



Fruitland Township  
White River Light Station Museum

# Fruitland Township Zoning Board of Appeals Minutes of November 8, 2010

**CALLED TO ORDER:** 7:00 p.m.

## **PLEDGE OF ALLEGIANCE**

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

**ALSO PRESENT:** Zoning Administrator Sandel, William Josephson (applicant), and eighteen (18) interested parties

**AGENDA:** Motion by Penny Larson, second from Clarence Gaertner, **ADOPTED**, to approve the November 8, 2010 Zoning Board of Appeals agenda. **5 AYES**

**MINUTES:** Motion by Clarence Gaertner, second from Eileen Stoffan, **ADOPTED**, to approve the September 13, 2010 Zoning Board of Appeals meeting minutes as presented. **5 AYES**

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

## **CORRESPONDENCE:**

**Dr. William Nutting & Joanne Mcshane, 6164 Murray Road** – oppose variance

**Larry & Darlene VanderZwaag, 6180 Murray Road, #202 & #302** – oppose variance

**Richard & Susan Ilka, 6180 Murray Road, #101** – oppose variance

**David & Susanna Taylo, 6198 Murray Road, #102** – oppose variance

**Peggy & Doug Hoogerhyde, 6180 Murray Road, #203** – oppose variance

**Ted A & Janice M Boers, 6198 Murray Road, #301** – oppose variance

**Tim Keck, 6191 Murray Road** – support variance

**Frank Hollister, 6195 Murray Road** – requests that all facts of application be considered diligently

**Kim McGee, 6166 Murray Road** – oppose variance

**Dan & Ann Singelyn, 6180 Murray Road, #303** – oppose variance

**Andrew & Bridgette Barker, 6198 Murray Road, #202** – oppose variance

**John Rintamaki, 6198 Murray Road, #303** – oppose variance

***PUBLIC HEARING:***

*6168 & 6188 Murray Road*

*61-06-245-003-0003-00*

**William Josephson, applicant for William Fauntleroy, parcel owner,** requests a variance from the following article for the re-build of two (2) single family residences not being re-built exactly where the original footings and foundations of the demolished nonconforming structures were located:

*Article III, Section 3.23 (B) Expansion and Substitution of Nonconforming Buildings or Structures (1) Nonconforming uses including buildings and structures may be maintained and repaired to be kept in sound condition and may be restored or rebuilt provided, however, that the restored or rebuilt building or structure is on the original footings and foundations or on new footings and foundations constructed exactly where the footings and foundations of the nonconforming structure were located. A topographical survey prepared by a licensed surveyor shall be required for all lakefront non-conforming structures to assure proper grade elevations and placement. Restoration or rebuilding is permitted whether the nonconforming building or structure is damaged by fire, wind, act of God, or other casualty or is demolished and regardless of the cost of such rebuilding or restoration.*

***Public Hearing opened at 7:05 p.m.***

Zoning Administrator Sandel states that there is a lot of information on the proposed drawings so he wanted to point out a couple of things. There are two (2) alleys which are dedicated public alleys on this parcel. One (1) of them is between the two (2) proposed homes and the other is between the lot on the lake and the middle lot of the parcel. There is also a five (5) foot walkway private easement on the North line of the parcel.

William Josephson, 3425 Lakewood Road, representing parcel owner William Fauntleroy states that the former structures have been removed using extreme care not to disturb neighboring properties. The applicant is hoping to make the parcel less nonconforming thus the proposed plan deviates from the location of the original footings and foundations. The homes are proposed to try and alleviate view issues for surrounding properties. If this parcel was not nonconforming averages of the condominiums and the McGee's could be used. A new driveway permit off Murray Road has been issued by the Muskegon County Road Commission which will relieve the McGee's from having to use the condominiums for access. He has been made aware of several things that neighbors would like addressed. View for neighboring property owners being one of them. Their belief is that the only view concern with the proposed locations is for a very small corner of a condominium that would be affected in one direction.

William Fauntleroy, parcel owner reinstates he wants to make the parcel less nonconforming. He and William Josephson looked at this project extensively to try and make most happy and he is willing to compromise if necessary to create something all can live with.

