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, Member Phil Bellinger and Member Dean Bedford

Members Absent: None

Also Present: Gerald Erker, Eileen Erker, Jacob Erker, Darlene Homer, Vera Richard. Joe Richard, Mary Garrard, Olive Bedford, Terry & Jeanine Brennan, Laura & Jim Wise, Kathleen & Mike Regan, Kim & Rod Mathis, Tracy Maskill, Pat Pozzi, Tom & Sue Phenegar, and Gary Shevnock

The Pledge of Allegiance was recited. Chairman Porretta stated that this is a public hearing on the application of Thomas and Susan Phenegar for approval of two variances for property located at 3268 Sandy Shore Drive, one for the side setback and one for the rear setback. The property in question is a lakefront lot and is zoned R-1 requiring a 15 foot side setback and 30 foot rear setback. Thomas Phenegar then addressed the Board stating he and his wife, Susan Phenegar, purchased the subject property almost two years ago and want to put a house on it. Mr. Phenegar stated they have gone through the approval process with the Lapeer County Health Department and their proposed design of the home and the wastewater site plan dated 9/6/2018 submitted with this application meets the Lapeer County Health Department requirements. Mr. Phenegar stated the lot is a trapezoid shape and this is the only place the house could go according to the health department. Member Bedford stated the subject area was platted in the 1960s prior to the current codes. The applicants are requesting an eight foot rear setback variance (22 feet back from the water) and a five foot side setback variance to the east. Chairman Porretta stated he viewed the site and asked Mr. Phenegar if the proposed house could be located a little to the west to meet the setback requirements and Mr. Phenegar stated he has been working with Steve Stoddard from the health department for about a year and the location depicted on the site plan dated 9/6/2018 is the only location where the county health department would approve. Member Bellinger stated he viewed the site and then discussed the proposed decks on the house and Mr. Phenegar stated he is flexible with regard to the decks. Mr. Porretta asked if the applicants had anything further to state and Mr. Phenegar stated after purchasing the property they cleaned it up and put a trailer there for awhile and found out they were unable to have the trailer there so removed it and began the process with the health department to get septic field approval and that has taken over a year.

There being no further questions of Board Members, Chairman Porretta then asked if anyone in the audience had any comment on this issue. Gerald Erker of 3274 Sandy Shore Drive, next door neighbor on the east side of the subject property, addressed the Board. Mr. Erker submitted a letter to the Township dated 11/13/2018 and received 11/13/2018, a letter dated 11/16/2018 and received 11/19/2018, and a petition objecting to the variance request received 11/19/2018 containing nine signatures. In support of his opposition to the variance requests, Mr. Erker went through his 11/16/2018 eleven page letter and petition which are a part of these minutes. Board discussion with Mr. Erker as he explained the objections set forth in his letter. Chairman Porretta stated the Michigan Court of Appeals case of *City of Detroit v City of Detroit Board of Zoning Appeals*, Docket No. 339018 decided October 23, 2018, held the

provision where if you acquire property you do not waive any rights or benefit the prior owner would have held in regard to applying for a variance. Member Bellinger stated the lake side of property is the front and the rear faces the road.

Kimberly Mathis of 1405 Pebble Creek Road, two houses down from the subject property, across the street but still on the lake, then addressed the Board and submitted a letter dated 11/19/2018 from her to the Board which she read aloud and which is a part of these minutes, indicating she has no opposition to this request.

Joe Richard of 3271 Sandy Shore, right across the street from the subject property, indicated the property is now being kept clean and that he is in support of the request.

Jim Wise of 3262 Sandy Shore Drive, next door neighbor directly to the west of the subject property, spoke in favor of the request stating a house on the subject property would improve the property values and would stop people from thinking the property was a public access.

Eileen Erker of 3274 Sandy Shore, next door neighbor on the east side of the subject property, stated that the previous owner of the subject property was unable to build on it without a variance and opposes this variance.

The site drawing was then referred to and there was discussion regarding the proposed deck and the setback from the lake.

