



**ADA TOWNSHIP ZONING BOARD OF APPEALS MINUTES
TUESDAY NOVEMBER 3, 2009, 4:30 P.M.
ADA TOWNSHIP OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

MEMBERS PRESENT: Hartley, Lowry, Fields, Burton and Boman
STAFF PRESENT: Thompson and Ferro
COMMUNITY PRESENT: 3
ABSENT: None

I. CALL MEETING TO ORDER-4:30 pm

II. APPROVAL OF AGENDA-Moved by Member Burton, supported by Member Lowry, to amend the agenda showing under new business item 2. Member Fields stated the ZBA board received a proposed written determination of the October 20, 2009 meeting and asked that this be added to the agenda today or a subsequent meeting. Member Fields moved to add to the agenda a second item under new business, review of the proposed language of the October 20, 2009 special meeting, amended and approved as modified, supported. Yes: 5 No: 0 Absent: 0 Motion Carried.

III. APPROVAL OF THE OCTOBER 6, 2009 Zoning Board Minutes.
Moved by Member Lowry, supported by Member Hartley to approve the October 6, 2009 Minutes. Yes: 5 No: Absent: 0 Motion Carried.

IV. OLD BUSINESS-None

V. NEW BUSINESS

- 1. Request for Use Variance to allow a Professional Office Use in the R-3 Zoning District, and in the alternative, Request for modification of a previously approved Variance to allow for the continuation of an Office Use in the R-3 Zoning District, Thornapple Pines Development LLC, 660 Ada Dr., 41-15-34-152-009.**

Aaron Smith, attorney for Thornapple Pines Development, LLC, was present for the applicant. Mr. Smith stated the applicant is under contract to purchase the property at 660 Ada Dr. from Alticor Inc. Alticor has used the property since 1969, under a variance, for offices and other purposes. Mr. Smith stated at the October 6th meeting they asked the ZBA to modify the existing variance, which stipulated when a change of ownership occurred, the property would revert back to R3 zoning. He stated the applicant is now asking the Board for a new variance to allow office use of the property. Mr. Smith addressed the factors to allow a variance, stating this is an extraordinary circumstance and there is undue hardship, which in this case is not self-created, but rather caused by the condition of the property. The building has been in existence since 1920 and has approximately 17,000 square feet. The applicant plans to use the property as it has been for the past 40 years, as offices, so granting the variance would not have an adverse reaction on the township. It is located in the R-3 residential

zone and would be practical for redeveloping for offices, and not for residential purposes. He stated a variance would be more appropriate than a request to a change of the zoning ordinance.

Open to Public Comment

Closed to Public Comment

Open to Board Discussion

Member Fields stated this board ,several decades ago, decided the variance application was restricted to “the” applicant. The only thing that runs with the “land” is what is granted, and since the variance wasn’t granted to pass on to other people several decades ago, that variance can’t run with the land. Member Fields moved to approve, supported by Member Lowry. Yes: 5 No: 0 Motion Carried.

2. Review of Proposed Language of “RECORD OF FINDINGS AND DECISION”, and Approval of October 20, 2009 Special Meeting minutes.

Member Fields suggested changes to the October 20, 2009 minutes, , to change “suppose” to “supposed”, in the middle of page two. On page three, “Member Fields suggested the ZBA Board set forth its determination in writing”, be included in the motion. Chairman Boman stated “RECORD OF FINDINGS AND DECISION” be included in the minutes. Moved by Member Fields, supported by Member Hartley to approve the meeting minutes of October 20, 2009, as amended. Yes: 5 No: 0 Absent: 0 Motion Carried.

Member Fields commented on his research on “accessory use” pertaining to the heliport issue and future hearing. He found other states have addressed this same issue and thinks any pertinent law on this should be brought to the attention of the ZBA before any decision are made at the hearing.

For the record, and for the Board’s information, Chairman Boman stated the applicants for “Request for Interpretation of Accessory Use” made direct contact through e-mail with him, asking for 1.) conversation regarding their application, which he declined on the basis that it should be done in a public forum and 2.) his assessment of the likelihood of their success, which he declined. Planning Director Ferro stated he left a message last week with Mr. Stead asking if they wanted to be scheduled for the December meeting, and had received no answer.

VI. CORRESPONDENCE-Planning Director Ferro stated there was a verbatim transcript of the October 20, 2009 hearing which is about 38 pages. Mr. Ferro stated he could e-mail or give a printed copy to the ZBA Board members.

VII. PUBLIC COMMENT-None

VIII. ADJOURNMENT-Member Fields moved to adjourn at 4 :55 pm., Member Hartley supported Yes -5 No :0 Absent : 0 Motion Carried.

Susan Burton
Ada Township Clerk

Date

RS/dt