



Fruitland Township
White River Light Station Museum

Fruitland Township Zoning Board of Appeals Minutes of May 8, 2017

CALLED TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman Eileen Stoffan, Board members Judy Marcinkowski, John Warner, Cindy Campeau and Alternate David Stevens.

ALSO PRESENT: Recording Secretary Sally Dion and 5 interested parties.

NOT PRESENT: Member Penny Larson.

AGENDA: Motion by John Warner, second from Judy Marcinkowski, ***ADOPTED***, to accept the May 8, 2017 Zoning Board of Appeals agenda as written.

5 AYES

NOMINATIONS: Motion by John Warner, second from Judy Marcinkowski, to nominate and re-elect Eileen Stoffan as Chairperson, John Warner as Vice Chairperson and Judy Marcinkowski as Secretary for the Zoning Board of Appeals year of April 2017 to April 2018.

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

MINUTES: Motion by John Warner, second from David Stevens, ***ADOPTED***, to accept the February 13, 2017 Zoning Board of Appeals minutes as written.

5 AYES

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

Durham Road (Vacant)

61-06-102-100-0004-40

61-06-102-100-0004-50

Applicants Aaron and Janna Dickinson, 7590 Anthony Street, Whitehall, Michigan requests a variance to combine two non-conforming legal lots of record located on Durham Road in the Low Density Residential Zoning District from the following article: **Article III, General Provisions, Section 3.01 Required Area**, “No lots or lots in common ownership and no yard, parking area or other space shall be so divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance said area or dimension shall not be further divided or reduced”, (**pursuant to section 19.03(C) of the Zoning Ordinance.**

Public Hearing Open 6:10 p.m.

Chair Stoffan explained that Zoning Administrator Jensen was not able to attend the meeting, however, he did provide them with a review.

The review indicates that the LDR zone is regulated by Article V of the Fruitland Township Zoning Ordinance. This ordinance requires created lots to be 165 feet in width, and have a lot area of 2 ½ acres. Both of these dimensional requirements are minimum dimensions to be met when creating a lot.

His opinion is that the Zoning Administrator can only approve requests that comply with the Zoning Ordinance. The Zoning Ordinance does allow combining two or more adjacent non-conforming lots for the purpose of obtaining a zoning permit. But, this ordinance Section 3.23 Non-Conforming Buildings, Structures and Uses, E. (4) (Article III, General Provisions) only allows combining of non-conforming lots in this manner in the MDR, MHDR, HDR, LMSD, ILD, NDLOD zoning districts, with stipulations. This ordinance does not apply to the LDR zoning district. Because this does not apply to the LDR zoning district, the Zoning Administrator does not have the authority to grant this request.

Power of the Zoning Board of Appeals – Section 3.23 Non-Conforming Buildings, Structures and Uses, C. (1) (Article III, General Provisions), states;

C. Change or Discontinuance. The non-conforming use of a building or structure or land shall not be: 1. Changed to any other non-conforming use unless the Board of Zoning Appeals finds that such change in use will have a less harmful effect on neighboring properties than the existing non-conforming use.

His opinion is the ordinance language in Section 3.23 Non-Conforming Buildings, Structures and Uses, C. (1) (Article III, General Provisions), provides the power to the Zoning Board of Appeals to grant the request to combine parcels to create a larger non-conforming parcel, for the purpose of obtaining a zoning permit to build upon the larger created non-conforming parcel, if the request has a less harmful effect on neighboring parcels than the existing non-conforming use.

Applicant Aaron Dickinson stated they believe their request is keeping with the spirit of the LDR zone.

CORRESPONDENCE:

None

PUBLIC COMMENT:

1. **Matt DeRose, 3208 Lakewood Road**, stated he recently built the house next to these parcels, they did find some clay in the soil which indicates a highwater table now or at one time. Because of this it could create issue if trying to build 2 new homes instead of 1 with septic systems.

Public Hearing Closed 6:16 p.m.

BOARD COMMENTS:

Member Warner states he believes approval of the request to combine these two parcels would be keeping with the spirit of the LDR zone.

Member Stevens states he is not sure why the LDR zone is not included with the others that could be combined without a variance. Suggests this be brought to the Planning Commissions attention.

Member Warner states he is the liaison and he will bring this to the Planning Commission for review.

Review standards for variances were reviewed.

All members concur combining these parcels would be keeping with the spirit of the LDR zone.

Motion by Member Warner, second from Member Marcinkowski, ***ADOPTED***, to ***APPROVE***, the variance request to combine parcels 61-06-102-100-0004-40 and 61-06-102-100-0004-50, creating a less non-conformity and consider this to be a buildable parcel if setback requirements of the LDR zoning district are met.

5 AYES

Chair Stoffan informed that they have up to 180 days to start the process.

ADJOURNMENT The May 8, 2017 Zoning Board of Appeals meeting adjourned at 6:38 p.m.

Respectfully Submitted,

Sally Dion
Recording Secretary