



Fruitland Township
White River Light Station Museum

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

CALLED TO ORDER: 7:01 p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Zoning Administrator Sandel, Margie Benson/Carlet Mitenbuler (applicant's) and Jeff Lanthier from Lanthier Construction LLC (Builder)

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

MINUTES: Motion by Clarence Gaertner, second from Gary Bole, **ADOPTED**, to approve the July 12, 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:

None

PUBLIC HEARING:

4623 Nestrom Road

61-06-118-400-0003-10

Margie Benson/Carlet Mitenbuler, property owners, request a variance from the following articles for the continued use of a 1,288 square foot existing accessory building which exceeds the maximum square footage allowed for the acreage created with a land division and which location will be in front of the proposed single family dwelling; however, not 200 feet from the road right-of-way:

Article III, Section 3.08

E. *Detached accessory buildings shall:*

- 2. *be placed at least two hundred (200) feet from the road right-of-way if located in the front yard, between the house and road in the RR, LDR, MDR, MHDR, and HDR Districts.*

Article III, Section 3.08

G. *Accessory building sizes, heights and setbacks.*

- 2. *Maximum floor areas and heights (as measured from the ground to the highest point of the roof) and setbacks for buildings accessory to single and two-family dwellings:*

<i>MAXIMUM ACCESSORY BUILDING SIZE</i>	
<i>Parcel Size</i>	<i>Maximum Building Size</i>
<i>Less than 1.00 acre</i>	<i>672 square feet</i>
<i>1.00 to 1.99 acres</i>	<i>888 square feet</i>
<i>2.00 to 2.99 acres</i>	<i>1,104 square feet</i>
<i>3.00 to 3.99 acres</i>	<i>1,536 square feet</i>
<i>4.00 to 4.99 acres</i>	<i>1,968 square feet</i>
<i>5.00 to 9.99 acres</i>	<i>2,400 square feet</i>
<i>10.00 to 19.99 acres</i>	<i>2,800 square feet</i>

Public Hearing opened at 7:03 p.m.

Zoning Administrator Sandel explains that the applicant’s have requested a land division which will leave an existing accessory building on the proposed new parcel of two (2) acres. The size of such accessory building exceeds the allowed square footage for 2.00 to 2.99 acres and will be located in front of the proposed single family dwelling. This parcel is located in the Medium Density Residential District with North Duck Lake Overlay. If this parcel was in the Inland Lakes District which allows for accessory buildings between the road right of way and the single family dwelling this would not be an issue.

Jeff Lanthier from Lanthier Construction LLC (Builder) speaks on behalf of the property owners. He explains the only way to create a parcel big enough to have the existing size of the accessory building would carve up the parcel with existing home on it and that the location of the proposed single family dwelling was determined by the topography.

Public Comment: None

Public Hearing closed at 7:15 p.m.

Board Comments:

Consensus of the Zoning Board of Appeals members is that this is a very unique situation. Asking to remove square footage from the existing accessory building would not be practical.

The Board reviewed the variance decision checklist.

Motion by Eileen Stoffan, second from Clarence Gaertner, **ADOPTED**, to approve the variance request for parcel number 61-06-118-400-0003-10 which applies to Article III, General Provisions, Section 3.08 E. 2. and G. 2. as presented for the continued use of a 1,288 square foot accessory building.

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

Chairman Warner informed Jeff Lanthier from Lanthier Construction LLC, that he has 180 days to begin the project.

ADJOURNMENT

Motion by Clarence Gaertner, second from Brian Lernowich, **ADOPTED** to adjourn the September 13, 2010 Zoning Board of Appeals meeting at 8:35 p.m.

5 AYES

Respectfully Submitted,

Sally Dion
Recording Secretary