

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF JUNE 26, 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, Lorraine, Marko, Reid, Spear
Recording Secretary, McDonald

Absent: Matta

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: May 22, 2018

Motion to approve the minutes as presented

Motion by: Cady

Seconded by: Baran

All in favor

Motion carried

NEW BUSINESS:

ZBA18-020 Douglas Gorton, 5005 Owen, Linden:

06-32-576-001

5005 Owen

Requesting a 4.5 ft. front yard setback variance to build an attached garage

Secretary Reid reviewed the file. Douglas Gorton was sworn in and explained his request to build an attached garage. He said he has owned the home for the past 43 years and when he had the survey done to apply for the building permit he found the proposed garage was going to be 25.5 ft. from the front property line. There is actually 25 ft. from the property line to the road-right-away. A variance of 4.5 ft. is required in order to have a 28 ft. deep garage that will house two cars and lawn equipment. He said this is a standard 2-car garage size. Chairperson Cady called for public comments. There were none. Cady stated there is a practical difficulty with the shape and slope of this lot, the proposed parking arrangement will afford greater safety than the current situation. Reid agreed.

Motion to approve 4.5 ft. front yard setback variance to build an attached garage

Motion by: Cady

Seconded by: Baran

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

Nays: None

Absent: Matta

Motion carried

ZBA18-021 Crystofer Reed, 2173 Anoka St., Flint:

06-14-551-029

13389 Lakeshore

Requesting a 32 ft. sight line variance to build a deck

Secretary Reid reviewed the file. Amy Lincoln, 13389 Lakeshore was sworn in. She explained her request for a sight line variance to build an upper level deck. She said the proposed deck is

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smaller than the previously existing deck that had to be removed because of deterioration. Marko stated concerns that this deck is already under construction. Lincoln stated the posts were placed so work could continue on the lower level patio. Lorraine agreed with Marko stating the beams are in place. Lincoln said the post can be removed if the variance is not approved. Lincoln added the plan was to leave the existing deck but it could not be saved. She explained that the 32 ft. variance request includes a portion of the house that is 12 ft. into the sight line. Lorraine stated concerns that this house was rebuilt into the sight line without a variance. Lincoln said the house was remodeled and an addition was built between the house and garage on the roadside. Lincoln stated the proposed deck will actually be smaller than the previous deck. Chairperson Cady called for public comments. Dianne Harris, 13385 Lakeshore, disagreed about the size of the previous deck. She submitted the assessor's sketch of the deck that was removed. She stated a 20 ft. upper level deck is not the minimum necessary. She added there is no hardship that would warrant a variance. Baran said the proposed deck is 5 ft. closer to the house. Zachary Stavedahl, Esq., General Counsel, The Carswell Group, 14381 North Rd, Fenton, stated he is present to represent Frank and Evida Carswell, 13399 Lakeshore. He advised that, his client is opposed to the granting of the requested variance as the Carswell's will lose approximately 1/3 of their view of the lake. It is on the sunrise side of their property and being semi-retired they spend most mornings enjoying their views of the lake. He added his client is not opposed to a small balcony on the second floor, however they are opposed to such a large variance request. Sherrie Diccione, 13377 Lakeshore, stated that when she and her husband built their house Amy Lincoln lead a campaign against their request for a sight line variance, the campaign alleged that any sight line variance will substantially harm others in the neighborhood. Robert Harris, 13385 Lakeshore, stated the lakeside wall of the house was completely rebuilt. He said he felt the request is for more than what is necessary and suggested a smaller deck. Cady said the proposed deck will effect views to some degree, however, this property is unique because it actually looks at a house built on an island. Baran stated that, based on public comments, neighbors may be more comfortable with a smaller deck. He asked those opposed what would be reasonable. Harris said a 14 ft. deep deck would be agreeable. Lincoln said the deck would have to be at least 16 - 17 ft. deep to accommodate the stairway. There was discussion about amending the request. Baran explained they could postpone until the July meeting to work something out or the Board can vote on the request as presented. There was more discussion and it became evident that a compromise is not possible at this meeting. Baran suggested 16 ft. deep reducing the variance from 32 ft. to 28 ft. deep. Lincoln asked that the request go forward as amended to 28 ft. sight variance.

