



Fruitland Township  
White River Light Station Museum

# Fruitland Township Zoning Board of Appeals Minutes of February 13, 2017

**CALLED TO ORDER:** 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

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

**ALSO PRESENT:** Zoning Administrator Jensen, Recording Secretary Sally Dion and 2 interested parties.

**NOT PRESENT:** Member Cindy Campeau.

**AGENDA:** Motion by John Warner, second from Penny Larson, **ADOPTED**, to accept the February 13, 2017 Zoning Board of Appeals agenda as written.

**4 AYES**

**MINUTES:** Motion by Penny Larson, second from John Warner, **ADOPTED**, to accept the January 23, 2017 Zoning Board of Appeals minutes as written.

**4 AYES**

Chair Stoffan explained the purpose and function of the Zoning Board of Appeals.

**1872 W. Riley Thompson Road**

**61-06-113-300-0001-10**

**Applicant Alton Jensen, Jensen Custom Homes on behalf of owner Jerry C. Cox, 1872 W. Riley Thompson Road requests a variance from the following article: Article III, General Provision, Section 3.08 Accessory Building and Uses, (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 (pursuant to section 19.03(C) of the Zoning Ordinance.**

Motion by Judy Marcinkowski, second from John Warner, **ADOPTED**, to **OPEN** public hearing at 6:04 p.m.

**4 AYES**

Zoning Administrator Jensen explained he went out to the property and it is very wet with a lot of clay. It would require a lot of fill to construct the accessory building any other place than were it is proposed.

Applicant Alton Jensen was here on behalf of owner Jerry C. Cox to answer questions. He said it would be a huge expense to bring in the fill that would be required to place the proposed accessory building in any other place on the property because it is so wet.

***PUBLIC COMMENT:***

1. Dustin Schaner, 4509 Gibson, Muskegon, supports.

***CORRESPONDENCE:***

1. Jeremy Christian, 14964 178<sup>th</sup> Avenue, Grand Haven, owns 2 parcels (W. Riley Thompson Road) supports.
2. John P. Lundell Sr., owns one parcel (Lorenson Road) supports.

Zoning Administrator Jensen asked to make one more comment. When going through the variance checklist number 6. asks “Would the granting of the variance result in a special privilege to the property owner not shared by other property owners in the same zoning district? (i.e. do other property owners have garages, porches, outbuildings, etc.)” The pictures he took shows four other buildings were encroaching on the 200’ setback right in the block this proposed building is, two are houses and two are buildings.

Motion by John Warner, second from Penny Larson, **ADOPTED**, to **CLOSE** public hearing at 6:15 p.m.

**4 AYES**

***BOARD COMMENTS:***

Board Member Warner stated anywhere they try and construct this building they will have a problem; this whole hill is nothing but clay.

Board Member Marcinkowski asks about a future road that is part of the site plan. Who is putting this road in, is it the Muskegon County Road Commission or will it be private?

Zoning Administrator Jensen stated he had spoken with Mr. Cox regarding that and it was a proposed private road he was thinking about putting in, however, it has been put on the back burner. He is not doing that at this time. Because of this the decision was made on this parcel not being a corner lot.

Chair Eileen Stoffan asked for clarification that the proposed private road was not being done.

Zoning Administrator Jensen stated that is correct it is not being done at this time.

Board Members discussed the size of the property. They were thinking it was smaller than what it is by looking at the site plan that was copied for them; however, Zoning Administrator Jensen advised the parcel size is over 70 acres.

Board Member Larson stated concern with the proposed accessory building being 25’ tall and so close to the road.

Chair Eileen Stoffan advised the size is not in question, only the location is.

Zoning Administrator Jensen stated the proposed location is the best option, however, may not be the only option.

Review standards for variances were reviewed.

Motion by John Warner, second from Penny Larson, ***ADOPTED***, to ***DENY***, the variance request as requested on grounds that with a parcel this size the building can be located to meet ordinance requirements.

***Roll Call Vote: Marcinkowski AYE, Warner AYE, Larson AYE and Stoffan NAY***

Chair Stoffan informed that they have up to 30 days to appeal in Circuit Court the denial of their variance request.

***ADJOURNMENT***

The February 13, 2017 Zoning Board of Appeals meeting adjourned at 6:40 p.m.

Respectfully Submitted,

Sally Dion  
Recording Secretary