

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF NOVEMBER 27, 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: October 23, 2018

Motion to approve the minutes as presented

Motion by: Cady

Seconded by: Baran

All in favor

Motion carried

NEW BUSINESS:

HO18-045 Karen O'Hara, 2455 Golfview Circle, Fenton:

06-11-652-031

2455 Golfview

Requesting a home occupation permit for an auto wholesale business in residence.

Secretary Reid reviewed the file. She noted there is one letter for public comment. Karen O'Hara was sworn in. She stated this is temporary because she is moving in about 6 months; however, she did not want to wait for the move to obtain her license. She explained that auto wholesalers are allowed to buy and sell to other auto wholesalers only. She added she is prohibited from having cars for sale or on display on the property and is also prohibited from having any signage. Chairperson Cady called for public comments. Andrew Nerreter, 12290 Water Greens Ct., stated he is the president of the subdivision association and conveyed the residents' concerns regarding vehicles parked or displayed for sale in this residential neighborhood. He added after talking to Ms. O'Hara he has been assured that this will not be the case. He said the association does not object to this home occupation. Secretary Reid read the letter from Greg Hernack, 12419 Margaret, which stated he is not in favor of the request because the area is a quiet, residential neighborhood, not appropriate for this type of business. Cady stated there are several of this type of home occupations in the Township and many people do not understand how this type of business operates. Lorraine confirmed that there will be no signage.

Motion to approve a home occupation permit for an auto wholesale business in residence.

Motion by: Cady

Seconded by: Lorraine

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

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Nays: None
Absent: None

Motion carried

ZBA18-043 Mark Hochkins, 15203 Restwood, Linden:

06-30-502-038

15203 Restwood

Requesting 9 ft. front and 3.5 ft. side yard setback variances for a shed they relocated and 1.5 ft. front, 5 ft. side and 5 ft. setback from principal structure variances for a new shed built without a permit.

Secretary Reid reviewed the file. Mark Hochkins was sworn in. He explained he had relocated an old shed on his property and extended an area for parking. Then, after talking to both neighbors, he ordered the new shed. He claimed that when Restwood Drive was paved they paved over a portion of his property further restricting the area for parking. He said he has grown children that have families and when everyone is visiting, the parking becomes an issue. He noted all he has done is to try to make the parking situation better. The new shed was placed where the old shed sat for a number of years. Shortly after the new shed was placed, someone contacted the Township and complained. Matta asked if Hochkins was aware that he needed a permit for both the shed relocation and the new building. Hochkins said he was not. Reid asked if the new shed was on a foundation. Hochkins said it is on a slab. Chairperson Cady called for public comments. Secretary Reid read letters from Kirk Rundell, 15199 Restwood, and Kyle Edwards, 15205 Restwood, both supporting the request and an email from another resident of Restwood that requested to remain anonymous, which stated opposition to the request. Matta stated this request is for two separate buildings and suggested they be voted on individually. Marko voiced concerns about the new shed being located on the property line and suggested the shed be moved to the east. Reid concurred adding that locating the shed on the property line imposes a problem for the neighbor if they want to build something in this location of their front yard. Baran stated the new shed could be moved to address the concern about being built on the property line. He said he has concerns that it is not 10 ft. from the house. Baran and Matta stated concerns that this was done without considering a permit, and that the setback issues would have been identified during the permit application process. Lorraine asked about this being called a shed when it acts and looks like a garage. Hochkins said it is a 198 sq. ft. outbuilding that was classified as a shed and that it was custom ordered from an Amish company. Chairperson Cady explained the board would consider the request as two separate issues.

Motion to approve 9 ft. front and 3.5 ft. side yard setback variances for a shed that was relocated.

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

Motion carried

Motion to approve 1.5 ft. front, 5 ft. side and 5 ft. setback from principal structure variances for a new shed built without a permit.

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

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Absent: None

Motion failed

Motion to deny 1.5 ft. front, 5 ft. side and 5 ft. setback from principal structure variances for a new shed built without a permit.

Motion by: Cady

Seconded by: Baran

Ayes: Cady, Marko, Matta, Reid, Spear

Nays: Baran, Lorraine

Absent: None

Motion carried

ZBA18-044 James & Stacey Lombardi, 13185 Torrey, Fenton:

06-14-100-020

13185 Torrey

Requesting 15 ft. sight line and 408 sq. ft. maximum allowable square footage of accessory building variances to build a new house and garage.

