

MINUTES OF Board of Appeals -Public Hearing (Robertson)

HELD June 21, 2018  
Metamora

20  
Sue Clark

Township of

Clerk

Form M-1-PT

The Rego 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 and Member Phil Bellinger

**Members Absent:** Member Dean Bedford

**Also Present:** Richard Walton, Susan Walton, Taylor Robertson and Ashley Robertson

The Pledge of Allegiance was recited. Chairman Porretta indicated that this is a public hearing on the application of Ashley Robertson and the Ella June Walton Clark Irrevocable Trust for approval of two variances, the first being to reduce the required 330 foot minimum lot width to 278.9 feet and the second is to reduce the required 10 acre minimum lot size to 3.064 acres. The subject property is located at 1140 Brauer Road, Oxford (Metamora Township) and is zoned A-2. Chairman Porretta asked if there was anyone in the audience to address the issue. Richard and Susan Walton of 3126 Brauer Road, Oxford, Michigan, stated they were present on behalf of the petitioner, Ashley Robertson, who is their daughter and was also present, along with her husband. The 36.87 acre parcel of property in question is owned by the trust and Ella June Walton Clark was Ashley's grandmother.

Susan Walton stated that 10 years ago she spoke with the Metamora Township assessor about Ashley building a house on this 36.87 acre parcel and that Ashley would become a 1% owner of the parcel and pay taxes on that portion. A house was built at that time and a barn was built 3 to 4 years later.

Richard Walton stated that this parcel is part of the family farm, that his mother, Ella June Walton Clark, recently passed away, and the parcel has been deeded to him and they are attempting to break Ashley's house and barn away from the remainder of the parcel. Mr. Walton stated he owns a lot of property in that area which has been part of the family farm for five generations and he recently acquired two new pieces of property totaling 40 acres abutting the subject property. Mrs. Walton stated they are seeking to deed approximately 3.064 acres which contain Ashley's house and barn to her and her husband to preserve the rest of the farm in case the house was ever sold in the future. She further stated if they deeded the required 10 acres that would cut off access to the two 20 acre parcels of land to the east they recently acquired.

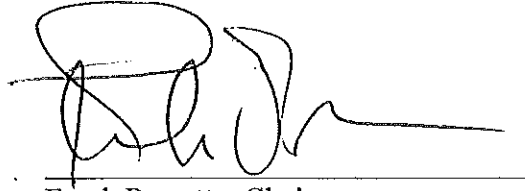
There was discussion and viewing of the drawing submitted with the application. Mr. Walton indicated further that he is seeking the lot width variance to meet the required road frontage if the property is ever sold in the future. Mr. Walton replied that he has no intention to sell the property in the near future and that he intends to continue farming it. He further stated there is a house on an approximately one acre lot directly east of Ashley's house and another house on a 2.44 acre lot to the west.

Member Bellinger stated he is familiar with the farm and recently viewed the subject property and wanted confirmation that the side setback from the barn to the neighbor's property to the east was at least 15 feet and Mr. Walton indicated it was 18 feet. Chairman Porretta asked if

any of the neighbors expressed any opposition to this request and Mr. Walton replied no. The Township received no written correspondence in response to the Notice of Public Hearing on this matter and there was no one in the audience to comment other than the petitioners.

**Motion by Member Bellinger, supported by Chairman Porretta, to close the public hearing at 7:19 p.m. Two ayes, one absent. Motion carried.**

Respectfully submitted,  
Darlene Wise, Recording Secretary



Frank Porretta, Chairman

cc: All Board Members  
Persons requesting same

MINUTES OF Zoning Board of Appeals

HELD June 21, 2018 <sup>20</sup>  
Metamora Sue Clark

Township of

Clerk

Form M-1-PT

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

Chairman Porretta called the regular meeting of the Metamora Township Zoning Board of Appeals to order at 7:19 p.m. at the Metamora Township Hall, 730 W. Dryden Road, Metamora, Michigan.

**Members Present:** Chairman Frank Porretta and Member Phil Bellinger

**Members Absent:** Member Dean Bedford

**Also Present:** Richard Walton, Susan Walton, Taylor Robertson and Ashley Robertson

**Approval of Agenda**

**Motion by Member Bellinger, supported by Chairman Porretta, to approve the agenda as presented. Two ayes, one absent. Motion carried.**

**Approval of Minutes**

Chairman Porretta noted that the next item is to approve the minutes of the last meeting of September 21, 2017. **Motion by Member Bellinger, supported by Chairman Porretta, to approve the minutes of the Zoning Board of Appeals public hearings and regular meeting of September 21, 2017, as presented. Two ayes, one absent. Motion carried.**

**Public Comments: Non-Agenda Items**

None.

