

**Vergennes Township
Zoning Board of Appeals Minutes
December 18, 2008**

Draft Until Approved

A meeting of the Vergennes Township Zoning Board of Appeals was held on December 18, 2008 at the Township Offices. Chairman Gustafson called the meeting to order at 7:00 pm. Also present were members Baird, Jernberg, Schreur and Odell. Alternate Wester stood by in the audience in case needed.

Approval of last meeting minutes: Baird motioned, Jernberg seconded, to approve the minutes of October 23, 2008 as presented. Motion carried 5-0.

John Forsberg – 850 Montcalm side setback variance

Presentation was given by applicant. He said their house is small and the addition onto the garage will be for a small home office/man cave with half bath. The current garage is 14 feet from the side lot line and 25 feet is required for the RA district. The garage may angle slightly along the lot line. Notices were sent to neighboring tenants and landowners. The addition will barely be seen due to a large pine tree blocking it from the river view, the garage and pine trees from the road and pine trees between the garage and the south neighbor. The north neighbor will have a very limited view due to the distance and layout of the homes.

Odell said he has been there and it did not appear that this addition would impact any neighbors. These parcels are in the RA district but very old small lots along the river and setbacks typically cannot be met in this area. There were no public comments.

Schreur motioned, Odell seconded, to grant the variance to construct a 14 foot deep by 24 feet wide addition onto the existing garage on applicant's property at 850 Montcalm Ave as depicted on the site plan submitted with the application, on condition that the addition will be attached to the rear of the garage and the east line of the addition will be parallel to and in line with the east side of the existing garage. Carried 5-0.

Chris Kropf – Variance to split parcel with less than required frontage.

Applicant gave a presentation of request. When this application was before the Board in 2004, the owner was different and the application was tabled for abutting landowners to discuss a possible purchase. The property is the left over part from a larger set of splits over the years and is slightly a Z shape with frontage of 4 Mile Rd and Alden Nash. Norm Byrne now owns the property and he is willing to sell the lower part on Alden Nash (3.15 acres) to Dave Steinbrecher who owns adjacent land. Chris would purchase the eastern portion (8.38 acres) abutting his land. The property along 4 Mile Rd by Chris's house has about 290 feet of frontage and has been this way for a long period of time. The purchase price could include a split right and he wants to be able to keep the split right for a future split if he pursues that. The future 2nd lot will also be less than the 300 feet required frontage due to both having the same width. Chris showed the surveys

to the members and explained how the proposed split would be and the future split and a possible land boundary change for part of the land to go to the neighbor, Roth's. There was some discussion about splits/combinations/boundary adjustments.

Chris's lot is already nonconforming in size and width. There were questions on how far his garage was from the lot line. Jernberg lived there many years ago and estimated about 20-22 feet (computer parcel program scaled at 20.5 feet). There was concern about that property not meeting side setback alongside the new parcel. The ordinance was reviewed on frontage/lot width. The lot width can be measured in one of 3 ways – continuous along a public or private road, parallel to a public road if a back lot or along an easement into a back lot property the minimum width of the underlying district. It was determined that a variance was only needed for the split that would front on 4 Mile Rd. If the second split of that land were to occur in the future, then an easement would run from 4 Mile through the front lot to the back lot and within that lot for 300 feet and not need a variance in that case. If Roth's buy the middle part, then that is not a split but a boundary adjustment/combination. Acreages would have to be checked carefully so compliant lot sizes were created.

There was some discussion on the straightening of the north/south property line east of Chris's lot. If even the line up then he would have more side yard and the line would go straight south instead of a dogleg. There was a consensus to approve the lot width variance on 4 Mile but give a range of feet in case he wants to straighten up the lines. The members agreed that 260 feet was the shortest lot width that would be acceptable and thought to be reasonable. Jernberg started an approval motion and the Chairman wrote out the proposed approval conditional language for the members to discuss. The written motion was accepted by Odell, seconded by Schreur, to allow applicant to purchase 8.38 acres of property along 4 Mile Rd adjacent to the east of his lot at 12104 4 Mile Rd. The property to be acquired ("the new parcel") has a lot width on 4 Mile Rd of 290.82 feet, which is less than the 300 foot minimum lot width requirement for the RA district. Applicant requests a variance as to the new parcel, in the event of future sale of that parcel, to permit him to split off the property as a separate lot. The Board of Appeals grants applicant a variance as to the lot width requirement of the new parcel to permit that parcel as a separate lot to be not less than 261 feet in width, with any adjustment in width less than 290.82 feet to occur on and along the west boundary of the new parcel. Motion carried 5-0.

Correspondence received

Email was received by a resident asking about the light in violation at 1100 Parnell Rd and noting that one streetlight at the Cumberland Woods development is broken allowing the light to shine outwards. Vandersloot commented that she has been working with the new owners of the Parnell house in which they have just moved into. The house has just been constructed and they put up the outdoor light on the power pole to light up the driveway area. It is very bright and they have lowered the light and she has asked them to find something to shield the sides of the light so it can become compliant with the ordinance. She will pass onto the development owner to fix the street light glass.

Member Update

The Township Board, at their last meeting, reviewed expiring memberships and decided to move Odell to the alternate position and move Wester to the regular position starting in January.

There was not any other business to come before the Board.

Odell motioned, Schreur seconded, to adjourn the meeting at 8:21 pm. Motion carried by 5-0.

Respectfully submitted,
Jeanne Vandersloot, Recorder