

**Vergennes Township
Zoning Board of Appeals Minutes
January 31, 2005**

Approved 2-22-05

A meeting of the Vergennes Township Zoning Board of Appeals was held on January 31, 2005 at the Township Offices. Chairman Gustafson called the meeting to order at 7:02 pm. Also present were members Schreur, Baird, Rittenger and Jernberg.

Election of Officers: After discussion, Baird motioned, Rittenger seconded, to nominate Gustafson to remain as Chairperson, Jernberg as Vice-Chairperson and Schreur as Secretary. Carried 5-0.

Approval of November 18, 2004 minutes: Schreur motioned, Rittenger seconded, to approve the minutes as presented. Carried 5-0.

Sefton Variance Request:

The applicant, David Sefton, gave an overview of his application. He showed the survey of the property with the proposed split of one parcel, had bought the land from a foreclosure, the property was created with less than the required frontage before zoning, he will split the new lot with over the 3 acre minimum and a new house would have to be placed in the wider portion of the lot. Kent County Road Commission approved a driveway permit to access the property. The applicant and the neighbor have used the 33-foot easement for years. The surveying firm said by not using “together and with” in the language, it prevents the new lot from using the current easement. He was not aware of any ordinance on number of driveways that a parcel could have.

Members questioned why would all three lots not share the current driveway? That would require a private road with expensive upgrade and removal of many trees and vegetation, requiring a wider easement and the barn would be within the easement. It looks rural now and he would not want to destroy the area. Question of how far the new driveway would be from the neighbors lot line? About 20 feet, KCRC said that was not a problem, just add a culvert. Discussion of private road ordinance/shared driveway/multiple driveways. David said the frontage on Beckwith is only short by 47 feet, and is adding 1.5 extra acres of land to make up for that. He is taking into consideration the neighbors views by requiring a new house to be back farther where the property is wider. All of these neighboring lots were created before zoning when there was not any acreage or width requirements.

Gustafson suggested some type of variance to allow all to use the shared driveway. He read over the documents that the neighbor brought to the township. They are agreements when the land was split in the 1970's with conditions. He interprets them to mean that one single family home can be built within 570 feet of Beckwith and one home in the other half of the property up to the Flat River, this applies to all lots mentioned in the

documents of lots A, B and C. Baird added that the small front lot has been there since he has been around the area. It appears from the documents that the agreements had been recorded, and if so, would be binding. This should be checked on.

Jernberg asked why lot A does not have its own driveway? David said there is a huge hill there, the joint part is at the front of the land and then splits off to each parcel. Jernberg said they should adopt a maintenance agreement for the shared drives.

Gustafson suggested that David do the following:

1. Confer with his planning person to read the agreement – can the easement extend use of the driveway to the sale of a front parcel and third owner use it (read legal)?
2. Confirm that the documents are recorded and binding to him, if so, will it still allow one house in the north 570 feet?
3. Have planner determine if David's lot is parcel B.
4. What lots are A, B and C?
5. Ask neighbor Porter if ok to share the driveway with a 3rd lot.
6. Suggest route of new driveway off the shared one, add to survey.

The documents indicate that only this one split could be done. The two neighbors have taken care of the driveway with a verbal discussion so far. The members discussed the barn; will it stay with the new lot? David may move it or otherwise it will stay with the new lot.

Jernberg said they should create a maintenance agreement that can be recorded.

Jernberg motioned, Baird seconded, to table the request until the above information can be retrieved from the Register of Deeds by looking up the items in the liber and page numbers indicated on the page as # 3 and 6 and call Vandersloot to schedule a new meeting date when the other information is obtained. Carried 5-0.

Jernberg motioned, Baird seconded, to adjourn at 8:17 pm. Carried 5-0.

Respectfully submitted,
Jeanne Vandersloot, Recorder