

Vergennes Township Board  
Regular Meeting  
September 21, 2015

The meeting was called to order at 7 pm by Tim Wittenbach, Supervisor.

Roll Call: Stone, Wittenbach, Gillett, Hoffman, and Rasch were present. None absent.

Approval of the Agenda: Wittenbach requested that discussion regarding permit fees for the Building Official be added. Also add zoning discussion about 825 Rolling Creek, structure in the front yard. Agenda was approved with additions. The minutes from the August 17, 2015 meeting were accepted with a clarification about the Fire Chief position by Wittenbach. The Treasurer's report was read and bills were approved for payment with a motion by Hoffman, supported by Gillett. Motion Carried.

**Public Hearing Shawn Scudder 12814 4 Mile Road NE, Lowell. Accessory building in front yard.**

Mr. Scudder would like to put up a 40' x 28' garage in the front yard, where an existing fruit stand is. The fruit stand will be demolished. He was using it for storage but has run into a theft issue, and he needs more storage space. He will match the vinyl siding to the addition on the school building. The roof pitch will be changed so as not to block the school completely. He would like to keep the historic building in sight. Ordinance setback is 35' from road right of way. Mr. Scudder would like to keep it at 25' which puts it in the same area as the existing fruit stand. Kent County Road Commission was okay with setback. Additionally, he is asking for it to be 9' from the house, instead of the required 10'. The south lot line setbacks are ok.

The public hearing was opened at 7:09 pm. Mr. Scudder indicated that the owner of the property, Norm Byrne, gave written approval of the project. There was no other public comment. The hearing closed at 7:10 pm.

**Unfinished Business**

**Shawn Scudder, Accessory Building in front yard**

A variance is required for the 35' setback requirement, he wants it at 25'. Also for the 10' distance from the house, which will actually be 9'. The roof pitch is less than the existing house. Asphalt shingles on garage should be done in a color to match the house, as well as the siding.

Per Mr. Scudder, repairs to the bell tower are in process due to leakage into the house. It will be painted white and sealed with silicone.

Stone motions to grant a special use permit giving waivers on roof pitch, siding color, and location of building, as indicated in the memo from Jeanne Vandersloot. Hoffman supports, motion passes.

## **New Business:**

### **1. 11070 Vergennes NE, Accessory dwelling unit.**

James Duhr is requesting to build a pole barn with living quarters in it. He will move into the pole barn and daughter will move into the existing house. He talked with Mark Fleet, building official. He handed out pictures showing what the building may look like from the outside. It will be completely detached from the existing house. They are still looking for a builder and final plans. They wanted to make sure it could be done before committing to anything.

Wittenbach – the ordinance does allow for an accessory dwelling. It should match existing house. His daughter, Jessica, was present and spoke of the need for handicapped accessibility for her father. They were reminded that only non-paying guests, visitors, and family would be allowed to stay there. It cannot be used as a paid rental unit at any time. The Township Board will require that stipulation in the deed.

Stone motions to hold a public hearing at the October 19, 2015 meeting. Gillett supports. Motion carried.

It appears they meet all standards of the ordinance. The homeowners have a petition signed by all their neighbors indicating they have no issues with the accessory dwelling. None were against it. The petition was given to Vandersloot for use at the public hearing in October.

### **2. Fibertech METRO Act permit request – to lay fiber optic lines in right of way in certain areas of the township.**

Stone went over request. Fibertech will be installing fiber optic lines from the cell tower recently built on Fero Street. They will trench from the tower to Fero and then utilize Consumer's Energy lines. They do not provide residential services, but the Township office is potentially eligible to get service from the lines if they go by the office.

Stone motions to grant the permit to Fibertech to install fiber optic lines in the outlined areas of the Township. Gillett supports. Motion carried.

### **3. 825 Rolling Creek – structure in the front yard.**

Vandersloot is requesting permission to move forward with issuing a ticket to the homeowner at this address. Two letters have been sent requesting it be removed and to call the Township to discuss. There has been no response from homeowner to date. The homeowners association does not allow the building in their agreement. A 4' x 4' structure would fall under the minor accessory building ordinance, which does not allow them in the front yard. Vandersloot will go out and see if the building is still in yard. Having it in the side or back yard is allowed.

Wittenbach motions to allow the issuance of the ticket. Vandersloot will send one more letter to the homeowner advising her that if the building is not removed by a specific date, a civil ticket will be issued. Gillett supports. Motion passes.

### **4. Building Department fees – Mark Fleet**

The permit fee as calculated for Envision Engineering using the same standards used recently for Enworks is large. Fleet would like to set aside a portion of his fee, and apply it to continuing education requirements. It was unclear if the amount would be from the total fee or from Fleet's share alone.

Wittenbach made a motion to talk with Fleet to clarify his intent in setting aside this money and confirm the amount before acting further. Gillett supports. Motion passes.

#### **5. Planning Commission Change**

Wittenbach noted Nate Post has asked to leave the Planning Commission. Bill Makuski is interested in returning to the Planning Commission as he recently purchased property in the Township and will eventually be moving back. Post and Makuski talked together and are both in agreement. Wittenbach motions to replace Post with Makuski on the Planning Commission immediately. Gillett supports. Motion Carried.

#### **Zoning Issues**

Vandersloot – there has been a complaint about someone possibly living in a pole barn on Finn Avenue. There is allegedly a well and septic system to the building. The Kent County Health department has no record of a well or septic system there. The property was previously investigated for a similar complaint several years ago. Fleet went to look at the building but could not confirm someone was living there. Discuss with Fleet. If someone needs to go to the property, it was suggested the Sheriff go with them.

#### **Other Business**

Don Aversano worked on his Eagle Scout project on Sunday, September 20, 2015. He cleaned the old gravestones in Fox Cemetery. His father, the leader of his troop, suggested that he has other Eagle Scout candidates looking for projects. He offered to replace the fence around Fox's Corner Cemetery. Lowe's has agreed to provide supplies at cost. Since the Township Board was looking into having the fence replaced anyway, they saw no reason not to have the Scouts proceed. They will contact the Scouts and work out the details.

The Pastor at Vergennes Methodist Church stopped by the offices earlier today. He said someone dropped off tombstones they believe belong in Historic Bailey Cemetery. They did some research and saw that the names on the stones matched names of people buried at Bailey. The sexton did not notice any stones missing. He will look into it further and if needed, have the stones put on their proper spaces.

The meeting was adjourned at 8:05 pm. The next meeting is scheduled for October 19, 2015 at 7 pm.

Mari Stone

Vergennes Township Clerk