



Fruitland Township Zoning Board of Appeals *Amended* Minutes of December 11, 2006

CALLED TO ORDER: 6:30 p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Zoning Administrator Sandel and four (4) interested parties.

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

AGENDA: Motion by John Warner, second from Gary Bole, ***ADOPTED***, to approve the December 11, 2006 Zoning Board of Appeals agenda.
5 AYES

MINUTES: Motion by Penny Larson, second from John Warner, ***ADOPTED***, to accept the November 13, 2006 meeting minutes, as submitted.
5 AYES

Public Hearing:

1. A legal non-conforming lot with an existing accessory building on Berquist Rd

61-06-104-200-0004-40

James Pitney, property owner, requests a variance from Article III, Section 3.08 C an accessory building or use shall only be permitted on a lot which contains a principal use or main building. Mr. Pitney wishes to have a nineteen hundred thirty-two (1932) square foot accessory building by either constructing new or adding onto the existing four hundred eighty (480) square foot accessory building in a Rural Residential (RR) District.

Correspondence:

- Greg Russell, 6681 Simonelli Road – strongly opposes variance
- Jerry and Sue Woller, 3925 Berquist Road – opposes variance
- James and Roberta Goodman, 3995 Berquist Road – opposes variance
- Merl Schlaack, 3877 Berquist Road – opposes variance

Public Hearing opened at 6:36 p.m.

Mr. Pitney, property owner, stated that this property has been in the family for over fifty (50) years. Four (4) years ago he purchased the property from his father’s estate. He stated that the current accessory building on the property is not adequate to store his belongings in due to the lack of space and rodent problems. He stated that his property is large enough to build a house on and he feels he should be able to build a larger accessory building on it. Joanne Pitney stated that they are thinking of the neighbors and the appearance of the property. She feels the new accessory building will enhance the area. They have no intentions of building a house on this property.

Public Comment: None

Public Hearing closed at 6:47 p.m.

Zoning Administrators Comments:

Zoning Administrator Sandel clarified his statement to Mr. Pitney that if his property is between 4 and 4.99 acres he would be allowed nineteen hundred sixty-eight (1968) square foot accessory building, size is not an issue.

Board Comments:

Board member Larson stated that an accessory building on four (4) acres is not an unreasonable request and it would clean it up and make it look nicer, however the township ordinance is clear that accessory building or use shall only be on a lot with a principal use or main building. There are no exceptions stated in this part of the ordinance. Consensus of the board is that if this variance is granted everyone will be here to ask for the same thing.

Motion by Penny Larson, second from John Warner, **ADOPTED**, to deny variance as submitted by James Pitney, parcel #61-06-104-200-0004-40 on Berquist Road, citing Section 3.06 C of the Fruitland Township, an accessory building or use shall only be permitted on a lot which contains a principal use or main building and also due to opposition of four (4) surrounding property owners.
Role call: Warner-AYE, Lernowich-AYE, Warner-AYE, Larson – AYE, Bole-AYE, Gaertner-AYE

Chairman Gaertner and the board reviewed the variance criteria; upon denial, Chairman Gaertner informed Mr. and Mrs. Pitney that they have 30 days to petition the circuit court.

Motion by Penny Larson, second from Gary Bole, **ADOPTED**, to adjourn the December 11, 2006 Zoning Board of Appeals meeting at 6.55 p.m. **5 AYES**

Respectfully Submitted,

Wendy Bloem, Recording Secretary
Zoning Board of Appeals