

**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF THE TUESDAY, NOVEMBER 3, 2015 REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, November 3, 2015, 4:30 p.m., at the Ada Township Office, 7330 Thornapple River Dr., Ada, Michigan.

Call to Order:

The meeting was called to order by Chairperson Dixon at 4:30 p.m.

Roll Call:

Members present: Dixon, Lowry and McNamara

Members absent: None

Staff Present: Ferro

Public: Approximately 5

Approval of Agenda:

It was moved by Lowry, seconded by McNamara, to approve the agenda as presented.

Motion passed unanimously.

Approval of October 6, 2015 Meeting Minutes:

It was moved by McNamara, supported by Lowry, to approve the October 6, 2015 minutes as presented.

Motion passed by 3-0 vote.

Old Business: None

New Business:

1. Request for variances from the maximum lot area requirements of the AGP Zoning District (Sec. 78-154) and the maximum lot length to width ratio of Section 78-544. If granted, the variances would allow the creation a 4.46 acre lot having an average lot length to width ratio of 3.43 to 1. The maximum lot size allowed for a non-remnant lot under Sec. 78-154 is 3 acres, and the maximum lot length to lot width ratio permitted under Sec. 78-544 is 3 to 1, 7274 and 7300 4 Mile Rd NE, Parcel No. 41-15-03-100-012 and 013, Jill McClain

Michael May, real estate broker representing the applicant, stated the applicant owns a 3-acre parcel that is wrapped by an 11-acre parcel. He stated there is a potential buyer interested in purchasing a portion of the 11-acre parcel, and if the variance is approved to create the 4.46-acre parcel, the balance of the 11-acre parcel would be combined with the 3-acre parcel, leaving the total number of lots unchanged. May stated the applicant's property is only 2 parcels away from the zoning district that allows 5-acre parcels, and most of the neighboring parcels are 5 acres.

May stated the property rises up a steep hill to the south. Limiting the lot size to 3 acres pushes the house closer to the street, which is not as adaptable for the buyer. He stated the buyer wishes to own the hill to the south, which acts as a buffer from the State Game Area to the south.

Planning Director Ferro stated the 3-acre parcel was split in 2003 from the parent parcel, under the former AG district standards, leaving an awkward horseshoe parcel that wraps around the 3-acre lot on 3 sides. Ferro stated this is an unusual lot configuration which is not very desirable as an 11-acre building site. Ferro stated in 2010, the Township replaced the former AG district with 3 new districts, and the subject property was rezoned to the AGP district. He stated this district has both a minimum lot size standard of 1 acre, and a maximum lot size standard of 3 acres, which is intended to encourage

maximizing the preservation of large parcels for agricultural use. He noted this district includes land in the far northeast portion of the Township, where there is a concentration of land in agricultural use. Ferro stated that the subject property is at the far west edge of this zoning district. He stated it is largely wooded land with steep terrain, which isn't very suitable for agricultural use. Ferro stated the agricultural preservation intent of the AGP district isn't advanced by applying it to the subject property.

Ferro noted that the application filed originally included a second variance request from the maximum length-to-width standards contained in the zoning rules. He noted that the width of the proposed parcel was subsequently revised to eliminate the need for this variance.

Ferro stated the subject property is unique with respect to the awkward shape of one of the existing parcels, such that literal enforcement of the ordinance would force this configuration to remain. Ferro noted that approval of the variance would eliminate an awkward lot configuration, and result in two side-by-side rectangular parcels that would both be more suitable home sites. He added that approval would not result in an increase in the total number of lots.

Ferro stated we have not had similar requests that would indicate that a zoning amendment would be a more appropriate remedy. Ferro stated he recommended approval of the variance.

The Chairman opened the public hearing on the request.

Patrick Creager, 7400 4 Mile Rd., asked whether the variance would affect other properties in the area, or whether it was a one-time action for a single property.

Dixon clarified the request was only applicable to the applicant's property.

David Wright, the potential buyer of the home site, stated approval of the variance would help preserve the AGP district, by reducing the potential for further split requests on the subject property.

The Chairman closed the public hearing.

Dixon stated that the subject property has 60 feet of grade change, which is not conducive to the agricultural preservation intent of the AGP district.

Dixon asked Ferro whether the Zoning Board could condition a variance on a prohibition of future splits, and whether approval would set a precedent for future splits.

Ferro stated the AGP district only allows 1 lot per 10 acres, applied to the parent parcel as of 2010.

Dixon asked whether he could craft a stipulation on an approval to restrict future splits.

Ferro stated he did not believe a condition restricting future splits was needed, since the zoning rules already prohibit future splits of the subject properties. He stated the only way the property could be split is if the zoning rules were ever changed in the future to increase the allowable density. He stated he would not want to see a condition imposed that would prohibit a future split under circumstances where the zoning is modified in the future such that a split would be permitted.

Following discussion, it was moved by Lowry, seconded by McNamara, to approve the variance as requested, subject to the condition that neither of the two resulting parcels shall be further divided, unless a future zoning ordinance amendment would allow further division.

Motion passed by 3-0 vote.

Correspondence: None

Public Comment: None

Adjournment:

It was moved by McNamara, supported by Lowry, to adjourn the meeting at 5:07 pm

Motion passed by 3-0 vote.

Jacqueline Smith
Ada Township Clerk

Date

RS/dt