

# MARBLEHEAD PLANNING COMMISSION MEETING

August 2, 2023

Meeting called to order by Chairman Tim Feller at 6:00 PM. Members answering Roll Call: Members Richard Zembala and Cher Monak, Council Member Matt Kovach, Mayor Jacqueline Bird, and Chairman Tim Feller. Motion made by Mayor Jacqueline Bird and seconded by Member Cher Monak to approve the June 7, 2023 minutes as presented. Motion carried by unanimous roll call vote.

**Public Comments: None**

**Old Business: None**

**New Business: Informal for variance – larger accessory building.** Dan Russel, owner at 510 E. Main was present to explain his request to the Board of Zoning Appeals. Mr. Russell would like to put a 2400 square foot accessory building in the rear of his lot. The maximum allowable square feet for all accessory buildings is 1200 sf. There is currently a swimming pool and deck which is 642 sf. This leaves 558 square feet available for accessory expansion and would need a 1842 square foot variance. Mr. Russell has previously investigated the possibility of splitting the rear property off into a stand-alone lot. Because of the shape of the land and the surrounding properties and the multiple variances required, this is unlikely. The Board discussed the variance option and found that because of the large area of the lot, (3.54 acres) a larger building would not look out of place. In addition to the large lot, the placement of the proposed building would be in the southwest corner of the lot and be approximately 300 feet to the nearest existing neighboring house. The south and west lot lines of the Russell property border the LaFarge Quarry property. For these reasons, the Board members said they would not be opposed to such a variance if brought before them. Mr. Russel will get back to the Board with a survey map and the Board will revisit this issue. Mr. Hruska explained that the variance application must be submitted to the zoning office by noon on the second Friday of the month prior to the desired hearing date.

**Informal for Variance – accessory pergola setback.** Jeff and Pat Neverman, owners at 4560 Memorial Shoreway were present to resolve a non-conforming issue with a newly installed pergola. The pergola was installed with no zoning permit. A neighbor called the zoning office and the Zoning Administrator investigated and found the pergola too close to the sideline and too close to the lakeside lot line. The distance of the lakeside lot line is unclear since Mr. Neverman said his deed shows 190 feet for his lot length and the actual measurement from the roadside lot pin is only 160 feet on the west property line. Using 190 feet would put the Neverman lot into the water. The Ottawa County Auditor site shows the lot ending at the water's edge which is approximately 160 feet from the road. Mr. Neverman measured the distance from the water to the front of the pergola as 53 feet. No accessory structure can be less than 60 feet to the water and no closer than 10 feet to the house, all measurements to the overhang of each structure. The Board discussed several possible resolutions including turning the building at 90 degrees and moving it closer to the house. Each solution resulted in other non-conformities. Chairman Feller said

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that before the Board could make a determination in this case, they would need an accurate survey of the lot and placement of the structures. Especially important is the side lot line along the neighbor's fence and the lakeside pin location on the same side. Mr. Neverman said he will get back to the Board after the survey is complete.

**Zoning Administrator Hruska gave his zoning report.** In addition to the regular zoning permit report, Mr. Hruska, as the Secretary for the Planning Commission asked the Commission how he should handle letters or phone calls in opposition to a variance or other public hearings, if the complainant does not show up at the hearing. In this situation, neither the Commission nor the applicant can cross-examine the witness (the letter or phone call). After some discussion it was suggested that Mr. Hruska call the Solicitor Jim barney for an opinion.

Meeting adjourned at 7:00 PM

I hereby certify these minutes to be true and  
accurate



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Secretary, Robert Hruska