



Fruitland Township Zoning Board of Appeals Minutes of December 13, 2010

CALLED TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Zoning Administrator Sandel, Recording Secretary Sally Dion, Norman Dodds (applicant), and eleven (11) interested parties

AGENDA: Motion by Penny Larson, second from Clarence Gaertner, ***ADOPTED***, to approve the December 13, 2010 Zoning Board of Appeals agenda. ***5 AYES***

MINUTES: Motion by Brian Lernowich, second from Penny Larson, ***ADOPTED***, to amend the November 8, 2010 Zoning Board of Appeals meeting minutes by striking Gary Bole and replacing with Penny Larson under ***PRESENT:*** and accepting as amended. ***5 AYES***

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

CORRESPONDENCE:

Cheryl & Tim Duthler, 6210 South Shore Drive – oppose variance

Douglas Kniff, 6301 South Shore Drive – oppose variance

Maryl & Phil Hook – oppose variance

PUBLIC HEARING:

6198 South Shore Drive

61-06-107-100-0001-00

Norman Dodds, applicant, requests a variance from the following articles 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
Article III, Section 3.31 (B) Front (Lakefront Lots on Arterial Streets)
Article III, Section 3.31 (D) Rear (Shoreline View Protection)

Public Hearing opened at 7:05 p.m.

Zoning Administrator Sandel states that even though the street to the west of this parcel is only 33' it is still considered a street and according to Article VIIIa, Section 8.02a (1) Front Yard Setback, Residential Uses, **(For corner lots, the side setback facing the street shall be fifty (50) feet)**, Article III, Section 3.31 (B) Front (Lakefront Lots on Arterial Streets) **(The building shall not be located closer to the street right of way than the average setback of those adjacent building, but in no case closer than fifty (50) feet)**, Article III, Section 3.31 (D) Rear (Shoreline View Protection) **(The building shall not be located closer than one hundred (100) foot from the ordinary high water mark)** and the proposed plan does not meet these requirements, hence the variance request.

Public Comment:

Steve Burley, 6196 South Shore Drive – owns the parcel directly east of this and opposes variance for 3.31 (D) if it will affect the shoreline view, requests the 33' is surrendered back so is public access again.

Lucille Papenfuss, 5890 Lamos Road – has been using the 66' road end for years, the 33' remaining is not usable, it is for drainage and is a big gully, opposes variance.

Bill Strain, 5841 Lamos Road – questions why the parcel size is not being varied, he does not believe it is a lot of record because the 33' was added, opposes variance. Zoning Administrator Sandel advises that yes this is a lot of record; court records state the 33' has always been a part of this parcel and also according to Article II, Definitions, Section 2.15, NON-CONFORMING LOT OF RECORD is a platted lot of record that conformed with all Township zoning requirements at the time of recording of said plat, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; or a lot of record outside a recorded plat that conformed with all Township zoning requirements at one time, and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area, lot width or both.

Charles Peabody, 6083 South Shore Drive – states concern with length of driveway, has lived here for over 30 years, he believes South Shore is probably the busiest during the summer, opposes variance.

Tom Longtin, Realtor – states he has been involved with this property since 2004, the court ruled that the 33' belongs to this parcel and he does not believe anyone other than Norman Dodds would propose to not using the 33' or that would propose a low profile design that would cause less view issue than traditional design, supports variance.

Debra Statz, 6083 South Shore Drive – very concerned about view and also about where will the supplies and building equipment go, opposes variance.

Michelle Gillan, 5715 Lamos Road – questions if there is still public access, Chairman Warner advises that yes there is still 33' public access.

Lucille Papenfuss, 5890 Lamos Road – states again that 33' left for public access is not usable, you can't walk down there, and people are being misled.

Steve Burley, 6196 South Shore Drive – states the 33' has been surveyed and that the people to the west put up a fence to stop snowmobilers and that at the most is 10' left to use.

Public Hearing closed at 7:40 p.m.

Board Comments:

Board Member Stoffan states she believes a different house could be proposed for this property which could meet the zoning requirements.

Board Member Lernowich asks about the proposed decks, will they restrict the view.

Norman Dodds answers that the lakeside deck is actually 2' back from where the east homes deck is.

Motion by Eileen Stoffan, second from Clarence Gaertner II, ***ADOPTED***, to ***DENY*** the requested three (3) variances for 6198 South Shore Drive, parcel number 61-06-107-100-0001-00 based on the belief this is a created hardship.

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

ADJOURNMENT

Motion by Eileen Stoffan, second from Clarence Gaertner II, ***ADOPTED*** to adjourn the December 13, 2010 Zoning Board of Appeals meeting at 7:55 p.m.

5 AYES

Respectfully Submitted,

Sally Dion
Recording Secretary