



Fruitland Township
White River Light Station Museum

Fruitland Township Zoning Board of Appeals Minutes of March 12, 2012

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, Attorney Kevin Even and Recording Secretary Sally Dion

AGENDA: Motion by Penny Larson, second from Brian Lernowich, ***ADOPTED***, to approve the March 12, 2011 Zoning Board of Appeals agenda.

5 AYES

MINUTES: Motion by Penny Larson, second from Eileen Stoffan, ***ADOPTED***, to accept the November 14, 2011 Zoning Board of Appeals as presented.

5 AYES

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

5623 Murray Road

61-06-665-000-0010-00

Gail Donovan, applicant, through her attorney, Ronald M. Redick of Mika Meyers Beckett & Jones PLC, requests an appeal of the Zoning Administrator's rulings with regard to certain improvements at 5623 Murray Road. Namely, applicant contends that a pergola and underground patio have been constructed in violation of the Zoning Ordinance. The Zoning Administrator has determined that the suspended marquee (pergola) was previously considered and approved by the Board of Zoning Appeals in 2009 and as built complies with that decision. The Zoning Administrator has also determined that the underground patio is not a structure as claimed and therefore not in violation of the Zoning Ordinance. The Zoning Administrator's rulings are set forth in his December 21, 2011 response to Mr. Ronald M. Redick.

Correspondence:

- Email from Robin Roberts, 5605 Murray Road, expresses being greatly disturbed at the legal chaos one homeowner can cause another when a Certificate of Occupancy has been issued, which would mean the building is in compliance with the Zoning Board's rules/decisions.

- Memorandum from Dan E. Bylenga, Jr. of RHOADES McKEE PC addressing the issues raised by attorney Ronald M. Redick on behalf of Gail Donovan.

Chairman Warner explained a public hearing would not be held because one already had been.

- Ronald M. Redick, 900 Monroe Avenue N.W., Grand Rapids, MI, attorney for Gail Donovan, addressed the board. He emphasized that it is their belief that the following issues they are bringing forth, the suspended marquee above lakefront porch (pergola) and basement porch structure (underground patio) are new zoning violations that were not addressed in prior court proceedings.

Mr. Redick stated Gail Donovan would like to say a few words. Chairman Warner advised he would allow her to do so but her comments need to be brief.

- Gail Donovan, 5629 Murray Road, Whitehall, MI, applicant, stated she has lived in this area since the 60's and was once friends with the Gill family. Since the construction of the Gill home her view has been distorted, the ambience has changed and property values have been compromised. She does not feel she was represented or supported by the zoning ordinances for the issues she is challenging.

Public Comment:

None

Board Comments:

Consensus is that these issues have previously been carefully considered by them when they addressed the Gardner's arguments in 2009 and that their decisions were also affirmed by Judge Hicks of the Muskegon County Circuit Court.

Motion by Clarence Gaertner, second from Penny Larson, ***ADOPTED***, to not consider reversing the decision made in 2009 regarding the pergola.

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

Motion by Penny Larson, second from Brian Lernowich, ***ADOPTED***, to not consider reversing the decision made in 2009 regarding the deck and space underneath.

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

6198 South Shore Drive

61-06-107-100-0001-00

Norman Dodds, applicant, requests a variance from the following article for the construction of a single family dwelling on a vacant parcel in the Inland Lakes District:

Article VIIIa, Section 8.02a (1) Front Yard Setback, Residential Uses

Public Hearing opened at 7:35 p.m.

- Norman Dodds, 144 Hancock Street, Pentwater, MI, applicant/owner of property stated he changed his plans to make the home smaller than what he applied for the last time so he only needs a variance for the front yard setback. If the variance is approved he would not be any closer to the road right of way than existing neighboring structures already are. He has applied for septic/well permits but has not received them yet, he has obtained a driveway permit and a soil/erosion permit.

Public Comment:

- Steve Burley, 6196 South Shore Drive, neighboring property, supports variances, believes this plan is reasonable.

Public Hearing closed at 7:50 p.m.

Board Comments:

Consensus after reviewing the variance decision checklist is that granting this variance would not have an adverse effect on adjacent properties or produce an undesirable change in the established character of the neighborhood and that there are extraordinary or exceptional circumstances unique to the property because of its size, shape, etc.

Motion by Eileen Stoffan, second from Clarence Gaertner, ***ADOPTED***, to approve the variance request for parcel number 61-06-107-100-0001-00 as presented.

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

Chairman Warner informed Norman Dodds that he has 180 days to begin the project.

ADJOURNMENT

Motion by Brian Lernowich, second from Penny Larson, ***ADOPTED*** to adjourn the March 12, 2012 Zoning Board of Appeals meeting at 7:55p.m.
5 AYES

Respectfully Submitted,

Sally Dion
Recording Secretary