



Fruitland Township
White River Light Station Museum

Fruitland Township Zoning Board of Appeals Minutes of April 14, 2014

CALLED TO ORDER: 6:01 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 Judy Marcinkowski, **ADOPTED**, to accept the April 14, 2014 Zoning Board of Appeals agenda as written.

5 AYES

NOMINATIONS/ELECTIONS:

Motion by Penny Larson, second from Brian Lernowich, to nominate John Warner as Chairperson.

Motion by Penny Larson, second from Judy Marcinkowski, **ADOPTED**, to close nominations and re-elect John Warner as Chairperson for the Zoning Board of Appeals year of April 2014 to April 2015.

**4 AYES
1 ABSTAIN
(Warner)**

Motion by Eileen Stoffan, second from Penny Larson, to nominate Brian Lernowich as Vice Chairperson.

Motion by Penny Larson, second from Judy Marcinkowski, **ADOPTED**, to close nominations and re-elect Brian Lernowich as Vice Chairperson for the Zoning Board of Appeals year of April 2014 to April 2015.

**4 AYES
1 ABSTAIN
(Lernowich)**

Motion by Penny Larson, second from Judy Marcinkowski, to nominate Eileen Stoffan as Secretary.

Motion by Brian Lernowich, second from Penny Larson, **ADOPTED**, to close nominations and re-elect Eileen Stoffan for the Zoning Board of Appeals year of April 2014 to April 2015.

4 AYES
1 ABSTAIN
(Stoffan)

MINUTES: Motion by Eileen Stoffan, second from Judy Marcinkowski, **ADOPTED**, to accept the February 10, 2014 Zoning Board of Appeals minutes as written.

5 AYES

Chairman Warner explained the purpose and function of the Zoning Board of Appeals and that the following application is being continued from the February 10, 2014 meeting.

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.

Brad VanBergen, Winberg Construction, 8868 Water Street, Montague, Michigan gave overview of the findings of the Muskegon County Drain Commissioner Brenda Moore regarding the Mason Drain pipe that stretches across the Groessl property located at 5710 Scenic Drive. The pipe is the terminus of the Mason Drain. Although the drain has been there for many years, there is no documented easement across this property. Her understanding is that both the excavator and builder agree with the Groessl's that it is not necessary to move the existing pipe to accommodate the drain easement and in this case avoiding the expense to move the pipe, especially considering it was placed not that long ago, is the most cost effective approach. At a meeting it was agreed the excavator is going to expose the pipe so the surveyor can get coordinates on its location. Her office will ask the surveyor to provide a description of the 15 foot easement alongside of the pipe that keeps the pipe close to the westerly edge of the easement, leaving area between the pipe and garage for equipment access in the event that the pipe needs to be worked on in the future. The easement should be written from the existing catch basin to the discharge point in White Lake.

After the findings of the Drain Commissioner the first site plan was amended to re-locate the proposed garage to comply with the 15 foot easement and the size was reduced per the comments from the Zoning Board of Appeals members at the February 10, 2014 meeting.

Correspondence: None

Zoning Administrator Sandel stated as proposed now the garage will be approximately 33 foot from the seawall and that even though the proposed garage is still over the maximum allowed by ordinance they did reduce the size and they do meet the side yard setback.

Board Comments:

Chairperson Warner states he likes the idea that the proposed garage is being moved further from the lake.

Board Member Lernowich echoed Chairperson Warner’s statement.

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

Consensus is that this parcel is unique because of the Mason Drain pipe stretching across it. Because of the size of the parcel and where the house is located the proposed garage could not be attached.

Motion by Eileen Stoffan, second from Penny Larson, **ADOPTED**, to **GRANT** the variance as requested for the rear yard setback.

5 AYES

Motion by Brian Lernowich, second from Eileen Stoffan, **ADOPTED**, to **GRANT** the variance as requested for the maximum building size footprint with building not to exceed 861.2 square feet.

Roll Call Vote: Stoffan-AYE, Lernowich-AYE, Larson-AYE, Marcinkowski-AYE, Warner-NAY

ADJOURNMENT

Motion by Penny Larson, second from Eileen Stoffan, **ADOPTED** to adjourn the April 14, 2014 Zoning Board of Appeals meeting at 6:50 p.m.

5 AYES

Respectfully Submitted,

Sally Dion
Recording Secretary