

**Vergennes Township**  
ZONING BOARD OF APPEALS MINUTES  
August 23, 2004  
Approved 11-18-04

A meeting of the Vergennes Township Zoning Board of Appeals was held on August 23, 2004 at the Township Offices. At 7:00 PM Chairman Gustafson called the meeting to order. Also present were Board members Baird, Rittenger, Schreur, and Jernberg.

**APPROVAL OF MAY 24, 2004 MINUTES:** Motion to approve by Baird, seconded by Jernberg. All approved.

**1. VARIANCE REQUEST FROM GREENTREE FARMS LLC (4-MILE RD.)** Jeanne Vandersloot unable to attend, but present is Debbie Rashid, Twp Assessor.

Applicant presentation: Steve Kropf, managing partner in Greentree Farms. Some contiguous properties sold earlier this year resulted in need for a configuration resulting in one parcel with an unusual shape. Second stage plan now is to sell some of the leftover parcel, which is L-shaped or jagged-shaped. (Showed exhibit, showing parcels E, F, and C.) Applicant would like to split & sell, but was informed by the Zoning Administrator that having a lot line less than 300 feet means it cannot be split. Purpose of the variance request is to request permission for sale of a lot with less than 300-foot width to be broken into a couple of 3-acre parcels. Two neighboring owners (Chris Kropf and Roth) are willing to help make this happen by purchase or redrawing of parcel lines. Chris Kropf (present) would like more property near his home. (No one present from Roth family.) The resulting parcel (parcel C) has a 1-2 acre orchard still being used/farmed. Other nearby real estate is not of a size or topography worth farming. Future potential also for Greentree or Kropf family to own a strip along the length of the property currently owned by a family member. Discussion about nearby ownership of acreage, use, and topography.

Discussion about prior planning resulting in the need for this variance application. 1960 boundary line was 284 feet – 16 feet short, unbeknownst to applicant. Gustafson: you don't need frontage for farmland, that's for development/houses. Historical explanation of the jagged-sized lot.

The odd shaped lot is just under 12 acres. If the variance is granted, then the two lots may be sold and the remainder kept with the farm property. The neighbors are interested in purchasing these lots and adding them to their existing parcels. This would then not require a variance. With a variance, a split application will result later, retaining frontage on Alden Nash for use with ag-commercial use of nearby land already in Ag use, and sell the lots on and below 4 Mile. Gustafson - a variance is required for selling to another party for development (versus selling to neighbors who want to add to existing ownership of nearby acreage).

Letter to Board from Chris Kropf noted.

Are there confirmed buyers for the land? / not at present. Chris Kropf: expressed support for the idea and is willing to purchase the necessary acreage.

Jernberg: Is there a reason to apply for a variance against the ordinance that is already on the books and create a landlocked parcel, thus putting the ZBA in a difficult position to comment on this request. May be best to table the application until specific lot lines are drawn and an agreement is clarified with neighbors. Applicant may thus not need a variance.

**Motion** by Jernberg to table this request and give applicant opportunity to come back (with no further payment of fee) if needed, pending discussions mentioned herein. Also, if no further variance action is required, possibility of variance fee refund discussed (after township expenses). Seconded by Baird. No further discussion. All approved.

**2. VARIANCE REQUEST FROM JOSEPH SEJAT.** Regarding an R1 (Foreman Road) parcel of 3.3 acres. Applicants want to build a pole barn for horse, hay (not utility). Site is 64 feet from one side lot line, 78 feet from other side lot line. Variance would place barn 9 feet under the required lot line setback.

Applicant presentation: applicant delivered packets to Board members, illustrating top view of footprint of property, including a letter from Hughes (sole neighbors) in support of the project. (Neighbors are eager for horses nearby.) Open pasture is on the other side of the barn. Cannot see pasture from Foreman Road. There are no homes to the east, enclosed acres covered by woods. A buffer has been left between Hughes residence and the site.

What about centering the building on the lot to be as close as possible to conformity? Applicant tried, but also wanted to consider the natural path in the woods to avoid cutting trees. Barn is just to the left of the trail into the woods. They considered building a lean-to, but they want just one structure, not multiple ones on a property that size.

Schreur: generally in favor, considering that the neighbors are in support. Centering it could help, its only 7 feet if it's about taking out trees. Applicant began building with a permit for a utility building, poles are cemented in. Size of building will not change regardless. Moving the building is possibly a hardship to applicant. Moving the building may not be as good an option. Schreur: just because the building is started should not be a consideration. Gustafson: what has been started is not illegal as it is now.

Rittenger: pointed out that new neighbors might not like horses. / Future owners cannot influence a variance decision now, would know what was next door at time of purchase. Applicant has set fence back 4 feet for future tree planting if necessary or desired.

Baird: in the future, better to come in before starting. People have had to tear structures down in the past. The ordinance is the ZBA's first concern.

As a livestock situation, what about limiting the application to horses and not other

kinds of livestock in there that would make this setback more crucial.

**Motion** by Baird to limit the variance to horses (not other livestock) and otherwise allow the plan as submitted. Seconded by Jernberg. No further discussion. All approved.

3. Zoning Administrator has asked for assistance with interpretation of ordinance questions. The ZBA is here to help her interpret questions, and is glad to assist her any time. The ZBA believes that in setback cases, any request that does not or may not comply with township setback requirements should be brought in for a variance hearing with the ZBA.

Motion to adjourn by Jernberg. Seconded by Schreur.  
The next meeting will be upon request.  
The meeting was adjourned at 7:58 PM.

Respectfully submitted,  
Kate Dernocoeur, Recorder