

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF FEBRUARY 26, 2019**

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 7:05 pm.

Present: Cady, Baran, Farney, Marko, Matta, Spear
Zoning Administrator Deem

Absent: Trustee Lorraine

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: January 22, 2019

Motion to approve the minutes as amended:

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

NEW BUSINESS:

ZBA 19-004; Scott Seymour, 4025 Minnetonka

06-16-526-021

Requesting 10 ft. front yard and 12 ft. sight line variances to build an addition and deck at 4025 Minnetonka.

Secretary Spear reviewed the file and noted that it was complete. No representative was present to review the variance request. Chairperson Cady called for public comments.

Jim Jarrett, 4015 Minnetonka Dr., stated that he was against the request.

Kathy Bertogli, 4009 Minnetonka Dr., stated that the neighbors are tired of the condition of the property.

Michelle Prosch, 4029 Minnetonka Dr., stated that although her husband signed a letter in support, she is against the variance request. She is also upset with the condition of the property.

Secretary Spear read two letters of support for the variance.

Chairperson Cady closed the public comment.

Commissioner Matta noted that the applicant was not present for the second meeting in a row.

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Motion to approve a 10 ft. front yard and 12 ft. sight line variances to build an addition and deck.

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

Motion failed.

Motion to deny a 10 ft. front yard and 12 ft. sight line variances to build an addition and deck.

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

Motion carried

ZBA 19-006: Eric Golota, Lot 35 Wenwood Drive.

06-13-555-003

Requesting a 12 ft. sight line variance for the construction of a deck and 7-inch side yard setback variance for an eave overhang.

Secretary Spear reviewed the file and noted that it was complete. Chris Weir, representative of the applicant, was sworn in and explained the request for a sightline and eave overhang variance.

Chairperson Cady opened the public comment. No comments were made.

Motion to approve a 12 ft. sight line variance for the construction of a deck and 7-inch side yard setback variance for an eave overhang.

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

Motion carried

ZBA 19-007: Gary Haphy, 14202 Eastview Dr

06-22-528-012

Requesting a 1 ft. side yard variance to construct a porch.

Secretary Spear reviewed the file and noted that it was complete. George Haphy, son of the applicant, was sworn in and explained that although the applicant had previously received a side yard variance, the design of the porch required an additional variance of one foot.

Chairperson Cady opened the public comment, no comments were made.

Motion to approve a 1 ft. side yard variance to construct a porch.

Motion by: Cady

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

Motion carried

ZBA 19-008: Michael Schwab, 13254 Enid Blvd.

06-14-577-046

Requesting an 8 ft. sight line variance to construct a covered porch. Secretary Spear review the file.

Secretary Spear reviewed the file and noted that it was complete. Jeremy Pantoon, 2800 Landon Road, Howell, representative to the applicant was sworn in and explained that the request was a reduction from a previous request.

Chairperson Cady opened the public comment, no comments were made.

Commissioner Marko stated that he visited the site and noted that he believes the reduced variance is reasonable for the area. Commissioner Matta agreed with Commissioner Marko.

Chairperson Cady noted all houses are close to the water, reducing their sight lines.

Motion to approve an 8 ft. sight line variance to construct a covered porch.

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

Motion carried

ZBA 19-009: Mark Hochkins, 15203 Restwood Dr

06-30-502-038

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

Secretary Spear reviewed the file and noted that it was complete. Richard Ebbott, the attorney for the applicant, was sworn in. Mr. Ebbott explained that the applicant is seeking a variance for an accessory building built without a permit that was built too close to the principal structure and front and side yard setbacks. Mr. Ebbott stated that the applicant talked to the township about the requirements for demolition of an existing shed and for pouring a cement slab, but did not ask if a permit was needed to build a new accessory building. Mr. Ebbott further stated that the applicant would be agreeable to the Zoning Board of Appeals placing a condition that the applicant would pay an additional fee for building without a permit as part of an approval.

Kirk Rundell, 15199 Restwood Dr, neighbor to the applicant, stated that he believed the applicant has a challenge for storage.

Secretary Spear read into the record an email from Paul and Margaret Panchula, 15177 Restwood Dr. "To the Fenton township board, we live at 15177 Restwood dr. and we

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have no problem about the shed or garage on Mr. Mark Hochkins property@15203 Restwood dr. their has always been a shed on the same spot so I see no problem. Thank you Paul Panchula”

Commissioner Matta explained the issue with building without a permit and the distance from the principal building. The reason for the separation requirement is due to the fire hazard that can occur when buildings are built close together. The ZBA discussed the possibility of requiring a firewall.

