

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF SEPTEMBER 26, 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 7:01 pm.

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

Absent: None

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 August 22, 2017

Motion by: Cady
Seconded by: Baran
All in favor

Chairperson Cady explained meeting procedure

UNFINISHED BUSINESS:

ZBA17-033 Gordon Fendert, 4347 Lahring, Linden:
WITHDREW

ZBA17-034 Matt & Jen Ream, 13470 Enid, Fenton:

Appealing a decision of the Zoning Administrator that the applicants cannot build a garage on property not under their ownership, the property is Genesee County road right of way.

POSTPONED - NO ONE TO REPRESENT

NEW BUSINESS:

ZBA17-036 Fred & Tracy Hensler, 14007 Swanee Bch., Fenton:

06-23-530-001

14007 Swanee Bch.

Requesting a 20 ft. front yard setback variance to build an addition
Secretary Reid reviewed the file. Chris Macklin, Christopher Macklin Design, 517 Hintz Rd., Owosso, was sworn in. He explained they were surprised to find out that the north property line was the front rather than the side lot line. When they began planning the proposed addition they held the 10 ft. setback that is required for a side yard but after speaking to the zoning department it was discovered that the north property line is considered the front by definition in the zoning ordinance. He said the way the lot is platted the front of the structure actually faces west. He noted there is 77 ft. to the paved street from the proposed addition which is well over the required 30 ft. front setback. The distance between the proposed addition and the house to the north is 51 ft. He concluded by noting this is a unique situation and the request is minimal to provide his client with a useable first floor master suite. Chairperson Cady called for public comments. There were none. Marko expressed concerns about emergency

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access stating the area to the north of the proposed addition is heavily landscaped with large trees and boulders. Matta assured Marko that the fire department would not access between the two homes, they would park on the street and use tankers or pump from the lake to fight a fire. He indicated that locating equipment in between homes during a fire would put the equipment and firefighters in harms way. Marko state he had no further concerns. Cady stated the way this property and the structure is situated creates a practical difficulty because this property line does appear to be a side rather than the front. Lorraine concurred.

Motion to approve 20 ft. front yard setback variance to build an addition

Motion by: Cady

Seconded by: Baran

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

Nays: None

Absent: None

Motion carried

ZBA17-037 Weir Building Co. 11231 Honeysuckle, Fenton:

06-11-530-024

12082 Mantawauka

Requesting an additional 4 ft. sight line variance for a set of stairs from an upper level deck

Secretary Reid reviewed the file. Chris Weir, Weir Building Co., 11231 Honeysuckle, was sworn in. He explained that in January the Walkers were granted a 12 ft. sight line variance for a deck and that at that time they did not think it was necessary to access the rear yard from this upper level deck. This summer they spent considerable time at the property using the lake with friends and family and Mrs. Walker found that she is concerned that if something were to happen on the water they would want to be able to get from this deck to the rear yard. He said they are a growing family with grandchildren and she is having anxiety that they would not be able to get off the deck without going through the house. He explained in order to ask for the minimum amount possible they have made the deck smaller to accommodate the first and tallest portion of the stairway by tucking it into the west side of the deck. The request is for 4 ft. additional sight line variance to turn the stairway and run the rest of the stairs along the front of the deck to the east. He stated no views of the water will be negatively impacted. Chairperson Cady called for public comments. Dr. Raj Pandrangi, 12088 Mantawauka, stated concerns that he could not visualize what the applicant is asking to build. He asked that the matter be postponed until he could visit the site with the builder. He stated he did not receive plans and did not understand what they are requesting. Baran asked if he had received notice of this hearing. Pandrangi said he had but he wanted a better understanding before he could vote. The Board explained the property is staked and he could have come to the office to get any of the materials that the Board was provided in advance. Cady explained Pandrangi does not vote on the matter, rather the board will consider his concerns in their decision making but they are prepared and will vote on this matter tonight. Matta had the Pandrangis' come forward and he explained how the stairs are proposed to be built and shared the drawings that were provided to the Board. Matta stated he understands the neighbor's concerns, but the additional 4 ft. will not hinder their view of the water.

