



Fruitland Township
White River Light Station Museum

Fruitland Township Zoning Board of Appeals Minutes of February 10, 2014

CALLED TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman John Warner, Board members Penny Larson, Brian Lernowich, Eileen Stoffan and Judy Marcinkowski.

ALSO PRESENT: Zoning Administrator Sandel, Recording Secretary Sally Dion and 3 interested parties.

AGENDA: Motion by Penny Larson, second from Eileen Stoffan, ***ADOPTED***, to accept the February 10, 2014 Zoning Board of Appeals agenda as written.
5 AYES

MINUTES: Motion by Brian Lernowich, second from Judy Marcinkowski, ***ADOPTED***, to accept the January 13, 2014 Zoning Board of Appeals minutes as written.
5 AYES

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

5710 Scenic Drive

61-06-012-300-0019-00

Brad VanBergen, Winberg Construction, on behalf of Jack/Brenda Groessl, homeowners, requests a variance from the following articles for the construction of an Accessory Building in the Inland Lakes District:

Article VIIIa, Inland Lakes District, Section 8.02a Site Development Standards, (1) Rear Yard Setback.

Article III, General Provisions, Section 3.31 Average Setback Lines, (D) Rear (Shoreline View Protection) and Section 3.08 Accessory Buildings and Uses (G) (2) Maximum Accessory Building Footprint Size.

Public Hearing opened at 6:07 p.m.

Brad VanBergen, Winberg Construction, 8868 Water Street, Montague, Michigan gave brief overview of the request. Since the Lakeside Inn Resort was sold the Groessl's do not have a garage for storage. He explained there is a seawall and that the garage will not be any closer to the lake than the existing home. They are proposing to remove a large willow tree which will enhance view for the neighbors. The allowed 672 square foot is not really enough to park cars and store lawn equipment, etc.

Board Member Marcinkowski asked if there will be heat or plumbing in the proposed building. Brad answered not at this time.

Board Member Lernowich stated he couldn't visualize because there was too much snow to walk around.

Board Member Lernowich asked if DEQ approval was needed. Brad stated DEQ approval is not needed, however, a soil erosion permit is.

Board Member Stoffan asked if there are any garages now. Brad answered not at this time, he is not sure if there ever was years ago.

Board Member Marcinkowski asked how many feet will the garage be from the house. Brad answered from the patio at least 20', from the house approximately 28'. He also stated an existing power pole that is not shown on the plan needs to be relocated. It's on the South corner of the existing building. Zoning Administrator Sandel provided the board members an old plan he found in the parcel file which did show the power pole. It needs to be relocated because it is in the middle of the driveway for the proposed garage.

Board Member Lernowich asked about the height of the proposed garage. Brad answered the highest it would be is 15'.

Board Member Stoffan asked if there was any correspondence. Recording Secretary Dion stated no.

Chairperson Warner asked if the garage could be turned 45 degrees clockwise. Brad answered yes it could be now that the decision has been made to remove the trees. Chairperson Warner states he would like to see the proposed garage as far from the lake as possible.

Zoning Administrator Sandel explained that access for this is with an easement and that the roadway may not match where the physical easement is, it is a prescriptive easement. He stated he is sure they know the proposed garage is larger than allowed. He did check lot coverage and including the proposed garage it would be below the 25% required in this zoning. With the proposed garage the lot coverage would be somewhere between 15% and 20%. He also stated he is fairly sure that the seawall is at the Ordinary High Water Mark when the water is up.

Public Comment:

1. **Ann Dake, 6860 South Shore Drive, on behalf of her Mother, Dolly Morton, 6880 South Shore Drive**, whose home is directly behind where the garage is proposed and shares a common lot line with the Groessl's. They **support** this plan providing at least one tree is taken out and the garage is only 1 story.
2. **Tom Thompson, 5564 South Shore Drive**, stated that he believes existing zoning states any dwelling permitted along an inland lake shall have its lowest floor, including the basement, constructed at least four (4) feet above the ordinary high water mark. He was advised that this does not pertain to Accessory Buildings.

