



Fruitland Township
White River Light Station Museum

Fruitland Township Zoning Board of Appeals Minutes of April 12, 2010

CALLED TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Zoning Administrator Sandel, Trustee Deur, Phil Chilote (applicant), and three (3) interested parties

AGENDA: Motion by Brian Lernowich, second from Clarence Gaertner, ***ADOPTED***, to approve the amended April 12, 2010 Zoning Board of Appeals agenda; amended to add Jan Deur/Zoning Discussion to the agenda after the public hearing. ***5 AYES***

NOMINATIONS/ELECTIONS:

Chairman: Motion by Brian Lernowich, second from Gary Bole, ***ADOPTED***, to open nominations for Chairman.

Motion by Brian Lernowich to nominate John Warner as Chairman.

Motion by Gary Bole, second from Eileen Stoffan, ***ADOPTED***, to close nominations and cast a unanimous ballot for John Warner as Chairman to the Fruitland Township Zoning Board of Appeals. ***5 AYES***

Vice Chair: Motion by Eileen Stoffan, second from Clarence Gaertner, ***ADOPTED*** to open nominations for Vice Chair. ***5 AYES***

Motion by Gary Bole, second from Brian Lernowich, ***ADOPTED***, to nominate Clarence Gaertner as Vice Chair.

Motion by Gary Bole, second from Eileen Stoffan, **ADOPTED**, to close nominations for Vice Chair. **5 AYES**

Motion by Gary Bole, second from Eileen Stoffan, **ADOPTED**, to elect Clarence Gaertner as Vice Chair to the Fruitland Township Zoning Board of Appeals. **5 AYES**

Secretary:

Motion by Clarence Gaertner, second from Gary Bole, **ADOPTED**, to open nominations for Secretary. **5 AYES**

Motion by Brian Lernowich, second from Clarence Gaertner, **ADOPTED**, to nominate Eileen Stoffan as Secretary.

Motion by Clarence Gaertner, second from Brian Lernowich, **ADOPTED**, to close nominations for Secretary.

Motion by Clarence Gaertner, second from Gary Bole, **ADOPTED**, to elect Eileen Stoffan as Secretary to the Fruitland Township Zoning Board of Appeals. **5 AYES**

MINUTES:

Motion by Eileen Stoffan, second from Clarence Gaertner, **ADOPTED**, to approve the November 9, 2009 Zoning Board of Appeals meeting minutes as presented. **5 AYES**

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

Correspondence:

- Ray and Sharon Genter, 5800 Duck Lake Road, opposing variance.
- Chuck and Nancy Miller, 5756 Duck Lake Road, opposing variance.

PUBLIC HEARING:

5794 W Duck Lake Rd

61-06-119-100-0006-00

Philip F. Chilcote II, applicant for Nelson and Karen Heinrichs, homeowners, request a variance from the following article for the construction of an addition to existing home:

Article VIIIa, Section 8.02a 1, which states that the side yard setback for residential uses shall be ten (10) feet as measured to either the eaves or foundation, whichever is closer.

Public Hearing opened at 7:12 p.m.

Zoning Administrator Sandel explained that he denied the Zoning Compliance Application due to the side yard setback. He stated that the garage is going to be attached to the house.

Phil Chilcote stated that he is the contractor for the Heinrichs. He explained that the house is their summer home and they would like the additional rooms for bedrooms for their grandkids when they come to visit. He stated that they would like protective parking and storage. He also stated that he has changed the plan slightly so that one corner of the garage would be five feet from the side yard

lot line and the other corner would be seven feet from the side yard lot line. Mr. Chilcote explained that the ten foot side yard setback would make it difficult for cars to pull into the garage.

Chairman Warner asked how the garage would be attached to the house. Mr. Chilcote explained that it will be attached with a common roof.

Board member Bole asked if the garage could be made five feet smaller in order to meet the setback. Mr. Chilcote explained that it would make the bedrooms quite small.

Chairman Warner asked Zoning Administrator Sandel if he considered the garage to be attached to the house. Zoning Administrator Sandel explained that Section 2.02 of the Zoning Ordinance states, "When an accessory building is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building shall be considered a part of the main building." Zoning Administrator Sandel stated that it appears to be connected by a common roof, but he would like a better definition of "substantial." Chairman Warner asked that the Planning Commission revisit this issue and define in the ordinance what constitutes a substantial connection.

Mr. Chilcote explained that moving the garage to meet the ten foot setback would crowd the driveway and cut into the landscape.

Public Comment:

Jane Hanson, 5790 Duck Lake Road – stated she is the neighbor to the west and she supports the variance request. She stated that the Heinrichs are good neighbors and they always do great work on their projects.

Ray and Sharon Genter, 5800 Duck Lake Road – stated they are the neighbors to the west. Mr. Genter explained that the proposed addition would block their view out of their kitchen window. He stated that the Heinrichs house already has three bedrooms and he is worried about the possibility of renting out the proposed additional bedrooms in the future. Mrs. Genter stated that she would be ok with the Heinrichs putting the garage on the other side of their property. She explained that the Heinrichs are not at the house in the fall and she is worried that garbage and debris will collect in the open area between the proposed addition and the house. Mrs. Genter also stated that Bob Eklund owns property next to the Heinrichs that he uses for lake access and she wouldn't want the proposed addition to crowd Mr. Eklund's property.

Public Hearing closed at 7:43 p.m.

Board Comments:

Board member Bole stated that the view issue does not apply.

Chairman Warner stated that many trees would have to be removed.

Board member Lernowich stated that a three-point turn might need to be done to get into the garage, but there are compromises that might have to be made when living on the lake.

Board member Bole stated that there are neighbors that object, which should be taken into consideration.

Board member Stoffan explained that the Board is only voting on the setback issue.

The Board reviewed the variance decision checklist.

Motion by Clarence Gaertner, second from Brian Lernowich, **ADOPTED**, to deny the variance request for parcel number 61-06-119-100-0006-00 as presented.

Roll Call: Lernowich – AYE, Stoffan – AYE, Gaertner – AYE, Bole – AYE, and Warner – AYE. 5 AYES

JAN DEUR/ZONING DISCUSSION:

Trustee Jan Deur gave an overview of the Zoning Seminar given by Clifford Bloom that he attended on April 1, 2010.

Motion by Clarence Gaertner, second from Gary Bole, **ADOPTED** to adjourn the April 12, 2010 Zoning Board of Appeals meeting at 8:28 p.m. **5 AYES**

Respectfully Submitted,

Ericka DeCair
Recording Secretary