



**ADA TOWNSHIP ZONING BOARD OF  
APPEALS DRAFT MINUTES  
TUESDAY SEPTEMBER 9, 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:** 13

**ABSENT:** None

**I. CALL MEETING TO ORDER-4:37 pm**

**II. APPROVAL OF AGENDA-**Moved by Member Lowry and supported by Member Hartley. Yes: 5 No: 0 Absent: 1 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 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 request and the proposal made by the Planning Director regarding the 4.3 animal units.

Closed for Public Comment.

Greg Grochoski, 775 Grand River Dr. submitted a letter that are included in the minutes. He stated that he felt that the building housing the animals was fairly close to the neighbor's water supply and he had issue with potential animal waste management on the property. He stated that he hoped the variance could be limited to the current owners only.

Opened for Board Discussion.

Lowry stated that he would like to see a manure management plan.

Mrs. Parish stated that she planned on composting all of the waste. There was some discussion about odor control with the board.

Closed for Board Discussion.

Moved by Boman, Supported by Hartley to approve the variance with the condition that the number and type of animals kept on the property shall be limited to no more than 4.3 animal units, based on the animal unit factors contained in "Table 1. Animal Units" of the "Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities," dated April 2014, adopted by the Michigan Commission of Agriculture and Rural Development and that manure handling be conducted under best practices. Y:5 N:0 Motion passed.

Planning director Ferro stated that the variance runs with the physical property and not the owner and that the board cannot restrict that. Grochoski stated that it was disappointing that the Zoning Board could not restrict it to the current owners.

**2. 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, attorney for the applicants, presented the case to the board. She stated that the owner completed the split in 2000 and went through all the necessary steps. She stated that the factual history related to the prior approved ZBA request plays a great deal into this request. She stated that the applicant has respect and concern for the neighbor and are proposing a 60 foot setback from the property line adjacent to the Wilcox's and that the Wilcox home would be 325 feet away from any proposed home. She stated that the Wilcox family knew the parcel could be split when they bought it and that the 60 foot setback addresses the neighbor concerns. She stated that the applicants immediately split the parcel when they bought and she asked the board to respectfully approve the request.

Opened for Public Comment.

Steve Stawski, attorney for the Wilcox's, stated that he believes that the applicants wish to divide their property and leave the Township and that they are splitting the property for financial gain. He asks the board that they hold up the current zoning of 5 acres. Stawski stated that the east setback would not accomplish much and that the applicants saved a significant amount of money in taxes by not having the property split.

Jeri Galloway stated that he disagreed with Mr. Stawski and that he immediately applied for the variance and the land division when he bought the property and that he had no intention of defacing the area. He immediately applied for the variance, received a variance, and was told there was nothing else he had to do to split the property. He stated that he was sensitive to the Wilcox's concerns and that's why he suggested the 60 foot setback. Char Firlik stated that she needed to move closer to the city for health reasons and is also aware of the Wilcox's concerns.

Dr. Wilcox commented that he knows the house is there and that even though there is underbrush and trees in the winter the vegetation is quite sparse and he can see a long distance when he walks his dogs on his property.

Ruth Skidmore stated that she believes that the history in case does matter and that the right to split the property was vested in the past with the 2000 variance. This request

allows the Township to make substantial justice.

Boman asked Skidmore why they didn't make substantial steps. Skidmore stated believes that they did take substantial steps and were told from the Township that the property was split. Boman inquired if the issue was self-created. Skidmore stated that they didn't have any idea that they self-created anything.

Steve Stawski stated that he doesn't believe there's a vested right.

Closed for Public Comment.

Opened for Board Discussion.

Boman questioned whether substantial steps were taken.

Burton questioned whether a tax bill would have shown the applicants that the property was not split, but felt that the selling of the other portion of land to Mr. Korth was a substantial step.

Lowry questioned whether it should be considered a new application.

Boman stated that he struggled with the tax bill issue.

Burton stated that the board should focus on what the applicant's actions were at the time with regard to the variance in 2000.

Hartley and Dixon both had considered approval with the option of the 60 foot setback from the neighboring property.

Jim Ferro, Planning Director, stated that he has always viewed the request as a new variance request but that the board can consider the unique procedural history in this case.

Burton moved to approve the request given the previous approval and the steps that the applicant took with the variance and land division in 2000 weighs heavily in approving the variance with a 60 foot setback from the south property line. Supported by Hartley. Y:5 N:0 Motion passed.

**3. Request for Variance from Sign Standards in the C-2 zoning district to allow a sign to be located in the road right of way, 20 feet from the edge of the roadway, approximately 30 feet from the property line, Signworks of Michigan Inc., 8066 Fulton St., 41-15-35-100-086.**

Ann Frass from Signworks presented the case to the board citing the large grade difference, extensive landscaping, and wide road right of way of M-21 as physical limitations to meet the sign regulations.

Opened for Public Comment

No public comment.

Close for Public Comment

Kushion spoke on the practical difficulty on the site with the topography and width of the M-21 road right of way. Kushion did not feel that this would open up requests along M-21 because this property was quite unique.

Moved by Burton to approve the variance as presented. Seconded by Hartley. Y:5 N:0 Motion passed.

**4. Request for Variance from side yard setbacks in the VR zoning district to allow an attached garage to be 3 ½ feet from the property line instead of the required 7 feet, Chinh Nguyen, Conservation Properties LLC, 635 Jasperse Ave SE, 41-15-33-231-007.**

Chinh Nguyen presented the variance and explained that the current detached garage meets setbacks until it is connected to the home with the proposed addition. The addition would allow the owners to get from their home to the garage without walking outside.

Opened for public comment.

No public comment.

Closed for public comment.

Opened for board discussion.

Burton stated that she doesn't see another remedy for the owners to live comfortably.

Boman stated that the footprint of the garage would not encroach further.

Moved by Hartley to approve the variance as submitted, supported by Burton. Y:5 N:0

**VI. PUBLIC COMMENT-None**

**VII. CORRESPONDENCE- None**

**VIII. ADJOURNMENT-** Motion to adjourn at 6:05 pm by Member Hartley and supported by Member Burton. Yes: 5 No: 0 Absent: 0 Motion carried.

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Susan Burton, CMC  
Ada Township Clerk

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Date

RS/sk