

ALLEGAN TOWNSHIP BOARD OF APPEALS

Monday, June 9, 2008

7:30 PM

- I. Present: Steve Schulz, Ted Heckman, Fritz Spreitzer, and Martin Ruiter
Absent: Bruce Carns

- II Call to Order
 - A. Chair Heckman called meeting to order at 7:30 p.m.
 - B. Motion made by Schulz - Second by Fritz to accept minutes; Motion carried

- III. Lavin Variance:
 - A. Chair Heckman asked what they propose to do. Mr. Lavin reported they were going to erect a pole barn on property and wanted a variance to build it 2 feet from the edge of the right of way.
 - B. Steve McKown, attorney for Mr & Mrs Lavin gave a presentation. See attachment.
 - C. Mr. Lavin presented photos of other properties that have been built on or within 10 feet of the easement.
 - D. Brian Belden, who lives east of Lavin's, wanted to make sure that they would have access thru the easement. Mr. McKown said that it should say in their document that they have access on easement.
 - E. Dick Poljan presented information and read ordinances. See attachments.
 - F. Mr. Lavin presented letters from neighbors who were not against him putting in the pole barn 2' off easement. Letters attached.
 - G. Chair Heckman asked Mr. Schulz what Mr. Lavin would need to build his pole barn. Schulz replied that he needed a building permit and soil erosion permit from Health Department.
 - H. Mr. Spreitzer asked where the door opening would be and how was the water running off the bldg going to be controlled. Lavin projected the door to open up on the easement side and the water would go down the road like it does now.
 - I. Brian Belden was worried that if sometime he wanted to build home closer to Lavin's parcel will the watershed stay on Lavin's parcel or would he have water problems. Mr. Schulz replied that a stipulation could be put in for watershed needs. Mr. Ruiter asked Mr. Lavin if with the heavy rains we have had was there a river coming down and problems with their septic. Mr. Lavin's reply was no.
 - J. Mr. Spreitzer asked if the roof had an overhang. Mr. Lavin replied it was 1 foot. So Mr. Spreitzer said the building would be only 1 foot off easement. The 2 foot goes to any part of building including the edge of the overhang.

- K. Mr. Lavin was asked if he could make the barn smaller than the 30' x 40' and he replied if he did that he would have to go up one story and he felt that would not look good and be too tall.
- L. Heckman/Ruiter made motion to accept variance. Chair Heckman asked for roll call.
 - 1. Schulz replied that it was a tough spot to put a building and that others have built near and on the easement but that it still makes it a tight spot for the building. He understood that Lavin was keeping within the character of the neighborhood and that there was no other spot on the parcel that he could build a pole barn. He was a little gray on the lot split so he was wavering on that. If approved the erosion would have to be controlled and water directed so it doesn't damage other properties. Also that the doors would have to be on the end and not on side opening onto the easement. So I vote yes. Fritz Spreitzer - yes; Martin Ruiter - yes; Chair Heckman - yes; motion carried to approve variance with stipulation that soil erosion be controlled by containing all watershed on Mr. Lavin's property and directing it down the hill toward the lake as well as no doors on the road easement side.

IV Adjourn

- A. Heckman/Schulz made motion to adjourn with meeting closing at 9:00 P. M.