

MINUTES OF Board of Appeals -Public Hearing (Goebel)

HELD April 18, 2019

20  
Sue Clark

Township of

Metamora

Clerk

Form M-1-PT

The Riegler Press, Inc., Flint, Michigan

Chairman Porretta called the Metamora Township Zoning Board of Appeals public hearing to order at 7:00 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

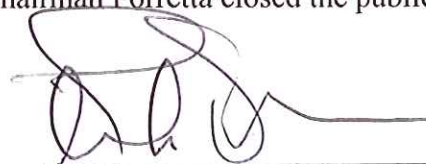
**Members Absent:** None

**Also Present:** Kevin Goebel, Ashley Goebel, and Olive Bedford

The Pledge of Allegiance was recited. Chairman Porretta stated that this is a public hearing on the application of Kevin and Ashley Goebel. The applicants are seeking approval of a variance for their property located at 1434 Rillview Court for a rear yard setback to construct an in-ground pool 18' by 36'. The property in question is zoned A-1. Kevin Goebel stated they purchased the house and moved here three years ago. He stated the house had been built pretty far back on the lot and after they moved in they cleared considerable brush and leveled the hill behind the house so they could have a back yard. Mr. Goebel stated he was diagnosed with multiple sclerosis in June, that heat causes a relapse so he is unable to be outside with his children in the summer, but that being in water is a relief. The Board reviewed the drawings submitted with the application and aerial views provided by the applicant. In response to Mr. Porretta's questioning, Mr. Goebel stated his house is 40 feet from the rear property line and there is a 10 foot common area owned by the subdivision association beyond the lot line. Mr. Goebel stated the stamped concrete patio is at ground level, the thickness of the concrete is about 4 inches, and it will run from the house to the in-ground pool and the pool will be 12 feet from the house. Mr. Goebel then passed out to the Board a letter dated March 19, 2019 signed by the elected officials of Creeks Edge Association in support of the variance request. Mr. Bellinger then discussed the location of the well and septic and Mr. Goebel stated the septic tank and field are in the front yard and the well is located on the side of the house and the sketch provided was reviewed by the Board. Mr. Porretta asked the applicants if they contacted the people who own the 30 acre parcel behind the subdivision and Mr. Goebel indicated he attempted but the owner was not home at the time. A review of the file reflects that this land owner was notified of the public hearing and did not respond, and further that there was no written communication in response to the Notice of Public Hearing.

There being no further questions or comments, Chairman Porretta closed the public hearing at 7:26 p.m.

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 7:26 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:** Kevin Goebel, Ashley Goebel, and Olive Bedford

#### 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 November 19, 2018. **Motion by Member Bellinger, supported by Member Bedford, to approve the minutes of the Zoning Board of Appeals public hearing and regular meeting of November 19, 2018, as presented. Motion carried, all voting aye.**

#### Public Comments: Non-Agenda Items

None.

#### Unfinished Business

**A. Decision on Public Hearing--Kevin Goebel, Parcel 44-015-450-012-00. Property address: 1434 Rillview Ct., Metamora, Michigan, for one variance request from the Metamora Township Zoning Ordinance No. 23. The variance is from Article 13 - Schedule of Regulations, under Section 1300 for a rear yard setback.**

Chairman Porretta noted the next item is the decision on the public hearing. Mr. Porretta stated this is a unique parcel as the Goebel house is set back further on the lot than the other houses in the area which are built further from the rear property line and could accommodate both the state law requirement of 10 feet from the house and the 30 setback under the Township ordinance. Mr. Porretta noted that the petitioners are not responsible for the location of the house on their lot as they bought it that way. Mr. Porretta further stated that there is no room to put the pool in the front yard. Mr. Porretta stated the pool and concrete around the pool are basically at ground level and therefore not an obstruction, and that there are compelling reasons to grant the variance. Mr. Bellinger stated the letter from the association carries a lot of weight, that he had gone to the property to view it and it is a unique situation. Mr. Bellinger stated he has no problem with granting the variance. Mr. Porretta stated he had also viewed the property and that there is a wooded area behind the subject property with no houses and the owner of the adjacent property was notified of this request and did not respond. Mr. Bedford stated that he concurs and is in favor of granting the variance.

Chairman Porretta called the regular meeting of the Metamora Township Zoning Board of Appeals to order at 7:26 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:** Kevin Goebel, Ashley Goebel, and Olive Bedford

**Approval of Agenda**

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

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**Public Comments: Non-Agenda Items**

None.

