

**FRUITLAND TOWNSHIP  
SPECIAL WORK SESSION  
JUNE 19, 2014 – 10:00 AM  
MINUTES**

**PRESENT:** Trustee Bard, Trustee Deur, Trustee Rissi, Clerk Rillema, Treasurer Beegle, Supervisor St. Amour and Trustee Hampel (arrived at 10:05 AM)

**ALSO PRESENT:** Eight (8) interested parties.

**CALL TO ORDER:** Supervisor St. Amour called the Special Work Session of Fruitland Township to order at 10:02 AM.

**ACCEPT JUNE 19, 2014 AGENDA:**

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to accept the June 19, 2014 Special Work Session Agenda.

**Upon Voice Vote: 6 AYES, 1 ABSENT - motion carried**

**PUBLIC COMMENT:**

- 1) Gerald Brichan, 6633 Michillinda - Supports LSI and inquired why Michillinda Beach Lodge was able to do what they did?
- 2) Jon Blyth, 5591 Oak Tree Lane - Supports LSI and hopeful a solution can be resolved so the Kaehler's can be successful.
- 3) Terry O'Connell, 5450 S. Shore Drive - Supports LSI and hopeful a compromise can be reached to benefit the people.
- 4) Irene Pierson, 6100 Murray Road - Asked for an explanation of a comment Zoning Administrator Sandel made at the ZBA hearing about a compromise that could be taken by the ZBA Board but they ruled on State law.

**NEW BUSINESS:**

1. LSI (Buzz's Lakeside Inn) 5700 Scenic Drive - Supervisor St. Amour thanked those in the audience for their comments and stated the Board of Trustees along with the Zoning Board of Appeals have been elected and appointed to uphold the zoning ordinances of the township. The township supports the efforts of the Kaehler's in successfully managing Lakeside Inn but will enforce ordinances in place. Attorney Even stated that Fruitland Township became a zoned community nearly 40 years ago. With that, many buildings/structures became non-conforming in specific zone districts designated. LSI Real Estate LLC (LSI) is a pre-existing non-conforming use in a residential district (Inland Lakes District). The overall goal of zoning in any unit of government is to have eventual elimination of nonconforming uses so that the growth and development sought by the ordinances can be achieved. Pre-existing uses that were once lawful are allowed to continue with the caveat that they cannot be enlarged or changed in order to satisfy the goal of eliminating the non-conforming use over time. LSI received the attention of the township after a Public Notice from the Army Corps of Engineers for a proposed floating dock, finger piers and mooring buoys on White Lake was

FRUITLAND TOWNSHIP, JUNE 19, 2014 WORK SESSION MINUTES

received by the township. Building permits were issued by the Building Official but no review was obtained for zoning. A letter from the Zoning Administrator was sent to LSI early May citing that the proposed patio was not considered a structure but the addition of the railings and dedicated dining use was an expansion of the existing use and therefore not allowed. The patio was constructed and a knee wall built after receiving that letter. Zoning Administrator Sandel denied use of the newly constructed patio and the Zoning Board of Appeals upheld his decision due to evidence that the el fresco dining service and alcohol beverage service was not historically allowed outside of the main indoor dining room. Communication from the public did not identify the extent of any use of the outside area for the purpose of an extension of the indoor restaurant seating capacity for el fresco dining and alcoholic beverage service. LSI did not have a liquor license authorizing outdoor sales until it was just recently obtained in November 2013 which is strong evidence that outdoor sales of alcohol would be an expansion of its prior beverage service. Attorney Even stated several options that could be taken by LSI. One being a possible zone change request which could be lengthy. Secondly, the Planning Commission could spot zone which would not be in the best interest and could be litigated. Thirdly, he has an idea he would like to speak to LSI's legal counsel on. Several Board members had comments and additional conversation will be discussed at the July work session regarding enforcement.

Trustee Rissi excused herself from the work session at 10:17 AM.

2. McMillan Road End Stair Project -

Motion by Treasurer Beegle, second by Trustee Hampel, **ADOPTED**, to authorize Supervisor St. Amour to contract with the Muskegon Conservation District in the amount of \$3,460.00 to address the stairway construction violations at McMillan Road End.

*Roll Call Vote:* Trustee Hampel **AYE**, Trustee Bard **NAY**, Trustee Deur **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Supervisor St. Amour **AYE**, Trustee Rissi **ABSENT** - **motion carried**

**ADJOURNMENT:**

Motion by Trustee Bard, second by Treasurer Beegle, **ADOPTED**, to adjourn the June 19, 2014 Special Work Session of the Township Board at 10:45 AM.

*Upon Voice Vote:* **6 AYES, 1 ABSENT** - **motion carried**

Respectfully Submitted,

Karolyn Rillema, Clerk  
Township of Fruitland