

**Vergennes Township  
Zoning Board of Appeals Minutes  
November 18, 2004**

Approved January 31, 2005

A meeting of the Vergennes Township Zoning Board of Appeals was held on November 18, 2004 at the Township Offices. Chairman Gustafson called the meeting to order at 7:01 pm. Also present were members Schreur, Baird, Rittenger and alternate Odell. Absent was Jernberg.

**Approval of August 23, 2004 minutes:** Baird motioned, Schreur seconded, to approve the minutes as presented. Carried 5-0.

**Stockreef Variance Request:**

Chairman Gustafson described the request for creating 3 lots with one of them .13 acre less than the 3 acre minimum relevant to ordinance requirements of lot size, roads, layout, road frontage and RA district. Lot C has 305 feet of frontage; lot B is a corner lot with 459 and 245 feet and lot A with 366. Lot frontage of all three lots is met.

There was a discussion of the public and private roads concerning upgrade of the older private road. Vandersloot said the applicant had been to the Planning Commission for discussion of his plans. To add a new lot on a grand fathered private road requires an upgrade of the entire road and adding a maintenance agreement to be reviewed by the Planning Commission and the Township Board. In these circumstances, occasionally a waiver is requested and may be granted by the Township Board for sufficient cause. The Planning Commission suggested that the applicant apply for the variance first and if granted, then come back to them for the private road review.

David and Diane Stockreef, the applicants, gave an overview of their request. They had purchased the 10 acres back in 1978 before zoning was adopted. Four of the lots on the private road are 2.5 acres. His property is a corner lot and has road right of way on 3 sides. Right of way is excluded from the 3 acre minimum and he is penalized for over 1 acre of right of way. That makes the one lot short by .13 acre. The odd shaped lot is so that all three lots can have deeded access to the public Wege Nature Area to the south.

Chairman Gustafson said the nature area is nonpublic land. There are restrictions such as no hunting. It is run by the school and the Nature Conservancy and can never be developed. The exact restrictions should be checked on so as not to mislead any purchasers. Odell is uncomfortable with the odd shaped lot, may cause problems such as siting for buildings, horses, etc, in the future.

Stockreef said the assessor reviewed his proposed split and said that the setbacks must be met for the existing house as well as frontage and acres. Chairman Gustafson asked if notices went to the neighbors? Vandersloot said they were mailed and the notice was in the Lowell Ledger. Stockreef said his neighbors are fine with the splits; they just don't

want their road, after his house driveway, dug up and trees removed. He said the deed restrictions for the development are stricter than the townships such as setback and they have a maintenance agreement. There were no audience listeners.

There was a discussion about the private road/upgrades/ordinance/process/turnaround, etc. The applicant said he has had one estimate of \$11,000 to upgrade the road. It is not economical to upgrade at that amount and more importantly not to destroy the neighbor's trees. He will not destroy the neighbors trees to get the third lot, would rather do two lots then. Chairman Gustafson stated that this group is not here to review the private road upgrade, which is for another board to do. If the request is granted, then the applicants will have to go through the private road upgrade process. If the request is not granted, then the applicants may create two lots.

Stockreef said that it is about 500 feet to the pine trees from Alden Nash. He would like to propose an upgrade to that point so to not upset the neighbors beyond that point. Odell visited the site, is concerned that fire trucks could not maneuver back there, all lot owners lose the right of way calculation, dislikes the dogleg lot, but with such a small amount of acreage less than 3 acres, may be convinced that the variance could be approved. Schreur asked whether the road issue is a great enough reason to deny or approve as it relates to the request.

Chairman Gustafson said the private road, if the request is granted, must go to the Planning Commission and Township Board for review and approval (or waivers) with steps taken to hire an engineer to design the upgrade. The Zoning Board of Appeals is not the body to review and approve the road. The road is about 14 feet wide now and will have to go to 18 feet with 3 foot shoulders. Schreur said the pines were Norway species. Baird said a similar grand fathered road situation also found that the lot owners do not want existing trees cut. Chairman Gustafson suggested focusing on the request.

Odell motioned, Baird seconded, to approve the variance to divide the applicants property into three lots with two of the lots to be not less than 3 acres in lot size and one lot to be no more than .15 acres less than 3 acres, said property being located at 11960 Alden Pines Dr. in section 28 of Vergennes Township, on condition that applicants comply with the legal requirements regarding upgrades of the Vergennes Township Private Road Ordinance. There was some discussion on whether the Board wanted a motion on the lot configuration of the dogleg lot. Stockreef said he has a buyer for that lot and he does not care if it has that shape or not. There were no motions on lot configuration.

Chairman Gustafson called for a vote on the motion. The motion carried to grant the variance 5-0. The decision form was filled out, signed and a copy given to the applicant. Odell motioned, Baird seconded, to adjourn at 8:15 pm.

Respectfully submitted,  
Jeanne Vandersloot, Recorder