

**Vergennes Township
Zoning Board of Appeals Minutes
June 9, 2003**

A meeting of the Vergennes Township Zoning Board of Appeals was held on June 9, 2003 at the Township Offices. Chairman Gustafson called the meeting to order at 7:03 pm. Also present were members Schreur, Baird, Humphries and alternate Odell. Jernberg was absent.

Meeting was held downstairs because Lowell School Board elections were taking place upstairs in the meeting area.

Approval of February 18, 2003 minutes: Motion to approve by Odell, seconded by Baird. All approved.

The Chairman suggested to reverse the order of the two variance requests; Roth first, Ford second. All approved.

Roth Variance Request

Chairman Gustafson asked the Zoning Administrator Vandersloot for a brief synopsis of the request. She reported that the Kropf parent parcel included mixed use buildings, the Roth house and garage, agricultural buildings for the Kropf farms, and farm help housing. The Roth's are purchasing the house and garage and about 10 acres from the Kropf's. The house and garage are on the corner of Alden Nash and 4 Mile, and due to the close proximity of the garage and one of the farm buildings, the new property line will go between the buildings and will be 4.80 feet from the garage and 25.79 feet from the farm building. The surveyor put the new line this way so that only one building would become nonconforming.

Aaron Roth was present and stated that he is buying the property from their in-laws, and there is a Kropf letter stating that they agree with the property split and variance. He said that both buildings were in good condition. He said that both buildings were in good condition, and that both buildings have access driveways; an easement is not necessary to access the building on the southerly portion of the proposed split. Aaron Roth provided photographs of the two buildings.

Chairman Gustafson asked for any public comment from the audience. There was none. The Chairman reviewed the ordinance section 201.503 variance standards and there was a general consensus from the members that the standards were met, and that except for the one setback for which the variance was sought, the parcels in question met lot area, frontage and setback requirements for the RA District. Baird motioned, Schreur seconded, to approve the variance request regarding the garage setback, with the condition that if the existing garage is destroyed or removed, that a new garage be moved north to meet the current ordinance setbacks. Approved 5-0.

Ford Variance Request

Chairman Gustafson read the written decision from the last February 18, 2003, meeting at which applicant's variance request had been tabled, and a request was made by the Board for further information from the applicant to be presented at a subsequent meeting if the applicant wished to pursue the request for variance. The Chairman reviewed the application noting that the lot is in the RA and FR overlay districts, that there is an abandoned, dilapidated cottage on the lot, and that the Fords want to remove the existing structure and build a new two-story house on the lot. The grand-fathered undersized lot, being .2 acre (50' x 208.5'), is in the Fallasburg Historical Village, and is close to the Historic Fallasburg Covered Bridge along the Flat River but is not contiguous to the other Ford owned lot to the north. The Chairman noted that previous correspondence and submissions regarding the variance request were contained in the file.

Zoning Administrator Vandersloot went over the new additional items. They included a new site plan showing the house being moved farther north closer to the existing well, a new inside layout showing a two bedroom house, a new septic and well permit moving the drain fields to the south and an email from the National Register State Representative explaining his concern about development within the Fallasburg Village and stating that if the house is built, they would not consider de-listing the historic district from the Registry. She did not receive any information on whether any artifacts can be retrieved or if any old photographs exist of the property.

Chairman Gustafson asked if the Ford's and the Fallasburg Historical Society were able to meet to consult on architectural details. Pat Ford said they met last Thursday with Kerry Shubach. Michelle Ford said that Kerry suggested that the windows line up above one another and a roof return (eyebrow box return) be added, Kerry would prefer wood siding but another product could be used if it looked like wood. Michelle said that only one other house in the village had this "eyebrow", but they would add it if wanted.

Chairman Gustafson stated that the ZBA could attach conditions to any decisions, such as co-meeting with the society for integrity of the district suggestions. Odell asked if the larger Ford parcel could be split and the new house put on that property. Pat Ford said they did not want to do that as they would then have nonconforming lots less than three acres; his is now about the only lot that is at least three acres in the Village. Pat Ford submitted photographs of the other houses in the Village to the members.

