



# Fruitland Township Zoning Board of Appeals Minutes of September 8, 2008

***CALLED TO ORDER:*** 6:35 p.m.

***PLEDGE OF ALLEGIANCE***

***PRESENT:*** Chairman John Warner, Board members Gary Bole, Clarence Gaertner, Brian Lernowich, and Kathy Nearanz.

***ABSENT:*** Board Member Eileen Stoffan

***ALSO PRESENT:*** Zoning Administrator Sandel and five (5) interested parties.

***AGENDA:*** Motion by Gary Bole, second from Clarence Gaertner, ***ADOPTED***, to approve the September 8, 2008 Zoning Board of Appeals agenda.

***5 AYES***

***MINUTES:*** Motion by Gary Bole, second from Clarence Gaertner, ***ADOPTED***, to approve the August 11, 2008 Zoning Board of Appeals meeting minutes.

***5 AYES***

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

***Correspondence:***

- Jerry & Lee Dickinson, 5800 South Shore Drive – E-mail received August 24, 2008, supports variance.
- John Lundell, 5906 South Shore Drive – Letter received August 29, 2008, supports variance.

***Public Hearing:***

5788 South Shore Drive

61-06-144-000-0007-00

**Greg and Kathy Rogers, homeowners,** request a variance from the following article to build a new structure higher than the previously approved variance of 20 feet:

Article III, Section 3.08 G (2) which states that maximum height (as measured from the ground to the highest point of the roof) for buildings accessory to single and two-family dwellings less than 673 square feet is 16 feet.

The variance granted on August 13, 2007 reads as follows:

Motion by Penny Larson, second from Clarence Gaertner, **ADOPTED**, to grant variance as submitted in application to Greg Rogers 5788 South Shore Drive, #61-06-144-000-0007-00, to allow him to construct a six hundred seventy-two (672) square foot accessory building with a setback from South Shore Drive of one hundred twelve point seven (112.7) feet and with a maximum height of twenty (20) feet.

**Role Call Vote: Bole-AYE, Gaertner-AYE, Larson-AYE, Markel-AYE, Warner-AYE.  
5 AYES, 0 NAYS**

**Public Hearing opened at 6:40 p.m.**

**Public Comment:**

Mike Gangwer, 3222 George – Stated that he is the builder on the project and he explained that the attic trusses that were originally approved are not the right size for the size of the garage. He explained that the previous drawings were not buildable as drawn. He stated that there is no obstruction of view for the people on South Shore Drive. He stated that he was not involved in the old variance.

Greg Rogers, 5788 South Shore Drive – He stated that the cement slab that is located at the property is from an old shed that used to be on the property. He explained that now there will be one large garage door instead of two smaller ones.

Kathy Rogers, 5788 South Shore Drive – She stated that there was a misunderstanding with the original drawing.

Board member Lernowich asked what the storage is for.

Kathy Rogers answered that it is usable storage for art and there will be no living areas.

**Public Hearing closed at 6:52 p.m.**

**Board Comments:**

Board member Bole stated that there was no opposition from any neighbors and it will not affect anyone's view.

Board member Lernowich agreed that there will be no obstruction of view and the neighbors are okay with granting the variance.

Board member Gaertner stated that he has a problem granting a variance on top of a variance. It will make the project more nonconforming than it was for the first variance. However, the project is unique because it is being built into a hill.

Board member Bole agreed that he does not like granting a variance on top of a variance and he doesn't think it has ever been done before. He also stated that the hill makes this a unique situation.

Board member Nearanz wondered if granting this variance on top a variance would set precedence.

Chairman Warner stated that he does not want to set precedence; however, it is not the owners' fault that plans were wrong the first time. However, he stated that the Zoning Board of Appeals has to assume that the plans that are submitted are correct.

The Zoning Board of Appeals members read through the Variance Decision Checklist.

**Motion by Clearance Gaertner, second from Brian Lernowich, *ADOPTED*, to grant variance as submitted to Greg and Kathy Rogers, 5788 South Shore Drive, parcel #61-06-144-000-0007-00, from Article III, Section 3.08 G (2), to allow construction of the accessory building with a maximum height of 21.5 feet.**

***Roll Call: BOLE – AYE, Gaertner – AYE, Nearanz – AYE, LERNOWICH – AYE, and WARNER – AYE.***

**5 AYES, 0 NAYS**

**Motion by Gary Bole, second from Kathy Nearanz, *ADOPTED* to adjourn the September 8, 2008 Zoning Board of Appeals meeting at 7:14 p.m.**

**5 AYES**

Respectfully Submitted,

Ericka DeCair  
Recording Secretary