



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

MAY 18, 2017

MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Commissioner Steve Welch at 5:04 PM.

A. PLEDGE OF ALLEGIANCE WAS LED BY STEVE WELCH

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Present	
Terry Parker	Commissioner	Present	
Scott Hynes	Commissioner	Excused	
Steve Welch	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Excused	
Michaeline Ward-Terry	Commissioner	Present	
Donald Standel	Commissioner	Present	
Timothy Miller	Commissioner	Excused	

C. STAFF PRESENT

Amber Abbey, Planning and Zoning
M. Kimball, Clerk's Office

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Apr 20, 2017 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Terry Parker, Commissioner
AYES:	Haskins, Parker, Welch, Rapacz, Ward-Terry, Standel
EXCUSED:	Hynes, Walton, Miller

E. VARIANCE

1. ZBA #17-08

By: Herald Arias
1470 Wells St.
Burton, MI 48529

Re: 1470 Wells St. Burton, MI 48529

59-30-576-302, R-1C Zoned

For: To construct a deck that will be 14' from the rear property line, 30' required.

Applicant was not present.

RESULT:	TABLED [UNANIMOUS]	Next: 6/15/2017 5:00 PM
MOVER:	Michaeline Ward-Terry, Commissioner	
SECONDER:	Donald Standel, Commissioner	
AYES:	Haskins, Parker, Welch, Rapacz, Ward-Terry, Standel	
EXCUSED:	Hynes, Walton, Miller	

2. ZBA #17-09

By: Ramiro & Linda Tamez
1366 Alcona Dr.
Burton, MI 48509

Re: 1366 Alcona Dr. Burton, MI 48509
59-14-551-005, R-1A Zoned

For: To construct a 30' x 40' pole barn that will exceed the allowable square footage of accessory structures by 326 sq ft.

Linda Tamez of Burton stated my husband and I have lived here for over 27 years. If approved tonight, this pole barn will be used for storing our classic car and other miscellaneous items. We are very conscientious about the appearance of our yard, however due to lack of storage space we now have to store things outside. We like to keep our yard neat. This is a reflection on the neighborhood and we all want to keep in good standing for our property values and neighboring relationships. The width of the pole barn will be 30 ft. along Calvin Drive. It will be the same color as our house and roof and only one story. It will not interfere with anyone's view. And I am sure our neighbors on Calvin Drive will appreciate not having to look at the stuff that is stored outside now. In April we sent out letters to all six homeowners on Calvin Drive requesting an easement to their portion of the road. We have received four of these back with their approval. We have not heard from the other two homeowners. We sent out the easement request because we wanted to be considerate and let our neighbors know that we wish to build this pole barn. Also if they approved the easement request we let them know we would be periodically driving down Calvin Drive with our classic car when our yard is muddy. We would not use this drive for parking, visitors, etc. We wish to put in a front garage door and a back garage door on this pole barn. If they approved this easement, we would also be contributing to the road fund. As far as construction of the barn, we will do our best to keep everyone informed of the dates and times that we would have to use the road for delivery of materials to build this barn.

John Stapish of Burton stated he was in favor of this.

Mr. Welch said you have the option of delaying this vote until the next meeting because we do not have a full board here tonight.

Mr. and Mrs. Tamez said they would like to continue tonight.

Mrs. Abbey stated they do keep a nice lawn. They have an attached garage. That is what is deterring the size that is allowed, based on their property size. If turned down tonight, they will still be able to build a pole barn, just not the size they are asking for. The administration will not be making a recommendation tonight.

Mr. Parker said I appreciate that you went to your neighbors to talk to them because that road is right on your back property line and it seems like that would be an eyesore for the neighbor facing that barn. It has been 8 to 10 years since we visited the ordinance and I am of the opinion that we have been very lenient of the size of accessory structures. I do not think this building needs to be that big. I look at what is best for the city down the road.

Mr. Haskins stated he has seen the property and it is well taken care of. No matter what size it is, it will still be there for the neighbors to see. I don't think the size matters.

Mr. Welch asked if Calvin Drive is a private drive.

Mrs. Abbey said yes, it is.

