

MINUTES OF Board of Appeals -Public Hearing (Swartzendruber)

HELD

May 16, 2019

20

Metamora

Sue Clark

Township of

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 7:02 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: Bernard Swartzendruber of B & D Builders, Jeffrey Engel, and Olive Bedford

The Pledge of Allegiance was recited. Chairman Porretta stated that this is a public hearing on the application of Bernard Swartzendruber on a request for a variance from Metamora Township Zoning Ordinance No. 23 dealing with a front yard setback for 3940 Bluebird Lane. The property in question is currently vacant land and is zoned R-1. The applicant, Bernard Swartzendruber, stated he is proposing to build a 1650 square foot ranch home on a 1.17 acre lot which he described as a non-typical lot. He stated this is a lot on the corner of Bluebird Lane and Dryden Road with double 50 foot setbacks and that Bluebird Lane is fully contained within the lot, that Bluebird Lane is not maintained by the Road Commission and that the proposed driveway is on Bluebird Lane rather than Dryden Road for safety reasons. The Board referred to the site diagram attached to the application and there was discussion. Mr. Swartzendruber stated he could put the home back another 5 feet to the rear seeking a 25 foot variance instead of 30. Mr. Swartzendruber stated the reason the house is proposed to be on an angle is if it were not the site line would be the neighbor's garage. Mr. Porretta asked the applicant if he knew the history of why Bluebird Lane is completely within his parcel and he stated he did not.

Mr. Porretta asked the applicant if any other property owners on Bluebird Lane have contacted him opposing this variance request and he said no. Mr. Jeff Engel of 430 Hildegard Drive then addressed the Board stating he is not in favor of the variance request. Mr. Porretta acknowledged that the Township received a letter dated May 6, 2019 from Attorney Billie Jo M. Taylor, representing Jeff Engle, addressed to B & D Builders, Inc., c/o Bernard Swartzendruber, stating issues with Mr. Engel's purchase of his property at 430 Hildegard Drive involving the legal description and tax identification number.

The Board Members, Mr. Swartzendruber and Mr. Engel together then viewed a Davis Land Surveying & Engineering Survey dated 11/29/17, Job #173002. Mr. Engel stated his property is identified as Parcel "C" and Parcel "D" on the survey which is contiguous to Parcel "1" which is the subject parcel. Mr. Engel stated he does not want to have a house as close to the road as is proposed as his daughter rides her bike up and down that road. Mr. Engel stated he has been in contact with the Township Assessor, Cisko Title and Mr. Swartzendruber since the beginning of March in an attempt to resolve problems concerning his purchase of this property. Further discussion. Mr. Bedford suggested the variance request and Mr. Engel's issue with Mr. Swartzendruber concerning problems with the purchase of his property are two unrelated issues. Mr. Bellinger suggested the proposed house being closer to the road would not be an issue for Mr. Engel's daughter riding her bike. Mr. Bedford concurred.

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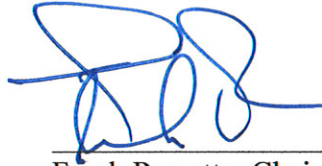
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There being no further comment and no written communication in response to the Notice of Public Hearing, Chairman Porretta closed the public hearing at 7:25 p.m.

Respectfully submitted,
Darlene Wise, Recording Secretary



Frank Porretta, Chairman

cc: All Board Members
Persons requesting same

Chairman Porretta called the regular meeting of the Metamora Township Zoning Board of Appeals to order at 7:25 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: Bernard Swartzendruber of B & D Builders, Jeffrey Engel, 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 April 18, 2019. **Motion by Member Bedford, supported by Member Bellinger, to approve the minutes of the Zoning Board of Appeals public hearing and regular meeting of April 18, 2019, as presented. Motion carried, all voting aye.**

Public Comments: Non-Agenda Items

None.

Unfinished Business

A. Public Hearing/decision on BERNARD SWARTZENDRUBER, Parcel No. 44-015-009-024-31, property address: 3940 Bluebird Lane, 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(a) and (e) footnotes, for a front yard setback.

