they were not the original developers as Stawski stated.

Stawski stated that the 5 acre minimum should be upheld.

Closed for Public Comment.

Lowry felt that an attorney should be contacted about the matter.

Boman stated that he understands where the applicant is coming from.

Burton moved to postpone action until the September meeting, supported by Lowry.

Y:5 N:0 Motion passed.

4. Request for Variance from stable building standards in the RR zoning district to allow a stable building to be 15 feet from the side property line instead of the required 150 feet, David and Nurya Parish, 746 Grand River Dr., 41-15-19-400-035.

Nurya Parish discussed the current location of a former horse stable on the property that hasn't been used as a stable for quite some time. She stated that it would be a physical practical difficulty to locate a new structure that meets setbacks due to a narrow lot and her neighbor's water easement.

Boman asked if she would only have chickens.

Parish responded that it would be a hobby farm for 4H and that she couldn't say that it would only be chickens at this time. The board discussed options for animals other than chickens on the property.

Opened to Public Comment.

Greg Grochoski, 775 Grand River Dr., stated that he was a farmer who had been tormented by the previous neighbor because of his farming activities. He stated that he was OK with chickens but not pigs. He stated he would be supported of the variance if it was conditional on type and number of animals.

Jim Ferro, Planning Director stated that the property had been used for Horses 30-40 years ago.

Closed for Public Comment.

Opened for Board Discussion.

There was discussion over what types of limits should be set on number and types of animals. Ferro stated that there were state of Michigan guidelines that he could research for the board.

Moved by Burton, Supported by Hartley to postpone action until the September ZBA meeting. Y:5 N:0 Motion passed.

VI. PUBLIC COMMENT-None

VII. CORRESPONDENCE- None

VIII. ADJOURNMENT- Motion to adjourn at 6:15 pm by Member Dixon and supported by Member Hartley. Yes:5 No: 0 Absent: 0 Motion carried.

Susan Burton, CMC
Ada Township Clerk

Date

RS/sk