

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF OCTOBER 23, 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, Reid, Spear
Recording Secretary, McDonald

Absent: Lorraine, 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: August 28, 2018

Motion to approve the minutes as presented

Motion by: Cady
Seconded by: Baran
All in favor
Motion carried

NEW BUSINESS:

ZBA18-038 Vicky & Johnathan Tucker, 2393 Davis, Fenton:

06-02-554-022

2393 Davis

Requesting 22 ft. sight line and 5 ft. total two sides variances for a deck replaced without a permit. Secretary Reid reviewed the file. Vicky Tucker was sworn in. She explained when she purchased the house in 2017 the deck was rotted and tilting toward the house. She began repairing the existing deck and found it had to be replaced. She noted the original deck was very large and they greatly reduced its size. She claimed she called the Township office and thought she was told she did not need a permit. She said there was a misunderstanding. She noted the house itself is in the sight line; however, the deck does not block the neighbors' views of the lake. Chairperson Cady called for public comments. There were none. Baran acknowledged that the size of the deck has been significantly reduced. He mentioned that it is unfortunate that there was some type of misunderstanding. Cady stated there is a practical difficulty in enforcing the sight line ordinance on this property because of the elevation. Marko concurred stating the drop in elevation at this property is severe.

Motion to approve 22 ft. sight line and 5 ft. total two sides variances for a deck replaced without a permit.

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

Motion carried

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ZBA18-039 Allen Edwin Homes, 795 Clyde Ct. SW, Byron Center:

06-31-526-092

6015 Bluefield

Requesting 5 ft. total two sides variance to build a new house at 6015 Bluefield.

Secretary Reid reviewed the file. Shad Vanstedum, Allen Edwin Homes, was sworn in. He explained that the recorded declaration of restrictions for Byram Ridge states that the side yard set backs are 5 ft. per side with a separation distance of 10 ft. between the houses. He claimed there have been two other permits issued with the 5 ft. side yards. When he filed the permit for 6015 Bluefield, he was told that the PUD ordinance for the development states the setbacks are to comply with the R-5 zoning district (at least 5 ft. and a total of 15 ft.). He said the property was sold with this building elevation and a 3 car garage. He said without the variance the family that purchased the lot and house will have to abandon their desired and purchased floor plan. Chairperson Cady called for public comments. There were none. Baran stated his only concern is about being able to maintain a required distance between this house and the house that may be built on the lot to the west.

Motion to approve 5 ft. total two sides variance to build a new house at 6015 Bluefield.

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

Motion carried

ZBA18-040 Matt Ream, 13470 Enid, Fenton:

06-14-577-113

13470 Enid

Requesting 682 sq. ft. allowable square footage variance to build two detached accessory buildings.

Secretary Reid reviewed the file. Matt & Jennifer Ream were sworn in. Chairperson Cady explained that the ZBA cannot grant them a variance to build something on property that is Genesee County Road Commission property. He said the board can consider a 106 sq. ft. variance for the accessory building proposed to be built on the property they own. The Reams agreed to amend their request. Matt explained they are in the process of having that section of Enid Blvd. right-of-way vacated and abandoned. Spear asked if the variance includes the existing garage. Ream said the existing garage is dilapidated and they are planning to demolish it. Jennifer said they do not have an attached garage and they do not want to spend another winter without an indoor place to park. Marko stated the proposed garage will definitely be an improvement to that corner. Chairperson Cady called for public comments. There were none. Cady stated the request is minimal to allow the applicants to have a garage and have a reasonable use of this land.

Motion to approve 106 sq. ft. allowable square footage variance to build a detached accessory building on parcel 06-14-577-113 only.

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

Motion carried

ZBA18-041 David Chapman, 2021 N. Long Lk., Fenton:

06-11-528-002

2021 N. Long Lk.

Requesting 120 ft. sight line variance to build an accessory building.

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Secretary Reid reviewed the file. David Chapman was sworn in. He explained that when he and his family bought this house he assumed he would be able to build a pole barn because there were others in the neighborhood. He said he was not aware of the sight line requirements until he came to the Township office and was told he would need a variance. He said he had talked to his neighbors and they did not have an issue with his proposed construction. He submitted letters from both neighbors to support his request. Chapman explained he needs this building for storage of materials he uses for work. He said he flips houses and when he is rehabilitating a structure, he has materials that need to be stored inside. He added he has scaffolding and other equipment that he does not want to be left out in his yard because it looks unkempt. Chairperson Cady called for public comments. Secretary Reid read letters from Scott Parker, 2013 N. Long Lk., and Wayne Yates, 2029 N. Long Lk. stating they are aware of Chapman's plans and they have no objections. Marko stated when he saw the request for a 120 ft. sight line variance he thought it was excessive but after visiting the site, he saw the practical difficulty. He noted the property is at least 400 ft. deep and the accessory building is more than 200 ft. from the water. Spear agreed. Reid added there is a lot of vegetation that already affects the view of the lake. Cady concurred adding the depth of these lots and the location of the homes in relationship to the lake make for a unique situation in this case.

