

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
SEPTEMBER 5, 2000, 7:00 P.M., COUNCIL CHAMBERS

THE SPECIAL MEETING IS CALLED TO ORDER BY PRESIDENT PAULA ZELENKO AT 7:00 P.M.

MEMBERS PRESENT: Brawner, Centilli, Cross, Martinbianco, Tinnin and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; Attorney R. Austin and G. Webster, City Clerk.

PURPOSE OF THE MEETING: Second Public Hearing for Zoning Case #255, for Ordinance #19 Text Change for Non-Conforming Use Changes Orientation of Home Addition (City of Burton, 4303 S. Center Rd., Burton, MI 48519).

PRESENTATION:

Mayor Smiley said when the master plan was done in the late 1980's some residential homes on Bristol Rd were zoned commercial. The problem is that the bank would not loan money on those parcels of land zoned commercial because the ordinance states, unless more than 50% of a home is destroyed, the homeowner cannot rebuilt for residential use. Unless homeowners had other mortgages, the bank would no longer fund it. Residents have tried to sell their homes, but before they could do so, we had to write letters stating that the city would not enforce that portion of the ordinance. Mr. Hamilton has drafted something up that basically eliminates the 50% damaged clause allowing residents to build on their property. He said this issue has been a real problem for residents and it would safe guard those who live in commercial areas.

Attorney Austin said that the 50% provision was fairly standard in 6.07 and he liked it.

AUDIENCE PARTICIPATION:

None.

COUNCIL DISCUSSION:

Mr. Cross asked for clarification on what wording would be deleted from the ordinance. He read from page 58, Section 6.07, "wherein the expense of such reconstruction does not exceed sixty (60%) percent of the market value of the entire building or structure at the time such damage occurred".

The Mayor agreed that portion would be deleted. That is the only part of the ordinance that needed to be changed.

Mr. Cross said no one has been turned down in the past for repairing a fire damaged home. We prefer the homeowner rebuilt it and get it back on the tax roles. That is a better alternative than having the house boarded up, burned out or left vacant.

Mr. Martinbianco asked if this issue dealt strictly with the reconstruction of homes that are zoned commercial, but are actually residential in nature. He wanted to know if the text change would have any influence on those homes that are zoned commercial and still can't obtain conventional mortgage financing.

The Mayor felt this change would not address that particular issue. However, this matter could be discussed at a later date. He was not aware that residents were having problems.

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Mr. Martinbianco knew of three instances where homeowners had to go back through the rezoning process to have their property rezoned back to residential. The homes were almost spot zoned, since it was a continuation of an existing use. He thought this issue needed to be addressed, as well as burned out structures.

Mr. Martinbianco was concerned with the second portion of the resolution, which dealt with orientation of home additions. He didn't see where orientation was captioned in section 6.07. He wanted to know if it was captioned in a different subsection of the ordinance.

Mr. Austin asked Mr. Hamilton's secretary to provide him a copy of the ordinance that was up for a second reading tonight. He was given a document that referred to section 5.42, subsection H, 5 and 6. This portion of the ordinance talks about having windows and doors on the front of the house and the orientation of the dwelling shall be similar to the other homes in the neighborhood in which it is located. This is a completely separate section number. I don't see it in the packet that was provided to the council tonight. Mr. Brawner said that issue was discussed at a previous planning meeting. Mr. Austin did not have any further information on section 5.42 that deals with orientation of buildings.

Mr. Martinbianco referred to a set of planning minutes from June 13th. The final action was to approve the first portion of the text change of zoning ordinance 19 for non-conforming use changes and table the second portion until administration provided the appropriate language. Mr. Martinbianco wanted to know if that was still tabled. He asked administration if they preferred to have council act on the first part of the request dealing with nonconforming use and wait to address orientation of home additions at a later date.

The Mayor felt the first portion dealing with the non-conforming use, deleting the 60% clause, could be dealt with tonight. He indicated this issue gives the city the most problems.

Mr. Brawner said the reason both portions were not in order might be that Mr. Strasser was on vacation during the last planning meeting.

COUNCIL ACTION:

Martinbianco moved and Cross seconded the following motion:

1. Approve and authorize the second public hearing for Zoning Case #255 for Ordinance #19 Text Change for Non-conforming use changes (City of Burton, 4303 S. Center Rd., Burton, MI 48519).
Motion carried 6-0.

Meeting Adjourned at 7:15 P.M.

Gayle Webster
City Clerk

GW/cml