



Fruitland Township

Zoning Board of Appeals

Minutes of

July 13, 2020

CALLED TO ORDER: 6:00p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Zoning Administrator Val Jensen, Recording Secretary Sally Dion and 6 interested parties.

AGENDA: Motion by Judy Marcinkowski, second from Cindy Campeau, ***ADOPTED***, to accept the July 13, 2020 Zoning Board of Appeals agenda as written.

5 AYES

NOMINATIONS: Motion by Eileen Stoffan, second from Judy Marcinkowski, to nominate John Warner as Chairperson.

Motion by Judy Marcinkowski, second from Eileen Stoffan, ***ADOPTED***, to close nominations and elect John Warner as Chairperson for the Zoning Board of Appeals year of April 2020 to April 2021.

4 AYES

1 ABSTAIN (Warner)

Motion by Judy Marcinkowski, second from Cindy Campeau, to nominate Eileen Stoffan as Vice Chair.

Motion by Judy Marcinkowski, second from John Ruck, ***ADOPTED***, to close nominations and elect Eileen Stoffan as Vice chair for the Zoning Board of Appeals year of April 2020 to April 2021.

4 AYES

1 ABSTAIN (Stoffan)

Motion by Judy Marcinkowski, second from Eileen Stoffan, to nominate Cindy Campeau as Secretary.

Motion by Eileen Stoffan, second from Judy Marcinkowski, **ADOPTED**, to close nominations and elect Cindy Campeau as Secretary for the Zoning Board of Appeals year of April 2020 to April 2021.

4 AYES
1 ABSTAIN (Campeau)

MINUTES: Motion by Eileen Stoffan, second from Judy Marcinkowski, **ADOPTED**, to accept the September 9, 2019 meeting minutes as written.

5 AYES

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

Vacant – Duck Lake Road

61-06-119-100-0008-00

Applicants Craig M. and David W. Kobza, 4492 Mercantile Avenue, Naples, Florida 34104, 1) appealing the denial of the Zoning Administrator’s February 12, 2020 decision. The February 12, 2020 Zoning Administrator’s decision denies approval to divide the above listed parcel to create (2) new lots 85’ (feet) in width in the Inland Lake District. 2) Variance from Article III General Provisions; Section 3.01 Required Area states; No lot 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 ... 3) Variance from Article VIIIa Inland Lakes District; Section 8.02a Site Development Standards 1. Minimum Lot Width is required to be One Hundred (100) feet (pursuant to section 19.03(C) of the Zoning Ordinance**).**

Public Hearing Open 6:10 p.m.

Correspondence

1. Michael P. Jacobs, 5810 Duck Lake Road, **supports**.

Board Member Ruck stated he does not feel this application was filled out correctly, he would like to see the applicant revise/amend the application to request a variance, not the denial of Zoning Administrators decision.

Zoning Administrator Jensen stated if approval is given by the Board of Zoning Appeals for a less wide than required the applicant still has to go before the Planning Commission to request a 4:1 Width to Depth Ratio waiver. He believed all along it should have been a variance request.

Board Member Stoffan states she feels like this is a Planning Commission issue. She does not feel the Board of Zoning Appeals should approve making two (2) non-conforming lots out of a conforming lot.

Victoria Kobza stated they did not seek Attorney advice; they went according to what Zoning Administrator Jensen said.

Board Member Ruck stated again the Board of Zoning Appeals can not rule on a Land Division determination and he doesn’t feel it would need to be republished to rule on as a variance.

Craig Kobza stated they do not want to wait, however, wants to do things right.

Victoria Kobza stated that width is the only issue.

Zoning Administrator Jensen advised because of the slopes if the division is approved, they also need the 4:1 Width to Depth waiver from the Planning Commission, however, it must meet the requirements within Article III, Section 3.25 Maximum Width to Depth Ratio.

Craig Kobza stated he doesn't want Zoning Administrator Jensen's decision ruled on. They never thought he didn't know what he was talking about.

Board Member Stoffan stated again she doesn't feel they can approve this.

Board Member Ruck stated the variance can be dealt with if the application is revised/amended.

After brief discussion consensus was a vote should be taken for the application to be revised/amended.

Motion by John Ruck, **FAILED**, due to lack of support, to amend at this hearing the Fruitland Township Zoning Application dated April 13, 2020 in order to withdraw the appeal of the Zoning Administrator's decision in connection with the Land Division Ordinance and to formally request a variance to comply with the substance of the original application.

PUBLIC COMMENT

1. Joseph Grochowalski, 5770 Duck Lake Road, is a neighbor to this vacant property, he feels his notice is a request for a variance, he is not understanding why this is taking so long. Why not rule on the Zoning Administrator's decision and then rule on the variance(s).

The question was asked if the variance is approved will they have to apply for another application for Land Division. Zoning Administrator Jensen advised, no.

Zoning Administrator Jensen stated if this is approved, he would have to deny a Zoning Compliance for new home because this would be a non-conforming lot. This is because the lot is being created after the existing Ordinance was adopted. Only Lots of Record parcels created prior to existing Ordinance can be approved if they meet the Site Development Standards.

David Kobza stated they have been trying to sell this lot for six (6) years, they have lowered price, still not selling, people are requesting a smaller lot. The family has owned for 52 years. They feel they would be helping the Township by creating 2 lots bringing more taxes.

Craig Kobza reiterated family has owned for 52 years and that their Father got sick and was put in Nursing Home. Paying taxes on a non-selling property, trying to sell for six (6) years with zero (0) offers because people are saying it is too big is not good. He said they need money to take care of their Dad's wife.

2. Tim Langland, 6285 South Shore Drive, stated they have similar issue, stated some lots were divided. Does the Master Plan show for single family houses? How did Erdman's get approval? What is the intent of the Inland Lake District?

Zoning Administrator Jensen stated the 2006 Planning Zoning Enabling Act drives the Master Plan and the Zoning Ordinance is the tool for enforcement.

Mr. Grochowalski asked if these lots would be automatically approved as buildable if approved at the 85' lot width.

Zoning Administrator Jensen stated that no they could not because they will be non-conforming lots. Discussion was held on adjourn/recess the pending application. According to Article XIX Board of Zoning Appeals, Section 19.05 a portion of B. states "The Board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required."

The applicants made the decision to withdraw their application.

Motion by Cindy Campeau, second from Judy Marcinkowski, *ADOPTED*, to close the Public Hearing at 7:40 p.m.

5 AYES

The July 13, 2020 Zoning Board of Appeals meeting adjourned at 7:47 p.m.

Respectfully Submitted,

Sally Dion
Recording Secretary