



# Fruitland Township

## Zoning Board of Appeals

### Minutes of

### April 12, 2021

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

***PLEDGE OF ALLEGIANCE***

***PRESENT:*** Chairperson Warner, Board members Cindy Campeau, John Ruck, Judy Marcinkowski and Eileen Stoffan.

***ALSO PRESENT:*** Zoning Administrator Val Jensen, Recording Secretary Sally Dion and 5 interested parties.

***AGENDA:*** Motion by Eileen Stoffan, second from Judy Marcinkowski, ***ADOPTED***, to accept the April 12, 2021 Zoning Board of Appeals agenda as written.

***5 AYES***

***NOMINATIONS:*** Motion by Judy Marcinkowski, second from Cindy Campeau, to nominate John Warner as Chairperson.

Motion by Judy Marcinkowski, second from Cindy Campeau, ***ADOPTED***, to close nominations and elect John Warner as Chairperson for the Zoning Board of Appeals year of April 2021 to April 2022.

***4 AYES***  
***1 ABSTAIN (Warner)***

Motion by Judy Marcinkowski, second from John Ruck, to nominate Eileen Stoffan as Vice Chair.

Motion by Judy Marcinkowski, second from John Ruck, ***ADOPTED***, to close nominations and elect Eileen Stoffan as Vice chair for the Zoning Board of Appeals year of April 2021 to April 2022.

***4 AYES***  
***1 ABSTAIN (Stoffan)***

Motion by Judy Marcinkowski, second from Eileen Stoffan, to nominate Cindy Campeau as Secretary.

Motion by Judy Marcinkowski, second from Eileen Stoffan, **ADOPTED**, to close nominations and elect Cindy Campeau as Secretary for the Zoning Board of Appeals year of April 2021 to April 2022.

**4 AYES**  
**1 ABSTAIN (Campeau)**

**MINUTES:** Motion by Judy Marcinkowski, second from Eileen Stoffan, **ADOPTED**, to accept the September 14, 2020 meeting minutes as written.

**5 AYES**

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

**6310 South Shore Drive**

**61-06-170-000-0007-00**

**Applicant Brian Jones, 6310 South Shore Drive, Whitehall, Michigan 49461**, requests variance from the following Article, ARTICLE III, GENERAL PROVISIONS, SECTION 3.08 G. ACCESSORY BUILDING SIZES, HEIGHTS AND SETBACKS to construct a 648 sq. ft. accessory building in addition to their 484 sq. ft. existing accessory building (**pursuant to section 19.03(C) of the Zoning Ordinance**).

**Public Hearing Open 6:10 p.m.**

**Correspondence**

Recording Secretary Sally Dion advised there were five correspondence, all in support.

Zoning Administrator Jensen stated the denial was because the proposed 648 sq. ft. building in addition to the existing 484 sq. ft. would exceed the maximum size allowed for the size of the parcel.

Brian Jones, applicant, explained he is aware the proposed will be over the maximum size allowed, they could do an attached garage, however, that will impede medical/emergency access for the neighbors, also does not want to impede the view of the lake from above and from the lake, he has met with and discussed with all neighbors.

Chairperson Warner asks if they are building a new accessory building why not remove the old. Mr. Jones replied the old can be used for storage, also said is costly to have removed.

Chairperson Warner advised if they tore down the old one, they would not have had to come for a variance as the proposed building was under the maximum allowed and added that no one is entitled to a view.

Board Member Marcinkowski asked if either the Police or Fire Department were asked for an opinion on this?

Mr. Jones stated no they had not and that the neighbors said there was an easement, however, he could not find a deed that shows any easement.

Board Member Ruck also stated the application indicated an easement. Mr. Jones said again he could not find such easement.

Board Member Ruck asked Zoning Administrator Jensen if it was correct if they removed the old one the proposed one would meet the maximum? Zoning Administrator Jensen answered, that is correct.

Chairperson Warner advised they are allowed 672 sq ft of accessory building, he does not see a need for two, when removing the old they could meet the maximum allowed.

Board Member Ruck asked if it was attached would it be the same proposed size. Mr. Jones answered, yes more than likely.

Board Member Stoffan asked if this was a combined lot, is that true? Zoning Administrator Jensen stated it has been so long since he reviewed, he is not sure if it was or not. His consideration is determined on the size of the parcel now.

***Public Comment***

None

Chairperson Warner asked Recording Secretary Sally Dion to read the names and addresses for the correspondence.

Steve Rogers, 6319 South Shore Drive, **supports.**

John & Karel Schram, 6330 South Shore Drive, **supports.**

Douglas Kniff & Trudy Nicely, 6301 South Shore Drive, **supports.**

Paul Reid, 6329 South Shore Drive, **supports.**

Motion by Cindy Campeau, second from Judy Marcinkowski,  
**ADOPTED**, to close **Public Hearing at 6:23 p.m.**

**5 AYES**

Review standards for variances were reviewed and found un-favorable.

Motion by John Ruck, second from Judy Marcinkowski, **ADOPTED**, to **DENY**, the variance as requested by **Applicant Brian Jones, 6310 South Shore Drive, Whitehall, Michigan 49461**, requests variance from the following Article, ARTICLE III, GENERAL PROVISIONS, SECTION 3.08 G. ACCESSORY BUILDING SIZES, HEIGHTS AND SETBACKS to construct a 648 sq. ft. accessory building in addition to their 484 sq. ft. existing accessory building (**pursuant to section 19.03(C) of the Zoning Ordinance**).

**ROLL CALL VOTE:** Campeau **AYE**, Ruck **AYE**, Marcinkowski **AYE**, Stoffan **AYE** and Warner **AYE**.

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

Zoning Administrator Val Jensen asked for interpretation for two different sections.

Board Member Ruck asked if they should do that without a specific case? Is that something they want to do? Is this something that has been done before?

Chairperson Warner stated that it has been done before. Consensus was to hear what he was asking for interpretation on.

Article III, General Provisions, Section 3.08 D. reads “No part of a detached accessory building shall be used for independent living facilities for one or more persons. No accessory building shall include all the permanent provisions for living, sleeping, eating, cooking and bathroom facilities.” Numerous properties in the township on the lake(s) have Accessory Buildings that have living areas in them. The question he is faced with is what construes a permanent independent living facility? He reached out to the Planning Commission Chairperson, Chairperson Roesler, who responded that when it was last revised, it was written such that an Accessory Building could have an office and a bathroom or a bathroom and a bedroom but not a kitchen. It would be more like allowing a mudroom/beach house shower type situation, not living space such as kitchens and sleeping.

Article III, Section 3.29 Outdoor Storage reads “The outdoor storage or parking of recreational vehicles or equipment, in all Residential Districts shall be subject to the following minimum conditions.” is this specific to recreational vehicles? He feels that it is.

Consensus is that the Planning Commission should review for possible amendments or clarification of their meaning. Chairperson Warner will take to the May Planning Commission for discussion.

Motion by Judy Marcinkowski, second from Cindy Campeau,  
*ADOPTED*, to adjourn the April 12, 2021 meeting at 6:59 p.m.

Respectfully Submitted,

Sally Dion  
Recording Secretary