



**ADA TOWNSHIP ZONING BOARD OF APPEALS MINUTES  
TUESDAY SEPTEMBER 4, 2007, 4:30 P.M.  
ADA TOWNSHIP OFFICES  
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

**MEMBERS PRESENT:** Hartley, Korth, Fields, Boman, and Pratt  
**STAFF PRESENT:** Kushion, Thompson, and Ferro  
**COMMUNITY PRESENT:** 12  
**ABSENT:** None

**I. CALL MEETING TO ORDER-4:30 PM**

**II. APPROVAL OF AGENDA-**Moved by Member Fields, supported by Member Pratt.  
Yes: 5 No: 0 Absent: None Motion Carried

**III. APPROVAL OF THE AUGUST 7, 2007, ZBA MEETING MINUTES-**Moved by Member Korth, supported by Member Hartley. Yes: 5 No: 0 Absent: None Motion Carried

**IV. OLD BUSINESS**

- 1. Request for Variance from sign standards to allow a billboard to be 5 feet from the front property line instead of the required 50 feet in the C2 zoning district, Wing, LLC, 7980 Fulton St., 41-15-35-100-015.**

Jim Ferro provided the Zoning Board of Appeals with an update following the August 13, 2007 Ada Township Board meeting which held a brief closed session with legal counsel regarding the proposed billboard and moratorium on issuance of billboard permits. The Ada Township board did not take action and with no discussion of the matter and this was at the township board level. Mr. Ferro encouraged the board to evaluate and consider the ordinance criteria whether physical conditions on the property constitute a practical difficulty and would urge, for the record, make some specific findings that document the rationale for the decision one way or another.

Kevin Green, Wing, LLC, stated he provided concerns from the last meeting such as the vegetation and there would be twice as many trees removed with a larger sign. His hope is to stay within the spirit of the law. Mr. Green stated he and James Ferro, the Planning Director, have been working together to make the size of sign smaller and lowering the height. Mr. Green stated he would be willing to illuminate the sign from the top to eliminate light pollution.

He is asking for a front yard set back variance and the current ordinance allows for the larger sign and wants to accommodate doing what the township and residents are requesting. He stated there is practical difficulty as the property itself does not have a lot of usage except for a billboard. Mr. Green stated he wants to avoid legal options and is trying to accommodate the township. On a legal note he has the elevation, and the setbacks which is much further back then the other billboards. Co-Chair Fields asked what legal note or what legal memo did Mr. Green have from a lawyer and Mr. Green stated he had it in his files and could provide it to the board. Co-Chair Fields asked how on a legal note he could suggest practical difficulty? Mr. Green stated the site had been legal for 15 years or longer and stated his request was legal based on the ordinance at the time of the request. Mr. Green stated the practical difficulty is the township wants a smaller sign, lower to the road and the least amount of vegetation cut. In order to accommodate the township's request they would need a five foot setback but a 10 foot setback would work too. As the future property owner he stated he would put in writing not to cut the trees next to the Grand River.

Co-Chair Fields stated whether they grant the variance or not the applicant is asking a very narrow request and Mr. Green stated that was true and Co-Chair Fields wanted this clarified. Mr. Green stated in order to see the sign, the setback was not created by the owner ,they need a five foot setback. The further back the sign is would make it difficult to see from the road and then more trees would need to be cut.

#### Open to Public comment

James Todd, 8025 E. Fulton Street, stated he had questions.

1. Is the road a straight up and down or are there parameters on the decision? Co-Chair Boman stated parameters can be made. Mr. Todd stated his concerned about flood plain, erosion and water flow during flood time near the north bank of the Grand River and cutting down trees would be disadvantageous to the community. The foundation of the sign in a wetland bothered him with the fact it could topple over.
2. Looking at the sign means any care or maintenance of a billboard on a contractual basis during that period of time, no one could get to it. This should be considered on this signage situation for repair. Mr. Todd asked how is this handled with the DEQ, is it a paper work situation, or does the DEQ come out and look the site over and issues the site plan. Zoning Administrator Kushion stated he received the permit from the DEQ and stated then they make a site visit and review the plan and issue the permit based on their information. Mr. Todd stated lights would be a burden to him even if they are overhead and asked to have the Zoning Board of Appeals consider this.

Walter Jousma, stated the sign would be distraction. Chairman Boman stated the decision of the board was whether or not to approve the setback variance. Mr. Jousma stated he is against the variance and is against having the billboard within 500 foot of his daycare center. He stated the sign would be a detriment.

Robert Young, 8100 E. Fulton, the owner of Big Steps, Little Feet, 8100 E. Fulton, stated this is a floodplain and when the person bought it, they knew it was 22 ft below elevation. The owner commented on how the lights illuminate the area. His business is based on parents liking the environment and is concerned about seeing a billboard and what may be put on it. Mr. Young then questioned what could be put on the billboard and Chairman Boman stated this board could not answer that. The owner stated the sign would be a distraction and a safety concern, and was opposed to the variance.

Timothy Pratt, 1191 Buttrick Ave. asked the Zoning Board of Appeals not to approve the variance. Mr. Pratt stated even though the billboard would be smaller it would actually be a larger billboard than the one down the road from it, where the Ada Café use to be, and make a big impact. The township spent \$100,000 last year on having a charrette to design and develop the community the way it wants for the future which was well attended and received. The bridge was considered an important gateway to the village and putting this billboard would damage that aspect.

