

**CHARTER TOWNSHIP OF FENTON ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 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 7:00 pm.

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

Absent: 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
Motion carried

MEETING MINUTES: October 22, 2019

Motion to approve the minutes as amended.

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

UNFINISHED BUSINESS:

None

NEW BUSINESS:

ZBA 19-009 Mark Hochkins, 15203 Restwood Dr

Requesting a 5 ft. side yard setback and 5 ft. setback from principal structure variances for a new shed built without a permit, parcel 06-30-502-038.

Dick Ebbet, attorney for the Hochkins, was sworn in. Mr. Ebbet explained that since their last appearance, the Hochkins have appealed the ZBA's decision to deny their request for a variance to the Genesee County Circuit Court. Mr. Ebbet then briefed the Zoning Board on the current status. The Circuit Court has sent the case back to the ZBA to reconsider whether the application should be granted without having to tear down the shed in question and any of the following:

- (a) Application for a building permit and payment of the fee;
- (b) Installation of firewalls; and
- (c) Any other requirement short of removal of the shed.

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Mr. Ebbet stated that If fire is a concern for the safety of the township residents, then, the ZBA should require the Hochkins to put up firewalls in the shed.

Chairperson Cady opened the public hearing.

Kirk Rundell, 15199 Restwood Drive, spoke in favor of the request.

Secretary Spear read into the record an email received against the variance request.

“I am Mike Benedict and I live at 15204 Restwood Drive. My thoughts have not changed since the other appeals have been made for 15203 Restwood Drive. I don't agree with it and feel like if one person does not have to obey the law, the laws. Then what about the rest of the neighbors. Thank you for your time, Mike Benedict.”

Chairperson Cady closed the public comment.

Zoning Administrator Deem was asked to provide opinions from the Fire Chief and Township Attorney about the situation. Mr. Deem responded that the Fire Chief stated that based on the location of the structure, a fire wall would be required under the Building Code. The Fire Chief has also expressed a general concern regarding the closeness of buildings along the lakes. The closeness of the buildings limits access to the property and can create issues when fighting structure fires.

Mr. Deem explained that regarding the question of the ability for ZBA to impose fines, the Township Attorney stated that the ZBA does not have that ability. Any issues dealing with money, whether it's the cost of fees fines etc., are a Township Board issue. Additionally, the Attorney stated that there would be no liability to the Township if the ZBA were to approve the variance and a neighbor's house were to burn down as a result of the shed catching fire.

Commissioner Matta expressed his concerns about the accessory building being constructed without a building permit and potential fire hazards with the accessory building location.

Commissioner Baran noted that a firewall could be installed similar to an attached garage that would reduce the potential fire hazard.

Motion to approve a 5 ft. side yard setback and 5 ft. setback from principal structure variances for a new shed built without a permit at 15203 Restwood Dr. with the following conditions:

1. Install a 1-hour fire wall for the walls and ceiling of the structure; and
2. Apply for and receive a building permit, including all Township fees, and have the structure inspected by the Township Building Official.

Motion by: Cady

Seconded by: Matta

Ayes: Farney, Baran, Cady, Spear, Matta

Nays: Marko

Absent: Lorraine

Motion passed.

RENEWAL OF HOME OCCUPATIONS

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

Requesting to renew a home occupation permit to continue to operate barber shop in residence; parcel 06-28-100-001

Commissioner Matta informed the Zoning Board of Appeals that Mr. Conway is his barber.

Motion to deny recusal of Commissioner Matta due to potential conflict of interest.

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

Motion passed.

Motion to approve the renewal of the home occupation.

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

Motion passed.

PUBLIC COMMENT: None

Meeting was adjourned at 7:30 pm.

Chairperson Cady

Secretary Spear