



Fruitland Township  
White River Light Station Museum

# Fruitland Township Zoning Board of Appeals Minutes of June 8, 2015

**CALLED TO ORDER:** 6:04 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Chairman John Warner, Board members Penny Larson, Herbert Huch, Judy Marcinkowski and Alternate Cindy Campeau.

**NOT PRESENT:** Eileen Stoffan; excused.

**ALSO PRESENT:** Zoning Administrator Sandel, Recording Secretary Sally Dion and **4** interested parties.

**AGENDA:** Motion by Judy Marcinkowski, second from Herbert Huch, **ADOPTED**, to accept the June 8, 2015 Zoning Board of Appeals agenda as written.

**5 AYES**

**NOMINATIONS/ELECTIONS:**

Motion by Penny Larson, second from Herbert Huch, to nominate John Warner as Chairperson.

Motion by Judy Marcinkowski, second from Penny Larson, **ADOPTED**, to close nominations and re-elect John Warner as Chairperson for the Zoning Board of Appeals year of April 2015 to April 2016.

**5 AYES**

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

Motion by Penny Larson, second from Judy Marcinkowski, **ADOPTED**, to close nominations and elect Eileen Stoffan as Vice Chairperson for the Zoning Board of Appeals year of April 2015 to April 2016.

**5 AYES**

Motion by Penny Larson, second from Herbert Huch, to nominate Judy Marcinkowski as Secretary.

Motion by Penny Larson, second from Herbert Huch, **ADOPTED**, to close nominations and elect Judy Marcinkowski as Secretary for the Zoning Board of Appeals year of April 2015 to April 2016.

**5AYES**

**MINUTES:** Motion by Penny Larson, second from Herbert Huch, **ADOPTED**, to accept the December 8, 2014 Zoning Board of Appeals minutes as written.

**5AYES**

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

**Whitehall Road (Vacant)**

**61-06-101-100-0002-03**

**Applicant Midwest V. LLC, 403 Oak Street, Spring Lake, MI 49456, owner Winberg Development, LLC 8868 Water Street, Montague, MI 49437, requests a variance from the following article: *Article XVI, Parking and Loading, Section 16.07 Off-Street Loading Requirements*, to allow the loading space for the proposed Dollar General to be in the side yard instead of the rear yard.**

***Public Hearing Open 6:13 p.m.***

***Correspondence:*** None

Zoning Administrator Sandel explained that the ordinance requires loading to be located in the rear yard. That would require more blacktop, create more run off, he believes the proposed location being in the side yard would be better.

Chairperson Warner explains that the Planning Commission did Site Plan Review last week and because of some issues brought forth by the Muskegon County Health Department he also thinks it will work better where proposed in the side yard.

Scott Knowlton and Peter Oleszczuk (Manager) of Midwest V, LLC were here to give brief explanation of the project and answer any questions.

Mr. Knowlton advised there is one full size semi delivery per week most times. This will not be a loading dock and it is proposed as close to the rear of the building as possible. If they have to place in the rear more greenspace would be lost. The Planning Commission has required a 75' natural buffer zone. The driveway will be shared via easement with the parcel to the south as required by the Muskegon County Road Commission.

***Public Comment:***

None

***Public Hearing Closed 6:24 p.m.***

***Board Comments:***

With a subdivision bordering the rear of these parcels consensus of the Board Members is it makes sense to relax the off street loading requirements. We want to keep as much greenspace as possible.

Review standards for variances were reviewed.

Motion by Penny Larson, second from Judy Marcinkowski, **ADOPTED**, to **GRANT** the variance as requested to allow for the off-street loading to be located at the south rear side of the building.

**Roll Call Vote: Campeau AYE, Huch AYE, Larson AYE, Marcinkowski AYE, Warner AYE**

Chairman Warner informed that they have 180 days to begin the project.