The Chairman opened the meeting to public comment. Kerry Shubach, director of the Historical Society, presented a survey document indicating a previous Society commissioned study that had been done to find original sites of old buildings. The survey traced the location, ownership and titles of property in the historic Village. The document letter from Jim Mulder, who did the research survey, wrote that it was his opinion that the general store in the historic Village had once stood on the subject parcel. It was noted that an archeological study would be required to find or confirm an old foundation or other artifacts.

Kerry Shubach then asked the Ford parents "Why do you want your kids to build here?" Sue Ford said that it is a nice area to live in and the grandkids would be close by. Kerry

asked Shawn and Michelle Ford “Why do you want to build here?” They said that Shawn grew up in the Ford house, friends and family are here, does not like it in Grand Rapids, he went to Lowell schools and wants their kids to go there and be close to his parents in case they need his help (they are expecting a baby).” Kerry asked them “Do you want the Village preserved?” Sue Ford responded that she wanted it “reasonably preserved”, she considered the Misner house tear-down and rebuild to be exactly like their situation, an old small house too far gone to repair and best approach is to build a new house and it makes the area more attractive as many of the current houses are somewhat in disrepair now, mostly due to age. Kerry asked, “What about this lot being the old general store site?” Sue Ford said she does not think the lot is of any historical significance.

Kerry brought up the study, noting that the general store was thought to have been on this site. They would need an archeological study to find foundation or artifacts. The Chairman said that the study did have some indication that the general store may have been there, but it is long gone now and some artifacts may be in the soils. The Chairman asked Kerry about the meeting with the Fords. Kerry Shubach stated that she had not been contacted by the Fords until the Saturday, a week before the meeting, that various Board members of the Historical Society were out of town and the Board could not be convened, and that she did not and could not speak for the Board. Her comments were therefore personal and informal and were directed toward certain architectural features which she believed reflected the character of other buildings. The Historical Society continues to oppose development of the property. She showed the Fords a printout of a Greek Revival house, and discussed the other houses in the Village and the detail of rooflines and windows. The Chairman asked her if the proposed house plans were consistent with the current houses or not and if there was enough time to do the consultation? Kerry answered that the Fallas house is nearly the same size and could be used as an example for comparable style. She said that the Fords came to her a week before to ask for the meeting. Pat Ford said he thought the Society was supposed to call him. Kerry said that she expected the Fords to call her.

Schreur stated that there seemed to be only slight architectural details to be added, and these could be quickly drawn in. There is a new product called cement board siding that has a longer life than wood and closely matches wood in appearance and comes in various widths and depths.

Pat Ford said they just want something that will hold up, the Village is shady, and anything would be acceptable to them to allow them to proceed.

Odell stated that in considering a variance there should be a balance between both the applicant’s interests and those of the public. He expected to find prints of Greek Revival style houses and noted that the applicant had furnished only line drawings, not blueprints, and he had expected the Society’s suggestions to be incorporated into the drawings. He also noted that the proposed house would be seen from the bridge, which is often photographed. He stated that the Fallasburg Village area has a unique style of houses.

Sue Ford said that if you take off the porches of her and Pat's house, the detailed drawings are her house, Shawn's uncle is a builder and he drew the house plans to duplicate their house and the style of the Village two story houses.

Schreur said that there are only a few small details to be added to the plans and asked whether the Board should allow the applicant to come back with updated plans. Baird commented that if so, the Board should be specific in what it wants them to do. Shawn Ford said that they were willing to consider revisions to make the plans consistent with the area, including windows, siding, etc.

Dorothy Blair, member of the Historical Society, commented that she thought the lot was too small to build on, too close to the bridge and adjacent properties. She asked how the applicants could get a well and septic on the lot. Pat Ford said that there is a well there and they received a septic permit from the Health Department, which had been presented to the Board.

There was a general discussion about the lot being within the Flat River District, requiring a 100-foot setback from the waters edge. The property boundary appeared to be approximately 100 feet from the river. The house and septic system was determined to meet this 100 foot setback using the aerial plat map, but a surveyor could mark the line if required by the ZBA. Humphries noted that the setback is from the ordinary high water mark and that no survey was available regarding the river setback.

Humphries asked if there were any ordinances that would require an archeological dig. Kerry Shubach said some require it, but not any local ones. A short discussion occurred about funds, purchasing of historic properties, lack of township support for purchase of the property, and possible future sale of the property. It was noted that the property had been on the market for some time before it was recently purchased by the Fords, and the Historical Society did not purchase the property due to a lack of available funds.