Motion to approve an additional 4 ft. sight line variance for a set of stairs from an upper level deck

Motion by: Cady

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Seconded by: Baran

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

Nays: None

Absent: None

Motion carried

ZBA17-038 Mike Chandler, 4083 Minnetonka, Linden:

06-16-526-010

4083 Minnetonka

Requesting a 12 ft. sight line variance to replace the existing deck with a 4 ft. larger deck Secretary Reid reviewed the file. Mike Chandler was sworn in. He explained his deck is in poor shape and the handrails do not comply with the building code. He said he wants to tear off the old deck and build a new slightly larger deck. Cady explained that the 12 ft. Chandler has asked for does not include a set of stairs that are depicted on the drawing submitted to the Board that extend out into the sight line. Cady explained his option to have the board act on the application for the deck only or postpone until next month when proper notice can be given for additional sight line variance for the stairs. Chandler asked that the board act on the application as is and he will return for the stairs next month. Chairperson Cady called for public comments. Lee Breasbois, owner of 4075 and 4079 Minnetonka, stated he has no objections to the request. Spear stated she thought the 12 ft. sight line variance is reasonable. She cautioned Chandler that the stairs may not be approved. Chandler said he understood. Cady stated this property has a practical difficulty because of the elevation and the position of the houses on either side. He added the property does slope down to the water.

Motion to approve a 12 ft. sight line variance to replace the existing deck with a 4 ft. larger deck only, the stairs shown on the plan extending further into the sight line are not included

Motion by: Cady

Seconded by: Spear

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

Nays: None

Absent: None

Motion carried

ZBA17-039 Robert McCombs, 7535 Stonevalley Bluff, Clarkston:

06-14-501-033

13151 Lakeshore

Requesting an additional 6 in. front yard setback variance to the previously approved 13 ft. for a total of 13 ft. 6 in. front yard variance for the garage Secretary Reid reviewed the file. Robert McCombs was sworn in. He explained the request is for an additional 6 in. to allow the garage to remain were the footings have been poured. Ed Pinkleman, Pinkelman Custom Homes, Grand Blanc, stated the original variance request was based on a site plan drawing done by the architect. The architect measured from the roadway edge rather than the front property line and this was not discovered until the footings were in. The McCombs have decided not to request additional sight line variance but are requesting 6 inches toward the road. Chairperson Cady called for public comments. Wayne Johnson, 13147 Lakeshore, stated concerns about the covered portion of the porch on the lakeside. The board explained that has been eliminated from the request. Margaret McCombs stated the porch will be an open porch. She stated after hearing concerns of the neighbors they decided to eliminate any request for additional sight line variance. John Scheer, 13154 Lakeshore, supported the request as did Wayne Simmons, 13175 Lakeshore. Secretary

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Reid read a letter from Frank and Robin Blake, 13167 Lakeshore, stating objections to additional variance and the fact that this was not caught during the footing inspection process. She indicated a letter from David and Linda Roeser, 13155 Lakeshore, stated similar concerns and objections. The Board noted the concerns were related to the additional variance for sight line and not the additional 6 inches toward the road. Cady stated the proposed garage is not as close to the road as the homes on either side or many along this portion of the street. Reid stated she appreciated the compromise the applicants were willing to make based on neighbor's concerns. Other Board members concurred.

Motion to approve an additional 6 in. front yard setback variance to the previously approved 13 ft. for a total of 13 ft. 6 in. front yard variance for the garage

Motion by: Cady

Seconded by: Lorraine

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

Nays: None

Absent: None

Motion carried

COMMUNICATION: Master plan on-line survey

Recording secretary McDonald encouraged the ZBA to go on line and take the public input survey and to spread the word. The survey will only be available until October 1, 2017.

PUBLIC COMMENT – NON-AGENDA ITEMS: None

ADJOURN: 7:40 p.m.

Chairperson Cady
Minutes Posted 09/29/17

Secretary Reid