

**Vergennes Township
Zoning Board of Appeals Minutes
May 25, 2010**

Draft Until Approved

A meeting of the Vergennes Township Zoning Board of Appeals was held on May 25, 2010 at the Township Offices. Odell noted that Gustafson called and would be a little late and therefore called the meeting to order at 7:00 pm. Also present were members Baird, Jernberg and Wester. Odell attended as the alternate for absent member Schreur. Gustafson arrived at 7:12 pm and took over as Chairman.

Approval of last meeting minutes:

Baird motioned, Wester seconded, to approve the last meeting minutes of March 31, 2010 as presented. Motion carried 4-0 before the Chairman arrived.

11914 4 Mile Rd – lot area variance

Applicant Doug VanPortfleet brought a large map of the foreclosed property that he purchased from Chemical Bank. This is the major remaining portion of the same property that Harrison bought and received a lot area variance at the March meeting. He wants to split up the property in the manner shown so that the lake front lot owners across the street in Grattan Twp could purchase the frontage width and land area of this land that abuts their frontages. It would be 7 parcels. He would like to create an association to own parcel A so that the road could be protected and maintained. There are about 18 lot owners on the private road. He would need to get a legal description of the private road so that it could be recorded for all land owners but does not want to spend that much unless he can have the approval of the splits to survey at the same time.

He said that he received a copy of the Assessors memo noting that only 4 lots could be created under the Land Division Act standards. He then showed another large map of the parcel as plan B showing 4 lots. Jernberg had reservations about this private road not having an association or maintenance agreement and the problems associated with such roads. Resident Almassian said they work informally for snowplowing and road repairs and it has worked pretty well. Gustafson said that we cannot make them create an association but can grant the variance with some conditions such as require an easement be created on this parcel. Lake lot owner Meyers asked if everyone needs an easement before splitting. Gustafson said that they should want a legal recorded means to exit and enter the property.

Other history given was that 4 years ago everyone agreed to pave the private road from Alden Nash to the end but a few did not pay and the road is gravel in front of their lots. Only the year round residents share the cost of snowplowing. Odell also thinks there should at least be an easement from Alden Nash to the end of this parcel and a complete easement would be the best choice for all the property owners. Vandersloot and Steinbrecher explained the recent mortgage problem of a lot owner on the NE fork of the private road. Without a legal easement, the mortgage company refused a mortgage.

Steinbrecher and some other neighbors signed a document allowing passage through their land where the road is located to her house. This could happen to future sales down there without a legal easement.

Meyers asked if an easement can be created without an association – answer was yes. Nearby resident and landowner Steinbrecher said he did not have a problem with the proposal and signed an agreement with the applicant so it could be purchased with the purpose of no development. Members in agreement to get everything settled ahead of time.

Some discussion on the 4 lot Land Division formula requirement – Vandersloot said the law was changed in 1997 and a new split formula was created along with the requirement for townships to review and approve land divisions if they met the State and local requirements. Question was if there was an appeal process to the Act – Vandersloot will check on that with the Assessor. Also check with the Assessor if private roads are taxed.

Gustafson went over legal process for land used over 15 years; it is a time consuming and expensive court process to gain legal access or ownership. So if everyone will work together to get a legal easement, it is the best way to protect each parcel for mortgages, ingress and egress and so forth. He invited a motion to table the application so that the applicant can come back with either the 4 or 7 lot plan, do easement work, survey work, research, etc, without an additional cost for a second meeting.

Vandersloot has some old deeds in that area that she can copy for the applicant to research. Some of them have vague easement descriptions from their lots to Alden Nash – no width except one says 20 feet or specific location other than the section/township line and to Alden Nash. Members discussed what they would like to see for possible conditions. They thought that 20 feet wide was reasonable due the closeness of homes and buildings to the existing road. Jernberg divided the entire road into 3 sections – A for entrance at Alden Nash to the fork in the road, B for the rest of the road to the west including the applicant's parcel and C, the northeast part from the fork in the road. The A section would be the most beneficial to gain an easement legal description and owner approvals, with B and C desirable. They would want one for the applicant's parcel portion of B for sure. The applicant said he can't be responsible for others road agreements, but only the land under his control. He will research the other parcels to see who may have descriptions already and try to get one written and owner approved for any that does not. The informal method of maintenance has worked for the most part with the exception of the few that did not pay for pavement.

A question came up on whether the Harrison variance could be modified to require some easement on the portion that he purchased. Vandersloot will check the zoning act on zoning board of appeals process.

Odell motioned, Jernberg seconded, to table the application so that the applicant can come back to a no fee second meeting so he can work on and try to obtain the following items:

1. Letter of intent signed by the land owners to agree to go forward and sign a final document to obtain a right of way easement from 4 Mile/Alden Nash to as much of the road as possible for ingress/egress
2. Write a draft maintenance agreement
3. Work on agreement for road width easement of at least 20 feet
4. New proposed parcel splits to be deed restricted to no houses, be always sold with the adjoining lake front lots and allowing accessory buildings if the ordinance allows

Motion carried 5-0.

No other business came before the Board.

Adjournment:

Jernberg motioned, Baird seconded, to adjourn the meeting at 8:50 pm. Motion carried 5-0.

Respectfully submitted,
Jeanne Vandersloot, Recorder