

**Vergennes Township**  
ZONING BOARD OF APPEALS MINUTES  
July 7, 1999

A meeting of the Vergennes Township Zoning Board of Appeals was held on July 7, 1999 at the Vergennes Township Hall. At 7:08 PM the meeting was called to order by Chairman Howard. Also present were Board members Pete Gustafson and Bill Schreur. Absent were Kerry Tap and Bob Humphries.

**APPROVAL OF APRIL 13 MINUTES:** Motion to approve by Gustafson, seconded by Schreur. All approved.

Prior to regular agenda, there was discussion about issuance of a building permit on a property with an active (tabled) item before the ZBA. The ZBA matter (variance request for a box stall) is unrelated to the accessory building which was given a permit by right. Zoning Administrator did not feel the request for a permit was related in a way that would impact the ZBA's concern at hand. She communicated the matter nonetheless to Chairman Howard. Gustafson: miscommunication is the root of problems like this, with no bad intention intended. Plea for improved communication.

Internal board proposal by Howard: On an active ZBA case, propose that no permits be issued for that property until the ZBA determines the case, to be done in a timely manner. Seconded by Schreur. All approved.

Because all matters before the ZBA this evening would require a unanimous vote because of the number of board members present, all parties with an item before the Board were given the option to pass until ZBA attendance wouldn't require a unanimous vote.

**1. DEVONWOOD LIGHTING ISSUE REVISITED:** Update: lights have been shielded with 180-degree shields, and lower-wattage bulbs are being used. Timers have been installed to shut off at an agreed-on time. Progress on the disagreement is being made, and there is evidence of cooperation.

Motion by Gustafson: We will consider this matter resolved with the use of 15-watt bulbs on the entire property and on timers set at a mutually-agreed time for the north and south side lights from the service drive west, work to be completed by September 1<sup>st</sup>, unless a neighbor brings it back to the attention of the ZBA.

Seconded by Schreur. All approved.

**2. VARIANCE APPLICATION BY JOSEPH KNAUF (3 ITEMS: OUTDOOR RENTAL STORAGE, HOME OCCUPATION SIGN, AND DISPLAY OF WOODWORKING ITEMS BY ROAD :**

1. Outdoor rental space: Has 39.67 acres, barely missing the 40-acre requirement for (covered) rental storage. Could possibly consider a variance if the storage was covered. Ordinance clearly states no outdoor storage allowed regardless if

it's visible to others. Applicant elected to withdraw the rental storage portion of his application.

2. Discussion about home occupation sign. Has to be 4 square feet, located out of Kent County right-of-way, 33 feet from center line of road. Motion by Gustafson: Grant a variance to permit a 2-foot by 2-foot qualifying home-occupation sign at no more than 15-feet high in a location off the Kent County right-of-way but on the applicant's property that is visible to traffic and in close proximity with second sign belonging to applicant's sister. Seconded by Schreur. All approved.

3. Display of items for sale: Discussion ensued. Ordinance states no articles shall be displayed for advertising purposes so as to be visible outside the dwelling. Applicant's dwelling is not visible from road. Would like to put picnic tables/lawn furniture on a trailer to put by road, to be taken in at night. Motion by Gustafson: Grant variance to allow wood products to be displayed at or near the road on a 10x30-foot display area within 15-feet of applicant's driveway, products to be taken away from the display area site each day. Seconded by Schreur. All approved.

Applicant then asked informally about doing a larger display of products on a cleared section of 2-Mile and Parnell on weekends, seasonally. Comment: want to avoid it taking on effect of a commercial business, want to keep it low-key. Also, County may have something to say about that, too.

**3. VARIANCE APPLICATION BY MICHAEL & COLLEEN LENIHAN:** Waited for accessory building ordinance to be completed, now has permit for accessory building, wants variance to be allowed to build one 10x10 horse stall in that building. Ordinance required 150 feet setback on all sides. Lenihan property meets all setback (and other) requirements except it's 70 feet from front property line. Own 3.6 acres. Finn Road not visible re: dense brush. Want to incorporate everything into one building. Letters of support from two neighbors. Third neighbor was present, concerned about property value. Screening between properties is feasible. Would like fencing such that horse could not graze immediately adjacent to his property.

Motion by Gustafson: Approve a variance to permit the 10x10 single horse stall as set forth in the application, with front yard setback not less than 70 feet, on the following conditions:

- be in compliance with existing RA district ordinance for permitted uses.
- horse be fenced and graze only on east portion of property as currently fenced.
- applicant install evergreen tree screen in Fall, 1999, on the west corridor of the driveway, using 4-6 foot plants, so as to adequately screen the accessory building.

Seconded by Schreur. All approved.

**4. VARIANCE FROM APRIL MEETING FOR JOHN OTIS:** Mr. Otis not present. Wanted a 5 foot setback where 10 feet was required. Letter indicated they had obtained neighbor's permission.

Motion by Gustafson: To permit a variance permitting John Otis to build a home on their property with a setback not less than 5 feet, 2 inches from the West property

line, applicant having satisfied the condition that the neighbors to the west agree not to build any structure on such neighboring property closer than 20 feet from the Otis structure as permitted by the variance. Board notes that the neighbor has recorded a document with Kent County Registrar of Deeds in compliance with this variance. Seconded by Schreur. All approved.

**5. VARIANCE APPLICATION BY WAYNE WILLEMSTEIN:** Wants to put a pole barn 10 feet from side lot line where 25 feet is required. Howard & Schreur have visited the property and noted significant constraints to the required setback.

Motion by Howard: Grant the variance as applied for. Seconded by Gustafson. All approved.

**6. SELECT TWO MORE ZBA MEETING DATES:** The ZBA will meet:

- Wednesday, October 6, 1999
- Wednesday, January 5, 2000

**ADJOURNMENT:** The ZBA adjourned at 9:38 PM.

Respectfully submitted,

Kate Dernocoeur  
Substitute Recorder