



# Fruitland Township Zoning Board of Appeals Minutes of August 11, 2008

***CALLED TO ORDER:*** 6:40 p.m.

***PLEDGE OF ALLEGIANCE***

***PRESENT:*** Chairman John Warner, Board members Gary Bole, Eileen Stoffan, and Steven Markel.

***ABSENT:*** Board Member Clarence Gaertner

***ALSO PRESENT:*** Zoning Administrator Sandel, Township Attorney Robert Eklund and nine (9) interested parties.

***AGENDA:*** **Motion by Gary Bole, second from Steven Markel  
*ADOPTED*, to approve the August 11, 2008 Zoning Board of Appeals agenda.**

***4 AYES, 1 ABSENT***

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

Chairman Warner stated that Don Sandel, Zoning Administrator and the building department have requested clarification in order to administer the board decision of a motion regarding variance granted on July 14, 2008 to Norman Dodds, applicant for Gerald and Elizabeth Gill, homeowners at address 5623 Murray Road, parcel number 61-06-665-000-0010-00 to build a new structure outside of the original footprint.

Chairman Warner also stated that public comment will not be heard today as public hearing for the variance was closed prior to approval of the variance granted on July 14, 2008, and that this meeting is for clarification only.

***Correspondence:***

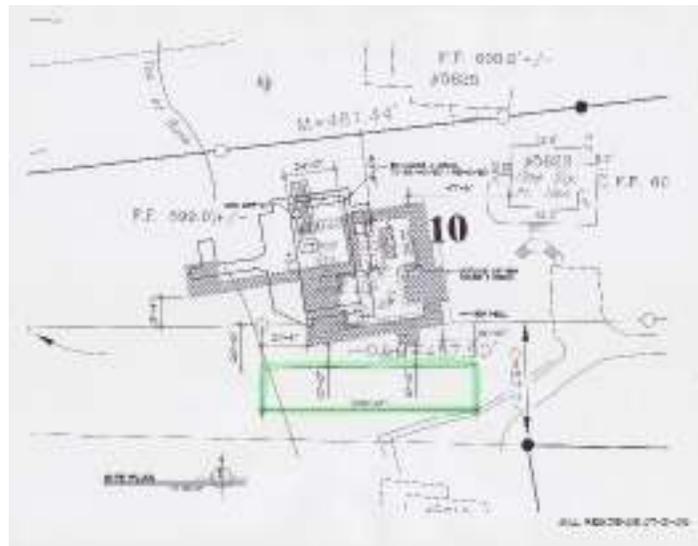
- Norman Dodds, applicant for Gerald and Elizabeth Gill, homeowner-Letter dated July 28, 2008 with drawings.
- Maryl and Phil Hook, 5627 Murray Road- Letter received July 31, 2008 with two pictures enclosed.

- Jane Gardner, 5625 Murray Road- Letter received August 1, 2008 with picture and two drawings enclosed.
- Kyle M. Esch, 5627 ½ Murray Road- Letter received August 1, 2008.
- Gail M. Donovan, 5629 Murray Road- Letter received August 4, 2008.
- Elizabeth Gill, 5623 Murray Road- Letter received August 7, 2008.
- James M. Rose, Rose & Rose Attorneys at Law, representative for Gerald S. and Elizabeth Gill- Letter received August 8, 2008 with three enclosures.

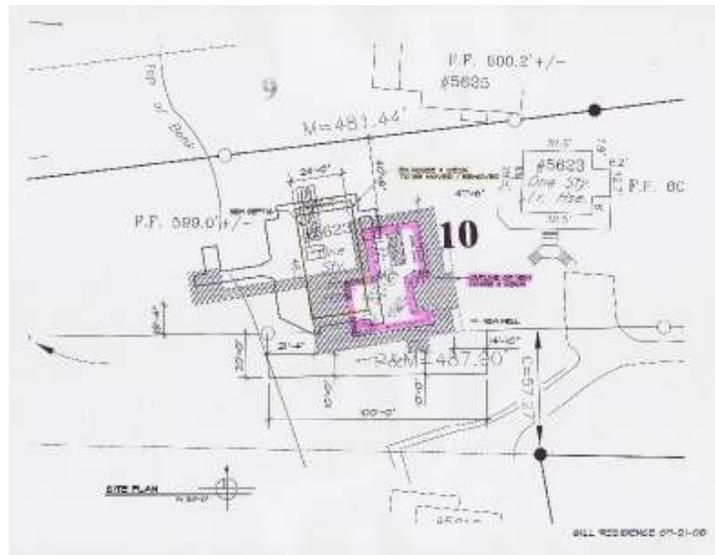
***Board Comments:***

Zoning Administrator Sandel stated that there are two issues regarding the motion approved on July 14, 2008 that require clarification. The first issue is the stipulation requiring acquisition of land from the adjoining parcel in order to meet the side setback minimum. Clarification is needed to determine exactly what and how much property must be deeded in order to meet the setbacks without the second adjoining lot losing necessary road frontage. The second issue is regarding the requirement to move the “structure” east 24 feet from the original footprint. Clarification is sought to determine where the 24 feet is to be measured from.

Zoning Administrator Don Sandel explained that the initial discussion at the Zoning Board of Appeals meeting on July 14, 2008 suggested that the entire adjacent parcel #61-06-011-400-0008-00 owned by Gerald E. Gill be combined to achieve side setback requirements, however, if the full lot is combined, parcel #61-06-142-000-0001-20 may no longer have frontage on Murray Road. Zoning Administrator Sandel suggested adding only a 20' X 100' section in order to meet the side setback without deeding the entire parcel.



Chairman Warner stated that clarification is also needed to determine where the 24 feet is to be measured from. Zoning Administrator Don Sandel states that according to Fruitland Township’s ordinance definitions, a structure is anything constructed or erected which requires permanent location on the ground or attachment to something having such location, including but not limited to, all buildings and free-standing signs, but not including sidewalks, drives, patios, utility poles and the like. According to this definition, the upper story decks are considered part of the structure. After further discussion and examination of submitted drawings, clarification was reached that the westerly portion of the living quarters of the proposed building must be moved east 24 feet from the existing footprint as highlighted on drawing submitted by applicant Norman Dodds on July 14, 2008.

**MINUTES:**

Motion by Eileen Stoffan, second from Gary Bole **ADOPTED**, to AMEND the July 14, 2008 meeting minutes to state: Motion by Eileen Stoffan, second from Gary Bole, **ADOPTED**, to grant variance as submitted by Norman Dodds, applicant for Gerald and Elizabeth Gill, homeowners, 5623 Murray Road, parcel #61-06-665-000-0010-00, from Article III, Section 3.23 B (1) with the stipulations that the *proposed structure be moved east 24 feet from plan submitted on July 14, 2008 as initialed by ZBA members on August 11, 2008, that a deed be recorded at the discretion of the Zoning Administrator in order to meet setbacks, ~~structure will be moved east 24 feet from footprint of existing 26'x48' structure, a Quit Claim Deed be filed in order to meet setbacks~~* the surveyor must supply CAD file for Zoning Administrator, and pending DEQ approval of variance.

**Roll Call: Stoffan – AYE, Bole – AYE, Warner – AYE, Markel – AYE, Gaertner – ABSENT**

**4 AYES, 1 ABSENT**

Motion by Gary Bole, second from Steven Markel, **ADOPTED** to adjourn the August 11, 2008 Zoning Board of Appeals meeting at 8:07 p.m.

**4 AYES, 1 ABSENT**

Respectfully Submitted,

Becky Dahl  
Recording Secretary