



Fruitland Township
White River Light Station Museum

Fruitland Township Zoning Board of Appeals Minutes of May 12, 2008

CALLED TO ORDER: 6:36 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman John Warner, Board members, Clarence Gaertner Brian Lernowich, Gary Bole, and Eileen Stoffan.

ALSO PRESENT: Zoning Administrator Sandel and seven (7) interested parties.

Chairman Warner announced the resignation of Penny Larson and welcomed Eileen Stoffan who will be filling Penny's spot on the Zoning Board of Appeals.

NOMINATIONS:

Motion by Brian Lernowich to nominate John Warner as Chairman and Clarence Gaertner as Vice Chairman.

Chairman Warner closed nominations and asked for a vote to elect John Warner as Chairman and Clarence Gaertner as Vice Chairman to the Fruitland Township Zoning Board of Appeals.

5 AYES, 0 ABSENT

Motion by Brian Lernowich to nominate Gary Bole as secretary.

Chairman Warner closed nominations and asked for a vote to elect Gary Bole as Secretary to the Fruitland Township Zoning Board of Appeals.

5 AYES, 0 ABSENT

Motion by Gary Bole, second from Eileen Stoffan, ***ADOPTED***, to appoint Becky Dahl as Recording Secretary to the Fruitland Township Zoning Board of Appeals.

5 AYES, 0 ABSENT

AGENDA:

Motion by Gary Bole, second from Clarence Gaertner ***ADOPTED***, to approve the May 12, 2008 Zoning Board of Appeals agenda.

5 AYES, 0 ABSENT

MINUTES:

Motion by Clarence Gaertner, second from Gary Bole **ADOPTED**, to accept the September 10, 2007 meeting minutes as submitted.

5 AYES, 0 ABSENT

Chairman Warner explained the purpose and the function of the Zoning Board of Appeals.

Correspondence:

- 6880 Scenic Drive – phone call supporting variance as long as there is no second story.

Chairman Warner excused himself from the meeting at this time (6:43 p.m.) due to a conflict of interest as he previously worked for Jack and Brenda Groessl and he has worked with their contractor at his job. He turned the meeting over to Vice Chairman Gaertner.

Public Hearing:

5710 Scenic Drive

61-06-012-300-0019-00

Jack and Brenda Groessl, homeowners, request a variance from the following articles to rebuild outside of the original footprint a residential home destroyed by fire:

Article III, Section 3.23 B (1) which states that nonconforming uses including buildings and structures may be maintained and repaired to be kept in sound condition and may be restored or rebuilt provided, however, that the restored or rebuilt building or structure is on the original footings and foundations or on new footings and foundations constructed exactly where the footings and foundations of the nonconforming structure were located. Restoration or rebuilding is permitted whether the nonconforming building or structure is damaged by fire, wind, act of God, or other casualty or is demolished and regardless of the cost of such rebuilding or restoration.

Article VIIIa, Section 8.02a (4) which states that a proposed building or structure may be located the same distance from a body of water as an existing principal building that has suffered either loss or removal due to casualty or demolition within one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful nonconforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) year period shall run from the date of the casualty.

Public Hearing opened at 6:45 p.m.

Brenda Groessl, homeowner, stated that they would like to make their bathroom larger in order for it to be wheelchair accessible which would cause them to lose square footage to the rest of their house. She stated that they would like to add this footage to the other side of the house which is the cause of the ten foot difference. She stated that it would be no closer to White Lake; however, Zoning Administrator Sandel stated that it would be four feet closer to the ordinary high water mark.

Board member Bole stated that he visited the property and the additional square footage would not cause any disruption of view. Board member Stoffan stated that she also visited the site and she agreed that it would not obstruct any views.

Public Comment:

Anne Dake, 6860 South Shore Drive – Stated she is a neighbor of the Groessl’s and she supports their project. She stated that she made the phone call (that was referenced under correspondence) on behalf of her mother.

Dick Smies, 6840 South Shore Drive – Stated he is a neighbor and there has never been a problem with the view and seeing the water and the extra ten feet would not be a concern for him.

Public Hearing closed at 6:52 p.m.

Board Comments:

Board member Bole stated that this has been one of the easiest variances on the water that the Board has had and board member Lernowich agreed.

Vice Chairman Gaertner read and reviewed the Variance Decision Checklist with the rest of the board members.

Motion by Eileen Stoffan, second from Gary Bole, ***ADOPTED***, to grant variance as submitted to Jack and Brenda Groessl, 5710 Scenic Drive, parcel #61-06-012-300-0019-00 from Article III, Section 3.23 B (1) and Article VIIIa, Section 8.02a (4), with the stipulation that no second story be added. ***Role Call Vote: Lernowich-AYE, Bole-AYE, Stoffan-AYE, and Gaertner-AYE 4 AYES, 1 ABSTAINED (Warner)***

Vice Chairman Gaertner informed Jack and Brenda Groessl that they have 180 days to begin the project.

Chairman John Warner returned to the meeting at this time (7 p.m.).

Zoning Administrator Sandel asked the Board for clarification regarding rebuilding in the same footing. He asked if a building is going to be rebuilt in the same footing, can the building be lower or higher as long as it is in the same footing. He gave examples of adding a basement or making the roof higher as long as the footing was the same. The Board agreed that they would interpret the ordinance as a two-dimensional drawing, so as long as the footprint is the same, the building can be lower or higher.

Motion by Clarence Gaertner, second from Gary Bole, ***ADOPTED*** to adjourn the May 12, 2008 Zoning Board of Appeals meeting at 7:05 p.m. ***5 AYES, 0 ABSENT***

Respectfully Submitted,

Ericka DeCair
Recording Secretary