Vice Chair Baran questioned whether the ZBA could require a financial penalty as a condition of approval. Mr. Ebbott was asked if he had any experience of a Zoning Board of Appeals requiring a financial payment. Mr. Ebbott responded that he did not.

Commissioner Marko was concerned about setting a precedence for granting a variance for work done without a permit. Vice Chair Baran noted that the ZBA had previously granted a variance for work done without a permit. Secretary Spear provided an example where the ZBA denied a variance for work done without a permit and required the removal of the accessory building.

Chairperson Cady reviewed the case noting the proximity of the accessory building to the house. Mr. Cady stated that he could not approve the variance without a firewall. Commissioner Matta about the liability the Township has if there is a fire.

Chairperson Cady quickly reviewed similar cases in the past and noted that each case is determined on its own merits.

Motion to approve Requesting a 1.5 ft. front, 5 ft. side and 5 ft. setback from principal structure variances for a new shed built without a permit with the condition that a firewall be installed.

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

Motion failed.

Motion to approve a 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: Baran
Nays: Cady, Farney, Marko, Matta, Spear
Absent: Lorraine

Motion Failed

Motion to deny a 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, Farney, Marko, Matta, Spear
Nays: Baran

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Absent: Lorraine
Motion carried

ZBA 19-010: James Terbrueggen, Lot 18 Cussewago Drive

06-14-527-049

Requesting a 6% variance for maximum coverage of lot by buildings, a 10 ft. front yard setback variance, and a 2 ft. rear yard variance to construct a new home. Secretary Spear reviewed the file.

Secretary Spear reviewed the file and noted that it was complete. Chris Healy, representative for the applicant, explained the variance request. The lot is narrow limiting the building area. The request maintains the sight light setback and the request is similar to other properties in the area.

Chairperson Cady opened the public comment.

Kelly Doherty, 12536 N Fenton Road, part owner of the lot to the north, stated that she is concerned about stormwater runoff and increased traffic to the area.

Laura Quill, Pine Street, parents are part owner of the lot to the north. Ms. Quill stated that stormwater is a major issue and that their property already floods. Chairperson Cady explained that stormwater management is reviewed as part of the building permit process. Secretary Spear read into record an email from Mr. Root explaining his concerns about stormwater and access to the property during construction.

Chairperson Cady closed public comment.

Commissioner Matta asked about Lot 17, Ms. Doherty stated that the lot provides access to the island.

Commissioner Marko stated that the applicant needs to have a good understanding of the drainage of the site.

Chairperson Cady stated that the front setback and rear setbacks are consistent with the development pattern of the area, but he has concerns about the additional six percent of coverage.

Vice Chairperson Baran stated that coverage contributes to drainage issues.

Mr. Healy stated that the six percent coverage is equal to about 180 square feet. The applicants have worked to reduce the size of the home to get as close to 30 percent as possible. He also noted that half of the homes on Cusswego Drive exceed the 30 percent coverage.

Commissioner Matta noted that Cusswego Drive was the first residential development on the lake. He does not have an issue with the additional six percent coverage request.

Motion to approve a 6% variance for maximum coverage of lot by buildings, a 10 ft. front yard setback variance, and a 2 ft. rear yard variance to construct a new home.

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

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Motion failed.

The case was postponed until the March 26, 2019 meeting.

ZBA 19-011: Jodie Hendrickson, 13353 Haddon Drive

06-14-577-108

Requesting a 5 ft. front yard and 7.5 ft. sight line variance to construct a new home. Secretary Spear reviewed the file.

Secretary Spear reviewed the file and noted that it was complete. Ed Pinkelman, representative for the applicant, was sworn in. He explained that the front yard variance would place the proposed home even with the adjacent property and the sight line variance is for the deck only.

Chairperson Cady opened public comment.

Rick Cawthray, 13357 Haddon, stated that he had no issues with the proposed variance.

Motion to approve a 6 ft. 3 in. front yard setback variance to build an addition to the garage.

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

Motion passed.

ZBA 19-012: Brett Ramsay, 16305 Red Fox Trail

06-32-061-001

Requesting a 5 ft. side yard setback to construct a new home. Secretary Spear reviewed the file.

Secretary Spear reviewed the file and noted that it was complete. Brett Ramsay, 216219 Mayfield, Farmington Hills, was sworn in and stated that the variance would allow the proposed home to be aligned with neighboring property. The five-foot variance is for a small corner of the building; the majority of the house will meet the setback requirements.

Chairperson Cady opened the public comment, no comments were made.

Chairperson Cady noted that the practical difficulty was due to the pie shape of the lot and that the applicant was asking for the minimum variance necessary.

Motion to approve a 5 ft. side yard setback to construct a new home.

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

Motion carried

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

ADJOURN: 8:27 p.m.

Chairperson Cady

Secretary Spear