

**Vergennes Township
Zoning Board of Appeals Minutes
February 18, 2003**

A meeting of the Vergennes Township Zoning Board of Appeals was held on February 18, 2003 at the Township Offices. Chairman Gustafson called the meeting to order at 7:02 pm. Also present were members Schreur, Baird, Jernberg and alternate Odell. Humphries arrived at 7:12 pm.

Election of Officers: Motion by Odell, seconded by Baird to nominate Gustafson for Chairman for the year 2003. All Approved. Motion by Baird, seconded by Schreur, to nominate Odell for Vice-Chair. All Approved. Motion by Baird, seconded by Odell to nominate Schreur for Secretary. All Approved.

Approval of January 23, 2002 minutes: Motion to approve by Odell, seconded by Baird. All approved.

Ford Variance Request

Chairman Gustafson asked the Zoning Administrator Vandersloot for the zoning variances that would be required. She stated that the lot was created before zoning was adopted, the lot and Fallasburg village is in the RA district requiring 3 acres, 300' lot width, 35' front setback, 25' side setbacks, 50' rear setback, the lot is 50' by 208.5' and the setbacks cover the entire lot providing no area to build any structures. She also stated that the parcel to the west of the Ford property is owned by the Township and that is where the gristmill will eventually be located on the river. Planner Kilpatrick wrote a memo that was sent to the members after he reviewed the application.

Chairman Gustafson asked the applicant Shawn Ford and property owner Pat Ford (father) to give a presentation of why they are requesting a variance. Pat Ford bought the property about 1 ½ to 2 years ago for his son to build a house on. They want to tear down the old cottage there that is not repairable to the building codes. Pat Ford's property and home are just to the north of this property and the east neighbor's lot is an L shape that runs between the two Ford properties and along the east side of the applicant's lot. They are trying to purchase some of this property to make the small lot larger. The lot would gain in length only. The old cottage does not have any historical value; it was an old seasonal hunting cottage.

Odell asked about the hand pump well. Pat said it is very shallow and would be removed. Mrs. Ford said that they had designed the house to be of a similar traditional design as the other two story houses in the village, a better value for the area and a better view from the road than the old cottage. The building is not habitable or repairable, there is no plumbing in it, they thought that it had been condemned to live in. Vandersloot stated that she did not have any information about any condemnation proceedings.

Schreur asked if the siding was asbestos. Pat thought it was slate. Gustafson read the previous variance application decision on this same property from 1994, in which the

Board denied a request for variance. The applicant did not come back with a new design for the house. Odell asked if more property were purchased, would the lot be wider? Pat said no, just longer. There was a discussion about the house size and lot size. 900 square feet is required on the first floor of new houses. The plan is for 646 feet on the first floor but it is being planned for two stories and would be almost 1300 square feet. A smaller house would be more in proportion to the lot size. Both neighboring houses are two stories, and they want this house to be compatible with them.

Gustafson asked for any comment from the public at this time. Steve Platt from the Vergennes Open Space Committee helped with the Township survey. A great concern was to retain the rural character of the area and was concerned with changing that character. He has not seen the house but thinks an old house in disrepair is not an asset to the community. Gustafson said the house is right by the covered bridge. One letter was received by mail; one letter was handed out to the members at the meeting and one document from the Health Dept. was handed out to the members.

William VanVugt is a member of the Fallasburg Historical Society and lives on Thompson Dr. It is the unanimous decision of the Society to oppose the variance. He said the new house will destroy the integrity of the village, alter the area, the proposed house is not architecturally consistent with the area, will set a precedent for the area and alter the uniqueness of the pioneer village. The Misner house was torn down and rebuilt to match the old house and was approved by the Registry of Historic Places.

The Ford's responded that the plans were consistent with the other houses in the district and that they had planned it that way, there is a newer manufactured house across the street, there is a single wide mobile home on Montcalm, they want the new home to match the other houses in the village and that this home would be very attractive to look at instead of the old cottage. Kids had broken out the windows in it. They pointed out that the Society had torn down a historical house and rebuilt it. They would likely use vinyl siding, but would consider wood if that was preferable to the Society.

Humphries asked about the Registry. Kerry Shubach stated that the area had a historical district boundary and certain houses were listed that the Society owned. Humphries also asked if the house was repairable. VanVugt said there is an old foundation there that is thought to be the old general store.

