

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS  
MINUTES FOR REGULAR MEETING OF APRIL 24, 2018**

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: Cady, Baran, 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: Marko  
All in favor

**MEETING MINUTES:** March 27, 2018  
Motion to approve the minutes as presented  
Motion by: Cady  
Seconded by: Baran  
All in favor  
Motion carried

April 10, 2018  
Motion to approve the minutes as presented  
Motion by: Cady  
Seconded by: Baran  
All in favor  
Motion carried

**NEW BUSSINESS:**

**ZBA18-008 Robert Kamischke, 13320 Enid, Fenton:**

06-14-577-028 13320 Enid  
Requesting 3 ft. rear and 3 ft. side yard variances to build a new detached garage across the street from primary residence  
Secretary Reid reviewed the file. Robert Kamischke was sworn in. He explained his request to build an 18 X 26 ft. garage for storage of one full size pick up and still have a nominal amount of room for storage of lawn equipment. He said the rear yard setback of 2 ft. is minimized by the fact that the property behind his parcel is designated open space and the need for the set back is that the road right of way as platted occupies approximately 20 ft. of his property's depth. Chairperson Cady called for public comments. There were none. Baran stated concerns that the proposed garage would be located within 4.5 ft. of the building on the east. He stated concerns about fire and public safety and suggested the Fire Chief conduct an inspection. Marko agreed as did Spear.

Motion to approve 3 ft. rear and 3 ft. side yard variances to build a new detached garage across the street from primary residence  
Motion by: Cady  
Seconded by: Matta  
Ayes: Matta, Reid  
Nays: Cady, Baran, Marko, Spear  
Absent: Lorraine

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Motion failed

Motion to deny 3 ft. rear and 3 ft. side yard variances to build a new detached garage across the street from primary residence

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

Motion carried

**ZBA18-009 Dan Emerton, 2476 Ketzler, Flint:**

06-08-551-019

12428 Linden

Requesting 276 sq. footage of allowable accessory building variance to construct a detached accessory building

Secretary Reid reviewed the file. Dan Emerton was sworn in. He explained that his father built the house in 1956. His mother recently moved to a memory care facility and the house is vacant. He noted that he is planning on selling his house and moving to this house where he grew up. Emerton stated the house does not have a basement. He said the current structure does not have sufficient storage to meet his needs. Emerton added that he has talked to the neighbors and they support the request. He said the building will be aesthetically pleasing, will have little impact on the neighbors or public safety. Baran asked if he could build a smaller garage and eliminate the need for a variance. Emerton said he could but he needs the storage for items he has to move from his other home. He explained he had originally thought he would build a 24 X 36 building that would take the place of a basement, however when talking to the builder, it was suggested that the building be 4 ft. larger to accommodate a stairway going to the attic. Baran asked if Emerton had any residential plans for this building. Emerton said no. Emerton noted there are several large accessory buildings in this area and he has a large enough lot to far exceed the required setbacks. Chairperson Cady called for public comments. Angela Flynn, 72 Chateaux Du Lac, stated she owns the property at 5464 Lahring, which is agricultural land that abuts the rear of this property. She said the site plan provided is not correct. She stated Emerton's property is 280 ft. deep and the setbacks shown on the drawing add up to 270 ft. Adding the length of the proposed building would equal 310 ft. and that does not include the width of the existing house. She stated concerns about the validity of the site plan and noted she felt the proposed accessory building is too large for the small residential lot. Secretary Reid noted the file contained a note signed by five neighbors supporting this request. Matta stated the property is large enough to support the proposed building. He said it will not be visible from the main road and the proposed setbacks provided far exceed the requirements. Spear said the ordinance considers larger lots and allows more square footage based on the land area. Reid concurred that it is a larger lot; however, she had concerns that the standards for approval are not being met. Matta stated he felt the house not having a basement does create a hardship for storage. Cady stated the proposed building is larger than house. Baran said the board has considered this for lake front properties that do not have basements for storage. He added larger outbuildings are common in this area of the Township.

