

Fruitland Township Zoning Board of Appeals *Amended* Minutes of October 9, 2006

CALLED TO ORDER: 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Co-Chair Penny Larson, Board members, Gary Bole, Brian Lernowich and John Warner.

ABSENT: Chairman Clarence Gaertner.

ALSO PRESENT: Zoning Administrator Sandel and nine (9) interested parties.

Co-Chair Larson welcomed guests and explained the purpose and the function of the Zoning Board of Appeals.

AGENDA: Motion by Gary Bole, second from John Warner, ***ADOPTED***, to approve the October 9, 2006 Zoning Board of Appeals agenda.
4 AYES, 1 ABSENT

MINUTES: Motion by John Warner, second from Gary Bole, ***ADOPTED***, to accept the ***amended*** September 9, 2006 meeting minutes, amended on page 5 of 6, first paragraph, second line to strike ***Mr. and Mrs. Berghuis*** and add ***Mrs. Webster***. ***4 AYES, 1 ABSENT***

Public Hearings:

1. 3597 Scenic Drive

61-06-130-100-0006-00

William Josephson, applicant for Ken and Marianne Newman homeowners, request a variance from Article VIa, Section 6.04a (1) Lake Michigan Shoreline Setback requires that the setback for all new construction be a minimum of one hundred (100) feet landward, measured perpendicular to the crest of the bluff. Mr. and Mrs. Newman wish to construct an addition to their existing home seventy-seven feet from the Lake Michigan Bluff in a Medium Density Residential (MDR) District located within the Lake Michigan Shoreline Overlay District.

Public Hearing opened at 6:35 p.m.

William Josephson, applicant representing homeowners, Ken and Marianne Newman stated that the homeowners would like to add an addition onto their existing home seventy-seven (77) feet from the bluff; currently their home has a forty-seven (47) foot setback from the bluff. Mr. Josephson stated that the addition will be added on the side of the house away from the lake, which will not make the home any more non-conforming.

Public Comment:

- Marianne Newman, homeowner of 3597 Scenic Drive stated that the reason for the proposed addition on their home is because eventually her and her husband would like to make this their retirement home.

Correspondence:

- William Davison, PO Box 686, Traverse City, MI 49685 – shares ownership of the cottage north of 3597 Scenic Drive. Mr. Davison opposes the granting of this variance due to the reason that the proposed addition constitutes a self-created predicament and is not permitted under Michigan law.

Public Hearing closed at 6:39 p.m.

Zoning Administrator Comments:

Zoning Administrator Sandel stated that he spoke with the Township’s Attorney, Robert Eklund regarding Mr. Davison’s letter opposing this variance. Zoning Administrator Sandel reported that Attorney Eklund reviewed the quoted cases Mr. Davison cited at the bottom of his letter and he found no problem using our existing rules in deciding this variance.

Board Comments:

Board member Bole stated that by adding this addition to their home the homeowners would not be making their home any more non-conforming. Board member Bole asked Mr. Josephson what the addition will be used for, Mr. Josephson stated that currently there is a garage underneath the house with stairs that lead to the ground level of the home. Mr. Josephson state that the homeowners would like to construct a garage on the main level with the house, by doing this it would make it easier to access the garage.

Motion by John Warner, second from Gary Bole, ***ADOPTED***, to grant a variance from Article VIa, Section 6.04a (1) to Mr. and Mrs. Newman, 3597 Scenic Drive, 61-06-130-100-0006-00 allowing them to build their addition landward on their existing house. The reason for this variance is because the applicant’s will not be making their property anymore non-conforming. ***Roll Call: Lernowich-AYE, Bole-AYE, Warner-AYE, Larson, AYE. 4-AYES, 0-NAYS, 1- ABSENT***

Co-Chair Larson and the board reviewed the variance criteria; upon approval, Co-Chair Larson informed Mr. Josephson that he has 180 days to begin the project.

2. 2981 Scenic Drive

61-06-131-100-0009-00

Brian Sytsma, applicant for John Postma, homeowner, requests a variance from Article VIa, Section 6.04a (1) Lake Michigan Shoreline Setback requires that the setback for all new construction be a minimum of one hundred (100) feet landward, measured perpendicular to the crest of the bluff. Mr. Postma wishes to construct an addition to his existing home eighty-four (84) feet from the Lake Michigan Bluff in a Medium Density Residential (MDR) District located within the Lake Michigan Shoreline Overlay District.

Public Hearing opened at 6.50 p.m.