Gustafson read the nonconforming section of the zoning ordinance. Variance is required to use this property for new housing purposes. Odell asked the Society what they would like to see in the new house to be more compatible if it gets approved.

Kerry said she is the Society Director, not a Board member, the village is unique from the 1800's, very rare now to exist with this many of the original houses, a new house destroys the integrity of the value of the village, may lose Registry designation, the Misner house was approved to be rebuilt by the Registry. Humphries asked if there are any pictures of the general store. Ferris Miller said he lived in the village from about 1921 to 1935 and recalls the general store, a large barn type of building, he thinks it fell

in years ago or was moved, not sure where it was exactly. Many buildings were moved around in those days.

Pat Ford stated that some pictures were shown to him but they were not all from the village. No one seems to know for sure what was on the site before the cottage. Shawn said there is a new home development south and adjacent to the village, also to the east are new homes and a doublewide home across the street showing that not all of the village's houses are old. VanVugt said that the approved septic permit is for a 2-bedroom house and the plans show a 3-bedroom house. Shawn said he talked to the inspector today and there was a misunderstanding, he will make it a 2-bedroom house or get another permit for a 3-bedroom house. Ferris said the Society tried to buy the property years ago and wanted to tear down the cottage and keep the land as open space. Baird commented that the land was for sale for a long time and why did they not buy it at that time. There was a general discussion about possible artifacts, the opportunity to look for any, the general store, and any history about other buildings that may have been on the site years ago.

Odell mentioned several questions that need answering such as input from the Society to adjust the house plans for compatible style and siting on the lot, if the Registry designation would be lost, find out the septic / 2-3 bedroom questions and where will the house be placed if more land is purchased. The septic setback is adequate, Odell paced it and Vandersloot measured it. The request should be tabled to find out more of this information.

The Fords said they could provide a new site plan with more detail, find out if they can purchase the other additional property, work with the Society for house plan detail, and meet with the Heath Dept. to amend the well and septic permit if needed.

Kerry stated that the homes in the village were Greek Revival type and she would provide a boundary map of the Registry area, which is from the bridge to the schoolhouse and the cemetery.

Odell motioned, Baird seconded to table the variance request to construct a new dwelling on an undersized lot, pending receipt of further information; (1) clarifying through a resubmitted site plan the building location, septic and well in light of owners opportunity to procure additional land to the north; (2) clarify the number of bedrooms and required size of septic field; (3) consult with the historical society on architectural design and features; (4) determine impact on National Historic Register designation; (5) determine whether any artifacts can be retrieved; (6) determine whether any photographs exist. All Approved. Concluded at 8:39 pm.

Vergennes United Methodist Church Variance Request

Roger Odell is representing the church. The church is asking to construct an addition to the north side of the church of 18' by 48' to use for classrooms. The new construction would be 2 feet from the north lot line bordering the cemetery parcel.

Schreur asked how close the grave markers were to the lot line. Roger estimated 4-5 feet. Humphries asked if that was far enough. Roger thought there is a clear border there because of older trees along the line. He said years ago the church property was thought to be further north, but after a survey, it showed the cemetery was closer to the church so about a 6 foot extra clear area exists.

Roger said some of the trees would have to come out, but they would save all that they could, the roof lines would slope east-west. Jernberg noted that some steps, such as a retaining wall, may need to be taken to keep water runoff from the cemetery to the excavation site. Schreur asked if they could expand to the east. Roger said that a new gable roof line would have to go on, more costly, not as easily designed for looks and foot traffic, and would use up some parking area. There was a general discussion about gravesites, soil borings or digging to check for any possible remains not documented and the depth of footings.

Vandersloot stated that a Parnell street side setback would also need to be granted to expand on that line of the building as well as the rear setback variance to the north. She said the Clerk did not raise any questions about any of the gravesites being too close. It was a consensus that the grave map should be consulted before any excavation and soil borings done before digging the footings.

Motion by Schreur, seconded by Jernberg to grant a variance to add an 18' by 48' addition at the north end of the church, as shown on the site plan, thus waiving the rear and side yard setbacks for the new addition, on condition that the church verify from the cemetery plan or, as necessary, soil borings that the new structure and foundation will not encroach on any grave sites. All Approved.

Motion to adjourn by Humphries, seconded by Jernberg. All approved. Meeting adjourned at 9:02 pm.

Respectfully submitted,
Jeanne Vandersloot, Recorder

Approved June 9, 2003, ZBA Meeting