

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF SEPTEMBER 25, 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: Matta
All in favor

MEETING MINUTES: August 28, 2018

Motion to approve the minutes as presented
Motion by: Cady
Seconded by: Lorraine
All in favor
Motion carried

NEW BUSINESS:

ZBA18-034 Gary Heaphy, 14196 Eastview, Fenton:

06-22-528-012 14202 Eastview

Requesting 30 ft. front yard, 3 ft. side yard and 16 ft. sight line variances to demolish house and rebuild. Secretary Reid reviewed the file. Gary Heaphy was sworn in. He explained that in 2016 he had been granted variances to build an addition to his home at 14196 Eastview. Since that time, it has become difficult he and his wife to navigate the stairs to their second floor bedroom. He said they had been discussing this with their son who lives next door at 14202 Eastview. They have decided, if the variances are approved, to trade houses, tear down the house at 14202 Eastview and rebuild with a first floor master bedroom and living area. He indicated the proposed second floor would have two guest bedrooms. He said the sight line variance is for an open deck in the same place as the existing deck. He added the front yard setback is also the same as the existing structure. Spear stated concerns about the two-foot side yard setback. Baran stated there will have to be a firewall on that side of the house. Marko stated he understood the variance for the side yard is due to the location of the existing well. Chairperson Cady called for public comments. There were none. Lorraine said he had some concerns before he visited the site but after seeing what is there now and the similarly situated homes in the neighborhood, he was comfortable voting in favor of the request.

Motion to approve 30 ft. front yard, 3 ft. side yard and 16 ft. sight line variances to demolish house and rebuild.

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

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ZBA18-035 Justin Henry, 13401 Haddon, Fenton:

06-14-577-100

13401 Haddon

Requesting 1522 sq. ft. allowable square footage variance to add to existing garage.

Secretary Reid reviewed the file, she indicated there were four letters from neighbors. Dan Park, Parkplus Associates, 12745 Saginaw St., Suite 806 RMB 394, Grand Blanc, was sworn in to represent Henry who was also present at the meeting. Park indicated that Justin Henry was a lifelong resident who purchased this property from his father. Park said that Henry purchased the property across the street where there was an existing garage. He noted this property extends all the way to Enid. It is a large parcel that is really only suited for an accessory building. He said that this property could be divided and sold to a property owner on Enid, where they could construct another accessory building. He stated the purpose of the addition is for additional storage for items that are parked outdoors. Justin Henry stated the location of the addition is concealed from view by a hill and a number of trees. The variance is the minimum necessary to accommodate a car collection, three vehicles, boats and snowmobiles with their trailers. It is designed and will be built to match the architecture of the house. Lorraine asked if the plan is to have a driveway from Enid. Henry said not at this time. Baran asked if any living area is proposed. Henry said no living area just needed storage. Lorraine indicated there seems to be an existing storm water runoff issue, stating a larger building will increase runoff. Henry said they are changing the pitch of the roof and plan to address storm water with grading. They will improve that situation. Chairperson Cady called for public comments. Richard Kondel, 13450 Enid, stated he lives next door to Henry. He said this will be an improvement, he would rather see these types of items stored indoors, and he is in support of the request. Secretary Reid stated the file contains letters from Brian Moffett, 13397 Haddon, Jim & Marilyn Legacy, 13380 Enid, Becky & Duane Titmus, 13370 Enid, and George Davidson, 13393 Haddon; they all had no objections and supported the request. Marko stated that on paper, the request seemed excessive, but after visiting the site he saw that this is common for the area. Reid concurred adding the property is unique and large enough to accommodate the proposed addition. Matta agreed with Marko and Reid. Cady said he feels the request is excessive as did Spear.

Motion to approve 1522 sq. ft. allowable square footage variance to add to existing garage.

Motion by: Cady

Seconded by: Matta

Ayes: Baran, Lorraine, Matta, Marko, Reid

Nays: Cady, Spear

Absent: None

Motion carried

ZBA18-036 Craig Schram & Leslie Wizauer, 12198 Mantawauka, Fenton:

06-11-530-008

12198 Mantawauka

Requesting 299 sq. ft. allowable square footage variance to move an existing garage from the neighbor's lot to their property across the street from their house.

Secretary Reid reviewed the file. She indicated the file contains four letters. Craig Schram was sworn in. Schram explained his neighbor was planning to demolish the garage to build a new one and they offered the building to him. He said he would like to move it a short distance to his property for additional storage. Matta asked about all of the items currently stored on the property. Schram said the items belong to him. He explained that he has been the caregiver for his father and now that his father has passed away, he plans to begin cleaning up the property. He said many of the items would be able to be stored in this garage. He indicated that repairing and restoring boats and other items is his hobby. Chairperson Cady called for public comment. Bob Pattison, 12268 Windsor Bch. stated he supports this request. Reid said the file contains letters from Kellie Palm & Michael George, 12210 Mantawauka, Damian Kudet, 12202 Mantawauka, Samuel & Mary Morello, 12190 Mantawauka and a letter signed by Richard & Joan Elias, 12224 Mantawauka, Pamela Rabidoux, 12218 Mantawauka, Lloyd & Susan Reynolds, 12168 Mantawauka, David Duprey, 12150 Mantawauka, and Tom Bourke, 12164 Mantawauka. All supported the request.

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Matta stated the letter signed by several residents asked that the boats, trailers and cars with outdated and expired license tags be removed from the property before the garage is moved to the property. Cady stated that is an ordinance enforcement matter not an issue for the ZBA.

Motion to approve 299 sq. ft. allowable square footage variance to move an existing garage from the neighbor's lot to their property across the street from their house.

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

Motion carried

ZBA18-037 Brandon & Kristen Gabany, 4172 McFarlan, Linden:

06-16-400-009

4172 McFarlan

Requesting 22 ft. sight line variance to build an addition to the house and the deck.

Secretary Reid reviewed the file, indicating there is one letter from a neighbor. Brandon & Kristen Gabany were sworn in. Mr. Gabany explained their desire to add to the existing structure. He said the house was built in 1938 and is in need of several updates. He said the home is small and the stairs to the upstairs dormer are not to code. He said he and his wife plan to add 12 ft. to the west side of the house and build a proper second story with proper stairway. He said the plan is to gut the house, build the addition and add a second story. He said they also plan to remove the roof on the existing deck and extend it to the full length of the structure. He said this will not block anyone's view of the lake because the existing vegetation is to remain. Lorraine asked if they plan to extend the deck any closer to the water. Gabany said the deck will not extend out any further than the existing deck. Lorraine asked if they plan to move the hot tub any closer to the lake. Gabany said no and added they are not sure whether they will keep the hot tub. Chairperson Cady called for public comments. There were none. Secretary Reid read the letter from Ken & Kathi Tomaszewski, 4184 Neal Ct. The letter talked about the use of an easement and a park, located in the Lakeside Acres subdivision during the construction process. The letter said the Tomaszewskis do not object to the variance request. They asked that if they use the park or easement during construction, the property be restored to its current condition upon conclusion. The Gabanys and their builder stated they do not intend to use the easement and park property. The construction site will be accessed by the Gabany driveway. Reid said this is another case where the request looks different on paper than it does when you visit the site. She said the location of the property is unique.

Motion to approve 22 ft. sight line variance to build an addition to the house and the deck.

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

Motion carried

PUBLIC COMMENT: 5-minute limit – There were none.

ADJOURN: 7:40 p.m.

Chairperson Cady
Minutes Posted 09/26/18

Secretary Reid