



Fruitland Township Zoning Board of Appeals Minutes of September 10, 2007

CALLED TO ORDER: 6:30 p.m.

PLEDGE OF ALLEGIANCE

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

ABSENT: Board member Penny Larson

ALSO PRESENT: Zoning Administrator Sandel and two (2) interested parties.

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

AGENDA: Motion by Gary Bole, second from Clarence Gaertner ***ADOPTED***, to approve the September 10, 2007 Zoning Board of Appeals agenda. ***4 AYES, 1 ABSENT***

MINUTES: Motion by Gary Bole, second from Clarence Gaertner ***ADOPTED***, to amend the August 13, 2007 meeting minutes, amended to ***delete*** Brian Lernowich on page 3 under adjournment and ***add*** Gary Bole. ***4 AYES, 1 ABSENT***

Public Hearing:

5105 Scenic Drive

61-06-430-000-0001-16

Lynn Kroll, applicant, requests a variance for Frank Jones, homeowner, from Article III, Section 3.08 G (2) the side yard setback shall be ten (10) feet as measured to the eaves. Mr. Jones wishes to construct a five hundred seventy-six (576) square foot detached garage with a side yard setback of five (5) feet in a Medium Density Residential (MDR) District.

Correspondence:

- Mr. & Mrs. Donald Huntington Jr. 5129 Scenic Drive – e-mail supporting variance.
- Michillinda Beach Association Board, 5093 Scenic Drive –letter supporting variance.

Public Hearing opened at 6:37 p.m.

Frank Jones, homeowner, stated that he would like to tear down a storage shed on his property and replace it with a five hundred seventy six (576) square foot accessory building. He stated the land his cottage is on belongs to Michillinda Beach Association; the land is leased for cottages. Any changes or additions that are done on the property must be approved by the Michillinda Beach Association Board of Trustees. He stated that he is in compliance with the association’s rules to build his accessory building and his neighbors have no problem with his project.

Board member Gaertner asked Mr. Jones if he could move his garage over five (5) feet, Mr. Jones stated that he could but he would have to cut down at least three of his trees. He does not want to have to do this.

Public Comment:

Lynn Kroll, general contractor for Mr. Jones stated that the four (4) trees that Mr. Jones is referring to are trees that survived the wind storm of 1998. He stated a lot of the trees in that area were destroyed from that storm.

Public Comment closed at 7:10 p.m.

Board Comments:

Trustee Bole stated that this situation is different than anything this board has had in the past. He has no problem with the applicant wanting to keep his trees and build his garage as proposed.

Trustee Gaertner stated that he cannot come up with a compelling reason for the board to go against the township ordinance. He feels that proposed accessory building can be moved over five (5) feet to meet the ordinance.

Trustee Lernowich stated that this is like bluff road regarding lake view. He does not see any real issue with the setback due to no lot lines. He stated that there should not be any problem with emergency vehicles getting to the homes.

Chairman Warner stated that due to the unique circumstances he does not feel the board will be setting a precedent if this application is granted.

Motion by Brian Lernowich, second from Gary Bole, ***ADOPTED***, to grant variance as submitted to Mr. Frank Jones 5105 Scenic Drive, parcel #61-06-430-000-0001-16 from Article III, Section 3.08 G (2) side yard setback shall be ten (10) feet. Mr. Jones wishes to construct a five hundred seventy six (576) square foot accessory building, with a side yard setback of five (5) feet from the foundation of the garage. ***Role Call Vote: Bole-AYE, Gaertner-NAY, Lernowich-AYE, Warner-AYE.***

3 AYES, 1 NAY (Gaertner), 1 ABSENT

Chairman Warner and the board reviewed the variance criteria; upon approval, Chairman Warner informed Mr. Jones he has 180 days to begin the project.

Motion by Brian Lernowich, second from Clarence Gaertner,
ADOPTED to adjourn the September 10, 2007 Zoning Board of
Appeals meeting at 7:23 p.m. **4 AYES, 1 ABSENT**

Respectfully Submitted,

Wendy Bloem, Recording Secretary
Zoning Board of Appeals