Secretary Reid reviewed the file. James Lombardi was sworn in. He explained they purchased the farmhouse next to the barn at the corner of Torrey and Crane Roads with the intent to restore the house. Once they started making plans for the restoration, they found the structure could not be restored because of its age and condition. He said they began to plan for a new structure. They hired an architect and carefully looked at the ordinances and considered placement based on the available footprint. He said the lot is large but difficult because of its irregular shape and the curve of the shoreline. The sight line variance is requested for a loggia - a two-story porch with screened in first floor and covered porch on the upper level. He said there is also a fireplace chimney that protrudes approximately 2 ft. from the structure. He said they have placed the loggia in the center of the main structure to minimize any adverse effects on neighbors' views of the lake. He noted this 15' X 18' loggia is the only portion of the house that is beyond the sight line. He said the second variance is for a larger than allowed garage. He explained they currently have an attached garage and a large out building. He said he has a number of items that need to be stored indoors. The other consideration was to design a house without making it look garage heavy. The proposed side load garage and courtyard will minimize the impact of the additional size. The garage is proposed to be angled in order to maintain side and front yard setbacks. Chairperson Cady called for public comments. Daniel Lennon, Arch-revival Architects, Birmingham, demonstrated the sight lines from the neighbors by showing a graphic. He added there was a limited area for placement of the proposed structure with the sight line, required setbacks and the topography of the site. He said if the house was moved toward the road they would lose the elevation for a true walkout. Baran said this is a unique situation because of the shape of the lot and its location in the cove. Cady and Reid agreed. The board discussed the newly adopted ordinance regulating accessory buildings and the increase in allowable square footage. The board acknowledged that the provisions of the new ordinance were not applicable to the variance requests included on the current meeting agenda. Lorraine said there is value in this accessory building space. He supported the request stating he would like to see the Township raise the allowed size of accessory buildings more than they did in the new ordinance. He said he would rather see people's property stored inside. Matta concurred. Spear said the additional 408 sq. ft. is excessive but she did not see an issue with the sight line variance. Chairperson Cady said they would consider these two variances as separate issues.

Motion to approve 15 ft. sight line variance to build a new house and garage.

Motion by: Cady

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MINUTES FOR REGULAR MEETING OF NOVEMBER 27, 2018**

Seconded by: Baran

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

Nays: None

Absent: None

Motion carried

Motion to approve 408 sq. ft. maximum allowable square footage of accessory building variance to build a new house and garage.

Motion by: Cady

Seconded by: Baran

Ayes: Baran, Lorraine, Marko, Matta, Reid

Nays: Cady, Spear

Absent: None

Motion carried

ZBA18-045 Jacob Staley, 13533 Wenwood Parkway, Fenton:

06-13-300-010

13533

Wenwood

Pkwy.

Requesting 663 sq. ft. allowable square footage of accessory building variance to build a new detached accessory building.

Secretary Reid reviewed the file. Jacob Staley was sworn in. He explained that he is an outdoor enthusiast and has two boats, recreational vehicles and other outdoor equipment that needs to be stored indoors. He said in the past the boats have been shrink wrapped and have been damaged by rodents while stored outside. He noted the attached garage is a one car garage. He said he wants to clean up the property by getting the items inside. He distributed a rendering of the proposed accessory building explaining that it will be sided and roofed to match the work being done on the house. Spear stated concerns that the request is excessive. Chairperson Cady called for public comments. Valerie Gray, 13529 Wenwood Pkwy., said she lives across the street and supports the request. She said she would rather see the items currently stored outside go in the building. Brenda and Art Parnell, 13539 Wenwood Pkwy. both said they supported the request. They said they live next door and their grandchildren frequently play with the Staley children and that having these things stored inside would be safer. They also said the accessory building will replace a lean-to and old shed on the property, which would improve the look of the property. They encouraged the board to approve the request. Ian L'Hommedieu, stated he is the builder currently working on the improvements to the house and will also be constructing the accessory building. He stressed the removal of the lean-to and the old shed will improve the property. He added the vinyl siding, white wrapped windows and garage doors will mirror the house. Reid asked if they plan to pave a new driveway leading to the proposed building. Staley said there is no plan to pave a new driveway as the items in the building will be stored seasonally without the need for a permanent paved drive. Matta supported the request and the removal of the existing structures. Reid said 663 sq. ft. in her opinion is excessive.

Motion to approve 663 sq. ft. allowable square footage of accessory building variance to build a new detached accessory building.

Motion by: Cady

Seconded by: Baran

Ayes: Baran, Lorraine, Marko, Matta

Nays: Cady, Reid, Spear

Absent: None

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Motion carried

RENEWAL OF HOME OCCUPATIONS:

HO02-005 Gilford Goodrow 11250 O'Dell Rd:

06-05-200-008

11250 O'Dell

Requesting to renew a home occupation permit to have photography studio at residence. Secretary Reid reviewed the file. Spear asked if the Township had received any complaints about this home occupation. Recording Secretary McDonald confirmed there have been no complaints.

Motion to approve renewal of a home occupation permit to continue the operation a photography studio at residence.

Motion by: Cady

Seconded by: Baran

Ayes: Cady, Baran, Lorraine, Marko, Matta, 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 11/30/18

Secretary Reid