



Fruitland Township Zoning Board of Appeals Minutes of June 9, 2008

CALLED TO ORDER: 6:31 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 four (4) interested parties.

AGENDA: Motion by Gary Bole, second from Clarence Gaertner ***ADOPTED***, to approve the June 9, 2008 Zoning Board of Appeals agenda.

5 AYES

MINUTES: Motion by Eileen Stoffan, second from Gary Bole ***ADOPTED***, to accept the May 12, 2008 meeting minutes as submitted.

5 AYES

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

Correspondence:

- 3767 Jay Road – Letter supporting variance with stipulation that a survey is completed.

Public Hearing:

5075 W. Bard Road

61-06-129-100-0009-00

Terance and Michelle Graham, homeowners, request a variance from the following article to build an accessory structure five (5) feet from the side property line:

Article III, Section 3.08 G (2) which states that the minimum setback from the side lot line for an accessory building less than 673 square feet is ten (10) feet.

Public Hearing opened at 6:45 p.m.

Terence Graham, homeowner, stated he would like to build an accessory building to replace a temporary structure that he intends to remove. He also stated that if the new accessory structure were moved farther from the side lot line, the angle would be difficult to access from the driveway.

Board member Stoffan stated that she visited the property and the building of the new accessory structure with removal of the temporary structure would enhance the appearance of the property. Board member Bole stated that he also visited the site and he agrees, but is uncomfortable with the vague lot lines. Board member Bole also stated that the building of the accessory structure would not require removal of trees from the property.

Public Comment:

Judy Marcinkowski, 3767 Jay Road – Stated she is a neighbor to the west of the Graham's and she would like to know the height of the proposed accessory structure, and if the property line issue would be addressed. She stated that the property was last surveyed approximately 18 years ago, and that the line markers are close, but not exact.

Terence Graham, homeowner, responded that the proposed accessory building would be of standard height, and that he was willing to have a survey completed to establish the exact property line.

Public Hearing closed at 6:59 p.m.***Board Comments:***

Board member Gaertner feels that the structure could be moved to meet the ordinance without the need for a variance. Board member Gaertner also stated that he is uncomfortable with the lack of accurate dimensions on the site plan.

Chairman Warner stated that with the amount of acreage owned by the homeowner, he feels that that the proposed accessory building does not need to be that close to the neighbor's property line.

Board member Bole stated that he is in favor of the removal of the temporary structure and that the neighbor's approve of the proposed accessory building.

Board member Lernowich stated that he feels the accessory structure would enhance the property, clear up old property issues with regard to the temporary structure, and has the approval of the neighbor's. He also stated that he appreciated the applicant's honesty in reporting the close proximity to the side property line when approaching the Zoning Board of Appeals.

Board member Stoffan stated she feels the accessory structure would enhance the property, but expressed concern about the final appearance of the building. She stated she would like to see the accessory structure sided in a neutral shade to match the home. Board member Stoffan also stated that she would like to see more adherence to presenting an architectural quality drawing while addressing the Board, which would eliminate many of the questions present in this case.

Motion by Eileen Stoffan, second from Brian Lernowich, *ADOPTED*, to grant variance as submitted to Terence and Michelle Graham, 5075 W. Bard Road, parcel #61-06-129-100-0009-00, from Article III, Section 3.08 G (2), with the stipulations that the property line be surveyed, that the accessory building is one (1) story of standard height, and that the building is finished with similar exterior to the home.

Roll Call: BOLE – AYE, Warner – NAY, Gaertner – NAY, Stoffan – AYE, Lernowich – AYE.

3 AYES, 2 NAYS

Chairman Warner informed Terance Graham, homeowner, that he has 180 days to begin the project.

Zoning Administrator Sandel stated that for future clarification, Fruitland Township Regulatory Ordinance Section R 41.06 states that in the case of new construction, no permits shall be issued to any person or persons where the lot or property line or lines are unknown. A registered survey or plat will be required with lot lines clearly related to identifiable landmarks and to the new construction. The owner shall where the lot or property lines are unknown in an identifiable manner and the new construction truly located have same surveyed at owner's expense. Gary Bole stated that he was unaware of this regulatory ordinance and would address the issue at the June 11, 2008 Township Board work session.

Motion by Gary Bole, second from Eileen Stoffan, ADOPTED to adjourn the June 9, 2008 Zoning Board of Appeals meeting at 7:14 p.m.

5 AYES

Respectfully Submitted,

Becky Dahl
Recording Secretary