Mr. Porretta then read aloud those nine names whose signatures appeared on Mr. Erker's petition objecting to the variance. Mary Garrard who had signed the petition then addressed the Board and stated she now has a better understanding of where the proposed house would be situated.

Laura Wise of 3262 Sandy Shore Drive, next door neighbor directly to the west of the subject property, stated the house is situated where the health department told them to put it and had no objection to the variance request.

Kathleen Regan of 2845 Farmers Creek Road, the other side of the bay, stated she has been on the Lake Metamora Board for 15 years and that the Phenegars were willing to do what needed to be done to build when other prospective purchasers were not.

The applicant, Susan Phenegar, stated when they were asked by Gyrome Edwards to remove the trailer they did and that they have complied with every request.

Chairman Porretta asked if anyone had any further comment and there was none.
Motion by Member Bellinger, supported by Member Bedford, to close the public hearing at 8:20 p.m. Motion carried, all voting aye.

Respectfully submitted,
Darlene Wise, Recording Secretary
cc: All Board Members
Persons requesting same

Frank Porretta, Chairman

Chairman Porretta called the regular meeting of the Metamora Township Zoning Board of Appeals to order at 8:20 p.m. at the Metamora Township Hall, 730 W. Dryden Road, Metamora, Michigan.

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

Members Absent: None

Also Present: Gerald Erker, Eileen Erker, Jacob Erker, Darlene Homer, Vera Richard, Joe Richard, Mary Garrard, Olive Bedford, Terry & Jeanine Brennan, Laura & Jim Wise, Kathleen & Mike Regan, Kim & Rod Mathis, Tracy Maskill, Pat Pozzi, Tom & Sue Phenegar, and Gary Shevnock

Approval of Agenda

Motion by Member Bellinger, supported by Member Bedford, 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 the last meeting which was September 20, 2018. **Motion by Member Bedford, supported by Member Bellinger, to approve the minutes of the Zoning Board of Appeals public hearing and regular meeting of September 20, 2018, as presented. Motion carried, all voting aye.**

Public Comments: Non-Agenda Items

None.

Unfinished Business

A. Decision on Public Hearing–Thomas & Susan Phenegar. Parcel 44-015-103-064-00. Property address: 3268 Sandy Shore Drive, Metamora, Michigan, for two variance requests from the Metamora Township Zoning Ordinance No. 23. Both variance requests are under Section 1300 and are for the side yard and rear yard setbacks.

Chairman Porretta noted the next item is the decision on the public hearing. Mr. Porretta stated there are special conditions with regard to this property which is unusually shaped and platted before the zoning took place, that the special circumstances involving this property were not a result of the actions of the applicants and the applicants have gone to great lengths and expense to comply with the requirements of the health department to put a home on this lot, that the granting of the variance will not confer on the applicants any special privilege as other people have built houses on neighboring lots, that neighbors' views will not be unreasonably obstructed, and is in favor of granting the variances. Mr. Bedford stated he agrees as the lot was platted before the zoning laws and is of an odd shape and they are putting an appropriate size house on the lot. Mr. Bellinger stated the lot is large enough for the engineered field and back-up field and is in favor of granting the variances.

GRANT OF VARIANCE
Tax Parcel No. 44-015-103-064-00
3268 Sandy Shore Drive, Metamora, Michigan

Motion by Member Bedford, supported by Member Bellinger, that the Metamora Township Zoning Board of Appeals hereby grants two variances from Section 1300 of the Metamora Township Zoning Ordinance for side and rear yard setbacks to allow Thomas and Susan Phenegar to construct a house at 3268 Sandy Shore Drive in accordance with the drawing and site plan attached to the application. The grounds for this decision are stated in these minutes and in the Final Decision of the Metamora Township Zoning Board of Appeals dated 11-19-18 attached hereto. All ayes, no 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 November 19, 2018.

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 8:29 p.m. Motion carried, all voting aye.

Respectfully submitted,
Darlene Wise, Recording Secretary

Frank Porretta, Chairman

cc: All Board Members
Persons requesting same