



Fruitland Township Zoning Board of Appeals Minutes of July 9, 2018

CALLED TO ORDER: 6:00p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Zoning Administrator Jensen, Recording Secretary Sally Dion and **10** interested parties.

AGENDA: Motion by John Warner, second from Eileen Stoffan, ***ADOPTED***, to accept the July 9, 2018 Zoning Board of Appeals agenda as written.

5 AYES

MINUTES: Motion by Eileen Stoffan, second from John Warner, ***ADOPTED***, to accept the April 9, 2018 Zoning Board of Appeals minutes as written.

5 AYES

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

5768 South Shore Drive

61-06-144-000-0009-10

Applicant William Josephson (Josephson Design), on behalf of owners Scott and Nancy Erdman, requests a variance from the following articles: **Article III, General Provisions, Section 3.23 Non-conforming Buildings, Structures and Uses (B) Expansion and Substitution of Nonconforming Buildings or Structures, Article VIIIa, Inland Lakes District, Section 8.02a Site Development Standards and Article III, General Provisions, Section 3.31 Average Setback Lines (D) Rear (Shoreline),** to remove four existing houses, replace with three new houses on exiting footprints, except two footprints to be moved three feet to meet side yard setbacks (**pursuant to section 19.03(C) of the Zoning Ordinance.**

Public Hearing Opened 6:04 p.m.

Mr. Scott Erdman, 5401 South Shore Drive, owner, stated they purchased this property approximately three years ago, they spoke with Zoning Administer Jensen before purchasing because they knew it was a non-conforming parcel and anything they would want to do would require a variance. He would like a cottage for himself & Mrs. Erdman and one for each of his two sons.

Board Member Ruck asked if it was for family or commercial. Mr. Erdman stated only for family.

Zoning Administrator Jensen read his review dated May 29, 2018 which was sent to William Josephson and Mr. Erdman on the reasons why the proposed project was denied.

Board Member Stoffan asked if they left cottages B & C could they demolish A & A and build just one. Zoning Administrator Jensen stated not without a variance, you can only have one single family dwelling.

William Josephson passed out an easier plan to read showing existing and the proposed. He stated they are trying to make it less non-conforming. Instead of four cottages that exist there would only be three and two of the cottages will be moved over to meet the side yard setback. He states there is a conflict in the zoning ordinance, in one place it states you can't expand and in another it says you can if you can meet setbacks. He stated the Erdman's are trying to improve the area.

Board Member Ruck asked for clarification on if they could build a home. Zoning Administrator Jensen stated yes if it was just one home and it meets the site development requirements of the zoning district.

Public Comment:

- Brian Bishop, 5762 South Shore Drive, speaking on behalf of him and Mrs. Bishop, **supports**.
- Lee Dickinson, 5800 South Shore Drive, speaking on behalf of herself and neighbors, **supports**.
- Tom Thompson, 5564 South Shore Drive, stated it hasn't been run as a resort for a long time, these cottages were built when the township didn't have zoning.
- Bob Pachman, 5761 South Shore Drive, **supports**.

Chairperson Marcinkowski asked if building A was going to be one or two story.

Correspondence:

- Greg and Kathy Rogers, 5788 South Shore Drive, **supports**.

Chairperson Marcinkowski read correspondence from Attorney Even dated June 8, 2018, that was sent to Zoning Administrator Jensen.

William Josephson advised that buildings A and A would be the main cottage and 2 story, the other two would be one story.

Public Hearing Closed 6:47 p.m.

Board Comments:

Board Member Warner stated these are houses not cottages, the proposed square footages are 2,400 sq. ft. for the main cottage and the other two 1,500 sq. ft.

Board Member Campeau asked if the parcel was sold could someone rent these places out. Some board members commented they thought there were ordinances that would not allow that. Recording Secretary Dion stated she did not believe there was anything to stop them, there are several places in the township that are being rented, however, the owner would not qualify for the Homestead Exemption if it was being rented.

Chairperson Marcinkowski asked if this parcel is .568 of an acre. Zoning Administrator Jensen stated yes that is correct.

Board Member Warner stated that is a lot of proposed structures on that small parcel.

Review standards for variances were reviewed.

Board Member Ruck referenced Section 19.08, Review Standards for Variances. By this section he feels the proposed variance could be approved.

Board Member Stoffan states she agrees, she doesn't think the proposed variance request breaks the spirit of the ordinance. It needs to be decided if this helps or hurts the township. The neighbors are all in support.

Chairperson Marcinkowski states after reading Zoning Administrator Jensen and Attorney Even's documents she is not ready to support approval.

Board Member Warner concurs with Chairperson Marcinkowski.

Board Member Ruck believes the variance should be granted, we are already faced with the situation of 4 cottages on the parcel, most of which are non-conforming not only because of the number of cottages but the setbacks not being met.

Zoning Administrator Jensen states again that the ordinance states only one single family dwelling per parcel, however he did go on to quote Section 3.23 C.

- C. Change or Discontinuance. The nonconforming use of a building or structure or land shall not be:
1. Changed to any other nonconforming 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 nonconforming use.
 2. Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of six (6) months.
 3. Re-established after it has been changed to a conforming use or less nonconforming use.

Motion by John Warner, second from Eileen Stoffan to suspend for Public Comment.

5 AYES

Mr. Erdman advised the Board Members that what Zoning Administrator Jensen just read gives them the permission to grant the variance. It has been being used for summer use.

Motion by Eileen Stoffan, second from John Warner, to unsuspend, to close Public Comment.

5 AYES

Motion by John Ruck, second from Eileen Stoffan, **ADOPTED**, to **GRANT**, the variance as requested allowing them to remove four existing houses, replace with three new houses on exiting footprints, except two footprints to be moved three feet to meet side yard setbacks.

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

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

The July 9, 2018 Zoning Board of Appeals meeting adjourned at 7:25 p.m.

Respectfully Submitted,

Sally Dion
Recording Secretary