

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF MARCH 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 7:03 pm.

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

Absent: Lorraine

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: Baran
All in favor

APPROVAL OF MINUTES:

Motion to approve the meeting minutes of February 28, 2017

Motion by: Cady
Seconded by: Baran
All in favor

Chairperson Cady explained meeting procedure

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 110 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 said the 2 ft. height variance was for a recreation room and storage above the garage. Bugg also explained the building will not be as tall as his other large pole building because of the roof pitch. He also stated that he does not run a business from this property, all of the equipment he needs to store is his own personal property and not used for business. Chairperson Cady called for public comments. There were none. Matta asked how wide the overhead doors are. Bugg replied 9 ft. Matta said the height limitations are in place because of fire protection and he did not have a problem with a height variance if approved by the Fire Chief. The Board discussed the number of accessory buildings and noted that the count includes a gazebo which is considered a decorative feature and a shed that contains the applicant's wood fired boiler.

Motion to approve a variance from the number accessory buildings allowed, a 2 ft. height and 110 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: Baran
Ayes: Baran, Cady, Marko, Matta, Reid
Nays: Spear
Absent: Lorraine

Motion carried

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

06-11-530-003

12238 Mantawauka

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Requesting 22 ft. sight line, 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

Secretary Reid reviewed the file. Mathew Conley was sworn in. He explained they have been working with an architect to design a house that would work for his family of 5. He indicated they have tried to fit the structure within the footprint of the existing house that was built in the 50's. He also noted the sight line variance is for a ground level deck that must have a rail because of the property elevation. He said the neighboring properties have covered decks and one is actually a screened in porch. Dan Park, Park Plus Associates, Inc. Architects and Planners, 12745 S. Saginaw, Ste. 806, Grand Blanc, presented the proposed plan 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 indicated that they are averaging the required 5 ft. with only a small portion of the structure closer to the property line. He explained they are requesting 18 ft. front yard variance to minimize the request for the amount of sight line variance and have the ability to park a car on the same side of the street as the house. 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. because of the railing. Reid asked if the deck will be covered. Park said it will not. Park then explained the request for variances for the garage across the street. Reid stated there are a lot of variances being requested, she suggested they take some of the width of the garage out of the request. Park said they could however they are trying to provide as much parking as possible without needing to park in the street. Baran said he did not think the variances requested for the garage were unreasonable, many of the homes have these small lots across the street with garages on them. Chairperson Cady called for public comments. Linda Murphy, 2708 NW 119th St., Oklahoma City, owner of property at 12234 Mantawauka, stated concerns about a 100 year old white oak tree. She said she hired an arborist who confirmed the trees vulnerability to damage to the root system from the proposed construction. She said she had tried to reach an agreement with the Conley's to guarantee no harm come to the tree. She said they could not reach an agreement. She explained she is opposed to the sight line variance and that in her opinion 22 ft. is excessive. She also stated concerns about storm water run off. She indicated she has had problems in past with the construction on the other side of her house. She asked if these variances would stay with the property if the Conley's decided to sell rather than build the proposed new house. The Board explained the variances do go with the property not the applicant however they do expire in 1 year. She also stated concerns about the placement of an air condition on her side because that would interfere with her enjoyment of her screen porch. She said she did not have concerns about the garage across the street. Her biggest concern is the sight line variance. Jeff Moffett, 12246 Mantawauka, stated he supported the request and that he did not have a problem with any of the variances being requested. Matt Conley stated he agreed with Murphy about the tree and has hired his own arborist to do whatever they can to save it because it provides much needed shade. He said he could not sign the agreement that Murphy drafted because it took an attorney to interpret it for him. He added he is not comfortable signing something he does not fully understand or making any guarantee about the life of the 100 year tree. Matta stated though there are a number of variances being sought they are minimal and this lot is a difficult one to work with because of the elevations and the depth of the buildable area. Marko stated he appreciates the concern about saving the tree, however, no guarantees can be made regarding the life of a tree. He added it is not within the authority of the ZBA to rule on tree preservation. Cady stated overall there is a practical difficulty with shape and elevations of the lot applying the required set backs and the sight line the building envelope is limited. He added it is clear that the applicant is trying to stay within the limits of the existing structure. Matta concurred. Baran stated he did not think it was necessary to reduce the size of the garage just to reduce the number of variances requested. Spear said she did not feel the sight line variance for a handrail is excessive and she added there is minimal impact on views of the lake. Baran stated the proposed deck will not impact

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views of the lake, it is more about the impact looking down the landing across neighbor's property. Spear said with the steep slope to the lake she appreciates the need for a handrail.