**1943 W. Tyler Road**

**61-06-125-300-0002-00**

**Applicant Gregory C. Tyler, 1943 W. Tyler Road, Muskegon, MI 49445**, requests a variance from the following articles: **Article III, General Provisions, Section 3.08 Accessory Buildings and Uses and Section 3.34 Agriculture Uses**, to construct a 4,800 square foot Accessory Building to be used for the storage of agricultural equipment and personal items. The proposed building exceeds the maximum footprint size and is closer to the side yard setback than allowed.

***Public Hearing Open 6:37 p.m.***

***Correspondence:*** None

Mr. Tyler explains he and his wife own approximately one hundred fourteen acres. Property has been in the family since 1863. They had a 20,000 square foot building in Muskegon Heights that they used for storage for their things as well as others that the roof collapsed on last winter. They are heavy into agricultural, they mow seventeen of these acres using small tractor with deck behind it. They are logging the property right now. They cannot fit all of their stuff in a 3,200 square foot building that is allowed. That would leave the motorhome and boat out; those things would create an eyesore.

Board Member Larson asked if he will be using any of the proposed square footage for rental.

Mr. Tyler answered no.

Mr. Tyler stated they have some blueberry bushes and fruit trees. They do not sell any of the fruit to the public; it is consumed by him and his family.

Board Member Campeau asked why not place the building further back.

Mr. Tyler stated he wants it close enough to use it, to have it be convenient.

Chairperson Warner asked if there was any way to work with the size allowed.

Mr. Tyler answered no, he owns a 35' motor home and a 26' boat, and he also wants room for a workshop.

Chairperson Warner stated his personal view is if this was a 100 plus acre working farm it would be a different story, however, to store toys this proposed size is very excessive.

Mrs. Tyler stated the reason they mow seventeen acres is because of locust trees that were taken down.

Board Member Marcinkowski asked if the building would have electricity and heat.

Mr. Tyler answered yes it will have electricity, however, no heat at this time, if he makes a workshop he will insulate and heat. It will have no plumbing.

***Public Comment:***

1. **Chris Campeau, 4753 W. Bard Road**, does not feel parcel is being used as agriculture as defined by the Township Ordinance, **opposes**.

***Public Hearing Closed 7:05 p.m.***

***Board Comments:***

Board Member Huch asked if it matters that the farm has been in the family for over one hundred years.

Zoning Administrator Sandel stated he is not sure about the one hundred year, however, if they were truly making money as defined in the Township Ordinance they could have more square footage of building(s).

Chairperson Warner asked about the breakdown of how much square footage of the building would be used for agriculture.

Mr. Tyler gave them a list, however, did not want made part of the record.

Board Member Marcinkowski expressed concern with the proposed location; it is too close to the parcel next to them.

Board Member Campeau agrees.

Chairperson Warner stated he believes the sizes of accessory buildings were set for a reason.

Board Member Huch stated this applicant has so much land and they have paid taxes for years. He feels they should be able to have a building to store stuff inside. He still would like to know about the one hundred year ownership and if it had been farmed even if not farmed by the current owners.

Board Member Marcinkowski read the definition of "Agriculture Uses" from the Zoning Ordinance.

Chairperson Warner stated even with not meeting the definition of Agriculture they can have a 3,200 square foot building in a residential district with the amount of property they own and that they could meet the 75' side setback by either moving the building over or doing a land division to change the lot lines for the neighboring parcel.

Review standards for variances were reviewed.

Motion by Herbert Huch, second from Penny Larson, ***DENIED***, to grant the variance as requested.

***Roll Call Vote: Campeau NAY, Larson AYE, Huch AYE, Marcinkowski NAY, Warner NAY***

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

***ADJOURNMENT***

Motion by Judy Marcinkowski, second from Herbert Huch, ***ADOPTED*** to adjourn the June 8, 2015 Zoning Board of Appeals meeting at 7:45 p.m.

**5 AYES**

Respectfully Submitted,

Sally Dion  
Recording Secretary