

**Vergennes Township
Zoning Board of Appeals Minutes
May 10, 2004**

Minutes approved on May 24, 2004

A meeting of the Vergennes Township Zoning Board of Appeals was held on May 10, 2004 at the Township Offices. Chairman Gustafson called the meeting to order at 7:06 pm. Also present were members Schreur, Baird, Rittenger and Jernberg.

Approval of August 6, 2003 minutes: Motion to approve by Jernberg, seconded by Baird. All approved.

Geers Variance Request

Vandersloot explained that the Geers have withdrawn their application. They met with their excavator and were able to find a spot that would meet the 75 foot minimum setback for a horse barn so then did not need the variance. A motion was made by Baird, seconded by Schreur to refund the variance fee but deducting the reasonable out of pocket costs from it. Motion carried 5-0.

Bruwer Variance Request

Chairman Gustafson said that he must excuse himself from this request due to the fact that his law firm represents the buyer of the Bruwer property. He is not familiar with the purchase details but considers it an interest conflict and will step down for this application. Schreur was chosen as acting Chairman for this request and Gustafson took a seat in the audience area.

Vandersloot laid out aerial/parcel maps of the area on the table.

Mr. Bruwer showed the areas in question on the maps, explained that a doctor from Virginia is purchasing the 90.97 acres for retirement purposes and includes the chosen land with natural features that he is interested in. A 40 acre parcel will remain. He explained that to split the land in the proposed manner causes the 90.97 acre parcel not to have a continuous 300 foot lot width, but 3 “fingers” of land that go out to Lincoln Lake. The fingers cumulatively add up to over 300 feet. The assessor denied the split application unless either they must obtain a variance, add 300 feet of the frontage of the 40 acre parcel to this parcel or put in a private road.

Wendy, the realtor assisting the family, noted that most of the property does not perk and the doctor is building in the middle of the property, proving that it is not planned for development. Jernberg said that a private treatment plant could be built for those situations. She said that is not the plans; it is for retirement and open space purposes. She further explained that he wishes to place the driveway in the larger southern finger. To add the 300 feet from the 40 acre parcel to the 90.97 acre parcel would violate the 4 to 1 rule from the Land Division Act and cause that parcel split problems.

Baird explained that years ago there were problems with people splitting land with fingers and that is why the ordinance was changed to require the 300 feet of continuous width. The 300 feet of continuous land could be bought from the 40 acre parcel and then split that into 2 parcels with an easement to the rear one, that would satisfy the 4 to 1. Mr. Bruwer said that might still be a problem for the 40 acre parcel as it is more sales worthy at 40 acres. Baird further explained some examples of previous splits that had happened with fingers so houses could be built.

There was a discussion concerning the option of building a private road through a finger of land. Costs of a road to one house were high, would take out trees and vegetation more than a driveway width. The current ordinance would require an upgrade to a road if they split in the future to 3 or more lots.

Schreur said that it would be extreme to deny one home on this much land with the way it exists. Rittenger said it is a lot of land for one house and is reasonable to allow it. Mr. Larkin asked about number of houses on a private road. Vandersloot said 2 lots require a shared driveway but 3 or more requires a private road. If they should occur, the private road ordinance will require any future splits of the properties to apply for the private road process.

It was noted that none of the three front houses residents were in attendance. There were no letters or emails concerning the application. Mr. Bruwer said that the assessor recommended approval because dividing the land to meet the ordinance will affect the other 40 acre property and causes the large parcel to be even more odd shaped.

More discussion: they do have the property available to create 300 continuous feet/a lot of land for one house/frontage added equals more than 300 feet/three parcels in front were done long ago possible divorce reasons.

Schreur stated he wants some kind of motion allowing the variance, it is unusual shaped land, extreme to deny so much land for one house, prevents development, and if splits in the future, must put in a private road. With that, Schreur made the motion to approve the variance request, seconded by Rittenger. Jernberg read over the standards for review in the ordinance. Motion carried 3-1. The decision form was filled out, signed and a copy provided to the applicant.

Chairman Gustafson returned to the table for the next request on the agenda.

Teunessen Variance Request

The applicant, Josh, and father Bill were in attendance. They explained that Josh lives in the cottage, needs a garage for car and lawn mower, swimming items, etc. The lot is one of the small platted lots along Causeway Dr. The lot is flat along the road but drops off significantly to the lake waters edge below. They did not want to put it down by the water, as would be a visual hindrance to the neighbors and on such a steep slope. The logical area is to the south side of the house but it would be in the side and front setback

areas. They were advised by the zoning administrator that they need a variance to construct a garage in that location.

Vandersloot laid out aerial/parcel maps of the area on the table.

There was a discussion about steepness of slope, the house is a one story cottage, many previous variances have been granted in that area, and that the neighbors garage comes out closer to the road than the requested garage placement.

Josh explained that the back corner or the garage would require a deeper foundation and fill to bring it up to the rest of the property. As requested by the neighbors, they would put the siding all the way down to the ground to cover the cement foundation. They are planning to put on new shingles and siding to match both the requested garage and the cottage.

Rittenger asked if Vandersloot had heard from the Health Department concerning the existing well and its close proximity to the proposed garage? She said that there is a 3 foot setback from any roof overhang or eave to a wellhead. Water coming off a roof should not pour down directly onto a wellhead. The proposed garage is about a foot from the wellhead.

There is public sewer there but not public water. Wells are about 75 feet deep in the area. They could move the well to a different location or put it inside of the building. There was some discussion about moving the garage more forward. There was concern about speed of cars on the curve with it being more forward. They cannot encroach into the road right of way.

Jernberg suggested that the applicants meet with the Health Department to resolve placement of the building in regard to the existing well, talk to the neighbors if the garage placement needs to move some and come back with a new site plan. There was a general agreement consensus to this.

Jernberg motioned to table the request so the applicant can get the above information and come back to another meeting without additional fee. Baird seconded the motion. Motion carried 5-0. A future date was tentatively set for May 24 at 7:00 pm.

Jernberg motioned to adjourn, Schreur seconded. Meeting adjourned at 8:15 pm.

Respectfully submitted,
Jeanne Vandersloot, Recorder