Motion to approve 276 sq. footage of allowable accessory building variance to construct a detached accessory building

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

Motion failed

Motion to deny 276 sq. footage of allowable accessory building variance a detached accessory building

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

Motion failed

This matter was postponed to the next scheduled ZBA meeting.

**ZBA18-010 Creative Wood Products, 3201 Thompson, Fenton:**

06-14-577-045

13258 Enid

Requesting a 13 ft. sight line variance to build an upper level deck and 3-season room

Secretary Reid reviewed the file. Steve Darby, Creative Wood Products was sworn in. He explained the request to tear down the existing deck that is aged and not built to code. He said the existing deck is unsafe because it is over spanned and the railing is not to code and it is loose. He noted the deck and three season room will have little impact on the neighbors views of the lake. He said the proposed new construction would have limited effect on the view of the property to the west due to existing evergreen tree row. The property to the east will not be more impacted than it is today. Baran asked what type of rail is proposed. Darby said it is a round aluminum material. Chairperson Cady called for public comments. There were none. Matta stated the proposed improvement will have little impact on the neighbors' views of the lake.

Motion to approve 13 ft. sight line variance to build an upper level deck and 3-season room

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

Motion carried

**ZBA18-011 Robert Hutchins, 15167 Marl, Linden:**

06-28-526-006

15167 Marl

Requesting a 28 ft. sight line variance to build a new deck and replace the railing on an existing boathouse  
Secretary Reid reviewed the file. Robert Hutchins was sworn in. He explained his property is elevated above the water with an unsafe drop-off from the house to the land below. He said a deck with a railing would allow his family to safely use the lakeside of the house. He explained the boathouse has a patio roof with railing that is too low to meet the code. He said he has four small children and wants to make this a safe place for them to be able to enjoy the lake. Hutchins said this property is unique because it drops off sharply to the lake level and that these decks and railings would allow a safe environment to enjoy the lakeside of the property. He added the proposed deck would be below the elevation of the adjacent house's deck. Chairperson Cady called for public comments. There were none. Spear said the property is unique and poses a hardship because of the elevation. Cady agreed, adding the neighbors' homes are angled away from this property so the impact of this deck will not negatively affect their views. Reid added that a portion of the existing structure is already in the sight line. Marko said this is matter of safety for this family and their guests.

Motion to approve 28 ft. sight line variance to build a new deck and replace the railing on an existing boathouse

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

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Absent: Lorraine

Motion carried

**ZBA18-012 Mark Sutphen, 15105 Restwood, Linden:**

06-30-502-016

15105 Restwood

Requesting a 14 ft. sight line variance to build an upper level deck

Secretary Reid reviewed the file. Mark Sutphen was sworn in. He explained the request for a variance to build an elevated 14 ft. wide deck over a stamped concrete patio that was installed when the house was built. He indicated the deck is in the center of the building minimizing any impact on the neighbors. He noted they did not build the deck when the house was built because of budget constraints. He added this would also provide an egress point from the upper level of the home. Chairperson called for public comments. Tim Loftis, 15091 Restwood, stated he is the neighbor to north and he supports the Sutphen's request for the deck. Matta stated it is apparent the deck was planned when the house was built. He added the properties are wide for lake lots and the location of the proposed deck will not impact the neighbor's views of the water. Cady concurred as did Marko. Spear stated concerns that the deck was planned to be in the sight line when the house was built.

Motion to approve 14 ft. sight line variance to build an upper level deck

Motion by: Cady

Seconded by: Baran

Ayes: Cady, Baran, Marko, Matta, Reid

Nays: Spear

Absent: Lorraine

Motion carried

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

**ADJOURN:** 7:41 p.m.

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Chairperson Cady

**Minutes Posted 05/01/18**

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Secretary Reid