Janis Thompson of Burton stated she lives on Calvin Drive. She has lived here three years now and it is quiet. We don't have big trucks going down it. I am not against the building, however my issue is having to look at the door that is going to be put on the barn that faces Calvin Drive. I am concerned it may affect me as a homeowner.

Mr. Parker asked if this is approved, what would happen if they started running a business out of the barn.

Mrs. Abbey stated that would not be allowed. The easement that Mrs. Tamez is asking for is strictly for access to her property. She has requested the easements from the adjoining property owners to be legally allowed to do it. The easement would be very specific in stating that is was for access for them only. This would mean other people couldn't come down that road to drop off vehicles or get work done on them. If they did the City would have a legal right to enforce the ordinance there. They have four out of the six signatures needed for the easement. They don't know yet if they will get the easement. If they don't get it they will have no rights to go down Calvin Drive.

Mr. Haskins said when your property is limited, you have been there 27 years and you need that extra space, I do consider that a hardship. I would think putting this pole barn up would increase the value of the property and for the City as well.

Motion to Approve ZBA #17-09 to construct a 30' x 40' pole barn that will exceed the allowable square footage of accessory structures by 326 sq ft.

RESULT:	CARRIED [4 TO 2]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Terry Parker, Commissioner
AYES:	Haskins, Welch, Ward-Terry, Standel
NAYS:	Parker, Rapacz
EXCUSED:	Hynes, Walton, Miller

F. AUDIENCE PARTICIPATION

Vicky Neuville, owner of Best Car Co. Importing in Burton stated last month we came in front of the board asking for a variance for 4218 Davison Rd. I am asking the board to reconsider. If we receive this variance we will purchase the property. We need the property to continue to get more customers, to bring more revenue into the City of Burton and to keep our employees employed. If approved, we would put up a 6 foot privacy fence, plant bushes and flowers. We will make it look nice from the road and you will never know there were cars parked back there. We keep our property nice, neat and organized. Our vehicles are parked as they are supposed to be. If approved, we would rent out the house on the property.

Joe Saidoo of Burton stated I am the co-inheriter of 4218 Davison Rd. This is a nice residence on a commercial property. Vicky Neuville would like to purchase this property to expand her business right next door. There are more properties being used for that same purchase in that area.

Dave Saidoo of Swartz Creek and co-inheriter of 4218 Davison Road said the property has been sitting there dormant, no energy there for over a year. I don't think this is to anyone's best interest. We would like to bring closure to this. This is a unique piece of property that, if approved, would be wisely used by Vicky Neuville.

1. Motion to reconsider ZBA #17-07 Re: 4218 Davison Rd. Burton, MI 48509 59-10-100-017 For: To conduct a C-3 Highway Oriented Business Special Use in a C-2 General Business zone for used vehicles sales.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Rapacz, Commissioner
SECONDER:	Duane Haskins, Council Representative
AYES:	Haskins, Parker, Welch, Rapacz, Ward-Terry, Standel
EXCUSED:	Hynes, Walton, Miller

2. Motion to Approve ZBA #17-07 Re: 4218 Davison Rd. Burton, MI 48509 59-10-100-017 For: To conduct a C-3 Highway Oriented Business Special Use in a C-2 General Business zone for used vehicles sales with the following conditions:

1. A maximum of 250 cars on the property.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Terry Parker, Commissioner
SECONDER:	Duane Haskins, Council Representative
AYES:	Haskins, Parker, Welch, Rapacz, Ward-Terry, Standel
EXCUSED:	Hynes, Walton, Miller

G. BOARD DISCUSSION

Mr. Parker asked about the old dome property and all the vehicles they have.

Mrs. Abbey stated the board approved the vehicles to be on the paved portion of the property and they could only have vehicles for sale on the front part of the property. The other vehicles are not for sale. The owner has 15 acres there and he is going through Planning Commission approval to pave more areas. We can't stop them from expanding. He will have to put drainage in. His plan includes a very large detention pond. He is waiting for the County approval on this.

The next regularly scheduled meeting will be held on Thursday, June 15th, 2017, at 5:00 p.m.

Meeting was adjourned at 6:05 PM.