Motion to approve 28 ft. sight line variance to build a deck

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

Motion failed

Motion to deny 28 ft. sight line variance to build a deck

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

Motion carried

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ZBA18-022 Tim & Kelly Webb, 13323 Lakeshore, Fenton:

06-14-501-007

13323 Lakeshore

Requesting a 15 ft. sight line variance to put a railing around flat upper level roof/deck

Secretary Reid reviewed the file. Kelly Webb was sworn in. She explained her request to install a deck with a rail over an existing flat roof. She said there are sliding glass doors that open to the roof and it is not safe to have people go out onto the roof without a railing. Chairperson Cady called for public comments. There were none. Reid read a letter from Robert and Deborah Standal, 13321 Lakeshore, supporting the request for the variance. Marko stated a railing will not negatively impact the neighbors' views of the lake. Lorraine said this will improve safety.

Motion to approve a 15 ft. sight line variance to put a railing around flat upper level roof/deck

Motion by: Cady

Seconded by: Baran

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

Nays: None

Absent: Matta

Motion carried

ZBA18-023 Brian Windsor, 16223 Pine Lake Forest, Linden:

06-28-676-028

52 Chateaux Du Lac

Requesting a 10 ft. front yard and 15 ft. rear yard variances to build a new house and garage

Secretary Reid reviewed the file. Brian Windsor was sworn in. He explained that he appeared before the board in May and was denied several variances to build a new house on this vacant lot. He noted that when developed Chateaux Du Lac was a conventional condominium and after some time the ownership was changed to a site condominium and lots were drawn in such a way that this lot will not support a house in keeping with this neighborhood. He said that after hearing the board's and neighbors' concerns, they have modified the plan eliminating the request for a lot coverage variance and reducing each of the front and rear yard setback variances by 10 ft. He added that he also received the letter from the condominium association advising of the need for their approval, and he was aware that he needed to do so. Reid stated it is appreciated that the board and neighbors' concerns were taken into consideration, especially the concern about the lot coverage. Chairperson Cady called for public comments. George Rasch, 53 Chateaux Du Lac, stated concerns about any variances given. He said the applicant should build according to the ordinances in place. Susan Dumone, 51 Chateaux Du Lac, stated concerns about the rear yard setback variance and noted the house should be consistent in square footage with other homes on lots this size. Reid read the letter from the property manager for the condominium association stating they must approve the building plans. Baran stated his concern was more about the lot coverage than the front and rear yard setbacks because of the way the lot is configured. Cady agreed stating the property is unique in its location with the sewer easement, the cul de sac and the amount of open space in the rear.

Motion to approve 10 ft. front yard and 15 ft. rear yard variances to build a new house and garage

Motion by: Cady

Seconded by: Baran

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

Nays: None

Absent: Matta

Motion carried

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ZBA18-024 Nicholas & Debra Phillips, 5431 Dooley, Linden:

06-29-501-031

5431 Dooley

Requesting a 54 ft. sight line variance to replace and expand the deck including a roof and stairs

Secretary Reid reviewed the file. Debra Phillips was sworn in. She explained the request is to replace the existing deck and add a roof and wheel chair ramp. She said her husband is a Vietnam veteran and has health issues that require the use of a ramp and protection from the direct sunlight. She added that she and her husband enjoy the deck and want to be able to spend time outdoors. Chairperson Cady called for public comments. There were none. Reid indicated there were eight letters and emails from neighbors supporting the request. Cady stated the whole house is in the sight line as defined however, the elevation creates a practical difficulty because the house sits lower than the road. The board agreed the elevation makes the sight line as defined not practical in this case because of the elevation.

Motion to approve a 54 ft. sight line variance to replace and expand the deck including a roof and stairs

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

Motion carried

PUBLIC COMMENT – NON-AGENDA ITEMS: None

ADJOURN: 8:00 p.m.

Chairperson Cady
Minutes Posted 07/06/18

Secretary Reid