

**Vergennes Township
Zoning Board of Appeals Minutes
August 29, 2000**

A meeting of the Vergennes Township Zoning Board of Appeals was held on August 29, 2000 at the Vergennes Township Hall. At 7:03 pm, Chairman Pete Gustafson called the meeting to order. Also present were Board members Bill Schreur and Scott Jernberg. Bob Humphries and Kerry Tap were absent with last minute time conflicts and the alternates were unable to attend as well on short notice. The Board is meeting to hear requests for variances from two applicants.

Gustafson explained that with a Board of three members, any decisions would have to be a unanimous vote. He gave the two applicants the option of meeting again with the full Board at another date.

Bob Larkin stated he would like to have the full Board hear his variance application.

Jeffrey DeVito stated he would have the present Board hear his application.

Mr. Larkin and the Board decided to go over some of the basic facts for familiarization. Larkin said he currently has an accessory building on the property at 880 Parnell of 40' by 60'. He bought the property about 10 years ago. He had tried to buy some property at another location to put up the accessory building. Mr. Cook (previous supervisor) told him he could not build on that property as it was an illegal lot and there was not a dwelling on it. Larkin then purchased the property on Parnell, as there was a mobile home on it. He applied for a building permit to construct the accessory building there. Mr. Cook denied the permit, as the mobile home was a non-conforming use. Larkin then applied for a variance to put up the accessory building. During the meeting he withdrew the request. He said he withdrew the request, as it was apparent it was not going to be granted. He stated that Mr. Cook made a deal with him to remove the mobile home and he would give him the building permit. He then constructed the building. Some years later he wanted to add onto the building, but the Township denied his request because with the dwelling having been removed, the building is now a non-conforming use. The only other way he can add onto the building is to build a house on the property.

Larkin was given a copy of the 3 letters received that commented on his application. He stated that because of a neighbor complaint and a letter from the zoning Administrator about a year ago, he wants to add onto the building by 30' by 50' to keep his cars and things inside the building. The Zoning Administrator said she did send a letter to clean up junk and unlicensed vehicles about a year ago. Mr. Larkin cleaned up the property and she inspected it at that time. He also planted some trees in an open area across from one of the new houses going up on the private road that runs along his property to the east. Mr. Larkin stated this land was part of the old Davis farm and is on the east side of the road south of McPherson. None of the members present were able to go out to the site.

Chair asked if anyone was in attendance to speak for or against the application from Larkin.

Pete Weidenfeller said he is building a house at 860 Parnell, which is the first lot on the adjoining private road. He stated he did not have a problem with the building addition. He said that if the cars or vehicles would be stored inside, then the neighbors would not see them.

Schreur asked how far from the lot lines was the building? Vandersloot provided the plat map book and Larkin showed on the aerial and plat map where the property was located and the building. It is not close to any of the borders, meets any setbacks in place now.

A question was asked when the mobile home was removed? Larkin said 1993. Questions were asked why a variance request in 1989 that was withdrawn but the building was constructed anyway? What did the notation in the file mean about the property not being wide enough? Larkin answered that the lot was not 300 feet wide, and he purchased more land to make it about 320 by 2000 feet. He withdrew the request as he felt the ZBA would not grant the variance. He was given the building permit for the agreement to remove the mobile home. He took out a bond to remove it as well, which he provided a copy of it and the building permit.

Chair read the ordinance 201.402 pertaining to accessory buildings and dwellings.

Larkin stated it was better to build the addition in light of the letters the Board received. They then would not see the vehicles. He said the neighbors have never complained to him, just filed a complaint with the Township about a year ago, same with these letters except one was sent to him.

Schreur asked how much stuff and vehicles were there? He apologized about not being able to go out to the site. Larkin stated he and his brother are into antique cars and do their hobbies there. He explained many cars from courier business he had about a year or so ago were being sold there to get rid of them.

Jernberg asked how would we ascertain if all the vehicles would be kept inside the addition? Schreur asked if we could make a requirement that the vehicles be inside? Chair said Board could grant variances with conditions attached. All members agreed the full Board should hear the variance request due to the history of the building; none of the members had visited the site, and the complication of the non-conformity of the building.

The members asked Larkin when they could reconvene for a new meeting? Larkin stated he was going on a trip for most of September; he will call Vandersloot when he returns and set up a new date in October.

Jernberg asked if any business was being conducted there by Larkin? Larkin stated no, he is retired and only does his and his brothers hobbies there. They do not do any commercial type of business there. They have a hoist and shop to work on their own vehicles. They do not renovate cars and resell them.

Schreur motioned to table for the full Board. Jernberg seconded. The vote was unanimous. The members would like more history information for the next meeting. Vandersloot was asked to

copy the Larkin file from 1989 and any other history information that may be in the files for the next meeting. The Chair thanked the resident that came on behalf of the request.

At 7:45 pm, the Chair asked Jeffrey DeVito to present his request.

DeVito explained his reason for coming to the meeting. He has not yet built his accessory building back in 1996 after he was given a variance. His wife had a difficult pregnancy and he broke his ankle. The previous variance was to erect the building at least 45 feet from the centerline of Finn in the area depicted on the drawing. The first ZBA wanted him to put it in the area where he is requesting the location at this time. The area was too wet before, but two years ago, the ditch was re-dug by the Road Commission and the area drains much better now. The area he is requesting has stayed quite dry the last two years. He is requesting the same 45-foot setback from Finn but in the new location and 56 feet long instead of 48. It will sit the other direction as well (shorter end to the road).

Schreur asked if the drain field was in the way of the building? DeVito stated that it does not work well; there is 70 feet of clay. The Health Dept. has said it is insufficient but operable. He stated when he bought the property; he cleaned up a large amount of scrap steel in the woods. The house is a money pit of problems, but he has most of them fixed. He wants the building for storage of a boat, recreational vehicles, etc. The original location would have been right next to the drain field.

Schreur asked if the building would match the house? DeVito said it would be vertical metal siding. Vandersloot stated there is no color or matching ordinance unless construction is in the front yard, which this is not.

The lot was presented on the plat and aerial maps. It is on the corner of the dead end part of Finn. It is in the RA District.

Schreur asked about screening from the road? Can he plant some pine trees there? DeVito said there is a tree line there now and plans to leave it; also it is a natural beauty road and should not change anything. He will be removing a few small saplings only.

Chair asked if anyone was there to comment on the application. Vern Nauta said he farms around and near the area and the area near the creek (which is a county drain) is very wet. He does not have any reasons why he should not be able to construct the building there. It would be even farther from the corner view at that site.

DeVito said there are only 2 neighbors down the road; they are the only ones that will be driving past it.

Jernberg motioned to approve the variance as depicted on the drawing with the same 45-foot setback from the middle of the street of Finn (12 foot setback from the road right of way). Schreur seconded. The vote was unanimous. Chair wrote the motion on the decision form, all members read and signed it.

The minutes of the meeting from June 1, 2000 were approved. The motion to approve was by Gustafson, seconded by Jernberg. The vote was unanimous.

Meeting was adjourned at 8:30 pm.

Minutes recorded by Jeanne Vandersloot.