

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF MAY 22, 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 7:02 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: Baran

All in favor

MEETING MINUTES: April 24, 2018

Motion to approve the minutes as presented

Motion by: Cady

Seconded by: Baran

All in favor

Motion carried

UNFINISHED BUSINESS:

ZBA18-009 Dan Emerton, 2476 Ketzler, Flint:

06-08-551-019

12428 Linden

Requesting 180 sq. footage of allowable accessory building variance to build a detached accessory building

Secretary Reid reviewed the file. Dan Emerton was sworn in. He explained that he had corrected the measurements of the lot. He said he had not previously accounted for the road right of way, and that is why the measurements did not add up to what the Township had on record. He noted that he has reduced the size of the garage from 24 X 40 ft. to 24 X 36 ft. after listening to the Boards concerns. Chairperson Cady called for public comments. There were none. Marko stated he appreciated that Emerton downsized the proposed building.

Motion to approve 180 sq. footage of allowable accessory building variance to build a detached accessory building

Motion by: Cady

Seconded by: Baran

Ayes: Cady, Baran, Marko, Matta

Nays: Reid, Spear

Absent: Lorraine

Motion carried

NEW BUSINESS:

ZBA18-013 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

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Secretary Reid reviewed the file. Robert Kamischke was sworn in. He explained this is the second time he has appeared before the Board. He noted that, after listening to concerns about fire protection and the lack of space between his proposed garage and the garage to the south, he revised his site plan to show the required 5 ft. making the space between the buildings 7.5 ft. This proposal is for a 3 ft. variance on the other side, which will result in 10 ft. between the buildings. He noted the proposed garage will be sided with a fiber cement board on the exterior and there will be gypsum board throughout the interior to alleviate the spread of fire. He said this request is for a modest size garage that will have the ability to store a standard pickup truck and yard equipment. He added the rear set back variance is necessary in order to have a concrete pad in front of the garage for off street parking, which is a problem all along Enid. Chairperson Cady called for public comments. There were none. Marko stated Kamischke has adequately address all of his concerns. Baran stated he appreciated his changes based on the Boards concerns. Spear concurred.

Motion to approve 3 ft. rear and 3 ft. side yard variances to build a new detached garage across the street

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

Motion carried

ZBA18-014 Brian Windsor, 16223 Pine Lake Forest, Linden:

06-28-676-028

52 Chateaux Du Lac

Requesting a 10% maximum lot coverage, 20 ft. front yard and 25 ft. rear yard setback variances to build a new house

Secretary Reid reviewed the file. Brian Windsor was sworn in. He explained that he is interested in building a house on this lot in Chateaux Du Lac. He said when he looked into the setbacks in this development and applied the rules to this property it left him with a 33 X 54 ft. building envelope. He added that when the condominium started it was originally a conventional condominium and over time the developer changed it to a site condominium and drew in lot or unit lines. This change has restricted the buildable area of this lot. He added there is a 20 ft. wide sewer easement that runs along the side and rear of the lot. He said the easement is in the green space in what will look like his rear property. He said that due to the green space, the proposed 10 ft. rear yard setback variance would look like a 35 ft. rear yard as is required. The proposed house will fit in with the other homes in the development with no negative visual impacts on any of the neighbors. Marko asked if they had plans to move a utility box. Windsor said there are no plans to move the utilities. Spear asked for the size of the house and garage and Windsor said it is proposed to be 3200 sq. ft. for the first floor living area and the attached garage. Chairperson Cady called for public comments. George Rasch, 53 Chateaux Du Lac, stated concerns about the use of the common areas of the development as these areas are for the use of all residents and should not be considered someone's rear property. He also has concerns about the sewer easement and any encroachments into that easement. He said the proposed house is not appropriate and it is too large for this small lot. Mike Taubitz, 54 Chateaux Du Lac, shared concerns about the common area and said that the applicant should consider a smaller house to fit that lot. Susan Damone, 51 Chateaux Du Lac, said she agreed with the comments made by the others and added she objected to the ratio of the house to the lot. She said the proposed house will negatively impact the vistas in the neighborhood. She added her house is 1900 sq. ft. and her concern is that the proposed house is too large for the lot. Kevin Marskee, surveyor, said the proposed house is away from the sewer line and similar to adjacent homes as far as the location on the lot. Reid said she has

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concerns about the lot coverage variance. Spear and Baran concurred stating 10% lot coverage variance is substantial. Cady said he has concerns about granting any lot coverage variances for a new structure. The board agreed that setback variances may be necessary but they felt lot coverage could be addressed by a smaller structure, which would minimize the need for setback variances.