Brian Sytsma residential general contractor for John Postma stated that he would like to build a 12’x 26’ foot addition on the westerly side of the existing home to give Mr. Postma more room to entertain his family and friends. This would put the proposed addition eighty-four feet from the Lake Michigan bluff line. Mr. Sytsma stated that the two neighbors on each side of Mr. Postma have no problem with the proposed addition. Mr. Sytsma also stated that if this variance goes through tonight Mr. Postma would like to build a patio off the addition. **Mr. Sytsma** informed the board that the proposed patio or deck would not be enclosed with any railings.

Board member Warner asked Mr. Sytsma if the lake side of the house has a deck on it; Mr. Sytsma stated “yes” the deck is a lot larger than the proposed addition.

Public Comment: NONE

Public Hearing closed at 7:00 p.m.

Board Comments:

Board member Bole stated that the applicants variance application did not show a proposed deck, if a deck is added he would like see it built ground level, so it will not block any of the neighbors view of the lake.

Board member Warner stated that he has two concerns with this request, by granting this variance it would make the home more non-conforming and also the applicant’s plans did not show a patio or deck.

Co-Chair Larson asked Mr. Sytsma if the addition could be built on the south side of the house, Mr. Sytsma stated no, they can not build the addition on that side of the house due to a very expensive drain field system designed by the DEQ.

Motion by Gary Bole, second from Brian Lernowich, **ADOPTED**, to grant a variance from Article VIa, Section 6.04a (1) with conditions to John Postma, 2981 Scenic Drive, parcel #61-06-131-100-0009-00 of twelve (12) feet to build on the westerly side of his existing house. Conditions are that any deck or patio shall be built level with the ground and shall not be enclosed with a roof or enclosed with sides or screens. **Roll Call: Bole-AYE, Warner-NAY, Lernowich-AYE, Larson-AYE. 3-AYES, 1- NAY, 1 ABSENT**

Co-Chair Larson and the board reviewed the variance criteria; upon approval, Co-Chair Larson informed Mr. Sytsma that he has 180 days to begin the project.

3. 3966 Orshal Road61-06-462-000-0002-00

John Kriesel, homeowner, request a variance from Article III, Section 3.08 (G) 2, maximum total accessory building size on a parcel 2.00 acres to 2.99 acres is one thousand one-hundred four (1,104) square feet with a maximum building height of twenty-four (24) feet and a rear side yard setback of twenty-five (25) feet. Mr. Kriesel wishes to construct a one thousand three hundred fifty (1, 350) square foot accessory building in a Medium Density Residential (MDR) District.

Public Hearing opened at 7:21 p.m.

John Kriesel, homeowner, stated that currently he has no out buildings and he would like to build a one thousand three hundred fifty (1, 350) square foot accessory building to store his antique cars, antique motor cycles, tools and travel traveler. He stated he is only asking for seven (7) feet over of what the township ordinance allows. He stated that the neighbors on each side of him have no problem with him building this size of a pole barn.

Correspondence:

- Larry Anderson, 3938 Orshal Road – supports variance
- Richard Ciezak, 4020 Orshal Road – supports variance

Public Comment: NONE**Public Hearing closed at 7:26 p.m.****Board Comment:**

Board member Warner asked Mr. Kriesel if he would be attaching the existing garage to the house. He stated “yes” he is in the process of doing that right now.

Board member Bole asked Mr. Kriesel if he could build his pole barn seven feet less than proposed. Mr. Kriesel stated that he needs the seven (7) feet for storage.

Motion by Brian Lernowich, second from Gary Bole, **ADOPTED**, to grant a variance from Article III, Section 3.08 (G) 2 as submitted to John Kriesel to construct a one thousand three hundred fifty (1, 350) square foot accessory building on his property. **Roll Call: Warner-AYE, Bole-AYE, Lernowich-AYE, Larson-AYE 4 AYES, 0 NAYS, 1 ABSENT**

Co-Chair Larson and the board reviewed the variance criteria; upon approval, Co-Chair Larson informed Mr. Kriesel that he has 180 days to begin the project.

4. 2340 West River Road61-06-135-400-0006-10

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.

Co-Chair Penny Larson stated that Mr. Gustavson has wrote a letter requesting that his variance request be postponed until the November 13, 2006 Zoning Board of Appeals meeting.

Motion by Gary Bole, second from John Warner, ***ADOPTED***, to adjourn Mr. Gustavson's variance request until the November 13, 2006 Zoning Board of Appeals meeting. ***5 AYES***

Motion by Gary Bole, second from John Warner, ***ADOPTED***, to adjourn the October 9, 2006 Zoning Board of Appeals meeting at 7:30 p.m. ***5 AYES***

Respectfully Submitted,

Wendy Bloem, Recording Secretary
Zoning Board of Appeals