

MINUTES OF Board of Appeals -Public Hearing (Brendle)

HELD September 21, 2017 20
Metamora Jennie Dagher

Township of

Clerk

Form M-1-PT

The Biggs Press, Inc., Flint, Michigan

Chairman Porretta called the Metamora Township Zoning Board of Appeals public hearing to order at 7:02 p.m. at the Metamora Township Hall, 730 W. Dryden Road, Metamora, Michigan.

Members Present: Chairman Frank Porretta, Members Dean Bedford and Phil Bellinger

Members Absent: None

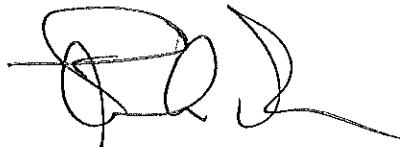
Also Present: Planner Scott Kree from ROWE Engineering, Mr. and Mrs. Ken Brendle and Dan Miller

The Pledge of Allegiance was recited. Chairman Porretta indicated that this is a public hearing on the application of Ken Brendle for approval of two variances involving erecting an outbuilding, one dealing with the front yard setback and the other dealing with the direction the doors of the building would be facing. The property in question is located at 1277 Pratt Road. Mr. Porretta acknowledged the applicant in the audience and asked if he had any further comments in addition to the printed materials submitted. Mr. Brendle stated he owns 2.3 acres on this corner lot and desires to center the proposed storage building on the vacant part of the property. Mr. Porretta stated he viewed the property today and met with the applicant and his wife and the house faces Pratt Road and between the house and the location of the proposed outbuilding there is a canal that comes up from the lake and the canal limits where the building can be positioned. Mr. Porretta further stated the lot faces Pratt Road but that part of the lot where the building is to be located faces East Lake Road also. Mr. Brendle confirmed that the variance request is with regard to East Lake Road. Mr. Brendle stated the outbuilding would be approximately 32 feet by 48 feet but this was an estimate. Mr. Bellenger asked and the Mr. Brendle confirmed that the proposed building would not be any larger than 32 by 48 feet. The Board members noted that a number of the residences on East Lake Road in that area are close to the road also. Board discussion.

Chairman Porretta asked if anyone else had any further comment on this application and there was none. There were no written comments received by the Township in response to the Notice of Public Hearing.

Motion by Member Bellinger, supported by Member Bedford, to close the public hearing at 7:08 p.m. Motion carried, all voting aye.

Respectfully submitted,
Darlene Wise, Recording Secretary



cc: All Board Members
Persons requesting same

Frank Porretta, Chairman

MINUTES OF Board of Appeals -Public Hearing (Cement Plant/Interpretation)

HELD September 21, 2017 20
Metamora Jennie Dagher

Township of

Clerk

Form M-1-PT

The Reg'a Press, Inc. Ecol, Michigan

Chairman Porretta called the Metamora Township Zoning Board of Appeals public hearing to order at 7:08 p.m. at the Metamora Township Hall, 730 W. Dryden Road, Metamora, Michigan.

Members Present: Chairman Frank Porretta, Members Dean Bedford and Phil Bellinger

Members Absent: None

Also Present: Planner Scott Kree from ROWE Engineering, Mr. and Mrs. Ken Brendle and Dan Miller

Chairman Porretta stated that this is a public hearing on a request by the Township for determination by this Board with regard to the cement plant to determine whether or not the cement plant and the proposed changes to the cement plant fall within any zoning ordinance of the Township of Metamora and asked if anyone in the audience was present to address this. Dan Miller stated he is a property owner of the subject property and reviewed the history of the property. Mr Miller stated that the issue with the interpretation of the ordinance came about when they were inquiring about making a small addition to the existing building for office space and a second silo for cement powder storage.

Mr. Bedford commented the cement plant is grandfathered because it was there before the area was zoned and stated that the zoning district was put there to accommodate the cement plant. Mr. Porretta stated he did not see that a cement plant meets the definition of a principal permitted use of a business district or a special land use of a business district which includes a principal permitted use of light manufacturing. Board discussion with Planner Kree and review of the ROWE Memo of August 31, 2017 and Zoning Ordinance. Mr. Bedford commented that the phrase "cement plant" should be added to the permitted list of uses in the M-1 district and as a special land use in the B-2 district.

There were no written comments received by the Township in response to the Notice of Public Hearing.

