

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS  
MINUTES FOR REGULAR MEETING OF JUNE 27, 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 7:00 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 May 23, 2017

Motion by: Cady

Seconded by: Baran

All in favor

Chairperson Cady explained meeting procedure

**NEW BUSINESS:**

**ZBA17-022 Robert & Dianne Simpson, 12547 Margaret, Fenton:**

Appeal

Appealing the Zoning Administrators determination that 12539 Margaret is located on a channel and therefore the property is not subject to the sight line requirements, parcel 06-11-551-016.

Secretary Reid reviewed the file. Robert Simpson was sworn in and submitted a packet with text and pictures. Simpson explained his belief that the Zoning Administrator erred in a determination he made that sight line regulations do not apply to his neighbor at 12539 Margaret. Simpson stated he disagreed with the Zoning Administrator in classifying the portion of the lake where he and his neighbor are located as channel. He contended that the property at 12359 Margaret is on Lake Fenton as shown on the plat of Covemoor Subdivision in which the property is located. The definition of a lake lot in the Townships Zoning Ordinance does exclude rivers, streams, channels and ponds, however, the term channel does not appear in any language where sight line restriction is discussed. He added the body of water in front of his house and his neighbor's house is approximately 100 to 150 feet wide; he said that is not narrow as he felt the ordinance would be referring to in the definition of a lake lot. He noted that in 2004 his property, then owned by John Fleischmann, was granted a sight line variance. He questioned how sight line would apply to his house and not the adjacent house. Simpson stated concerns that he was not notified of the Zoning Administrators determination. He said he contacted the township office when the neighbor planted 50 arborvitae and several other trees that substantially impeded his view of the lake; which is when he was told sight line did not apply to this property. He said he felt the decision that this property did not have to comply with sight line requirements was arbitrary and asked the Zoning Board of Appeals to overturn that decision. He stated he has been working with the neighbor and the neighbor removed or relocated many of the trees. He said they have an agreement that the arborvitae planted around the pool fence are fine as long as they trimmed to height of the fence but he wants to protect himself from subsequent owner(s) allowing them to grow to their full height. Chairperson Cady called for public comments. There were none. Matta stated he has lived on Lake Fenton

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for 40 years and never considered this to be a channel, generally channels are areas designated as slow or no wake zones and that is not the case here. He added people even ski through this area and it is a main waterway to access the Cranes Cove area. Baran stated this area does have a history as Simpson stated with a sight line variance being granted in 2004. He said in his opinion this is not a channel. Cady stated there is some logic about the properties facing an island however the percentage of water view verses the percentage of view of other land or homes makes this different than some of the narrower passages and man-made channels and canals. He said he will support overturning the Zoning Administrators determination.

Motion to overturn the Zoning Administrators decision that 12539 Margaret is located on a channel and therefore the property is not subject to the sight line requirements with the condition that the arborvitaes are kept trimmed to the height of the fence and no structure or barrier in excess of 30 inches in height be planted or built in the sight line without a variance.

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

Motion carried

**ZBA17-023 Robert Vaughn, 15063 Restwood, Linden:**

06-30-502-077

15063 Restwood

Requesting 25 ft. front yard setback variance for placement of an existing shed  
Secretary Reid reviewed the file indicating there were 3 letters for public comment. Robert and Julie Vaughn were sworn in. Julie stated that she and her husband had purchased an Amish built shed. She said the shed was portable in nature and she and her husband did not know they would need permit for a portable shed. The shed has been on the property since August 2016 and they did not think there was a problem until they received a letter from the Township stating the need for a zoning permit. She said when they came to the office they were told they needed to apply for a zoning permit and that the required set back from the road was 30 ft. She explained the shed is 25 ft. from the front property line. Both Robert and Julie said that because of the condition of the soils and the proximity to the water, the shed is placed in the only area available. Julie said they have had many compliments on the shed and were surprised that someone complained about it. Baran asked if there was any way to move the shed 5 ft. closer to the water. Robert said the ground is too soft and mucky. Chairperson Cady called for public comments. Vicki & Gary Williamson, 15025 Restwood, stated they supported the request for a variance and said there is one individual in the neighborhood that has been harassing the others and filing complaints. Reid read letter of support from Dan Moticka, 15058 Restwood, Cindy & Ron Clancey, 15064 Restwood, and Susan Knappenberger, 15072 Restwood.

Motion to approve a 25 ft. front yard setback variance for placement of an existing shed

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

Motion carried

**ZBA17-024 Gary & Vicki Mithcell, 13602 Horrell, Fenton:**

06-15-555-033

13602 Horrell

Requesting to have a 6 ft. privacy fence located in the actual front yard setback

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Baran stated that he knows Vicki & Gary Mitchell very well. He said Vicki has cared for his children for a number of years and he and his family are friends with the Mitchells. He said there is no monetary gain for him in this request but he wanted to disclose the relationship and offer to recuse himself if the board thought that would be appropriate. The board unanimously voted that Baran should participate and vote on the case.

