



Fruitland Township
White River Light Station Museum

Fruitland Township Zoning Board of Appeals Minutes of March 11, 2013

CALLED TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Zoning Administrator Sandel, Recording Secretary Sally Dion and 2 interested parties.

AGENDA: Motion by Penny Larson, second from Clarence Gaertner, ***ADOPTED***, to approve the March 6, 2013 Zoning Board of Appeals agenda.

5 AYES

MINUTES: Motion by Eileen Stoffan, second from Clarence Gaertner, ***ADOPTED***, to accept the September 10, 2012 Zoning Board of Appeals as presented.

5 AYES

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

DISCUSS MEETING TIME:

Motion by Brian Lernowich, second from Penny Larson, ***ADOPTED***, to change the meeting start time to 6:00 p.m., starting with the April meeting.

5 AYES

5915 Murray Road

61-06-578-001-0001-33

Chris and Kristin Schneider, on behalf of Sellers Charlene N ET AL, homeowner, request a variance from the following article for the demolition and rebuilding of the boathouse/living quarters:

Article VIII General Provisions, Section 3.03, PRINCIPAL USE, (A) which states, no lot or parcel of land shall contain more than one (1) main building or one (1) principal use.

Correspondence:

None

Public Hearing opened at 7:05 p.m.

Chris and Kristin Schneider, applicants, gave overview of the proposed project and offered to answer questions.

This property is co-owned by themselves; an Aunt and Brother. The existing cottage up on the bluff is not usable during the winter months because of the location and it would not be easy to use because the water pipe is above the ground and would freeze. The proposed project would be to rebuild the boathouse which is located at the bottom of the bluff to use in the off season months. This parcel is very vertical; the only flat spots are where the existing cottage and boathouse are located. This request also includes adding two (2) foot into the dune and tree area. They have obtained a Soil Erosion Permit; however, have not applied to the DEQ yet. They have been granted approval from the Sylvan Beach Association; letter provided to the board tonight and made part of the record.

Chairperson Warner asks about the dry hydrant that goes under the corner of the boathouse. It appears the water line goes toward the lake; it would have to be relocated. The Schneider's do not where it goes, however, was asked by Alan Jackman of the Sylvan Beach Association to mark it when they found it.

Chairperson Warner goes on to state that if proven to be a continued use as a residence they could rebuild in the same footprint for that use. If not a continued use as residence they can rebuild in the same footprint but only for the use it currently has. According to the Schneider's this was used as a residence several years back, however, for the past several years has been used mainly for storage of things. Power is being sub-fed from the other cottage.

According to Assessment records the structure they are requesting to rebuild has only been assessed as a garage/boathouse, never a residence.

The Schneider's explain they pay full years taxes but can only use the cottage maybe a total of six (6) months. They do not have water and can't get up the dune.

Board Member Stoffan asks if the plan did not include adding two (2) foot could they do it. Zoning Administrator Sandel stated yes per our ordinance it could be rebuilt on the same footprint, for the same use, however, if not used as dwelling now it would not be allowed to be rebuilt as a dwelling because two (2) dwellings are not allowed on one (1) parcel.

Board Member Stoffan asked if the parcel could be divided. Zoning Administrator Sandel stated he is not sure, it would have to do with site development standards for the township and the required shares for Sylvan Beach requirements to do that. The Schneider's agreed they were not sure about the shares and wouldn't want to pay two (2) association fees.

Board Member Lernowich asks if they would be willing to demolish the existing cottage on the bluff. The Schneider's stated no.

Board Member Stoffan asks does the existing boathouse have a kitchen in it now. The Schneider's stated that it did eighteen (18) years ago, but not now.

Chairperson Warner asks if it was heated. The Schneider's stated no it was never heated and that neither is the other cottage.

The Schneider's explain they understand the chance of setting precedence, however, it doesn't seem like this issue ever comes up. Because Sylvan Beach wants this rebuilt and the amount of money that will be spent they would like it to be usable all year round.

Board Member Larson asked would it be used as a guest house. The Schneider's could not say it wouldn't be, however, activity would be very limited in the summer.

Board Member Stoffan states this is very unique, they have Sylvan Beach Association approval, this would be replacing an existing structure, and she believes the plan submitted would be a physical improvement.

Board Member Larson concurs with Board Member Stoffan, if Sylvan Beach Association approves it must be a unique situation, however, she does have some concern about setbacks and setting precedence.

Public Comment:

None

Public Hearing closed at 7:50 p.m.

The Board Members reviewed the Variance Decision Checklist.

Board Comments:

Board Member Lernowich comments he wishes he could grant variance, however, we have to stand by our Ordinance, and they can rebuild in same footprint for same use.

Chairperson Warner agrees with Board Member Lernowich.

Motion by Brian Lernowich, second from Clarence Gaertner, ***ADOPTED***, to ***deny*** the variance as requested.

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

Chairman Warner informed the applicants that they have up to 30 days to appeal in Circuit Court the denial of their variance request.

ADJOURNMENT

Motion by Penny Larson, second from Brian Lernowich, ***ADOPTED*** to adjourn the March 11, 2013 Zoning Board of Appeals meeting at 8:10 p.m.

5 AYES

Respectfully Submitted,

Sally Dion
Recording Secretary