There being no further comment for the public hearing, **Motion by Member Bedford, supported by Member Bellinger, to close the public hearing at 7:30 p.m. Motion carried, all voting aye.**

Respectfully submitted,
Darlene Wise, Recording Secretary



cc: All Board Members
Persons requesting same

Frank Porretta, Chairman

MINUTES OF Zoning Board of Appeals

HELD September 21, 2017
Metamora

20
Jennie Dagher

Township of

Clerk

Form M-1-PT

The Reg's Press, Inc., Fint, Michigan

Chairman Porretta called the regular meeting of the Metamora Township Zoning Board of Appeals to order at 7:30 p.m. at the Metamora Township Hall, 730 W. Dryden Road, Metamora, Michigan.

Members Present: Chairman Frank Porretta, Members Dean Bedford and Phil Bellinger

Members Absent: None

Also Present: Planner Scott Kree from ROWE Engineering, Mr. and Mrs. Ken Brendle and Dan Miller

Approval of Agenda

Motion by Member Bedford, supported by Member Bellinger, to approve the agenda as presented. Motion carried, all voting aye.

Approval of Minutes

Chairman Porretta noted that the next item is to approve the minutes of October 20, 2016. **Motion by Member Bellinger, supported by Member Bedford, to approve the minutes of the Zoning Board of Appeals public hearing and regular meeting of October 20, 2016, as presented. Motion carried, all voting aye.**

Public Comments: Non-Agenda Items

None.

Unfinished Business

- A. Decision on Public Hearing—Ken Brendle, Parcel No. 015-007-018-00, for two variance requests from the Metamora Township Zoning Ordinance No. 23. First request: Article 13, Schedule of Regulations, Section 1300, to reduce the required 50 foot front yard setback to 20 feet, seeking a 30 foot variance. Second request: Section 1500.B.6, to allow the overhead doors on a residential accessory building to be located in the front yard. This parcel is a corner lot.**

Chairman Porretta noted the next item is the decision on the request of Ken Brendle for two variances. Chairman Porretta stated that after reviewing the materials submitted and viewing the site he is in favor of granting the variances for reason that the property is unique with the canal running up the middle of it and that the property is on a corner lot so there are two frontages. Mr. Bellinger and Mr. Bedford agreed and stated further there was no opposition from the neighbors.

GRANT OF VARIANCE

**Tax Parcel No. 44-015-007-018-00
1277 Pratt Road, Metamora, Michigan**

Motion by Member Bellinger, supported by Member Bedford, that the Metamora Township Zoning Board of Appeals hereby grants a variance from Article 13, Schedule of Regulations, Section 1300 and from Section 1500B.6. of the Metamora Township Zoning

Township of

MetamoraJennie Dagher

Clerk

Form M-1-PT

The Reg'e Press, Inc., Flint, Michigan

Ordinance to allow petitioner, Ken Brendle, to construct an accessory building at 1277 Pratt Road as shown on the drawing provided by the applicant. The grounds for this decision are that the property is unique in nature with a canal running through it, that it is a corner lot with two frontages, neighboring homes are close to the road, and there is no public objection to this request. Roll call vote: Porretta, aye; Bedford, aye, Bellinger, aye. All ayes, no nays, no absent. Motion carried.

This decision was certified pursuant to the attached Final Decision of the Metamora Township Zoning Board of Appeals dated September 21, 2017.

B. Decision on Public Hearing-Request submitted by Metamora Township on the classification of a use. Cement plants are not a use currently listed in the Township Zoning Ordinance. The Zoning Board of Appeals has the authority to interpret the classification(s) for a cement plant and whether the use should be permitted by right or as a special land use.

Chairman Porretta stated the next item is the decision on the interpretation of the cement plant and stated he reviewed the Zoning Ordinance and does not find that it permits a cement plant operation either as a principal use of the B-2 district which the plant is in or a special use of the B-2 district which would include the principal uses of the M-1 light manufacturing. Board discussion. Planner Kree stated that the Planning Commission has already instructed ROWE to start the process to amend the ordinance and the issue tonight is an interpretation of the ordinance to classify the use since the Township had received a site plan application from the owners of the cement plant to add extra office space. Planner Kree stated further that this interpretation will not stand long because the Township is in the process of amending the Zoning Ordinance and that it could be a three month process. Mr. Bedford pointed out that when the zoning was put in, this district was created solely for this cement plant that was already there and further stated that by interpretation a cement plant was a permitted use in the M-1 district and because of changes in the ordinance it makes it a special land use in B-2. Mr. Bellinger pointed out that they are paying taxes on the property as if it were in M-1. Further discussion among Board and Planner and review of ordinance.

