



**ADA TOWNSHIP ZONING BOARD OF APPEALS MINUTES
TUESDAY SEPTEMBER 9, 2008, 4:30 P.M.
ADA TOWNSHIP OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

MEMBERS PRESENT: Hartley, Fields, Boman, Pratt and Korth
STAFF PRESENT: Kushion and Thompson
COMMUNITY PRESENT: 4
ABSENT: 0

I. CALL MEETING TO ORDER-4:30 pm

II. APPROVAL OF AGENDA-Moved by Member Korth, supported by Member Fields. Yes:5
No: 0 Absent: 0 Motion Carried

III. APPROVAL OF THE, AUGUST 5, 2008, ZBA MEETING MINUTES-Moved by Member
Fields, supported by Member Hartley. Yes: 5 No: 0 Absent: 0 Motion Carried

IV. OLD BUSINESS-None

V. NEW BUSINESS

1. Request for Variance from Accessory Building standards in the AG Zoning District to allow a 1,600 sq. ft. accessory building to be 30 feet from the side lot line, instead of the required 50 feet, Jeff Holmes, 8681 Conservation St. NE, 41-15-14-400-015.

Moved by Member Fields, supported by Member Hartley to table the variance request as the applicant was not present. Yes: 5 No: 0 Absent: 0 Motion Carried.

2. Request for Variance from Accessory Building standards in the RR Zoning District to allow an 832 sq. ft. accessory building in the front yard on a lot less than the required 2 acres, Douglas Sumner Builder Inc, 5537 Rustic Meadow, 41-15-19-400-052

Douglas Sumner was present for the applicant Greg DeWitt. Mr. Sumner stated he originally constructed the house 4-5 years ago on 1.3 acres. The DeWitt's would like to construct an additional garage due to overflow of vehicles and presented an overview of the property. He stated on the south side of the property the building would be in the backyard and with the septic field couldn't be done as it would be getting in the flood plain and the only logical place on the property would be is on the existing garage. The garage would not be visible except during the wintertime and the applicant plans to landscape it.

Member Korth asked the applicant where he is planning to build the garage there are currently two parking places and if this was the area where the builder was considering the accessory building and Mr. Sumner stated it was.

Open to Public comment.

Jim Black, attorney, representing Dr. Carothers, neighbor of the applicant. Mr. Black stated Mr. Carothers objects to the variance request and doesn't see the practical difficulty. Mr. Black stated it didn't seem the applicant was entitled to it by law to build the accessory building and his land was consistent with zoning ordinance and it doesn't permit that. Mr. Black stated the applicant doesn't meet the requirements of the variance and the Zoning Board of Appeals should consider needs of community and not one person.

Member Fields stated he would like Mr. Black to explain "not entitled and no practical difficulty" and asked how he reached these conclusions.

Mr. Black stated in order for him to build the building he would have to show practical difficulty.

Member Fields stated the applicant has made the case for the board members.

Mr. Black stated the applicant didn't have to put the accessory building there. Mr. Black stated Ada's ordinance states the applicant cannot put it in the front yard so the applicant could put it in the backyard. The ordinance describes certain findings the Zoning Board of Appeals has to make such as "where it is founded by exceptional narrowness, shallowness, or shape of a specific parcel of property" and doesn't think these things have been shown.

Close to Public comment.

Open to Board discussion.

Member Korth asked Zoning Administrator Kushion the size by right of an accessory building.

Zoning Administrator Kushion stated it would be 1200 sq. feet. and the applicant is asking for 832 sq. feet. Kushion stated the issue is it is not allowed in the front yard

Member Korth stated as liaison to the Planning Commission he has inquired over again this lot size averaging and how you keep track of it; does that property lose it's right of the district because as part of it's creation it was effectively an open space type plan.

Member Korth asked if the Zoning Board should ask for legal counsel from our township level as to whether that property actually has the rights to all the other amenities of the rural residential zoning district because it was created under the framework of the rural residential zoning district. Several years ago the Planning Commission create the ordinance allowing accessory buildings in the front yard, specifically in mind that they were to be carriage houses with aesthetic compliment but didn't have to be physically attached to the residence. This site fits having a structure based on the spirit of the ordinance in its front yard and specifics of lot size averaging and would like to postpone action until lot size averaging rights of the actual piece of land.

Member Fields asked if the applicant or any other people can supply any other information whether a building can go in the backyard or not.

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Zoning Director Kushion stated he could provide Regis maps where the wetlands are and the floodplain is located.

Member Korth moved to postpone pending legal review of the rights of the parcel in RR district, supported by Member Fields. Yes: 5 No: 0 Absent: 0 Motion Carried.

Chairman Boman asked if the applicant, Jeff Holmes, for request #1 was present. Zoning Administrator Kushion stated the applicant was not present and he was unable to reach the applicant by phone. Chairman Boman asked for a motion to table until next meeting. Moved by Member Fields, supported by Member Pratt. Yes: 5 No: 0 Absent: 1 Motion Carried.

VI. CORRESPONDENCE-None

VII. PUBLIC COMMENT-Attorney Jim Black commented again on the variance request and Zoning Ordinance.

VIII. ADJOURNMENT-Moved by Member Fields to adjourn at 4:40 pm, supported by Member Hartley Yes: 5 No: 0 Absent: 0 Motion Carried.

Deborah Ensing Millhuff, CMC
Ada Township Clerk

RS/dt