



**ADA TOWNSHIP ZONING BOARD OF APPEALS AGENDA  
TUESDAY NOVEMBER 6, 2007, 4:30 P.M.  
ADA TOWNSHIP OFFICES  
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

**MEMBERS PRESENT:** Hartley, Korth, Boman, Pratt, and Fields

**STAFF PRESENT:** Kushion and Thompson

**COMMUNITY PRESENT:** 13

**ABSENT:** 0

Co-Chair Fields arrived at 4:34 pm

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

**II. APPROVAL OF AGENDA-** Moved by Member Hartley, supported by Member Pratt. Yes: 4  
No: 0 Absent: 1 Motion Carried.

**III. APPROVAL OF THE OCTOBER 2, 2007, ZBA MEETING MINUTES-**Moved to approve by  
Member Pratt, supported by Member Hartley. Yes: 4 No: 0 Absent: 1 Motion Carried.

**IV. OLD BUSINESS-NONE**

**V. NEW BUSINESS**

1. **Request for Variance from Private Road Standards to allow 3 parcels to access a non-conforming private drive (Longleaf dr.), John and Ruth Brinks c/o James B. Doezema, 8253 Fulton, 41-15-35-100-066-**Tabled until 12/4/07 Zoning Board of Appeals Meeting. Moved to table by Member Pratt, supported by Member Korth. Yes: 4 No: 0 Absent: 1 Motion Carried.
2. **Request for Variance from Building Height Limits to allow a house to be 41 ½ feet tall instead of the maximum 35 feet, 5885 Montreux Hills, Insignia Homes, 41-15-08-102-013.**  
Dave Moore, Insignia Homes, is present for the variance request. He stated they are asking for a height variance in order to have a walkout level. Mr. Moore stated they would remove 10 feet off the highest point of the site of the home which is the last lot in the development and would set in lower than what the hill is now.

Open to Public Comment.

Closed to Public Comment.

Open to Board Discussion

Chairman Boman stated this is becoming a more common request for height variances and each one is significant in and of itself and this one is more a subdivision wide issue and concerned about setting a subdivision precedence.

Member Korth stated he is the liaison between the Planning Commission and Zoning Board of Appeals. The Planning Commission has significant reservations about this PUD and the height visibility around Pettis Avenue and the board restricted the height of a single particular lot that was in the forefront to restrict the lots in our normal standards. It wasn't the intention or desire that the remaining lots not go below our standards. Member Korth read the minutes from May 2006 stating there was a fair amount of board discussion on the subject at that time regarding the height and the risk and worry about tall homes being on this piece of land. He stated if approved today, there will be a barrage of houses that are above normal height standards.

Zoning Administrator Kushion stated there could be a problem with the same request for the rest of the lots. Most homes in the township are at 35 ft.

Co-Chair Fields stated as Zoning Board member he was being asked to approve a Planning Commission issue and this is not a unique issue.

Lance Chichester stated he is present for the same variance request, #3 on the Zoning Board of Appeals agenda, at which time Chairman Boman stated he would allow both applicants to present their case and discuss them simultaneously.

**3. Request for Variance from Building Height Limits to allow a house to be 40 feet tall instead of the maximum of 35 feet, 2760 Montreux Pointe Ct., Lance Chichester Builder, Inc, 41-15-08-102-017.**

Lance Chichester is present for the variance request. Mr. Chichester stated he is asking for a height variance for a walkout level home. The architecture of the lot involved is of old world style with deep roof pitches.

Member Korth stated the board of appeals was asked to discuss this issue and they did, and the topography in the Ada township is unique and because we have a significant valley corridor and the highest elevation changes in the county between the river frontage and the hills, the perception and agreement at the Planning Commission level was not to change the way the ordinance was written. Member Korth stated 90% of applications for houses in Ada Township are walkouts. Scenic views from our vistas need to be maintained according to our ordinances.

Lance Chichester stated the lots are large and are 2 acres.

Open to public comment on the second application.

John Postma, developer at Montreux, stated he looked through the development and specifically worked with Planning Director Ferro to try and develop this parcel and maintain the beauty of the parcel. Mr. Postma questioned height variances in some developments and not in others. Mr. Postma stated they are trying to make the walkouts look nice and place the homes on the lots as to eliminate the view so the homes are not obtrusive and hidden from site. All those properties cannot be seen by Pettis Ave. Mr. Postma stated they are trying to create a nice development.

Co-Chair Fields stated the Zoning Board of Appeals only deals with height and this is a Planning Commission issue. Co-Chair Fields stated Ada Township has its own building height code.

Member Korth stated the Planning Commission is concerned and made it clear there is concern about height and this should go back to the Planning Commission.

Chairman Boman stated for relief on height variance for multiple lots it should go the Planning Commission for relief and not to the Zoning Board of Appeals.

Dan Moran, from Gaines Township, Kent County Commissioner, stated he appreciated the Zoning Boards position and perspective and yet they have never had a height request denied. He stated this house is unique and the walkout is in the back in this development. He questioned why the township is enforcing the rules now.