Motion to approve 10% maximum lot coverage, 20 ft. front yard and 25 ft. rear yard setback variances to build a new house

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

Motion failed

Motion to deny 10% maximum lot coverage, 20 ft. front yard and 25 ft. rear yard setback variances to build a new house based on the fact that the variance is excessive and another alternative does exist.

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

Motion carried

ZBA18-015 Jerry & Glenda Rhoden, 14245 Swanee Bch., Fenton:

06-23-531-004

14245 Swanee Bch

Requesting a required height variance of up to .5 ft. for a 6.5 ft. fence on the north property line as well as a 110 ft. sight line variance for a privacy fence

Secretary Reid reviewed the file. There was no one present to represent the applicant. The Board discussed a motion to postpone and concluded the members are prepared to act on the request. They discussed options rather than a fence and talked about tall fences going all of the way to the lake. They did not feel a height variance was necessary. They were not in favor and mentioned that, other than pool fences, they have not issued fence height variances or allowed them to go all the way to the water.

Motion to approve a required height variance of up to .5 ft. for a 6.5 ft. fence on the north property line as well as a 110 ft. sight line variance for a privacy fence

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

Motion failed

Motion to deny a required height variance of up to .5 ft. for a 6.5 ft. fence on the north property line as well as a 110 ft. sight line variance for a privacy fence based on the fact that there are other solutions to the problem

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

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Absent: Lorraine

Motion carried

ZBA18-016 Kendra Chambers, 6079 Byram Lake Dr., Linden:

06-30-527-001

6079 Byram Lake Dr.

Requesting a 22 ft. sight line variance to build a pergola

Secretary Reid reviewed the file, she indicated there were several letters in the file. Kendra Chambers was sworn in. She explained the need for shelter from the sun at times in the summer. She said her house faces south. She said she as well as her neighbors have great views of the lake because the homes are elevated. The need for the pergola is for shelter while outside of her walkout basement door wall and it will also help to keep the basement cool. She explained the roof will be tiled with clear material made similar to a greenhouse that will let in light and block some of the heat. She noted that 12 ft. of the variance is for the existing structure and the proposed pergola will only extend out 10 ft. from the house. She said this will not block neighbors' views of the lake as she sits back 95 ft. from the water. She said she understands the ordinance to protect views, adding she is conscientious of the neighbors and their views. She noted this is a small area of cover for her to enjoy the lake. Marko referred to the rendering she presented and asked if she planned to include shades on the sides of the structure. Chambers said it will be a roof supported by four post and there will be no sides or coverings other than the opaque roofing material. Chairperson Cady called for public comment. Jannell Tillman, 6073 Byram Lake Dr., stated concerns about loss of views. She said she lives east of this property and the proposed pergola will directly affect her. She said there is nothing unique to the property that would justify granting additional variances for a structure that already is 12 ft. into the sight line. She alleged the granting of the variance would decrease surrounding home values. She expressed concerns that this could eventually become a three-season room and suggested other alternatives such as umbrellas or retractable awnings. She added that trees would also provide shade and said she would rather have a natural shade source. Baran explained that the structure could not be converted to a deck or a three-season room without further variances. He asked if Tillman is stating she would rather see trees. Tillman said yes, that a number of trees could be planted to provide natural shade. Ms. Tillman said letters of support in the file are from homes that are not near the Chambers home and one of the neighbors felt she was misinformed and retracted her support. She finished by stating Chambers bought the property knowing of its location in relation to the lake and that other options exist. Christopher Caughlin, 6083 Byram Lake Dr., stated he supported Chambers' request. Kimberly Barnes, 6123 Byram Lake Dr., said that Chambers is a conscientious person and she would not propose something that would harm her neighbors. Reid stated Ms. Tillman was one of the letters in the file and there were letters from Ms. Barnes and Mr. Caughlin as well as five others that were in support of the request. Baran said wind can be a problem for umbrellas and awnings and added that this property is unique because of the fact it is located on a point. He said he felt this is a reasonable request for relief. Matta concurred.