Motion to approve a 22 ft. sight line, 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 as requested.

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

Motion carried

ZBA07-009 Tracy Boettcher, 16321 Silver Fox Circle, Linden:

06-32-651-044

16321 Silver Fox Cir.

Requesting an 8 ft. front yard set back variance to correct an error made when the house was constructed

Secretary Reid reviewed the file. Tracy Boettcher was sworn in. She explained she bought this house while it was under construction. After taking possession of the completed home she got a letter from the Township Zoning Administrator notifying her that the structure was built too close to the street. The letter explained that she may have trouble in the future in selling or financing the structure because it is an illegal nonconforming structure. The letter suggested that she make the house legally nonconforming by applying for a variance. She said that at the time of purchase she figured this was her forever home and did not think applying for the variance was necessary. A few months ago she decided to sell the house and applied for the variance. The house sold very quickly and, in fact, closed last Friday, however, she wanted to make this right for the new owner. Chairperson Cady called for public comments. Jason Spalding, 16327 Silver Fox Circle, stated concerns that the request is for 8 ft. when the homeowners association requires 10 ft. more of a set back. He said the Township only requires a 30 ft. set back but the association requires 40 ft. He said he is opposed to the variance and does not think it is fair that he was made to follow the rules, lose space in his back yard and bear the expense of having to build a retaining wall when she did not have to follow the same standard. Bill Day, 7356 Ledgewood, Fenton said he owns several lots in Fox Chase Farms and stated concerns that when this was brought to the Townships attention several years ago the Township did not seem to know what to do to address the issue. He said this builder was also allowed to get away with doing this with another home. He stated he thought the Township should do something about the builder. He noted the builder should be the one requesting the variance. He said because the Township lost track, they let the homeowners down. Matta stated it does not make sense to have the owner tear down their fully constructed home to comply with the Township's set back requirements. Baran asked if Boettcher knew the house was built too close to the road when she purchased it. She said she did not know about it until she received the letter from the Township several months later. Baran said this homeowner is not at fault. He also explained the ZBA does not enforce homeowner's association rules. Ms. Boettcher bought this house in good faith. Spear said it is obvious this home is closer to the street than other homes along Silver Fox Circle but many of those homes have been built since this home was constructed. Cady said the concern with not enough front yard set back would be for safety and along this stretch of road, the house is set back far enough that it does not pose a health or safety concern. Spear added there is room to park cars in the driveway without encroaching into the street.

Motion to approve an 8 ft. front yard set back variance to correct an error made when the house was constructed

Motion by: Cady

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

Motion carried

ZBA07-010 Ryan White, 13465 Haddon St. Fenton:

06-14-577-098

13465 Haddon

Requesting a 16 ft. sight line variance to replace existing deck

Secretary Reid reviewed the file. Ryan White was sworn in. He explained that he had recently purchased this house and when they had the home inspection done the inspector noted the failing condition of deck. He said they want to replace the old deck and two sets of steps with a smaller deck that is at the level of the house with one set of steps in the center of the deck to the ground. Chairperson Cady called for public comments. There were none. The Board all agreed the existing deck is unsafe. Matta stated both property lines have a row of vegetation that impacts the view more than the proposed deck

Motion to approve a 16 ft. sight line variance to replace existing deck

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

Motion carried

COMMUNICATION: None

PUBLIC COMMENT – NON AGENDA ITEMS: Bill Day asked that the discussion regarding the Fox Chase Farms Development be known to the building department. He also asked if the ZBA meetings were recorded to be televised. Chairperson Cady explained the minutes are public record and available for anyone including the building department and he explained only the Township Board meetings are recorded and televised.

ADJOURN: 8:05 p.m.

Chairperson Cady
Minutes Posted 03/31/17

Secretary Reid