



Fruitland Township Zoning Board of Appeals Minutes of November 13, 2006

CALLED TO ORDER: 6:30 p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Zoning Administrator Sandel and seven (7) interested parties.

Chairman Gaertner welcomed guests and explained the purpose and the function of the Zoning Board of Appeals.

AGENDA: Motion by Penny Larson, second from Gary Bole, ***ADOPTED***, to approve the November 13, 2006 Zoning Board of Appeals agenda. ***5 AYES***

MINUTES: Motion by John Warner, second from Gary Bole, ***ADOPTED***, to accept the ***amended*** October 9, 2006 meeting minutes, amended on page 3 of 5, last sentence of second paragraph to correct spelling from ***Mr. System*** to ***Mr. Sytsma***. ***5 AYES***

Public Hearings:

1. 5487 Merrie Lynne Court

61-06-554-000-0019-00

Michael and Cindy Brumm, homeowners, request a variance from Article VI Section 6.04 Site Development Standards states that no main building or principle structure, nor the enlargement of any main building or principle structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such buildings, structures, or enlargements. Front yard setback is one hundred (100) feet on arterial streets, or a.) the average setbacks of main buildings on abutting lots on the same side of the street, whichever is less, except in no case shall a front setback be less than fifty (50) feet, c) for lots on residential streets, the front set back shall be fifty (50) feet. Mr. and Mrs. Brumm wish to build a four hundred forty-eight (448) foot addition to the existing attached garage in a Medium Density Residential (MDR) District.

Public Hearing opened at 6:38 p.m.

Zoning Administrator Comments:

Zoning Administrator Sandel stated that at the time the applicant purchased his property the Township requirements for front yard setback was thirty (30) feet, since then the Township Ordinance has changed and does not allow anything less than fifty (50) feet. He stated that currently in the platted sub-division some homes have a thirty (30) foot front yard setback and some have a fifty (50) foot setback. Zoning Administrator Sandel informed the board that he will bring this section of the ordinance before the Township Planning Commission to be addressed.

Steve Dahlstrom- builder for Mr. Brumm stated that the homeowners have always planned on building a garage on their property and in the short time they have lived there the zoning has changed from a thirty (30) foot front yard set back to a fifty (50) foot set back. Mr. Dahlstrom stated that he and the applicant have looked at other possibilities but there is no other way they can build this garage.

Public Comment: None

Public Hearing closed at 6:41 p.m.

Board Comments:

Board member Bole stated that the applicants are not making their home any more non-conforming. Board member Larson stated that the ordinance does state that “in no case shall a front yard setback be less than fifty (50) feet. Chairman Gaertner stated that he feels that this is an extra ordinary case due to the home being in a sub-division where there are other homes with a thirty (30) foot front yard setback. A platted sub-division is not like other streets.

Motion by Clarence Gaertner, second from Gary Bole, ***ADOPTED***, to grant a variance as submitted from Article VI, Section 6.04, Site Development Standards, to Mr. and Mrs. Brumm to construct a four hundred forty-eight (448) addition to their existing attached garage. ***Roll Call: Larson - AYE, Bole - AYE, Warner - AYE, Lernowich - AYE, Gaertner -AYE. 5 AYES, 0 NAYS.***

Chairman Gaertner and the board reviewed the variance criteria; upon approval, Chairman Gaertner informed Mr. Dahlstrom that he has 180 days to begin the project.

2. 6100 Duck Lake Road

61-06-566-000-0007-00

Jerry and Emilie Dancik, homeowners, request a variance from Article VII, Section 7.04 Site Development Standards states that no main building or principle structure, nor the enlargement of any main building or principle structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such buildings, structures, or enlargements. The minimum dwelling unit floor area shall be eleven hundred twenty (1120) square feet ground floor area / nine hundred sixty (960) square feet ground floor area on ground floor. Mr. and Mrs. Dancik wish to construct a single family dwelling in a Medium High Density Residential (MHDR) District.

Public Hearing opened at 6.50 p.m.

Jeffrey Dancik., stated that the proposed structure ground floor area measures eight hundred eighty (883) square feet, which is seventy-seven (77) square feet shy of the required nine hundred sixty (960) square feet the Township ordinance requires. The total square footage of the proposed house is eighteen hundred sixty (1860) square feet. He feels buildings with a condensed footprint such as the proposed structure is more energy efficient and reduces the impact on natural features and open space.

Public Comment:

- Susan Bednarek, 6024 Duck Lake Road – opposes variance, has a concern with the size of the first floor.
- Steve Spangler, 6000 Duck Lake Road – opposes variance, against smaller foot print than what the ordinance allows.
- Bev Spangler, 6000 Duck Lake Road – opposes variance, against smaller foot print
- Emilie Dancik stated that the reason the ground floor is small is due to the porches.

Public Hearing closed at 7:00 p.m.

Board Comments:

Board member Larson asked Jeffrey Dancik what is stopping the applicant from adding the seventy-seven (77) feet onto their plans. Mr. Dancik replied it has to do with the direction the beams are going to be built across the ceiling.

Board member Bole stated that the applicant can design the porch smaller to get the minimum square footage that the township ordinance requires for the ground floor area.

Board member Bole stated that the minimum square footage for new homes was voted on by the residents of Fruitland Township. He feels that the board should not grant a variance against this ordinance due to that reason. Board member Warner stated that the applicant’s engineer should have contacted the Township to get the site development standards for new homes prior to drawing the plans.

Motion by John Warner, second from Penny Larson, ***ADOPTED***, to deny a variance from Article VII, Section 7.04 Site Development Standards, Minimum Dwelling Unit Floor Area, as applied for by Jerry and Emilie Dancik parcel #61-06-566-000-0007-00, 6100 Duck Lake Road, denial based on the proposed structure’s ground floor area does not meet the minimum requirements by zoning and they could achieve these requirements by re-designing their house. ***Roll Call: Warner-AYE, Bole-AYE, Larson-AYE, Gaertner-AYE, Lernowich-AYE. 5 AYES, 0 NAYS***

Chairman Gaertner and the board reviewed the variance criteria; upon denial, Chairman Gaertner informed Mrs. Dancik and Jeffrey Danick that they have 30 days to petition the circuit court.

3. 2340 West River Road

61-06-135-400-0006-10

Bruce Gustavson, home owner, request a variance from Article III, Section 3.17 B (4) Excavations, Holes or Ponds, there shall be a minimum setback of one hundred (100) feet from the outside edge of any pond excavation to any dwelling and minimum setback of one hundred (100) feet from any property line.

Chairman Gaertner stated that Mr. Gustavson has wrote a letter requesting that his variance request be postponed until the January 8, 2007 Zoning Board of Appeals meeting.

Motion by Penny Larson, second from Gary Bole, **ADOPTED, with conditions** to adjourn Mr. Gustavson's variance request until the January 8, 2007 Zoning Board of Appeals meeting. Conditions are that no other extensions will be granted beyond that meeting.

5 AYES

Motion by Penny Larson, second from John Warner, **ADOPTED**, to adjourn the November 13, 2006 Zoning Board of Appeals meeting at 7:30 p.m.

5 AYES

Respectfully Submitted,

Wendy Bloem, Recording Secretary
Zoning Board of Appeals