



Fruitland Township  
White River Light Station Museum

# Fruitland Township Zoning Board of Appeals Minutes of July 14, 2014

***CALLED TO ORDER:*** 6:02 p.m.

***PLEDGE OF ALLEGIANCE***

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

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

***ALSO PRESENT:*** Zoning Administrator Sandel, Recording Secretary Sally Dion and 1 interested party.

***AGENDA:*** Motion by Judy Marcinkowski, second from Penny Larson, ***ADOPTED***, to accept the July 14, 2014 Zoning Board of Appeals agenda as written.

***5 AYES***

***MINUTES:*** Motion by Penny Larson, second from Brian Lernowich, ***ADOPTED***, to accept the June 9, 2014 Zoning Board of Appeals minutes as written.

***5 AYES***

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

**5915 Murray Road**

**61-06-578-001-0001-33**

**Chris and Kristin Schneider, on behalf of Sellers Charlene N ET AL, homeowner,** request a variance from the following article for the demolition and rebuilding of a boathouse:

Article III, General Provisions, Section 3.23 Non-conforming Buildings, Structures and Uses

B. Expansion and Substitution of Nonconforming Buildings or Structures.

**Public Hearing Open 6:07 p.m.**

Chris Schneider was here on behalf of Kristen Schneider and Charlene Sellers. Permits were issued in May of 2014 for the demolition and rebuild of a boathouse to be located on the same footprint. When demolishing they found there was a water line that cut under the corner of the boathouse. This water line is used by Sylvan beach for irrigation and a fire hydrant. They thought they could move the water line,

however, because of the size and age of the water line this became cost prohibitive, approximate costs just for the parts would be \$3,500. They are requesting to rotate the building at least enough to clear the water line, however if approved to rotate it as far as it can be it would be further from the private drive and Murray Road making it safer for both vehicular and pedestrian traffic. They would keep the west corner at 8' then rotate the front.

***BOARD COMMENTS***

Chairperson Warner stated he was glad they came back; he reminded Chris that at the meeting last year he had advised he was pretty sure that water line ran under the corner of the building. Chris answered that yes he remembered him stating that, however, he was really surprised that it had been. Chairperson Warner said he is not sure how it happened because he is sure that building predated 1948 when the water line was put in. He asked Chris if he was in favor of moving the building further from the private drive as suggested by Sylvan Beach. Chris stated if it can be approved moving it further he is okay with that, however, he would be ok either way. If approved to move he would like exact dimension given that the building has to be from the private drive.

Board Member Lernowich asked if the square footage of the building would be the same. Chris answered that is not changing; it will still be 22' x 54'.

Board Member Marcinkowski asked for clarification that the water line belongs to Sylvan Beach. Chris answered that is correct.

Board Member Huch asked about the diameter of the line. Chris stated it is a 5" well casing and the line is cast iron and was placed in 1948. Board Member Huch then asked if the building was basically for storage. Chris stated yes it was used as mostly for storage with an apartment above.

Board Member Marcinkowski asked if they will be doing the apartment above again. Chris stated he thinks so, maybe not at this time, but at a later date, however, it will not be used as a residence.

Board Member Huch asked why the building is replaced, was it in disrepair. Chris answered yes.

Board Member Lernowich asked if it will have a kitchen. Chris answered no it will not have a kitchen.

Board Member Marcinkowski asked if there would be a septic put in. Chris answered yes.

Zoning Administrator Sandel explained the use of the building will be used for storage below and above will have a place for overflow sleeping and a place to stay during the winter months for when they cannot get up the hill to the cottage, it will have no kitchen. He also stated their intent had always been to put it on the same footprint, they had even provided an as is survey before demolition, however, after finding the water line and finding out the trouble it was going to be to move it they had to request this variance.

***PUBLIC COMMENT***

1. Charles Deupree, 6119 Murray Road, stated he is the Modification Chair for Sylvan Beach and this has been approved with them.

***CORRESPONDENCE***

1. Dallas Dort, 6011 Murray Road, **supports.**

**Public Hearing Closed 6:26 p.m.**

Review standards for variances were reviewed.

Motion by Judy Marcinkowski, second from Herbert Huch, **ADOPTED**, to **GRANT** variance to rotate the NE corner a minimum of 9’ from the edge of the paved drive with Zoning Administrator Don Sandel working with them to establish that point.

**Roll Call Vote: Huch–AYE, Lernowich-AYE, Larson-AYE, Marcinkowski-AYE, Warner-AYE**

**3469 Todd Road**

**61-06-115-300-0001-07**

**Catherine E. Rombouts, homeowner**, requests a variance from the following article for the addition of an attached garage:

Article VI, Section 6.04 Site Development Standards

Front Yard Setback	<p>One-hundred (100) feet on arterial streets and fifty (50) feet on residential streets or less if the average setback requirements apply. See General Provisions (Average Setback Lines).</p> <p>For corner lots, the side setback facing the street shall be fifty (50) feet.</p>
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**Open Public Hearing 6:39 p.m.**

Catherine Rombouts stated she purchased this property without knowing she was going to need to construct a private street for one to build. She stated she was told by Fruitland Township she needed a 30’ setback from the road and is now being told she needs 50’. She stated this variance would not have any effect on anyone. If she had known it had to be 50’ she would have positioned her house differently.

**BOARD COMMENTS:**

Board Member Lernowich asked how far the garage would be from the creek. Catherine stated the house is 100’ from the creek so the garage would be further than that.

Board Member Larson asked if the Steven’s owned the easement. Catherine answered that the parcel to the west of her owns the easement.

Chairperson Warner asked if there was any other place she could build the garage. She said there was only one other place and that would be right smack in the middle of the front door. The wall where the garage is being proposed is already all firewall; this has been in the plan since her house was built.

Chairperson Warner asked if this is really considered a private street. Zoning Administrator Sandel advised that yes it is a private street and that before she bought the parcel they had discussed a private street for one would need to be constructed before she could build. She also had submitted a Zoning Compliance that showed a 50’ setback where the garage was going to be so she always knew about the 50’ setback.

He told them to look at the copy of the 2010 Zoning Compliance it shows the garage with a 50’ setback but then she decided not to build the garage.

Board Member Lernowich asked if this is a 10 acre parcel. Zoning Administrator Sandel stated that yes the parcel is 10 acres and the easement is a private street for one.

Zoning Administrator Sandel stated he had a drawing after the house was built; it was the same scale as the site plan provided with the Zoning Compliance, he superimposed it showing where the house was supposed to be and where it was built. The Board Members reviewed the copy. He advised the reason the cul-de-sac was 150' x 150' was to meet the minimum lot width.

***PUBLIC COMMENT***

None

***CORRESPONDENCE***

1. Patricia Tardani-Stevens, 2060 16<sup>th</sup> Street, Hopkins, MI, owner of parcel 61-06-115-300-0001-06, **opposes.**

**Public Hearing Closed 6:58 p.m.**

Review standards for variances were reviewed.

Motion by Brian Lernowich, second from Herbert Huch, ***ADOPTED***, to ***GRANT*** variance per the drawing that was submitted with a 30' setback on the west line of the private street with the size of the building not exceeding 28' x 32'.

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

***ADJOURNMENT***

Motion by Penny Larson, second from Judy Marcinkowski, ***ADOPTED*** to adjourn the July14, 2014 Zoning Board of Appeals meeting at 7:10 p.m. ***5 AYES***

Chairman Warner informed Catherine Rombouts she has 180 days to begin the project.

Respectfully Submitted,

Sally Dion  
Recording Secretary