Closed to public comment

Chairman Boman stated correspondence was received by William Wood which was provided to the board and he summarized the letter which is on file in the clerk's office.

Open to Board discussion.

Member Korth stated he was the chairman of the Planning Commission. He gave an overall explanation of lighting ordinances. Member Korth stated the planning commission has for a long time been concerned about signage and stated "there is no good excuse for any members of the Planning Commission, including himself, to have not known there was still a hole in our ordinance that allows billboards." He stated after looking at that ordinance there is little language to contain or constrict it and so consequently it's a bad situation from that perspective because clearly everything from the Charrette process, everything from the planning commission, everything from the public comments over the years has been desirous of the people to constrain signage and keep it very low key. We are now working on new signage requirements with respect to the outcome of the charrette process, we're working on the walkability and community access to that area as part of the overall plan. There's currently a bridge redesigned for 2009 in replacement of the bridge across from Fulton Street where the adjacent sign may be which includes sidewalks and all of this is coming." He stated the Zoning Board of Appeals should not be making a decision on this variance and it should be tabled again until there is further clarity and information provided.

Member Pratt stated they should not table this as there is no reason to grant the variance, but she did question whether or not Mr. Green actually owns the property and who the owner is at this particular time.

Monica Sekulich, from Green Castle properties, stated Mr. Green has a purchase agreement on the property.

Co-Chair Fields stated we have the ability to say if there is a practical difficulty and no ordinance is perfect but in this case there was nothing unique regarding this parcel for the Zoning Board of Appeals to grant this variance.

Chairman Boman stated it is clear the township board is not prepared to make the decision and this board has enough information in front of them to make the decision whether it is to approve or disapprove the request. Chairman Boman stated he was not interested in tabling this request.

Member Hartley agreed the board should make a decision on the request at this meeting.

Member Pratt moved to deny the variance due to no practical difficulty as presented to the Zoning Board of Appeals and Member Korth supported. Yes: 5 No: 0 Request is denied. Motion Carried.

**V. NEW BUSINESS**

**1. Request for Variance from setbacks in the RR zoning district to allow an addition to be 9.4 feet from the side property line instead of the required 25 feet, Forest Ridge Builders LLC, 8220 Wilderness Trail, 41-15-26-100-037.**

Chad Christin, from Forest Ridge Builders is present for the variance. Mr. Christin stated the property is irregular, the back of the house has a considerable drop off so there is no area there to build and to maintain a special look to the house he is requesting to build the addition in the area requested. Mr. Christin stated the house encroaches into the easement and there is no concern of falling structure on properties next to the house.

Co-Chair Fields asked how big the parcel was and Mr. Christin stated it was roughly 10 acres with a private drive which cuts right through the property and is not easily accessible to the house. Mr. Christin stated the practical difficulty would be to keep the structure close to the house as this would be more usable and convenient and keep with the architectural consistency.

Member Korth asked the applicant if the garage door was to accommodate a sprinter van/camper van which the applicant stated it was a mobile home and the garage would be to accommodate the storage of it. Member Korth stated the height of the garage door would not look right with the house and the township does have variances for accessory/out buildings to accommodate camper vans or sprinter vans. Member Korth did not think an 11 ft. garage door would look appropriate and would not approve it.

Open to Public Comment.

Pat Tipple, 302 Greentree Lane, read her comments which are on file with the clerk's office and asked the Zoning Board of Appeals not to grant the variance request of the applicant.

Closed Public Comment

Open to Board discussion

Chairman Boman stated he could not see practical difficulty with a property of this size and the topography.

Co-Chair Fields moved to deny the request of the variance, supported by Member Pratt. Yes: 5  
No: 0 Absent: None Motion to deny the variance request carried.

**2. Request for Variance from Accessory Building Standards to allow an Accessory building to be the principal structure on a parcel, Andy VanderWeide, 9381 Bennett St. SE, 41-15-36-200-061.**

The applicant is present for the variance. Mr. VanderWeide stated the accessory building would be a livable space on the parcel which could be turned into a home.

Co-Chair Fields asked the applicant for the practical difficulty and the owner stated he wanted to keep the pond as majority ownership which he showed on the map information presented to the Zoning Board of Appeals.

Zoning Administrator Kushion stated the request must go in front of the Planning Commission.

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Chairman Boman stated the board is being asked to approve a variance for a non occupied dwelling but also provide for a nonconforming lot.

Discussion took place among the Zoning Board of Appeals.

Member Korth suggested the variance request should be for pulling two permits for two homes on one property for a small window of time and then if the applicant does not get the residence completed the variance would go away.

Open to Public comment.

Closed to Public comment.

Open to Board discussion.

Chairman Boman suggested to table the request and send it to the Planning Commission.

Co-Chair Fields moved to table the variance request, supported by Member Hartley. Yes: 5 No: 0  
Motion Carried.

**VI. CORRESPONDENCE**-All correspondance recognized in variance requests during the meeting.

**VII. PUBLIC COMMENT**-None

**VIII. ADJOURNMENT:** Moved by Co-Chair Fields, supported by Member Hartley Yes: 5 No: 0  
Meeting adjourned at 5:35 pm.

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Deborah Ensing Millhuff, CMC  
Ada Township Clerk

**RS/DT**