Member Korth stated the remark to decide to enforce the rules now is not true. This is a PUD and a separate zoning unto itself and worked on for an extensive period of time and this is the first request in this zoning district.

Dan Gallagher, a designer, stated he has designed homes in the township for years and only recently has there been an issue regarding the pitch. Many homes have exceeded the 35 ft. limit and were handle in the building department with a few changes and were approved. Stated this area was overly restricted.

Chairman Boman stated the Zoning Board has received a half dozen requests in the past 10 years and these requests have been forwarded back to look at building types, to the Planning Commission for further input.

Closed to public comment.

Open to board comment.

Co-Chair Fields stated the ordinance was written so when designing a home the people could read it and know what the rules were. This is not unique and the Zoning Board of Appeals should not address this issue and opposed it.

Chairman Boman encouraged the applicants and developer if the decision is to deny the request to go to a more appropriate forum to ask for the relief they are asking for.

Co-Chair Fields motion to deny both requests, supported by Member Pratt. Yes: 5 No: 0 Absent: 0 Motion to deny both requests carried.

**4. Request for Variance from Rear Yard Setbacks in the R-2 Zoning District to allow an addition to be 25 feet from the rear property line instead of the required 50 feet, 1017 Paradise Lake Dr., RHI Homes LLC, 41-15-32-351-003.**

Darin Chapin, with RHI Homes, is present for the variance request. Tom and Tina Mittner, the homeowners, contacted them to add an addition to their home. Mr. Chapin stated they would keep consistent with the character of the road and there would be no aesthetic issues.

Open to Public Comment

Tom Mittner, 1017 Paradise Lake Dr., stated this house was one of the first houses built in the subdivision. His house faces Paradise Lake and the house was built in 1964. The short side of lot which the zoning ordinance makes the front yard, faces Far Hill and at the time it was built the street wasn't called Far Hill. If they did put the addition where they are going to, it would look as if they

were doing the opposite of what the zoning ordinance is trying to prevent which is having the proper setback to the backyard.

Closed to Public comment.

Open to Board discussion.

Chairman Boman stated the Zoning Board of Appeals received correspondence from Elizabeth and Joel Soule who are in favor of the addition to the Mittner home.

Member Korth stated he went past the house and it does face Paradise Lake which is in the applicant's front yard. Member Korth stated he was in agreement with the request. He agreed with the correspondence from Elizabeth and Joel Soule which is on file in the clerk's office.

Moved by Co-Chair Fields, supported by Member Hartley to approve the variance request. Yes: 5 No: 0 Absent: None. Motion carried.

**5. Request for Variance from Stable Building Setbacks in the RR Zoning District to allow a Stable building to be 75 feet from the property line instead of the required 150 feet, 644 Pettis Ave, Jill Bregg, 41-15-21-300-020.**

Applicant is present for the variance request. Mrs. Bregg stated she houses her horses at 6622 Pettis which is her parents' home and uses their barn for shelter even though she pastures them on her property. Her property is deep yet narrow and is bordered between her parents and neighbors who also have horses.

Zoning Administrator Kushion stated there is a purposed amendment to the Planning Commission to make the property lines 75 ft. instead of 150 ft. Kushion stated the barn the applicant is currently using is 21 ft. from the property line and her parent's property borders with Reith Riley which would be a nonconforming use.

Open to Public Comment.

Bea Schroeder, Jill Bregg's mother, stated she was in agreement with her daughter and had no objections to the request.

Zoning Administrator Kushion stated he had not received objections from neighbors.

Closed to Public Comment.

Open to Board Discussion.

Member Korth stated there is a draft zoning change for buildings such as this which is an outgrowth of a couple of variance requests the Zoning Board has seen on this subject but has not been approved by the Planning Commission which is under some revisions and has not come back to the Planning Commission agenda yet. Member Korth stated there were no negative comments from neighbors and stated the distance is outdated and the debate is whether to stay in the AG district or not. The Master Plan is promoting changes in the townships zoning standards but wanted to get the Master Plan completed first.

Co-Chair Fields moved to approve the variance request, supported by Member Hartley. Member Korth stated given the shape of the parcel and the location of house, if there is a real need for relief and a building is needed, it becomes nearly impossible to put a barn on this property. Co-Chair Fields

Zoning Board of Appeals Meeting

November 6, 2007

Page 5 of 5

stated to amend the variance with the condition the applicant must complete the boundary line adjustment with her parents. Yes: 5 No: 0 Absent: None Motion carried

**VI. CORRESPONDENCE**-Entered into various requests.

**VII. PUBLIC COMMENT**-None

**VIII. ADJOURNMENT**-Moved by Co-Chair Fields, supported by Member Pratt to adjourn at 5:19 pm  
Yes: 5 No: 0 Absent: 0 Motion Carried

---

Deborah Ensing Millhuff, CMC  
Ada Township Clerk