

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS  
MINUTES FOR SPECIAL MEETING OF FEBRUARY 28, 2017**

FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN  
MEETING HELD AT FENTON TOWNSHIP CIVIC COMMUNITY CENTER

Chairperson Cady called meeting to order at 7:07 pm.

Present: Cady, Marko, Reid, Spear  
Recording Secretary, McDonald

Absent: Baran, Lorraine, Matta

**PLEDGE OF ALLEGIANCE:**

Chairperson Cady led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the agenda as written

Motion by: Cady  
Seconded by: Marko  
All in favor

**APPROVAL OF MINUTES:**

Motion to approve the meeting minutes of January 24, 2017

Motion by: Cady  
Seconded by: Marko  
All in favor

Motion to approve the meeting minutes of January 31, 2017

Motion by: Cady  
Seconded by: Marko  
All in favor

Chairperson Cady explained meeting procedure

**UNFINISHED BUSINESS:**

**ZBA17-002 Randall & Janice Rockman, 2460 Neal Ct. Linden:**

06-15-100-033

Vacant land at Jennings and Regis Dr.

Requesting to modify an existing non-conforming private drive (Regis Drive) and a variance from the requirement for frontage upon and direct access to a public road (Section 4.31) and not build the drive to the Township private road standards (Section 4.25) to build a new home

Secretary Reid reviewed the file. Randall Rockman, 2460 Neal Ct., was sworn in. He explained that since last month he and his wife met with staff and have presented additional information including a letter from the Fire Chief dated 2/8/17 and a cross section of the proposed gravel drive. He said that the new drive will address the concerns about the steep slope. He indicated the slope is proposed to be reduced by grading the property to achieve a slope not to exceed 12 in. per 10 ft. He explained the drive and easement will be moved further north, creating a building site for the new house, however the power lines will remain in their current location. He noted the area to be their desired place to construct their new house because it is high and provides a greater set back from the regulated wetlands that border the shoreline of the lake. Reid asked if the recorded easement would be changed. Rockman said it would and new deeds will have to reflect a new easement for the driveway but the utility easement will remain as it is. Chairperson Cady called for public comments. Kathleen Cook, 13115 Jennings asked if the Board had received her letter and the pictures provided in advance of the meeting. The Board said they had. She asked if they had visited the site. The Board said they had. She asked if her letter would be read. Reid said she could present her concerns at this time unless

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she wanted the letter read aloud. She said she would like to add one thing and she read a quote "We expect our judges to be honest and wise. Their integrity and impartiality are the bedrock of the entire judicial system. We trust them to ensure fair trials, to protect the rights of all and to oversee the orderly and efficient flow of justice." Cady closed public comment. Cady stated he had concerns about allowing a third access on the private drive when the parcel has so much frontage on Jennings. He was also concerned about changing a legal non conforming situation that existed prior to the ordinance and expanding it by granting variances. The Board discussed the current poor condition of the private drive and agreed the proposed drive will be better with proper base grade and slope. Marko stated the design has merit for consideration. Cady stated with proper inspection and approval from the Fire Chief a new drive would make a non conforming situation better. He added he would condition his motion on Fire Chief approval with provisions for a turn around and installation of a dry hydrant.

Motion to approve modifying an existing non-conforming private drive (Regis Drive) and a variance from the requirement for frontage upon and direct access to a public road (Section 4.31) and not build the drive to the Township private road standards (Section 4.25) to build a new home with the following conditions:

- Approval of the private drive from the Fire Chief
- Provisions for an area for emergency vehicle turn around
- Dry hydrant installed according to the Fire Chief's specifications

Motion by: Cady

Seconded by: Marko

Ayes: Cady, Marko, Reid, Spear

Nays: None

Absent: Baran, Lorraine, Matta

Motion carried

**NEW BUSINESS:**

**ZBA17-006 Chad Bugg, 12441 Sharp, Linden:**

06-23-200-023

12441 Sharp

Requesting a variance from the number accessory buildings allowed, a 2 ft. height and 30 sq. ft. maximum allowable square footage of accessory building for a new 26 X 56 ft. pole barn

Secretary Reid reviewed the file. Chad Bugg was sworn in. He explained his request for a 26 X 56 ft. pole barn. He noted that the request as noticed and presented did not include the 8 X 10 ft. enclosed stairway but he would work around that because it was not shown on all of the drawings. He said the 2 ft. height variance was for a recreation room above the garage. Chairperson Cady called for public comments. There were none. Spear asked if Bugg was running a business out of the barns at this property. He said he is a deck builder, the large diesel trucks and other equipment are all his personal property and are not used in business but they are a hobby and he uses them on his property only. He said they are not used in his deck business adding they are expensive and he wants to be able to keep them out of the elements. Marko stated the 2 ft. height will not even be noticeable because of the elevation of the property.

