

Vergennes Township

Zoning Board of Appeals

Thursday September 6, 2018

7:00 PM- Chair Pete Gustafson called the meeting to order.

Roll Call- Present: Gustafson, Makuski, Odell, Schreur, and Gillette. Absent- Wester.

Approval of the Minutes- Roger Odell motioned and Bill Schreur seconded to approve the minutes from the October 4, 2017 meeting as written. All Ayes. The Motion Carried.

1. Variance request from Bryan Newell- 11441 Lally.

- Applicant Presentation- Bryan explained to the board that he received a letter from the zoning administrator, Jeanne Vandersloot, citing 4 zoning ordinance violations that would need to be removed.
 - Kayak Rack
 - Post for hanging life jackets
 - Outdoor shower and enclosure
 - Deck

He explained that he was issued a zoning and building permit for the deck and after speaking to the Planning Commission he removed the kayak rack from the ground and made it mobile. The planning commission stated they do not believe there is an issue with the post, but the shower and enclosure was something they would have to look into further. They acknowledged some ordinance clarification is needed for lake structures and setbacks and to add a fence ordinance.

- Public Comment-
 - Adam Paige of 11435 Lally stated that he is the neighbor directly west of the Newell's and he is fully in favor of the variance.
 - Kathy Thebo of 11461 Lally stated that what the Newell's have done to their house has been nothing but improvements. What does the township consider a structure because if Bryan's kayak rack is considered a structure then so are all of the boat lifts that are on the shore around the lake. She stated that she is in favor of the variance.
 - Janice Vanderbilt of 11449 Lally- Janice stated that they have had an attorney review the ordinances and have written a letter to the board and the zoning administrator. She urged the board to take the time to read the letter. She also stated that she has no issue with residents making improvements to their property as long as they follow all the rules and guidelines the Township sets. Janice states that the deck was non-conforming when the Newell's purchased the home and the Township should have never issued a permit to rebuild/repair

this deck. She also explained that the kayak rack is within the 30ft clear vision line and would like it to be moved. Janice stated that the Newell's do not need to have it in that specific spot; it is just where they would like it to stay. She is opposed to the variance requests.

- Several letters from neighboring residents were sent in in support of the variances. They were from Mary Meyers, Jim and Sheila Hall, Terry and Marilyn Conley, Kathy Thebo, Jane Anible and Mark Fleet, building inspector noted the permits and codes that are needed for the work. Please see the ZBA file to review these letters.
- Member Discussion and Motions-
 - Pete Gustafson noted that the prior legal case, in which Vanderbilt's attorney cited in the letter, was not the same circumstances as this application. Pete stated that there is a case that follows more in line with this circumstance that went through the Supreme Court and trumps the lawyer's cited case. Roger Odell and Bill Schreur stated that they do not see a problem with the variance for the deck at this time, but would like more time to research the terms of the ordinance for the shower.
 - The board chose to table the variance request for the kayak rack, post, and the outdoor shower until the Planning Commission has written new language for lake structures but will move forward with the variance for the deck.
 - Roger Odell motioned and Bill Schreur seconded to approve the variance requested for the Newell's rebuilt deck contingent on the deck passing all of the building code inspections. All Ayes. The Motion Carried.
- Public Comment from Sandi Miles of 13675 Beckwith- Sandy spoke regarding the cell tower that was recently built on Beckwith. She asks that the ZBA request the Planning Commission re-review the Wireless Communication Ordinance that was recently amended for missed information.
- Roger Odell requests the Planning Commission revisit the section of the ordinance where accessory structures are permitted in the front yard.
- Roger Odell motioned and Bill Schreur seconded to adjourn the meeting at 8:39 PM.