Chairman Porretta noted the next item is the decision on the public hearing. Mr. Porretta stated this is a unique parcel of land as it has the road right-of-way completely contained within the parcel, that the existing setbacks would not permit a reasonable size house to be placed on the lot, and in order to make the property a usable, buildable parcel the setback variance would be appropriate. Mr. Porretta stated he felt that Mr. Engel's general objections were motivated by the unrelated issue of his purchase of property from Mr. Swartzendruber and that the proximity of the house on the lot would not cause any increase in danger for anyone riding a bicycle on the road. Mr. Bellinger and Mr. Bedford concurred. For the record, Mr. Porretta stated the original variance request was for 30 feet and since Mr. Swartzendruber stated at this meeting that the house could be moved 5 feet further to the back, the variance request would then be for 25 feet and the setback would be 25 feet from the westernmost right-of-way from Bluebird Lane.

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GRANT OF VARIANCE**Tax Parcel No. 44-015-009-024-31****3940 Bluebird Lane, Metamora, Michigan**

Motion by Member Bedford, supported by Member Bellinger, that the Metamora Township Zoning Board of Appeals hereby grants a variance from Article 13 - Schedule of Regulations, under Section 1300 of the Metamora Township Zoning Ordinance, for a 25 foot front yard setback to allow Bernard Swartzendruber to construct a home at 3940 Bluebird Lane in accordance with the application submitted. The grounds for this decision are stated in these minutes and in the Final Decision of the Metamora Township Zoning Board of Appeals dated May 16, 2019, attached hereto. All ayes, no absent. Motion carried and variance granted.

This decision was certified pursuant to the attached Final Decision of the Metamora Township Zoning Board of Appeals dated May 16, 2019.

New Business

None.

Matters for Discussion from the Commission Members

Nothing at this time.

Motion by Member Bedford, supported by Member Bellinger, to adjourn at 7:36 p.m.

Motion carried, all voting aye.

Respectfully submitted,
Darlene Wise, Recording Secretary



Frank Porretta, Chairman

cc: All Board Members
Persons requesting same



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: May 16, 2019

Applicant: Bernard Swartzendruber

Address: 2643 Reed Rd., Lapeer, MI 48446

Phone Number: 248-763-6477 Fax Numbers: _____

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

ZBA Findings of Fact:

Parcel is unique. Road Right of Way is completely within the subject parcel. Existing setbacks would not permit construction of reasonable house. Proposed house is modest in size. Petitioner can reduce variance by moving house 5 feet to rear. Objections by Mr Engel not pertinent to the variance request.
ZBA Decision: Grants variance of 25 feet.

Reasons for Decision:

Justified by 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

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ZONING BOARD OF APPEALS
METAMORA TOWNSHIP
MAY 16TH, 2019, 7:00 P.M.
METAMORA TOWNSHIP HALL

Pledge of Allegiance

Roll Call

Hearings:

A: Public Hearing – BERNARD SWARTZENDRUBER, 44-015-009-024-31, property address 3940 Bluebird Lane, 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 (a) and (e) footnotes, for a front yard setback.

Adjourn Public Hearing

Approval of Minutes

Public Comments (Items not scheduled on this agenda)

Unfinished Business:

A: Public Hearing/decision on BERNARD SWARTZENDRUBER 44-015-009-024-31 property address 3940 Bluebird Lane, 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 (a) and (e) footnotes, for a front yard setback.

New Business:

Matters for discussion from the commission members:

Adjournment

Metamora Township Zoning Board of Appeals
Sign In Sheet

Please Print

Date: 5/16/19

Name

Company

Address

Bernard Swartzendruber B+D Builders 2643 Reed rd.
Jeffrey Euge 430 Haldegard Dr.

1000 4th Ave. S. W. Seattle, Wash. 4

10/20/43

1000 4th Ave. S. W.



1000 4th Ave. S. W. Seattle, Wash. 4