Secretary Reid reviewed the file noting there is a letter for public comment. Vicki Mitchell was sworn in. She explained they have had a 6 ft. privacy fence for many of the 45 years they have lived at this location. She said the fence was destroyed by wind and they want to replace it. She said because of the angle of the homes and the cul de sac, the fence provides needed privacy between she and her neighbor. She indicated she and her neighbor get along very well but when you step out of her home you are right on top of the neighbor. She added her neighbor is the last house on the street before you go around the cul de sac and the fence will not cause a safety issue or block any views. Chairperson Cady called for public comment. David Dodds, 13606 Horrell, stated he is the neighbor and he not only supports the request but desires to have the fence at this height as well. Reid indicated the letter in the file is from David & Ruth Dodds, 13606 Horrell, and confirms their support of the request. Spear stated that there is so much existing vegetation that the fence will be barely noticeable. Cady stated the shape and location of this property poses a practical difficulty and he concurred this will not affect public safety.

Motion to approve a 6 ft. privacy fence located in the actual front yard setback

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

Motion carried

**ZBA17-025 David Veres, 16128 Silvercrest, Fenton:**

06-33-504-019

16128 Silvercrest

Requesting a 3 ft. front yard and a 3 ft. sight line variance for a garage addition and deck

Secretary Reid reviewed the file. David Veres was sworn in. He explained that the garage is being reconstructed on the same foundation that exists however, the current garage is only 2.93 ft. closer to the front property line than the current setback of 30 ft. The proposed deck protrudes into the sight line by 3 ft. but that is just for the stairs, which are located in the middle of the deck to minimize any encroachment into the neighbors' views of the lake. Spear asked if the deck could be narrowed to accommodate the stairs within the sight line. Veres said the deck is only 10 ft. wide and was planned that way to accommodate a sitting area as well as a table for eating. He also noted that with the design of the house this configuration is best for the esthetics. Chairperson Cady called for public comments. Charles Green, 16120 Silvercrest, stated he had no objection to the requested variances. Matta stated the stairs will not impede neighbors views of the lake because they are located in the middle of the deck and the garage setback is existing. Cady concurred.

Motion to approve a 3 ft. front yard and a 3 ft. sight line variance for a garage addition and deck

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

Motion carried

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**ZBA17-026 Mark Morris, 4162 Lahring, Linden:**

06-09-576-029

4162 Lahring

Requesting a 338 sq. ft. variance to the maximum allowable sq. footage for accessory buildings to build an addition to an existing detached accessory building

Secretary Reid reviewed the file. Mark & Jennifer Morris were sworn in. Mark explained they bought the house 4 years ago and he is a car hobby person and needs room to maintain the vehicles indoors. The current detached garage is not large enough now that there are 2 children of driving age who share his interest in the classic cars. He noted they had a portable building but he wants to have a permanent structure and make it look nice with the addition of a covered porch. He said he wants to put things indoors to tidy up the property. Baran asked if this is an addition to current detached building. Morris said yes. Chairperson Cady called for public comments. There were none. Matta stated this property is large enough to support an addition to the existing building. Spear stated concerns that the maximum size has been increased to accommodate the larger properties and she could not support this amount of square footage in excess of the allowable. Matta said this update to the size of building has been a few years ago now. He added the house backs up to a school and borders one the ingress/egress drives to the school property. Marko concurred stating the variance might not be appropriate in a subdivision but in this location, the building would be more suitable.

Motion to approve a 338 sq. ft. variance to the maximum allowable sq. footage for accessory buildings to build an addition to an existing detached accessory building

Motion by: Cady

Seconded by: Baran

Ayes: Baran, Marko, Matta, Reid

Nays: Cady, Spear

Absent: Lorraine

Motion carried

**ZBA17-027 David & Amy Bloom, 4607 Pine Lake Village, W. Bloomfield:**

06-21-527-015

4199 W. Four Lakes

Requesting a 156 sq. ft. variance to the maximum allowable sq. footage for accessory buildings to keep an existing detached garage and build a new attached garage

Secretary Reid reviewed the file and noted an email for public comment. Chris Macklin, Christopher Macklin Design, 12940 Old Farm Ct., Hartland, was sworn in. Macklin explained that the Blooms have owned the property for a number of years and have been using it as a cottage. They now want to reside there permanently. The need for additional storage is because the high water table will not allow them to have a basement. So they are asking for a 2.5 car attached garage and to be able to keep the existing detached garage. The existing garage is very well screened from public view and all other aspects of the new home fit within the setbacks. Chairperson Cady called for public comments. Reid read the email from Ron & Diana Conklin, 1471 W. Four Lakes, stating they have no objections to the request. Cady stated this is a modest request that warrants consideration. Baran stated the practical difficulty with this property is there is no opportunity for a basement. Spear concurred stating the existing garage is screened so that you cannot see it from the street.

Motion to approve a 156 sq. ft. variance to the maximum allowable sq. footage for accessory buildings to keep an existing detached garage and build a new attached garage

Motion by: Cady

Seconded by: Baran

Ayes: Baran, Cady, Marko, Matta, Reid, Spear

Nays: None

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Absent: Lorraine

Motion carried

**COMMUNICATION:** New application packet – The Zoning Board of Appeals approved and asked that the staff start using new application packet

**Citizens Planner Flyer**

Andy Marko stated he felt the Citizen Planner course, offered by Michigan State University at the Genesee County Administration Building would be a very good course especially as the Township begins to update the Master Plan. He encouraged the ZBA members to attend and stated he would be registering for the course.

There was also a discussion about the definition of a channel and the Zoning Administrators decision that the property at 12539 Margaret Dr. is located on a channel and therefore sight line does not apply to this property.

**PUBLIC COMMENT – NON-AGENDA ITEMS:** None

**ADJOURN:** 8:20 p.m.

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Chairperson Cady

Minutes Posted 05/31/17

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Secretary Reid