



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

MEMBERS PRESENT: Korth, Hartley, Pratt, Boman, and Fields
STAFF PRESENT: Kushion and Thompson
COMMUNITY PRESENT: 9
ABSENT: None

I. CALL MEETING TO ORDER-4:30 PM

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

III. APPROVAL OF THE, NOVEMBER 6, 2007, ZBA MEETING MINUTES-
Member Korth noted a correction to John Postma's name in the November minutes-Variance request #3. Moved by Member Korth, supported by Member Pratt. Yes: 5 No: 0 Absent: 0
Motion Carried.

IV. OLD BUSINESS

1. 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 request. Mr. VanderWeide stated he was asking approval of the request.

Zoning Administrator Kushion stated it was approved at the last Planning Commission meeting and stated Mr. Ferro gave a memo to the Zoning Board of Appeals. They did allow lot size averaging and allowed the front lot smaller than 3 acres.

Member Korth stated from the Board of Appeals perspective where the lot would occur and having it defined by the Planning Commission before the rest of the application was approved. Member Korth stated it was approved by the Planning Commission.

Open to Public comment.

Closed to Public comment

Open to Board discussion.

Zoning Administrator Kushion stated the accessory building is back in the lot and can't split the property so the only way to split it as is, is to split the principle structure.

Member Korth questioned if the applicant was considering to convert the building to a home and consider the variance for a year to allow the structure to become a home.

Zoning Administrator Kushion stated six months was considered to allow the conversion to a home.

Move by Member Korth to approve a six month variance allowing conversion of the structure to a home, supported by Co-Chair Fields. Yes: 5 No: 0 Motion Carried.

2. 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

James Doezema is present for the applicant's variance request. Mr. Doezema stated this is a request to deviate from the 15 maximum limitation for a private road. He stated details could be worked out regarding eliminating curb cuts on E. Fulton, the property association of Longleaf has supported it and road maintenance could be worked out. They could provide access off of E. Fulton as some of the hills and valleys make it difficult to construct a road to access the three parcels. To deviate from the 15 lot rule to access these lots, all the curbs along Fulton would be eliminated and the only access would come off Longleaf Dr.

Member Hartley asked how many feet on first alternative is the proposed drive away from E. Fulton to Longleaf and Mr. Doezema stated over 250 feet off of shared driveway.

Open to Public comment.

Andy Hakins stated he was there on behalf of the Longleaf Association and supported the applicant's request.

Steve Douglas, board member from the Longleaf Association, stated the existing Brinks drive is currently a blind drive so people existing out of Longleaf onto E. Fulton are usually concerned about looking back at Fulton traffic coming their way and when people are accelerating it is an issue and he supported the variance request.

Closed to Public comment.

Open to Board discussion.

Member Pratt questioned if this was an issue asked in previous meetings and should be looked at by Planning Commission.

Zoning Administrator Kushion stated the Planning Commission would approve the split as it is three new lots.

Member Korth stated Longleaf is a PUD and a separate zoning entity. The proposed split is not part of overlay zoning, it's part of standard zoning, so these pieces of land would become part of a PUD because that is the way it is accessed. For this parcel to become part of the PUD would put the owner of this property through a lot of work because of the normal documentation and requirements of the PUD process.

Member Korth stated from a practical situation the applicant could go back to the PUD and ask the Planning Commission. Member Korth stated he would like to see Zoning Board of Appeals act upon this as it would be burdensome for the applicant to go through the PUD process.

Co-Chair Fields stated the request was unique and the Zoning Board of Appeals have letters stating safety concerns and have had presentations on safety and seems to preserve more off of E. Fulton and doesn't have a problem with the request.

Member Hartley stated the distance between the proposed drive and E. Fulton doesn't interfere with the development up from E. Fulton and is a good safety factor to do it.

Zoning Administrator Kushion stated he received the surveys last week and had not spoke to the Fire Chief, but was sure the Fire Chief would like it off the private drive instead of having a snaking long 700-800 ft private drive up the hill.

Moved by Co-Chair Fields to approve subject to the conditions:

1. Planning Commission site plan review is required before the property is split.
 2. The applicant must submit a private road construction permit with documentation from Longleaf that the property can be accessed off of Longleaf Drive before the property is split.
- Supported by Member Hartley. Yes: 5 No: 0 Motion Carried.

V. NEW BUSINESS

1. Request for Variance from side yard setbacks in the RR/PUD zoning district to allow a 3 stall garage to be 10 feet from the side property line instead of the allowed 25 feet, William Green, 5782 Preservation ct., 41-15-29-102-015.

Michael Filion, 589 Grand River, is present for the applicant. Mr. Filion stated the applicant wanted to place several vehicles in the garage along with an area for a workshop. Mr. Filion stated the addition would look like the current home and not an addition. Mr. Filion commented the applicants neighbors would be pleased with the design and stated it was more conducive to the architecture and the condominium association has a site plan signoff with their approval.

Chairman Boman asked if it could be put on the back side of garage instead of the front side.

Mr. Filion stated there is a fall off and economically it is difficult to do as there are a lot of trees there.

Co-Chair Fields stated there is no practical difficulty, nothing to distinguish it from any other house in the community and would set a terrible precedent if the Zoning Board of Appeals voted for this.

Chairman Boman asked if there was a size they would be willing to accept if they were to reduce the amount of variance request.

Mr. Filion stated they moved back 12 feet from the original plan so it would not encroach on the site and there is no other place to put the garage as there are trees and low wetlands.

Co-Chair Fields asked what the practical difficulty is and needed configuration as this property was not self-created and what would distinguish it from dozens of applications.

Open to Public comment

Closed to Public comment.

Open to Board discussion.

Chairman Boman stated it's the purpose of the Zoning Board of Appeals to minimize variances whenever possible. The proposed garage would be desirable for the applicant, but the size would have to be changed to be within zoning ordinances, it could possibly be placed behind the existing garage which is not within the septic area, with access through the existing garage through the same door and the additional storage space would still be accomplished without requiring variance from setback standards such as shrink the size of it.

Member Korth stated it may be the wrong house for the applicants and there are other alternatives to this request. Member Korth suggested change of size and change of location to keep the integrity of our ordinances intact as this could open the door for others to do the same thing routinely and this is a clear example of where that could be the case.

Co Chair Fields stated it doesn't meet the standards with Michigan law.

Moved to deny request by Co-Chair Fields, supported by Co-Chair Pratt. Yes: 5 No: 0 Motion to deny the request carried.

VI. CORRESPONDENCE- Chairman Boman stated correspondence from Mark and Jane Cain, 8211 E. Fulton, regarding Variance request #2 on the agenda, was received by the Zoning Board of Appeals, which is on file in the Clerk's office.

VII. PUBLIC COMMENT-None

VIII. ADJOURNMENT-Moved by Co-Chair Fields, supported Member Korth to adjourn at 5:10 pm.

Deborah Ensing Millhuff, CMC
Ada Township Clerk