Motion to approve a 22 ft. sight line variance to build a pergola

Motion by: Cady

Seconded by: Baran

Ayes: Cady, Baran, Marko, Matta

Nays: Reid, Spear

Absent: Lorraine

Motion carried

ZBA18-017 William Bird, 12407 Margaret, Fenton:

06-11-501-134

12407 Margaret

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Requesting a 3 ft. side yard setback to increase the size of the attached garage and 140 sq. ft. of allowed accessory building to build a detached garage across the street
Secretary Reid reviewed the file. Ed Pinkelman, Pinkelman Custom Homes, 9150 Warwick Circle Ct., Grand Blanc, was sworn in. William Bird was also present. Pinkelman explained the need to add to the existing garage that is only 20 ft. wide. He said the addition would make this a full two car garage. He noted the house is positioned closer to the garage side property line. He said they are only asking to add three feet making the side yard setback 7 ft. Pinkelman said the other request is for the size of the proposed garage across the street. He noted there is currently an accessory building on the rear portion of this lot. The owners want to keep this building for storage, however, because of its location, it is not practical to use for parking cars. There was a discussion amongst board members about the staking of the property, which is a requirement for variance requests. Some noted the property was staked when they visited and other members stated there were no stakes when they reviewed the property. Pinkelman said the lawn service may have removed the stakes and apologized for the oversight. Marko said because the application was hard to read, there was no letter of intent and there were no stakes when he visited the property, it was very difficult to make a determination. Chairperson Cady called for public comments. Greg Hernacki, 12419 Margaret, stated he supported the request adding the garage at the back of the property across the street is not visible and it sits far away from the road. Jan Lufkin, 12416 Margaret, stated she lives across the street from the lake adjacent to the property where the additional garage would be built. She wanted to know how far this detached building is proposed to be from the road. Cady explained the building is 40 ft. from the road and that the applicant is not asking for variances from the setback that apply to this building, they are asking for a variance due to the size. She said she just wanted to make sure the building will not be in front of her house. She said as long as the setbacks are uniform she did not have a problem with the building. Matta said he did not have any issues with either variances. Spear said she did not have issues with the attached garage but she did not agree with the square footage variance especially when there was already an accessory building on the lot.

Motion to approve a 3 ft. side yard setback to increase the size of the attached garage and 140 sq. ft. of allowed accessory building to build a detached garage across the street

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

Motion carried

ZBA18-018 Alison Kinning, 13250 Lakeside Landing, Fenton:

06-13-501-023

13250 Lakeside Landing

Requesting a 30 ft. front yard and 2 ft. side yard variances to add to existing garage
Secretary Reid reviewed the file. Wayne Kinning, 13250 Lakeside Landing stated he was Alison's father. He said they had purchased the home together and it would be her residence. He explained that Alison is a single woman and she wants to be able to park her car indoors. He said the existing building that is there is more of a shed than a garage, but simply moving one wall out 12 ft. would allow his daughter to park inside and move around the car. The proposed building will be 36 ½ ft. X 14 ½ ft., a modest one-car garage. He said the variance is necessary because the property line is approximately 90 ft. from the road. He said they bought this house six weeks ago and thought they could make it work but have learned there is not enough room to store a car. Chairperson Cady called for public comments. There were none. Spear stated this is a perfect example of why members must make site visits. She added this is

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definitely a unique piece of property where a variance is appropriate. Cady added there is a practical difficulty in applying the standard front yard setback.

Motion to approve 30 ft. front yard and 2 ft. side yard variances to add to existing garage

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

Motion carried

ZBA18-019 Bradley & Rhonda Nielson, 14144 Eastview, Fenton:

06-22-528-025

14144 Eastview

Requesting a 17 ft. sight line and 6 ft. side yard setback variance to replace deck and railing
Secretary Reid reviewed the file. Bradley Nielson was sworn in. He explained they have remodeled the house they purchased in 2016. The only thing left is the deck. He said it is necessary to fix the deck that has deteriorated and the railing is not built to current code. He said their plan is to remove the lower portion of the deck and extend the upper portion out 5 ft. The new deck will be 17 ft. out from the house rather than the current 20 ft. The need for the side yard setback variance is to move the stairs out of the sight line, in front of the deck, to the side. Chairperson Cady called for public comments. There were none. Matta said the reduction of the deck and stairs is an improvement to the sight line. Reid concurred. Cady stated the deck location does not impact neighbors views of the lake.

Motion to approve a 17 ft. sight line and 6 ft. side yard setback variance to replace deck and railing

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

Motion carried

PUBLIC COMMENT – NON-AGENDA ITEMS: None

ADJOURN: 8:25 p.m.

Chairperson Cady
Minutes Posted 05/18/18

Secretary Reid