

Vergennes Township
Zoning Board of Appeals
August 19, 2015

The meeting was called to order at 7:00 pm by Chairperson Gustafson.

Roll Call – Wester, Odell, Gustafson, Schreur, and Jernberg were present.

The minutes from the July 14, 2014 meeting were accepted as written with a motion by O'Dell, Wester supporting. The motion carried.

Election of Officers

Odell made a motion to keep officers the same as the previous year. Gustafson, Chairperson; Jernberg, Vice-Chairperson; Schreur, Secretary. Jernberg supported. Motion carried.

Jolene Rosser – Wants to construct a garage addition onto an existing home that is already within the front setback located at 3431 Causeway Dr., Lowell, MI.

The property was recently purchased. There is no way to add garage due to location of cottage. Would like to make living area above garage addition. Driveway would be moved away from neighbor's property line and to line it up better with new garage door. Large tree would be removed also. House is 45' from edge of road, approximately 35' from ROW. New setback would be similar to other properties in the area. There was no public comment.

A variance was granted to applicant to build a new attached garage on applicant's existing house, on condition that the new garage structure (including overhang) will be no more than 25 feet to the east of the existing house, toward the road; and that the applicant move the existing driveway to the south to line up with the new garage, as shown on the aerial photo submitted with the application. The motion by Odell, supported by Jernberg passed with no objections.

Bill Makuski – 11459 Lally Street, Lowell requests to change the side yard setback to 10 feet from 35 feet due to paper road easement.

The applicant recently split a parcel on Lally Street with the intention to build a house on the vacant Lot 2. Because of the paper road easement, there are two front yards. The paper road has never been developed and is not used to access any other properties. The neighbor is currently trying to get it abandoned through Kent County Road Commission. There is a 20' x 50' lot near the lake which was created prior to the keyhole ordinance. The address of the property seems out of sequence with surrounding properties. Makuski confirmed it with the Road Commission. He will re-confirm once any building is done on the lot. There was no public comment.

A motion by Odell, seconded by Wester was made and passed as follows: Mr. Makuski was granted a variance to permit applicant to build a new residential dwelling on the easterly portion of Lot 23 of Hickory Grove Plat as depicted in the plat materials submitted with the application. The setback of the new construction will be no less than 10 feet from the west line of the 20 foot un-improved strip shown as Oak Street on the 1925 Plat. In granting this variance, the Vergennes Zoning Board of Appeals takes no position and takes no action regarding the legal status of the Hickory Grove Plat or the referenced Oak Street, therein.

John Staudt – 21 Kendra Court, Lowell is requesting a variance to reduce the side yard setback from 35 feet to 25 feet to build a new garage.

Applicant bought the home 6 weeks ago. The River Bluff association allows a maximum 24 x 24 detached garage. It appears that size garage would fit on the property. It is a corner lot with the front facing Kendra Court and the side yard on Burroughs. Ordinance says he must be 75 feet from front of house and more than 35 feet from property line. This puts the garage front on existing driveway. Positioning it as requested would match the neighbor. Miss Dig marked all lines that morning. It is a different picture now as Comcast has a cable buried 4' from offset line. There is a utility cable there as well. The well is in the middle of the yard and the septic system is in the back yard. There is not a lot of flexibility due to buried lines. He is now asking for 2 feet into the setback. Schreur looked at other options for location of garage. He thinks the applicant can make it work without need of a variance.

The easement for Comcast is unknown at present. Applicant needs to look at his Title Insurance papers to see where the easement begins and ends to start with. He may need to contact Comcast for further clarification. There is usually a space of several feet on either side of the buried cable (similar to electric line easements). There was no public comment.

A motion was made by Jernberg to table the applicant's request for variance pending further research by applicant regarding the legal status of easements for utilities on the property. Applicant may renew the request for variance within one year without being required to restart the application process and pay additional fees. The motion was supported by Odell. The motion carried.

There was no further business requiring action by the Zoning Board.

A motion to adjourn the meeting was made by Jernberg and supported by Wester. The motion passed. The meeting was adjourned at 8:18 pm.