

Vergennes Township
Zoning Board of Appeals
Tuesday, May 08, 2012

Pete Gustafson called meeting to order at 7pm.

Roll Call – Gustafson, Jernberg, Baird, Wester, Schreur all present.

Jeanne Vandersloot, Zoning Official, was not present due to prior appointment.

Approval of January 18, 2012 minutes – Schreur motioned to accept minutes from January 18, 2012 meeting as written, Wester seconds. No discussion, motion carried.

Mark and Sherry Werner and Greg Holwerda were in attendance to present their case for the variance request.

Greg Holwerda spoke on behalf of the applicants. They are proposing to split lot at the corner of Foreman and Cumberland (1156 Cumberland). Tom Medendorp split property (Foreman Farms) some time ago. Asking to split well over two acres, but because it is a corner lot it has 3x the road frontage than typical parcel. The surrounding area is zoned R-1 and R-2. The resulting lot would be 35,629 square feet, 7931 square feet less than an acre. A parcel immediately west of property across Cumberland Avenue is about the same size as this one would be. 30% of resulting parcel is road right of way, which is why this variance should be approved.

Gustafson– questioned when 1156 Cumberland was initially split. Holwerda indicated it was 12 years ago or a bit longer. Waiting period under land division act has expired. Jeanne Vandersloot double checked to make sure.

Gustafson looked at zoning map. Confirmed where division line would be. What is Holwerda's role here? He has optioned to buy the split lot and possibly build in the future. Mark Werner owns entire lot right now. Pete went over lot sizes after road right of way and before.

Tom Medendorp was in audience. They are all 165 foot parcels (minimum road frontage required) until you take the road right of way out.

Jernberg – What is elevation of resulting lot? Is it higher, lower or the same as parcel that backs up to it? That parcel has a collection area for runoff. Mark Werner indicated it was a couple feet higher on corner than the drainage that backs up to it.

Schreur wondered if a septic permit was approved. Holwerda was not sure, had not applied for one yet. Soil is sand and gravel though. Didn't think there would be a problem.

Gustafson opened floor to public comment at 7:19pm.

Susan Heishetter owns unit one in Foreman Farms. Her parcel is part of the Foreman Farms Homeowners Association. Would this new lot be part of that? No. It is separate from Foreman Farms. Only homes on Foreman Farms Court are part of Association.

Who would be responsible for property upkeep and taxes? Werners or Holwerda? When sale is final, Holwerda would be responsible for property in its entirety.

Ms. Heishetter is for the split. She was curious about process and wanted to come and see what goes on. She has a parcel she may be interested in doing the same thing to in the future. Gustafson informed her that since she was part of Foreman Farms, her process may differ from this. She understood.

Tim Wittenbach asked where Holwerda planned to put driveway. Typically the Road Commission decides where to place driveway based on traffic, etc. Holwerda planned to go with their recommendation. He didn't believe he had a choice.

Gustafson reminded that variances can have conditions built into them and that could be a condition if needed.

Close public comment at 7:24.

Board comments

Jernberg – What this boils down to is to split lot just to build house on resulting parcel. Yes.

Schreur – any precedent set for something like this? Not really. Each case is different. Variances have been denied based on association rules, etc.

Gustafson – applicant has brought up several considerations about zoning in area, availability of utilities, neighbor's position. How far off is size from zoning requirements. It would be relevant to look at zoning around parcel. 2 small lots right across the street are similar to what is being proposed here.

Jernberg– what would setbacks be for R-1 designation. Need to take them into consideration . Builder would need to have house plan that fits those setbacks. Coming off Cumberland makes it difficult to have back/front yard. When is best guess for building there? Per Holwerda, they are not planning to build anytime soon. Possibly in 2013. Whatever they do, it will be spec house and market needs to be better. Risk too high right now.

Jernberg – Board will not be willing to compromise on setbacks, especially the side yard. He wants to make sure that the applicants do not come back in a year and ask for setback variances. Holwerda is not asking for setback relief. Never gave it a thought. Believes he can work within parameters of setbacks in place today.

Al Baird – is not hearing opposition to request. He could go along with it. Also doesn't want to have them come back and ask for setback variance.

Jernberg -- approve split with all required setbacks honored. Any improvements would meet zoning requirements and building codes.

What if variance is granted and the sale does not go through. Variance is good for one year. Holwerda said if variance is approved tonight, the sale is a done deal.

Jernberg motions to grant variance to permit a lot split and creation of new parcel at 1156 Cumberland which will have 35629 square feet of lot area (excluding road right of way) with frontage of 129.56 on Cumberland and 275 feet on Foreman as shown on the survey and photos submitted with application; provided that any building improvement on the lot will meet all floor area and setback requirements of the Zoning Ordinance. Al Baird seconded motion. Motion carried.

Gustafson wrote up Decision and all Board members signed.

Motion to adjourn the meeting at 8:02 by Jernberg; seconded by Wester.