Chairman Warner asks where the septic will be located. William Fauntleroy states that has not been decided yet. Chairman Warner stated they should consult the Muskegon County Health Department for location of the septic field and well. William Fauntleroy stated that deed language gives them the right to continue using the septic across the street as it exists. Chairman Warner asks about major increase in square footage proposed. William Fauntleroy stated if they wanted to scrap the proposed second home they could build a much larger home.

Zoning Board of Appeals member Eileen Stoffan asks William Fauntleroy how long he has owned property. Mr. Fauntleroy stated four (4) to six (6) months.

***Public Comment:***

**Kim McGee, 6166 Murray Road** – references his correspondence dated October 30, 2010 that he sent for the Zoning Board of Appeals members to review prior to this meeting regarding setback requirements and other items. The story is about adjacent developments of Sylvan Beach Association and Flitcraft’s Sylvan Beach Subdivision that were both planned and laid out over 100 years ago. The setbacks in this area have historically been between 28 and 29 feet from the side walk. He also speaks about why he does not feel the average of neighbor’s setback rule should be used in this case.

**Ted Boers, 6198 Murray Road, # 301** – suggests it is taken into consideration that one of the two structures demolished historically was a garage, even though it may have been used as living quarters at some time if a occupancy permit was never issued they should only be able to build a garage. He expresses concern with the very narrow property being overcrowded, setbacks for the proposed homes and that he does not want them to infringe on the system for the condominiums if the septic system is put on the West side of the road.

**Will Nutting, 6164 Murray Road** – doesn’t feel there is any reason this variance should be granted, he believes this variance is a self created need with no real practical difficulties or unusual circumstances, the homes can be re-built on the original footprints which follow the ordinance.

**John Rintimaki, 6198 Murray Road, #303** – concern with septic size with larger homes being proposed and where it will be located.

**Larry VanderZwaag, 6180 Murray, #202 & #302** – states view concerns, runoff concerns and that his condominium building has already had trouble with lift station and drain field.

Zoning Board of Appeals member Eileen Stoffan asks William Fauntleroy if he owns the parcel across the street on which the drain fields are located for the condominiums.

William Fauntleroy stated that yes he does own the parcel across the street that has the condominium drain fields on it. He then spoke extensively on possibilities of appealing the neighbors and allowing full use of his parcel.

**Kim McGee, 6166 Murray Road** – feels very strongly that the Zoning Board of Appeals stay involved with any plan that is brought to Zoning Administrator Sandel.

**Joanne Mcshane, 6164 Murray Road** – asking for clarification on the three (3) uses of this property, what was legal and what was not, the garage was built and then living quarters added should it be a garage or a house, the main structure on the water was a rental unit and then there is the marina, is it commercial or not? She encourages that the township attorney reviews the plans before the next meeting.

***Public Hearing closed at 8:30 p.m.***

After considerable discussion with the Zoning Board of Appeals William Fauntleroy asked the Zoning Board of Appeals to recess his application until the January 10, 2011 meeting so they he can assess his plans after hearing the comments made by neighboring parcel owners.

Zoning Board of Appeals member Eileen Stoffan asks for clarification on if he will be coming back to the Zoning Board of Appeals with a different plan and is asking for the recess so he didn't have to start over with a new application or was he maybe revising the plan that he wouldn't need a variance for. She went on to state that even if all the neighbors agree on a plan that the variance may not be approved.

Chairman Warner advises the applicant to keep in close contact with Zoning Administrator Sandel while they continue to work on a plan.

***Board Comments:***

Motion by Clarence Gaertner, second from Eileen Stoffan, ***ADOPTED***, to recess this variance request until the January 10, 2011 meeting.

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

***ADJOURNMENT***

Motion by Clarence Gaertner, second from Penny Larson, ***ADOPTED*** to adjourn the November 8, 2010 Zoning Board of Appeals meeting at 8:40 p.m.

***5 AYES***

Respectfully Submitted,

Sally Dion  
Recording Secretary