**Unfinished Business**

- A. **Decision on Public Hearing—Ashley Robertson/Ella June Walton Clark IRRV Trust. Parcel 44-015-029-035-00. Property address: 1140 Brauer Road in Metamora Township, for two variance requests from the Metamora Township Zoning Ordinance No. 23. First variance request for Article 13, Schedule of Regulations, Section 1300, A-2 District, to reduce the required 330 foot minimum lot width to 278.9. The second variance request is also Article 13, Schedule of Regulations, Section 1300, A-2 District, minimum lot area to reduce the required 10 acres to 3.064 acres.**

Chairman Porretta noted the next item is the decision on the public hearing. Chairman Porretta stated that there is a uniqueness to the land with regard to the shape as if it were divided otherwise there would be no access from the east and further stated he believes granting the variances would not alter the character of the area or the intent of the zoning, and that there are smaller parcels in the area and there is no opposition from the neighbors. Member Bellinger concurred stating further that the golf course behind this property has smaller parcels.

**GRANT OF VARIANCE**

**Tax Parcel No. 44-015-029-035-00**

**1140 Brauer Road, Oxford (Metamora Township), Michigan**

**Motion by Chairman Porretta, supported by Member Bellinger, that the Metamora Township Zoning Board of Appeals hereby grants two variances from Article 13,**

**Schedule of Regulations, Section 1300, A-2 District, of the Metamora Township Zoning Ordinance to allow an approximately 3.064 acre parcel of land containing a house and barn to be conveyed to Ashley Robertson from the 36.87 acre parcel. The grounds for this decision are stated in these minutes and in the Final Decision of the Metamora Township Zoning Board of Appeals dated 6-21-18 attached hereto. Two ayes, one absent. Motion carried and variances granted.**

This decision was certified pursuant to the attached Final Decision of the Metamora Township Zoning Board of Appeals dated June 21, 2018.

**New Business**

None.

**Matters for Discussion from the Commission Members**

Nothing at this time.

**Motion by Member Bellinger, supported by Chairman Porretta, to adjourn at 7:22 p.m. Two ayes, one absent. Motion carried.**

Respectfully submitted,  
Darlene Wise, Recording Secretary



Frank Porretta, Chairman

cc: All Board Members  
Persons requesting same

ZONING BOARD OF APPEALS  
METAMORA TOWNSHIP  
21 JUNE, 7:00 PM  
METAMORA TOWNSHIP HALL

Pledge of Allegiance

Roll Call

Hearings:

A: Public Hearing – Ashley Robertson / Ella June Walton Clark IRRV Trust Parcel 44-015-029-035-00 property address of 1140 Brauer Road, Metamora MI for two variances request from the Metamora Township Zoning Ordinance No. 23. First variance request for Article 13.Schedule of Regulations, Section 1300 A-2 District to reduce the required 330 foot minimum lot width to 278.9. The second variance request is also Article 13.Schedule of Regulations, Section 1300 A-2 District minimum lot area to reduce the required .10 ac to 3.064 ac.

Adjourn Public Hearing

Approval of Agenda

Approval of Minutes

Public Comments (Items not scheduled on this agenda)

Unfinished Business:

A: Public Hearing – decision on Ashley Robertson / Ella June Walton Clark IRRV Trust Parcel 44-015-029-035-00 property address of 1140 Brauer Road, Metamora MI for two variances request from the Metamora Township Zoning Ordinance No. 23. First variance request for Article 13.Schedule of Regulations, Section 1300 A-2 District to reduce the required 330 foot minimum lot width to 278.9. The second variance request is also Article 13.Schedule of Regulations, Section 1300 A-2 District minimum lot area to reduce the required 10 ac to 3.064 ac

New Business:

Matters for discussion from the commission members:

Adjournment

Metamora Township Zoning Board of Appeals  
Sign In Sheet

6/21/18

Please Print

Date:

Name

Company

Address

Richard Walton

3126 Brauer Rd Oxford

Awoan C Walton

3126 Brauer Rd Oxford

TAYLOR ROBERTSON

1140 BRAUER ROAD, OXFORD

ASHLEY ROBERTSON

1140 BRAUER ROAD, OXFORD



730 W. Dryden Road  
Metamora, MI 48455  
Phone: 810-678-2237  
Fax: 810-678-3209

**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: 6-21-18

Applicant: Ashley Robertson / Ella June Walton Clark Trust

Address: 1140 Braver Rd., Oxford, MI 48371

Phone Number: 248-431-1934 Fax Numbers: \_\_\_\_\_

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

ZBA Findings of Fact:

Parcel has house and barn, if Ashley obtains title to House & Barn on 3 acres, rest will be accessible and can be successfully farmed. Character of area will be unchanged. Purpose of Zoning Ordinance will be Achieved.

ZBA Decision:

Variances are granted

Reasons for Decision:

Set forth in above Findings of Fact

Votes of ZBA Members:

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

Signatures of Members  
[Signature]  
Phil A. 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 reports.

Darlene Wise  
Darlene Wise, Recording Secretary Zoning Board of Appeals