

Vergennes Township
ZONING BOARD OF APPEALS MINUTES
December 28, 1999

A meeting of the Vergennes Township Zoning Board of Appeals was held on December 28, 1999 at the Vergennes Township Hall. At 7:00 PM the meeting was called to order by Chairman Howard. Also present were Board members Pete Gustafson, Bill Schreur, Kerry Tap and Bob Humphries. Al Baird was also present at the board table.

APPROVAL OF SEPTEMBER 21 MINUTES: Minutes were approved.

1. PETER WEIDENFELLER VARIANCE REQUEST: Peter Weidenfeller spoke first, explaining his dilemma of misinterpreting the easement and setback rules when staking his house on the corner of Parnell Ave/Parnell Road. Needs a variance because his house is inadvertently 6 feet over the setback line. Is willing to move the garage to the east side of the house because it would extend even further into the setback. Lengthy discussion followed, including comments by Weidenfeller's neighbors and those with whom he shares the private road. Concerns include the reasons for the incorrect measurement, the correct site plan, why the contractor didn't double-check the owner's measurements, how the problem was noticed. The neighbors submitted several letters about their concerns, including the importance of abiding by township rules, the impact on ability to sell their homes, safety and noise. Mr. Larkin, another neighbor, spoke to support Weidenfeller's request. The variance would allow a triangular, 96 square foot section of the house into the setback area. Mr. Weidenfeller's step-father spoke to the moral issue, that Mr. Weidenfeller had no intention of creating this problem and was shocked to be informed it had occurred. Discussion involving the applicant, ZBA, and neighbors ensued about how to find acceptable common ground.

Motion by Humphries, seconded by Gustafson, that the six-foot NW corner wall and the three-foot NE corner wall of the house, with a three-foot overhang, be granted to encroach 6 feet and 3 feet respectively into the 35-foot setback, contingent on entirely removing other concrete slabs, footings, and concrete related to the shop/garage that are also in the setback, and with the stipulation that the contingency be met before construction is resumed. All approved by role call vote.

Members of the ZBA also expressed concern about how construction could have proceeded so far (poured concrete foundation, footings, walls) without the error being noticed. Would like to create a process so this can't happen again. Humphries suggested this discussion be made an agenda item for the next ZBA meeting.

2. OTHER BUSINESS: Discussion ensued about Township practice/policy regarding where a building begins for measuring purposes. The wall? An overhang? A deck or porch?

Code allows a three-foot overhang, but anything larger has to be supported by a weight-bearing wall or post. Bearing walls or posts should probably be the measurement point. Gustafson: recommend to the Planning Commission to clarify the measurement provision with the knowledge that the ZBA recommends buildings be measured from the closest weight-bearing element.

The next regularly scheduled meeting of the ZBA is set for Wednesday, January 5, 2000.

ADJOURNMENT: The ZBA adjourned at 8:30 PM.

Respectfully submitted,

Kate Dernocoeur
Substitute Recorder