Correspondence: None

Board Member Marcinkowski asks for clarification if the Ranch House is separate from the Lakeside Inn Resort. After short discussion it was found the Ranch House is the two story building that used to be connected to the Groessl's house with a garage that burned along with the house. The Ranch House was something that was used for overflow when Groessl's owned Lakeside Inn, however it is not part of the Lakeside Inn Resort that has been sold.

Public Hearing closed at 6:36 p.m.

The board members reviewed the review standards for variances.

It was discussed two (2) motions should be made. One (1) for the setback and one (1) for the proposed size.

Review standards for variances were reviewed again looking at the issues separately.

Board Comments:

Board Members agree that the shape of this parcel is unique, that because the Mason Drain goes through this property it may not allow them to attach the garage to the existing house, and that they could build a smaller garage, zoning allows for 672 square feet.

Board Member Stoffan states her opinion is that this can't be voted on separately because the plan is the plan; we either need to vote the plan down or approve the plan. If we say yes to the setback but no to the size then we are saying no to the whole plan. It wouldn't be saying they could build something smaller.

Chairperson Warner states hearing it that way he would have to agree.

Board Member Lernowich stated it has been done that way in the past. A motion may have been made to allow a setback but state the size could only be this or that size.

Board Member Stoffan stated she doesn't believe it is the ZBA's job to redesign a plan.

Zoning Administrator Sandel asked if the public hearing could be re-opened back up so the applicant could redesign the plan if he wishes.

Board Member Stoffan stated she still doesn't think that is their job to do that, her belief was they could come back with a different plan.

Recording Secretary Dion advised they would have to reapply and pay the required fee.

Zoning Administrator Sandel stated that according to Article XIX, Board of Zoning Appeals, Section 19.06 Decisions, (I.) No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

Motion by Brian Lernowich, second from Eileen Stoffan, ADOPTED, to suspend rules to open public hearing for more comment.

5 AYES

Public Hearing re-opened 7:02 p.m.

- 1. Allan Dake, 6860 South Shore Drive**, he stated if the proposed garage was attached with a breezeway the only variance needed would be for the setback. Unfortunately because of the Mason Drain the County is not going to allow that. He doesn't personally care what size it is. He thinks it would be fair for the plan to be approved as submitted. Turning the proposed garage 45% does not change the distance from the water.

Brad VanBergen agreed that moving the proposed garage 45 degrees as discussed earlier will not change the setback from the lake; however, he would try and put it in the best place possible. This is a very unique situation. No one knows for sure where the easement for the drain is; some say the easement is not where the pipe is. Zoning Administrator Sandel explained there are setbacks required from such easement.

Public Hearing Closed 7:13 p.m.

Chairperson Warner stated he would like to table this until more information can be gathered on the location of the drain before making a decision.

Zoning Administrator Sandel stated he will need to know if there is a specific width of the easement and what the required setback from such easement is.

Board Member Lernowich stated his biggest concern is the proposed garage is 40% bigger than what is allowed. He believes Zoning Administrator Sandel can monitor the drain issue.

Board Member Marcinkowski also stated she has concerns with the size, however, no one is here that does not support.

Board Member Stoffan offers motion to approve the request as submitted with the rear setback being no closer than the same distance to the ordinary high water mark as shown on the drawing, side setback lines to a minimum of 10' and shall be no larger than 1,008 square feet as proposed, however, motion failed for lack of support.

Motion by Brian Lernowich, second from Judy Marcinkowski, **ADOPTED**, to **TABLE** the variance as requested until the March meeting.
Roll Call Vote: Stoffan-AYE, Lernowich-AYE, Larson-AYE, Marcinkowski-AYE, Warner-AYE

ADJOURNMENT

Motion by Penny Larson, second from Eileen Stoffan, **ADOPTED** to adjourn the February 10, 2014 Zoning Board of Appeals meeting at 7:47 p.m. **5AYES**

Respectfully Submitted,

Sally Dion
Recording Secretary