

**Vergennes Township
Zoning Board of Appeals Minutes
January 23, 2002**

APPROVED 2/18, 2003

A meeting of the Vergennes Township Zoning Board of Appeals was held on January 23, 2002 at the Township Offices. Chairman Gustafson called the meeting to order at 7:00 pm. Also present were members Schreur, Humphries, Baird and alternates Tap and Odell. Jernberg arrived at 7:04 pm.

Approval of November 8, 2000 minutes: Motion to approve by Odell, seconded by Humphries. All approved. It was noted that they had not met for any requests in the year 2001.

Election of Officers: Motion by Baird, seconded by Odell to have Gustafson chair this meeting and be Chairman for the year 2002. All Approved.

Chairman Gustafson asked the applicant Richard Brown to give his presentation requesting a variance to place a garage 20 feet from the rear lot line where a 50-foot setback is required. Richard and Lisa live at 13472 Forest River Ct. Mr. Brown stated that he wanted to save the tree to the left of his house and keep access open to the rest of his rear yard for drain field access and to park an RV. There is a small shed in the rear corner, which may be removed at a later date. The garage will be stick built with vinyl siding and matching shingles to their house. They plan on painting the house to match the new garage siding. He may put electric in it at a later time, but not initially.

Vandersloot presented one email letter from a resident within 300 feet of the applicant's property. Odell questioned the residents concern that a car repair or other business not is allowed in the garage? Mr. Brown stated that he has an antique car that he is restoring and does his own repair work. His attached garage is where he does all of his own work. He does not do any work for anyone else and does not plan to do so. He built his own trailer. The RV camper will not fit into the new building.

Chairman Gustafson opened the public comment time to the audience. A neighbor (Dale) on the corner stated that he is in favor of the variance because the building will look better and less people can see it if located farther back on the lot. He also stated that Mr. Brown does not do work for other people, he probably would not have time anyway. He asked why there was such a large 50-foot setback and what was it for? Gustafson explained it is for keeping buildings away from lot lines.

No other comments from the audience were offered. Mr. Brown passed out photographs of the yard and house area. He stated that the pine trees would stay except for the diseased ones in the rear. He plans to replace them and the tree that a storm had taken out the top. There is a natural screening for the neighbors with these pine trees, and more when some are replaced. He stated that the color of the new garage would be matched to

repainting the house and matching shingles. He said they would plan on starting construction in the spring.

Humphries asked what type of driveway would be installed? Mr. Brown said he thought maybe cobblestone or brick, he likes a nostalgic look, has an antique gas pump that he would like to display for decoration. Discussion about other surfaces and whether any restrictions should apply, general consensus that driveway surfaces are not restricted in the ordinances.

Chairman Gustafson asked the members if they were ready for any motions?

Humphries motioned, Baird seconded a motion to grant the variance request to construct a 24' by 32' frame construction, vinyl sided garage building with shingled roofing, with a set back of 20 feet from the rear (east) and side (north) lines of the lot as depicted on the attached site plan. The variance is conditioned upon the following:

1. construction shall be as described above and color scheme of siding and roof shall be consistent / compatible with house
2. the garage is for personal, non-commercial use and storage of trailers, vehicles and the like; among other uses
3. an evergreen screen shall be planted and maintained along the rear and north lot lines to screen the building

Motion carried.

A copy of the variance was made for the applicant and he was instructed that the next step was to apply for the building permit with the variance attached. Vandersloot said she already had the building permit application and would put it together after the meeting and have it ready for the building inspector.

A lengthy discussion ensued about accessory buildings in R-2 and R-3 districts. This included discussion about the 30% maximum lot coverage for buildings, whether to restrict number and square footage of accessory buildings in these districts or height, calculations on sizes that could be built under the 30% coverage, and to write a recommendation to the Planning Commission to consider possibly amending the accessory building ordinance and reducing the rear setback for R-2 and R-3 districts.

Jernberg asked Vandersloot to provide a range of lot sizes along Vergennes in the Schreur plat for the Planning Commission.

Vandersloot commented for perspective purposes, if relevant, that she sent out 28 notices within 300 feet of the applicants property and there was one response, generally in favor if the garage was not to be used for business use, but would be used to park some of the vehicles in the building that are now located in the yard. She also said that if a reduction in accessory buildings was adopted, there should be a sliding scale due to differences in lot sizes in R-2 and R-3, as acreages differ from plat size lots up to 90 acres. She stated

that a 50-foot rear setback is generally out of proportion in a 17,000 square foot lot size in her experience with resident situations in Vergennes and other similar ordinances. She reminded the members that a Vice-Chairman has not been nominated.

Baird motioned, Schreur seconded to nominate Roger Odell as Vice-Chairman. Motion Carried.

Notes to Planning Commission:

The ZBA recommends that the Planning Commission consider adoption of accessory building restrictions in the R-2 and R-3 districts, to set appropriate maximum building size, height and other conditions for accessory buildings on the smaller lots in these districts, whether the accessory building is in the front yard, side yard or the rear yard. The limitations on accessory buildings in front yards for the R-2 and R-3 districts may be an appropriate starting point for such overall restrictions, although the ZBA believes that 900 square feet is too large for the R-2 and R-3 districts, whether the accessory buildings are located in the front yard or elsewhere. Appropriate maximum height might be 10 feet at the eaves with a comparable maximum building height.

The ZBA also recommends that the Planning Commission consider whether reasonable accessory building restrictions would be appropriate for other zoning districts. Some members of the ZBA believe that accessory buildings in the R-2 and R-3 districts should be limited to “Minor Accessory Buildings” unless a variance is granted for a larger structure.

Finally, the ZBA believes that the Planning Commission should consider reducing the 50-foot setback requirement in rear yards in the R-2 and R-3 districts.

Motion to adjourn by Humphries, seconded by Jernberg. All approved. Meeting adjourned at 8:42 pm.

Respectfully submitted,
Jeanne Vandersloot, Recorder