Motion to approve a variance from the number accessory buildings allowed, a 2 ft. height and 30 sq. ft. maximum allowable square footage of accessory building for a new 26 X 56 ft. pole barn as presented

Motion by: Cady

Seconded by: Marko

Ayes: Cady, Marko, Reid

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Nays: Spear  
Absent: Baran, Lorraine, Matta

Motion failed

Motion to deny a variance from the number accessory buildings allowed, a 2 ft. height and 30 sq. ft. maximum allowable square footage of accessory building for a new 26 X 56 ft. pole barn as presented

Motion by: Cady  
Seconded by: Marko  
Ayes: Spear  
Nays: Cady, Marko, Reid  
Absent: Baran, Lorraine, Matta

Motion failed

**POSTPONED**

**ZBA17-007 Jason Johnson, 13095 Torrey, Fenton:**

06-15-200-013

13095 Torrey

Requesting an 8 ft. side yard and 2 ft. total two sides and 7 ft. front yard variances to build an attached garage

Secretary Reid reviewed the file. Jason Johnson was sworn in. He explained that he recently purchased this property which is located on the S curves on Torrey Rd. It is between 2 vacant properties used for parking by people that have homes on Cases Island. He said his request is to demolish the existing detached garage and build an attached garage with a second story. He noted the new structure would be 20 ft. off Torrey Rd. the existing garage is in the Torrey Rd. right of way. The proposed garage would improve clear vision for himself, his guest and anyone traveling along that stretch of Torrey Rd. as well as create an area for much needed parking. He added the current garage is 2 ft. from his north property line and his request is to maintain the 2 ft. set back in order to build an attached two car garage. Johnson said he has talked with some of the multiple owners of the properties on both sides who have said they support his request. Chairperson Cady called for public comments. There were none. The Board discussed the practical difficulty and safety issues with the configuration and location of this parcel. All agreed the proposed construction would be an improvement.

Motion to approve an 8 ft. side yard and 2 ft. total two sides and 7 ft. front yard variances to build an attached garage as presented

Motion by: Cady  
Seconded by: Spear  
Ayes: Cady, Matta, Marko, Reid  
Nays: None  
Absent: Baran, Lorraine, Matta

Motion carried

**ZBA17-008 Betsey & Mathew Conley, 12238 Mantawauka, Fenton:**

06-11-530-003

12238 Mantawauka

Requesting 3% coverage of lot by buildings, 18 ft. front yard setback, 1.5 ft. side yard and 1.5 ft. total two sides variances to build a new house after demolishing the existing and a 5 ft. height, 15.8 ft. front, 1.8 ft. side yard and 3.7 ft. total two sides and 160 sq. ft. maximum allowable square footage of accessory building variances to build a detached accessory building after demolishing the existing across the street

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Secretary Reid reviewed the file. Dan Park, Park Plus Associates, Inc. Architects and Planners, 12745 S. Saginaw Ste. 806, Grand Blanc, was sworn in to represent Betsey and Mathew Conley who were also present at the meeting. Park presented the site plan and demonstrated that once all of the required set backs are applied to the parcel the building envelope is approximately 1500 sq. ft. with a maximum width of 32 ft. The proposed plan is to build a 2 story structure to accommodate the living area and bedrooms needed for a family of 5. Park stated the side yard variance requested is 1.5 ft. on the east side of the property. He noted this is the same line as the existing structure and because the property is irregular in shape that set back actually increases to 6.6 ft as you get closer to the water. He explained they are requesting 18 ft. front yard variance to minimize the request for the amount of sight line variance and to preserve neighbor's views of the lake as well as having a view for the applicant. Park stated they are also asking for 3% lot coverage variance. He said the hardships imposed on the property are steep grades, extreme narrowness and shallow depth of the lot. He noted the sight line variance requested is 22 ft. and he began describing the proposed deck in relationship to the deck on one side and the covered screen porch on the other when Chairperson Cady noted a sight line variance was not listed on the agenda with the other variances requested. When the file was checked it was discovered the sight line variance was not properly noticed. Cady explained that this matter must be postponed until the March meeting to meet notice requirements.

**POSTPONED**

**COMMUNICATION:** Future Land Use kick off meeting MARCH 1, 2017 @ 7:00 PM

**PUBLIC COMMENT – NON AGENDA ITEMS:** 5 minute time limit. There were none.

**ADJOURN:** 7:47 p.m.

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Chairperson Cady  
**Minutes Posted 03/02/17**

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Secretary Reid