Chairman Gustafson asked if there were any other comments, and being none, closed the public hearing. The Chairman read the variance standards of section 201.503. Humphries asked about the ordinance reference to a use variance and rezoning. The Chairman replied that it is not this type of variance. There was a discussion about small lot sizes in the Village, the RA zoning, the proximity of Fallasburg Bridge, the gristmill site, and the river. It was noted that the size of the lot would not meet any zoning district minimum lot sizes in the township.

Odell commented that he considered the detailed drawings line drawings, not blueprints, and with the time between meetings, the applicants should have completed blueprints with the Society's suggestions. There was a discussion about time span, architecture important to historic area, whether a one-week notice was enough for the Society to give a good recommendation of architectural details. Shawn Ford said they met with Kerry and she was fine with most of the proposed house plan except for window placement and the roof eyebrow detail and the house is just like his parents except for the porches. Mr. Ford (Uncle, builder, drew plans) stated that the drawings are blueprints, not as detailed

as some, but meet requirements for a building permit, not every window can be moved, are placed because of bed wall, etc.

The issue regarding the general store location was again discussed, and a question was raised whether pictures were available. Kerry thought Judy Baird had some photos (Al Baird said he did not know if she did or not). Baird said it is time to make a decision, or have the applicants come back with specific information requested. Humphries said that if the store was there at one time, then that points to rebuilding a historic structure there. There was additional discussion about the Society's lack of buying the property when it was for sale, the lack of the Society's accomplishments of other projects and available funds.

Chairman Gustafson said that it is a small lot, in the Village of Fallasburg, in the Flat River and Rural Agriculture zoning districts, it is near the bridge; an important feature of the area, whether the old cottage stays there or is removed is not the relevant question; the cottage is not currently habitable.

A woman in the audience asked when the lot was purchased? Pat Ford answered 1 ½ years ago. Shawn said they filled out all required paperwork to demolish the house and rebuild a new house, and then was told about needing a variance.

Odell said that the ZBA must balance the historical aspect of the lot to property rights, a two-story house has greater visual impact, and he wants detailed blueprints. Schreur said that the few new details could even be drawn on these plans; they are minor.

Pat and Sue Ford said they own one of the original houses and keep up the historical appearance, and asked the Board if they can resubmit the plans with the details that are wanted for Greek Revival architecture. The plans are their house without the porches, and when the historical professionals came out some years ago to look at the Village houses, her porches were the only parts considered Greek Revival. Schreur said he was fine with postponing for resubmitted new plans.

Chairman Gustafson asked if anyone was ready for a motion, that being to approve, deny, or further table. Humphries and Baird said they were ready for a decision tonight.

Humphries made a motion to deny as presented based on the undersized lot, setting a precedent and detracting from the historical Village.

Schreur said he would like to see the application tabled, invite the applicant to provide detailed drawings, talk more with the Society, and that some type of variance should be possible. He noted that the Historical Society could have bought the property when it was available.

Odell seconded the motion to deny as presented. He stated that the plans were corrected to show 2 bedrooms and that he does not want a variance to impact the historical standing of the Village, that the applicants had not clarified the drawings before the hearing, and if the future grist mill is installed, the house will be in sight of it.

Baird and Schreur both stated they were in favor of the applicants resubmitting detailed plans.

Shawn Ford said they did all that was asked of them from the last meeting, they were not told to add the details to the plans, were willing to do whatever the Board wanted them to, do not understand every procedure requirement.

Chairman Gustafson closed the floor discussion and called for a vote. Motion to deny the variance passed 3-2. Yeas: Humphries, Gustafson, Odell. Nays: Baird, Schreur. The notice of decision was written and signed by the members. Applicants asked the Zoning Administrator about appeal requirements. She explained that they could reapply for a new application and fee with new plans or appeal to Circuit Court. Motion to adjourn by Humphries, seconded by Baird. Approved 5-0. Meeting adjourned at 9.19 pm.

Respectively submitted,
Jeanne Vandersloot, recorder

Minutes Approved 8-6-03 by Zoning Board of Appeals