Motion by Member Bellinger, supported by Member Bedford, that the Metamora Township Zoning Board of Appeals' interpretation of the Zoning Ordinance is that even though a cement plant operation is not stated in the ordinance, it was the intent in the M-1 district that cement plants be permitted as a principal use and as a special land use in B-2, and this Board recommends that the Township as promptly as possible amend the ordinance to include the use. All ayes, no nays, no absent. Motion carried.

New Business

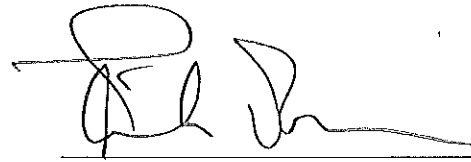
None.

Matters for Discussion from the Commission Members

Nothing at this time.

**Motion by Member Bellinger, supported by Member Bedford, to adjourn at 8:11 p.m.
Motion carried, all voting aye.**

Respectfully submitted,
Darlene Wise, Recording Secretary



Frank Porretta, Chairman

cc: All Board Members
Persons requesting same



Metamora Township

730 W. Dryden Road
Metamora, MI 48455
Phone: 810-678-2237
Fax: 810-678-3209
e-mail metatwp@yahoo.com

Metamora Township, Lapeer County

Final Decision of the Metamora Township Zoning Board of Appeals

For an appeal by right of this decision to be timely, it must be made to the circuit court for the county in which the property is located within 30 days of the date of this order. (MCL 125.3606).

Appeal Name: _____ Hearing Date: 9-21-17

Applicant: Ken Brendle

Address: 1277 Pratt Rd., Metamora, MI 48455

Phone Number: _____ Fax Numbers: _____

Type of Request to ZBA (variance, interpretation of zoning map, administrative appeal, other etc.)

ZBA Findings of Fact:

Special conditions of Land include being on a corner, so 2 frontages, and canal running up parcel. Also, other properties on East Lake Road are closer to the frontage than setback permit.

ZBA Decision:

Variances are granted

Reasons for Decision:

Special conditions warrant exception from technical compliance. No opposition by neighbors.

Votes of ZBA Members:

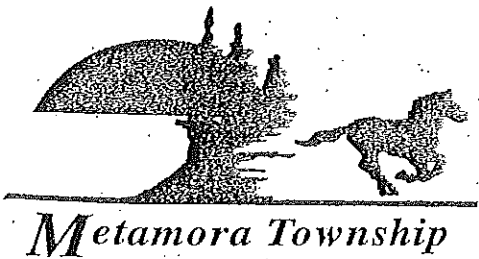
Frank Porretta	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Dean Bedford	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Phil Bellinger	<input checked="" type="radio"/> Yes	<input type="radio"/> No

Signatures of Members

[Handwritten signatures of Frank Porretta, Dean Bedford, and Phil Bellinger]

I, Darlene Wise, Recording Secretary of the Metamora Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision report.

Darlene Wise, Recording Secretary Zoning Board of Appeals



730 W. Dryden Road
 Metamora, MI 48455
 Phone: 810-678-2237
 Fax: 810-678-3209
 e-mail metatwp@yahoo.com

Metamora Township, Lapeer County

Final Decision of the Metamora Township Zoning Board of Appeals

For an appeal by right of this decision to be timely, it must be made to the circuit court for the county in which the property is located within 30 days of the date of this order. (MCL 125.3606).

Appeal Name: _____ Hearing Date: 9-21-17

Applicant: Metamora Township

Address: (for classification of a use)

Phone Number: _____ Fax Numbers: _____

Type of Request to ZBA (variance, interpretation of zoning map, administrative appeal, other etc.)

ZBA Findings of Fact:

Cement plant is a pre-existing non-conforming use, but is not a use permitted as a principal use of B-2 District or Special Land Use of B-2 which includes Principal uses of M-1.

ZBA Decision:

ZBA finds a cement plant is not included as a permitted or special use of B-2 including principal uses of M-1, but it should be, and we recommend that the Zup Board correct the omission

Reasons for Decision:

by adding Cement Plants to the principal uses of M-1, thus a Special Land Use of B-2.

Votes of ZBA Members:

Frank Porretta Yes No

Dean Bedford Yes No

Phil Bellinger Yes No

Signatures of Members

[Signature]

[Signature]

[Signature]

I, Darlene Wise, Recording Secretary of the Metamora Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision report.

Darlene Wise, Recording Secretary Zoning Board of Appeals

Metamora Township Zoning Board of Appeals
Sign In Sheet

Please Print

Date: 9-21-17

Name

Company

Address

Ken Brendle

1277 PRATT RD

DAN MULLER

MRD

1065 PRATT RD.