

Vergennes Township Zoning Board of Appeals

Minutes June 17, 1998

The meeting was called to order at 7:03 PM. Present were Chairperson Howard, and members Tap, Gustafson, and Humphries. The minutes of June 10, 1998 were approved with a motion by Tap, seconded by Humphries. Howard explained that Cook could not attend and asked the applicants if that would be all right with them. All agreed.

Gustafson made a motion and Tap seconded to take the motion of June 10th, 1998 concerning the Lenihans off the table.

Tap said he & Cook had visited the site last week and felt that if the structure were moved south 10 ft. (50 ft. from well head) the slope would be acceptable for a building. Cook has had substantial experience in building pole barns, and had made several recommendations while on the site.

The Lenihans were not comfortable with the suggested site being much closer to their house, mentioning several inherent problems with stables near homes. They also didn't want to excavate into the hill and ruin landscaping they have done. They asked about other homes they have noticed that have out buildings closer to the road. Members noted several possibilities such as approved variances or a grandfathered type of situation.

Howard noted that the portable shed that is in their front yard is also within the front yard setback.

Tap felt that the site he described (50 ft. east to the well) would work if excavation and filling were done. About three feet of fill would be needed on the low end and they would need to dig into the hill on the other end.

The Lenihans were concerned that the poles that have been cemented in would be difficult to remove.

Gustafson noted that any given parcel in Vergennes Township might have the ideal site in the property owners mind that could be in conflict with the ordinance. He explained to the applicants that the ZBA can't violate the ordinance for the benefit of property owners preference. He suggested that the ZBA review the ordinance criteria for items that would put the applicant in the arena to apply for a variance.

Howard read from Section 201.503, Variances. Discussion as to whether or not the criteria is met, including if there were any extraordinary circumstances that would apply

to the property. It was felt that the topography issues of the property do not seem insurmountable.

Applicant asked what is considered a structure - definition was read for buildings and accessory buildings.

There was a discussion concerning where the front yard set back measurement starts. Gustafson pointed out that in the ordinance where stable set backs are noted, you would not measure from the adjoining property line in the front yard because accessory buildings are not allowed in the front yard.

Tap motioned to deny the request as applied for, but to allow one additional meeting concerning this request at no additional cost. Humphries seconded, and the motion carried unanimously.

The applicants indicated that they would not be willing to move the structure. Gustafson noted that there is not much room for discussion based on the statement of the applicants, further commenting that he does not believe that the request meets the requirements for a variance.

Scott Stephens was present to discuss his willingness to re-locate his proposed storage building as discussed during the June 10, 1998 meeting. He presented an alternate plan that is closer in compliance to the front yard setback restriction. Gustafson commented that he thinks it's appropriate that the property owner has proposed a new site that is more in compliance with the ordinance, also saving one more tree.

Gustafson motioned that the re-submitted application for the variance be granted on the following conditions:

1. Garage building indicated on drawing (6/17/98) be built such that the NE corner be no more than '24 forward from front line of house.
2. NW corner no more than 12' forward from front line of house.
3. Native vegetation between new garage building and road be maintained as part of the variance.

Tap seconded, and the motion carried unanimously.

In further business, a discussion was held concerning policy on tabled meetings. It was determined that as long as a quorum is present, members not present at the original meeting will not be asked to fill the seat of an absent member.

Motion to adjourn by Humphries, seconded by Tap at 8:38 PM.

Mari Stone, Recorder