**Unfinished Business**

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# Metamora Township Zoning Board of Appeals

**Sign In Sheet**

Please Print

Date:

4/18/19

Name

Company

Address

Kevin Goebel

1434 Rillview Ct, Metamora, MI 48455

Ashley Goebel

1434 Rillview Ct, Metamora, MI 48455

OLIVE M Bedard

5444 Barber Rd, Metamora MI 48455

March 19, 2019

To: Metamora Township Zoning Board of Appeals,

We the elected officials at Creeks Edge Association fully support Kevin Goebel at 1434 Rillview Ct, Metamora, MI 48455, Lot 12, to put in an in-ground pool per accordance with our Bi-Laws. We require the pool to be in-ground and within 20ft of the Dwelling. In addition, the property owner needs to install a fence around the pool in accordance with the State of Michigan laws. Creeks Edge has common area around the entire perimeter of the subdivision. This area is dormant and property owners may use and maintain this property as they see fit per our Bi-Laws. Lot 12 has 10.5ft of common area in the rear of the lot line. If this 10.5ft will help approve Kevin Goebel's variance request for his proposed structure, then Creeks Edge Association Elected officials will allow the 10.5ft of common area towards the distance needed from the water to the rear lot line. This 10.5 feet is not to be built on however, the 10.5ft of land towards the distance needed.

The Goebel family has made nice improvement's to the appearance of their home. They have had the exterior of their home freshly painted, they cleared a ton of dead trees and brush on the lot and have nicely landscaped their home. This is truly a great family and we welcome this decision into our subdivision.

President - Candace Campbell

 03/19/2019

Vice President - Kevin Goebel

 03/19/2019

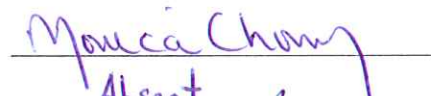
Rick Chown - Treasurer

 03/19/2019


Nathan Seibold - Secretary

 3-19-19 e 1900 03/19/2019

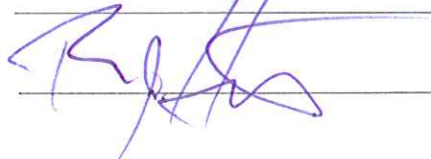
Monica Chown - Board Member

 03/19/2019

Mike Lamangna - Board Member

Absent  03/19/2019

Brian Hurst - Board Member

 03/19/2019



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: April 18, 2019

Applicant: Kevin Goebel

Address: 1434 Rillview Court, Metamora, MI 48455

Phone Number: 586-738-7040 Fax Numbers: \_\_\_\_\_

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

ZBA Findings of Fact:

Property is unique, home is further toward property rear line than others in area, pool & deck are minimally, if at all an obstruction from the ground upward, no opposition was noted

ZBA Decision:

Variance is granted as requested

Reasons for Decision:

See findings of fact.

**Votes of ZBA Members:**

Frank Porretta ☒ Yes ☐ No

Dean Bedford ☒ Yes ☐ No

Phil Bellinger ☒ Yes ☐ No

**Signatures of Members**

[Signature]  
[Signature]  
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 reports.

Darlene E. Wise

Darlene Wise, Recording Secretary Zoning Board of Appeals



ZONING BOARD OF APPEALS  
METAMORA TOWNSHIP  
APRIL 18, 2019, 7:00 P.M.  
METAMORA TOWNSHIP HALL

Pledge of Allegiance

Roll Call

Hearings:

A: Public Hearing – KEVIN GOEBEL 44-015-450-012-00 property address of 1434 Rillview Ct., Metamora, MI 48455 for one variance request from the Metamora Township Zoning Ordinance No. 23. The variance is from Article 13 – Schedule of Regulations, under Section 1300 and for a rear yard setback.

Adjourn Public Hearing

Approval of Minutes

Public Comments (Items not scheduled on this agenda)

Unfinished Business:

A: Public Hearing/decision on Kevin Goebel 44-015-450-012-00 property address 1434 Rillview Ct., Metamora, MI 48455 for one variance request from the Metamora Township Zoning Ordinance No. 23. The variance request is from Article 13 – Schedule of Regulations, under Section 1300 for a rear yard setback.

New Business:

Matters for discussion from the commission members:

Adjournment