Motion to approve 120 ft. sight line variance to build an accessory building.

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

Motion carried

ZBA18-042 Kevin Lees, P.O. Box 328, Bloomfield Hills:

06-22-601-012

12 Emerald Pt.

Requesting 70 ft. sight line variance to add a staircase to existing deck.

Secretary Reid reviewed the file. Kevin Lees, Ecoart Landscape, was sworn in to represent Jim Stein, owner of the property. He explained the request to a second staircase to an existing 75 ft. long deck. The proposed staircase will be located on the north side of the deck to act as an additional emergency exit from the master bedroom and the other rooms on the north side of the home as well as gain easier access to the rear terrace and lake. He said the staircase is a mirror image of the staircase on the south end of the deck. He added the staircase will have glass panel rails to minimize sight line concerns. Chairperson Cady called for public comments. There were none. Baran said this is a case where a sight line waiver could have been granted by the Zoning Administrator because of the orientation of this structure and the one to the south. Cady agreed, adding the house to the south actually faces away from this house and is on a point. He also stated there is a practical difficulty because this lot is on a cul-de-sac pushing the structure's location toward the lake.

Motion to approve 70 ft. sight line variance to add a staircase to existing deck.

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

Motion carried

RENEWAL OF HOME OCCUPATION PERMITS

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Chairperson Cady explained he will read each of the renewal applications and called for public comments on any of the applications. There were none. Cady also asked if the Board had any comments regarding any of the renewals. Marko asked if Township staff had received any comments, complaints or concerns about any of the applications. Recording Secretary McDonald said there have been no comments, complaints or concerns brought to the Township's attention.

HO02-001 Mark Wendling 12075 Torrey Rd:

06-11-503-021

Requesting to renew a home occupation permit to operate gun sale business in his residence.

Motion to approve renewal of a home occupation permit to operate gun sale business in his residence.

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

Motion carried

HO02-004 Craig Allen 11533 Torrey Rd:

06-02-300-042

Requesting to renew a home occupation permit to operate an auto wholesale business in his residence.

Motion to approve renewal of a home occupation permit to operate an auto wholesale business in his residence.

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

Motion carried

HO02-012 Tonya Gerow-Borucki 2352 Belle Glade Ct:

06-02-553-006

Requesting to renew a home occupation permit to operate dog-grooming business in her garage.

Motion to approve renewal of a home occupation permit to operate dog-grooming business in her garage.

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

Motion carried

HO08-042 William Molpus 2355 Thompson Rd:

06-02-552-006

Requesting to renew a home occupation permit to operate small deck installation business from his residence.

Motion to approve renewal of a home occupation permit to operate small deck installation business from his residence.

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

Motion carried

HO13-051 Melvin Spencer, 14283 Hogan Rd:

06-19-300-001

Requesting to renew a home occupation permit to continue to operate gun sale business in residence.

Motion to approve renewal of a home occupation permit to continue to operate gun sale business in residence.

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

Motion carried

HO13-053 Sharon Schneider, 15074 Meadow Ln:

06-30-601-012

Requesting to renew a home occupation permit to continue to operate salon in her residence.

Motion to approve renewal of a home occupation permit to continue to operate salon in her residence.

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

Motion carried

HO14-009 Timothy Paige, 5450 Blossom Ln:

06-32-601-101

Requesting to renew a home occupation permit to continue to operate gun sale business in his residence.

Motion to approve renewal of a home occupation permit to continue to operate gun sale business in his residence.

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

Motion carried

HO14-021 Michael Conway, 4401 Silver Lk. Rd:

06-28-100-001

Requesting to renew a home occupation permit to continue to operate barbershop in his residence.

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Motion to approve renewal of a home occupation permit to continue to operate barbershop in his residence.

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

Motion carried

HO14-026 Daniel Corbett 2410 Torrey Grove Ct:

06-11-651-012

Requesting to renew a home occupation permit to continue to operate gunsmithing business in his residence.

Motion to approve renewal of a home occupation permit to continue to operate gunsmithing business in his residence.

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

Motion carried

HO15-014 Diana Gibbons, 13507 Haddon St:

06-14-577-109

Requesting to renew a home occupation permit to continue to operate personal training business in her residence.

Motion to approve renewal of a home occupation permit to continue to operate personal training business in her residence.

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

Motion carried

HO16-047 Daniel Maldonado, 4237 Crystal Cove Ct, Linden:

06-21-626-034

Requesting to renew a home occupation permit to continue to operate gun sale business in his residence.

Motion to approve renewal of a home occupation permit to continue to operate gun sale business in his residence.

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

Motion carried

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HO16-005 Alexander Adams, 13260 Marvin Dr. Fenton:

06-15-100-018

Requesting to renew a home occupation permit to continue the operation of heating and cooling business at his residence.

Motion to approve renewal of a home occupation permit to continue the operation of heating and cooling business at his residence.

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

Motion carried

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

ADJOURN: 7:40 p.m.

Chairperson Cady
Minutes Posted 10/25/18

Secretary Reid