

Zoning Board of Appeals  
Vergennes Township  
May 25, 2017

The meeting was called to order at 7:00 pm by Pete Gustafson, Chairperson.

**Roll Call** – Gustafson, Jernberg, Odell, Schreur, and Wester were all present.

Also in attendance were Andy Moore of Williams and Works, Jim Doezema of Foster Swift and Jeanne Vandersloot, Zoning Administrator.

**Approval of April 26, 2017** minutes – Pete requested one change to the minutes. At the end of page 6 where it states “Doezema will take proper steps...”, it should be “Gustafson will take steps to complete written opinion and seek assistance from Jim Doezema as needed.” Wester approves the minutes with above change with support by Odell. Motion carried.

**1. Variance Request from Richard Perry – 11901 Alden Pines.**

Mr. Perry reviewed his variance request. He contracted with Midwest Carports back in 2014 to build the current structure. He thought they were getting proper permits, etc... The building is set on a cement slab. It is currently off the lot line 10’ instead of the required 25’. He can move the building forward on the slab which only gains 3-5 feet. If he moves it 25’ from line, he runs into a significant elevation change. He would have to put in a lot of sand/fill to level it and the cost would be around \$5000.

The neighbor to his south has a variance for setbacks for a pole barn. Another neighbor built a 40’ x 60’ pole barn and could not put it where he wanted, thus the complaint on Mr. Perry’s. If he could afford to move the building, he would have done that by now.

There was no public comment, either written or in person, on this matter.

Member discussion: Schreur said he visited the site and talked with Mr. Perry. There is a significant drop. If he had come for a variance prior to building, it would have been granted. There is no residence near the building, just trees.

Schreur motioned to allow the building to remain in current location, but to obtain a building permit and have it inspected as he should have done when the building was erected. Jernberg supports. Motion passes.

Refer to written decision attached to these minutes.

**2. Review written decision language regarding appeal of 13645 Beckwith Dr./Township Board Decision of Special Exception Use Permit**

Member Discussion: The draft opinion was sent to each member for review. Odell agreed with the opinion – well written. It expressed what was said at the public hearing in support of the Township’s decision.

Doezema stated that a motion would need to be passed to accept the opinion as written and all members would sign it.

A letter was given to the members at the beginning of the meeting for their consideration. Pictures were also forwarded to the parks director and his opinion has changed with regard to the tower being seen from the bridge and park areas.

Odell moved to accept the draft opinion of the Zoning Board of Appeals affirming the Township’s decision. Jernberg supports. Motion carries.

Refer to written Decision attached to these minutes.

#### **New Business – none**

A letter was given to the Chairperson at the beginning of the meeting. Pete will forward it on to the Board. Public comment on the cell tower was closed after the last meeting.

#### **Public Comment**

Bob Seif – 13684 Beckwith Drive. He gave a letter to the ZBA tonight from Brian Conways, State Historic Officer. Section 106 requires that all concerned people in area of primary influence be contacted. Verizon did not contact the proper venues. It is a hoax. The Township overlooked it on purpose. Also, the Township reduced the minimum fall zone to 140’ which is exactly minimum requirement needed to fit on the property. If it falls, it will land on Miles’ property, or the park property, or the current owner’s property. The common fall zone is height of tower plus 10%. This smacks of collusion and underhanded techniques. ZBA rubber stamped the Township decision.

Gustafson stopped him. This cannot be solved in this setting. Please direct comments to the ZBA members. It is a difficult situation. It is important for people to share their views and he respects their right to do so.

Seif – Verizon choreographed the whole thing to avoid opposition from public. The Township didn’t listen to residents. Officials worked with Verizon to make sure they didn’t get sued.

Schreur – fall zone is an ordinance issue. If you want something changed, you need to speak to the Board and have the zoning ordinance looked at for possible changes.

Jernberg- as a structural engineer, they design so they don’t fail. They have to find common ground between developers and residents. If it is too strict one way, then they get flack for being too restrictive.

Sandi Miles – 13675 Beckwith. She would like to put moratorium on tower. We are only Township that has a lesser fall zone. It should be done by variance. Who does she see to put a moratorium on ordinance to have it rewritten?

Jernberg – Changes are Board directed to the Planning Commission or the Planning Commission can recommend the Board consider it. This zoning ordinance was put in place in the late 70's. It is a working document and is not perfect. There are changes and updates regularly. State laws need to be considered as well. As far as the fall zone, the weakest point of tower is in the middle. If it falls from the bottom, it is man-made. There are cell towers next to schools and shopping centers. We don't take cell tower specs lightly.

Miles – how does the process work? By the time the decision got to the Board level, not all documentation was there. Vandersloot and Moore did not do their due diligence per the ordinance.

Odell – Sometimes things aren't done perfectly. There are time constraints in place to keep things moving along.

Miles – the clock was ticking before all paperwork was submitted. The Board could have told Verizon not all paperwork was submitted and they would consider the application once everything was in.

Seif – The way this application was handled, rushed through, omissions, the Township failed the residents. This was very short sighted.

Cara Debault – 13735 Beckwith. This is an inappropriate location for the cell tower. She is very familiar with the telecommunications act. Now they have the State of Michigan going to the FCC on behalf of the public. Airports, parks, businesses, etc... were disregarded. This is not over. If the FCC takes this issue up, hopefully they will consider the public comment. The whole thing is very disappointing. She feels there is a lack of diversity in the room. She went through every Planning and Township Board minutes back to 2012. She saw no record of the ordinance changing to a lesser fall zone. When was that added to the ordinance?

Moore – It was in 1999 or 2003. It was in the original ordinance for cell towers. There have been no changes to it. There has not been any issue in the past. There is a demand for these services.

Debault – there were many other areas the tower could have gone in. Coverage maps from Verizon were almost illegible. Alger said his 263' tower would cover the park area. The State of Michigan is asking the FCC to look at it for irregularities.

Vandersloot – there are hundreds of families in that valley that have no coverage. She knows of at least 3 instances where coverage was absent for 911 calls and they couldn't get through. The Township Board considered everything and the safety of many people was more important than a handful of people who don't want to look at the tower. The proper paperwork was submitted on time to start the clock for timed review. Updates and requests for more information was also submitted during the process.

Jeff Miles – 13675 Beckwith. He understands the emergency calls and he gets it. He understands the coverage gaps. Bottom line is that there are other places to fix that same problem.

Debaudt – Cell services are not essential services.

Gustafson – we are in a new era. Most people are doing away with their land lines and just using cell phones. More towers are coming and are needed. Residents are on record and have been listened to.

Schreur – This is a very motivated group of people. There is a better path to follow to get things done.

Doezema – putting a moratorium on this is an iffy thing.

Gustafson – the Township Board is willing to send this back to the Planning Commission and that will happen.

Public comment closed at 8:30pm.

Jernberg moves to adjourn the meeting at 8:30pm. Wester supports. Motion carried.

Next meeting – upon request