

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF JULY 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, 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

MEETING MINUTES: June 26, 2018

Motion to approve the minutes as presented

Motion by: Cady

Seconded by: Baran

All in favor

Motion carried

NEW BUSINESS:

ZBA18-026 Mike Chandler, 4083 Minnetonka, Linden:

06-32-579-001

4083 Minnetonka

Requesting an additional 10 ft. sight line variance for a stairway for a deck (12 ft. sight line variance granted 9-26-17 for the deck only)

Secretary Reid reviewed the file. Mike Chandler was sworn in. He explained that originally, he requested an additional 2 ft. for the deck, but they have decided not to add 2 ft. to the deck and the request is just for the stairway for the deck to be located 10 ft. into the sight line. Baran asked if the request is for 10 ft. less the 2 ft. from the original request. Chandler said no it is 10 ft. just for the stairway. Chairperson Cady called for public comments. There were none. Baran stated he questioned the need for the two additional feet; however, he felt a 10 ft. variance for the stairs is minimal and reasonable. Cady stated the elevation is such that the stairs will have little impact on neighbor's views of the lake.

Motion to approve 10 ft. sight line variance for a stairway for a deck

Motion by: Cady

Seconded by: Baran

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

Nays: None

Absent: None

Motion carried

ZBA18-027 Ghassan Saab, 3407 Torrey, Flint:

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06-11-100-001, 06-11-504-009 & 06-11-504-010

2300 Sonora

Requesting 15 ft. front and 15 ft. rear setback variances to build two houses

Secretary Reid reviewed the file. Ghassan Saab was sworn in. He explained the piece of land under consideration has approximately 200 ft. of frontage on the water. The lots however, do not have a lot of depth because the road crosses through the lots. Saab stated the proposed two lots under consideration were originally made up of three smaller lots. They could have built on these three lots, but it would have been tight and variances would have been necessary in order to build. He noted the three parcels would be redistributed to make two building sites, each with 100 ft. on the water. The proposed houses will be 2000 – 2300 sq. ft. He added with 70 to 80 ft. of width and the required setbacks of 35 ft. rear and 30 ft. front yard, which would leave only 5 to 15 ft. of depth to build. He said he is asking for the minimum necessary to be able to build a decent sized house and garage on each of the two lots. He added this is the best use of the property and that the proposed building areas are more in compliance than the existing homes along this shoreline. Matta stated concerns that the property was not staked and asked the location of the old boat ramp. Saab pointed out the area of the launch, noting that it is not located on this property. Reid said the application clearly states that the board will not act on property not staked. Saab stated the property was staked for the last hearing and he thought the board would be familiar enough with this property that it would not be a problem. Marko said it is a problem. He and Spear stated they are not prepared to act because they could not see where the homes would be built. Lorraine said he is familiar with the property and is prepared to vote based on the information presented. Cady said the procedure in place allows the board to call a vote to move forward with the application or postpone action.

Motion to move forward with the application

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

Motion carried

Chairperson Cady called for public comments. The following people spoke: Peggy Wittbrodt-Smith & Tom Smith, 2316 Sonora and Dane Farner, 2326 Cedar Pt./Sonora, their concerns were that this is a self-created hardship, that it is unfair to other existing residents, flooding and the fact that the property was not staked. They questioned the procedure and how the standards for approval are being applied. Reid read a letter from William and Irene Richardson, 2320 Sonora, which outlined their opposition to the request. The letter alleged that the request does not comply with the requirements of the Township ordinance. It said this is a self-created hardship, it is not the minimum necessary to provide the applicant with adequate relief, further stating the 15 ft. front and rear setback variances are a substantial deviation from the R-3 zoning requirements. The letter also questioned the measurements on the drawing submitted, stating the numbers shown do not add up. The Richardson's also stated concerns about access on Sonora, they indicated that at the widest point the road is 16 ft., making it difficult to pass an oncoming vehicle. They cited an incident where an emergency vehicle could not make it to its destination. The other concerns were lot width and sight line. Baran asked if the property had been surveyed. Saab said it had not. Baran asked how they came to the drawing submitted for the variance. Saab said he and his architect met with the assessor and used the numbers from the Township records. Baran noted that the numbers on the lot and house drawings do not correlate. He noted that the conceptual building envelope cannot support the building plan submitted, which is confusing. Saab said if the building envelope is approved,

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they would build a house that will fit. He said the sample houses shown are only conceptual and not necessarily what they intend to construct. Cady stated the parcels are narrow. Matta said the property is unique and he would like to see it developed and cleaned up. He said that there are too many unanswered questions and the application is confusing especially with no stakes to show what is proposed. He suggested the developer have the property surveyed and provide accurate drawings. Saab requested action on the application be postponed to allow them time to have more clarity in the application and at the site.

Motion to postpone action until the next regular ZBA meeting

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

Motion carried

ZBA18-028 Amy Lincoln, 13389 Lakeshore, Fenton:

06-14-551-029

13389 Lakeshore

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

Secretary Reid reviewed the file. Amy Lincoln was sworn in. She explained her request for a 32 ft. sight line variance for an upper level deck and staircase. She said that she had done an extensive remodel of the house, upgraded drainage system and added a custom stonewall, all to improve the property and help relieve some of the water problems in the neighborhood. She said the plan was to keep the old deck, however, the landscape company she had hired determined the deck was not repairable and removed the deck without her knowledge. She said she is asking now for a 12 X 40 ft. deck and stairway. The current house is already in the sight line so the request is for 12 ft. of deck and 8 ft. of descending stairs on the north side of the deck. She added the railing would be glass to minimize impact on views of the lake. Chairperson Cady called for public comments. Dianne & Robert Harris, 13385 Lakeshore, stated concerns about the stairs. They stated they did not have a problem with the 12 ft. wide deck but they felt an additional 8 ft. for the stairs was not the minimum necessary as there are other options for the stairs including a spiral staircase. They noted there is no hardship. Reid read a letter from Zachary Stavedahl, attorney for Frank Carswell, 13399 Lakeshore that spelled out an agreement reached between the parties following the June ZBA meeting. The letter said the Carswell's did not object to a 15 X 40 ft. deck if the corners were angled to 10 ft. Lincoln said she opted to reduce the size of the deck to 12 ft. without the angled corners. Matta stated the request is reasonable and having stairs provides for emergency egress in case of a fire on the upper level. Baran concurred stating the upper level has door walls and in the interest of public health, safety and welfare, there should be a deck with railing. Baran added the stairs are descending and there is minimal impact to views by stairs that terminate at ground level. Lorraine reiterated the need for safety adding the glass railing minimizes the impact on views.

Motion to approve a 32 ft. sight line variance to build a deck and stairs with a glass railing

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

Motion carried

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PUBLIC COMMENT – NON-AGENDA ITEMS: There were none

Following discussion, the ZBA advised recording secretary McDonald that the Saab application should be two separate applications, one for each parcel on which variances are being requested. They asked whether the property had been redistributed from the three lots into the two shown in the application. She said the land redistribution had not yet been finalized. There was discussion about that process happening prior to their consideration of variances on the properties. It was determined that would not be necessary but the properties needed to be surveyed and staked to reflect the actual buildings, not just a concept.

ADJOURN: 8:15 p.m.

Chairperson Cady
Minutes Posted 07/26/18

Secretary Reid