



Fruitland Township Zoning Board of Appeals Minutes of September 9, 2019

CALLED TO ORDER: 6:00p.m.

PLEDGE OF ALLEGIANCE

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

NOT PRESENT: Zoning Administrator Jensen.

ALSO PRESENT: Recording Secretary Sally Dion and 6 interested parties.

AGENDA: Motion by John Warner, second from Cindy Campeau, ***ADOPTED***, to accept the September 9, 2019 Zoning Board of Appeals agenda as written.

5 AYES

NOMINATIONS: Motion by Judy Marcinkowski, second from Cindy Campeau, ***ADOPTED***, to nominate, close nominations and elect John Warner as Chairperson for the Zoning Board of Appeals year of April 2019 to April 2020.

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

Motion by John Warner, second from Cindy Campeau, ***ADOPTED***, to nominate, close nominations and elect Eileen Stoffan as Vice Chair for the Zoning Board of Appeals year of April 2019 to April 2020.

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

Motion by Eileen Stoffan, second from John Warner, **ADOPTED**, to nominate, close nominations and elect Cindy Campeau as Secretary for the Zoning Board of Appeals year of April 2019 to April 2020.

4 AYES
1 ABSTAIN (Campeau)

MINUTES: Motion by Judy Marcinkowski, second from Cindy Campeau, **ADOPTED**, to amend the January 14, 2019 Zoning Board of Appeals minutes, Page 1 under Minutes and Page 3 under Public Comment, to correct Chairperson Judy Marcinkowski name from Macinkowski and accept as amended.

5 AYES

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

Public Hearing Open 6:10 p.m.

Correspondence:

1. William Poland, 2874 W. Lakewood Road, **supports**.

Recording Secretary Dion was advised that two emails were sent after 4:00 p.m. today supporting the project. One of the two senders are here and will speak at Public Comment.

Applicant Carly Bonarek gave brief explanation. They purchased this home and are trying to fix up the yard by doing landscaping, etc. They hired a Contractor who started the covered porch without follow up after submitting a Zoning Compliance Application. They were not aware until said Contractor advised them it could not be approved because it didn't meet the front yard setback. They told the contractor to stop working on it and came to the Township to find out what kind of recourse they had. They were advised they would need to file a Variance Application with the Board of Zoning Appeals. The project is almost complete and they feel there could be damage to the house if they had to tear the covered porch down. The covered porch will provide a sheltered area for recreation. There are no protected entrances to the home, very minimal soffits, very hard to get in and out in inclement weather while carrying baby, groceries, etc. Two adjacent neighbors have large porches on the front of their homes.

Mike Bonarek agrees with Carly, they will benefit so much from the covered porch.

Board Member Ruck asks about another door to the house. Applicant answered yes there is one on the back of the house.

Public Comment:

1. Greg Schwemin, 6269 Durham Road, neighbors to Carly and Mike, stated the covered porch adds to the house and the neighborhood, **supports**.
2. Robert Sills, 2539 Fenner Road, Carly's Father, stated the covered porch is a great investment, beautifies the home, **supports**.

Chairperson Warner asked Recording Secretary Dion if Zoning Administrator Jensen had any comments on this. She answered only comments she knew of were in his summary dated August 20, 2019, which was part of the meeting packet.

Board Member Marcinkowski asked if the contract included permits. Carly answered yes it was in writing, however, the Contractor told them the permits were underway and he started the work.

Short discussion took place regarding the Contractor, Chairperson Warner asked Recording Secretary Dion if she was familiar with him. She answered that yes, he had done work in the Township before. She also advised that if the variance was approved the Contractor would be charged a \$75.00 Investigative Fee for starting the work before zoning and building permits were issued.

Public Hearing Closed 6:22 p.m.

Board Comments:

Board Member Ruck asked if they would be reviewing this as no work had been done. Chairperson Warner advised that is correct.

Board Member Stoffan stated she is very much in favor of this, believes this covered porch will not hurt anyone and the variance should be approved. She believes the overall impact should be looked at; this project is not hurting anyone.

Board Member Campeau stated concerns with us having an ordinance with specific setbacks and a variance being approved, believes this may prevent challenges in the future, she agrees it does beautify the property, however, they could do this on the back entrance.

Review standards for variances were reviewed.

1. Will the granting of the variance have an adverse effect on adjacent properties or produce an undesirable change in the established character of the neighborhood? **Consensus was No.**

2. Could the relief sought by the applicant be achieved by some other feasible method? (i.e. moving the building, making it smaller, etc.) **Consensus was Yes.**

3. Was the difficulty created by any action of the applicant before this most recent request? (i.e. sold some property, moved a drive, etc.) **Consensus was No.**

4. Would the granting of the variance impair the purposes and intent of the regulations contained in the zoning ordinance? (i.e. could a lesser degree of variance be more suitable?) **Consensus was Yes.**

5. Is the request merely a matter of convenience to the property owner? **Chairperson Warner, Board Member Stoffan and Marcinkowski voted no it is not a matter of convenience, it makes it safer. Board Member Campeau and Ruck voted that yes, it is a matter of convenience, you do not have a right to have a porch, it is not necessary.**

6. Would the granting of the variance result in a special privilege to the property owner not shared by other property owners in the same zoning district? (i.e.) do other property owners have garages, porches, outbuildings, etc.) **Consensus was No.**

7. Will the strict application of the terms of the ordinance deprive the applicant of rights that others in the same district are allowed? **Consensus was No.**

#8. Are there extraordinary or exceptional circumstances unique to the property in question because of its size, shape, exceptional narrowness, shallowness, topography or similar conditions? **Consensus was No.**

Motion by Judy Marcinkowski, second from Eileen Stoffan, to **GRANT** the variance as requested by applicant Carly L. Bonarek, 6239 Durham Road, Whitehall, Michigan to construct a covered porch from the following articles: Article V, Low Density Residential District, Section 5.04 Site Development Standards, Front Yard Setback and Article III, General Provisions, Section 3.31 Average Setback Lines (pursuant to section 19.03(C) of the Zoning Ordinance) citing belief that the project does not look out of character, does not create negative impact, neighbors support and does not go against the spirit of our ordinance.

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

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

The September 9, 2019 Zoning Board of Appeals meeting adjourned at 7:15 p.m.

Respectfully Submitted,

Sally Dion
Recording Secretary