



CITY OF BURTON

ZONING BOARD OF APPEALS

NOVEMBER 18, 2021

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Kevin Burge	Planning Representative	Present	
Gary Kautz	Alt. Commissioner	Excused	
Christina Conley	Council Representative	Present	
Scott Hynes	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Michaeline Ward-Terry	Vice Chairperson	Excused	
Steve Welch	Chairman	Present	
Joey Richvalsky	Alt. Commissioner	Present	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Deputy DPW Director
Lindsey Bice, Clerk's Office
Leandra Swayne, DPW Records Tech

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Oct 21, 2021 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Joey Richvalsky, Alt. Commissioner
AYES:	Burge, Conley, Hynes, Rapacz, Welch, Richvalsky, Fuhst
EXCUSED:	Kautz, Ward-Terry

E. VARIANCE

1. ZBA #21-29
By: Randy R. Ryan
13542 S. Horrell Rd., Fenton, MI

Re: Northwest corner, Belsay Rd. & Brookwood
Parcel # 59-02-526-055, Parcel # 59-02-526-056,
Parcel #59-02-526-057, Zoned R-1A

For: To conduct a multiple-family residential district use, RM zone, in a single residential district, R-1A zone. Request to build an attached duplex.

Randy Ryan at 13542 S. Horrell Road, Fenton, stated she is asking to combine the properties on Belsay Road to build a duplex for single family use only. Not for rental properties.

Roger Hunt at 5451 Brookwood Drive stated that lot has been sold several times. I am not sure the properties meet your zoning requirements. If they build these houses they will be crowding six houses onto the small lots. They should have to build the same size houses as the rest of us. They should be able to move in there with a single house. There is a mess at the end of the street with handicap houses. We have been complaining for months about the way they drive up and down our road. This will cause more traffic.

Don McLain at 6015 Brookwood Drive stated we see many accidents at that corner. To add this type of housing in a residential area on that corner causing even more traffic is not a good idea. That is our home, not an apartment complex.

Mrs. Abbey clarified the application. They are not asking to have six duplex houses. They are asking to have one two unit house on all three parcels combined together. This will be one home, not three homes that make six. They will combine the three parcels of land to make it one. The unit will face Belsay Road.

Larry Swaddling at 5466 Brookwood Drive stated it is a residential neighborhood with single family dwellings and he would like to keep it that way.

Marsha Hunt at 5451 Brookwood Drive stated the administration stated they are going to combine all three lots. The applicant said she was only combining the two lots. That would leave one empty. I would like this clarified.

Terri Dolan at 5407 Brookwood Drive stated I oppose this request and do not want a change in the variance at all. We have enough trouble on the street with traffic. The three lots go down Brookwood so I don't understand how the house would face Belsay.

John Turner at 5489 N. Sycamore stated he has not lived in this area being a good resident for a for profit enterprise to come in. This is a single family unit neighborhood.

Jean Louis at 5498 Brookwood Drive stated she is opposed due to traffic and space. They will agree to a single family home, owner occupied on that property only.

Randy Wright at 2306 Belsay Road stated I am assuming the city set an ordinance for single family use homes only for a reason. Now you want to change it and I am not understanding why. A single family home there would be fine but not a multiple family home.

David Louis at 5498 Brookwood Drive stated our concern is that if the applicant was to move out and other tenants moved in, this could cause potential problems for our neighborhood.

Marha Ford at 5441 Brookwood Drive stated I am opposed because single family home is what we want to stick to.

Mr. Welch read into the record letters submitted for public comment stating opposition for the variance request from a resident of Brookwood Drive and Bradley and Traci Dean.

Mrs. Abbey stated she would like to address some of the neighbors concerns, that way if there is an approval tonight we would have some stipulations in place that would protect their interest. Most of the complaints have been traffic. One of the stipulations you could put in is that they are not allowed to have driveway access off of Brookwood. The applicant has shown us that their plan is to have the home face Belsay Road which would alleviate any need for driveway access off of Brookwood. On the application we have three parcels of land, however I heard the applicant state she is only combining the two. I need clarification here if the third parcel is being removed from the request or if she is combining all three together. I would recommend that we remove parcel number 59-02-526-055 from the request completely if it is not her intention to combine it with the other parcels. The applicant gave you a copy of the elevation of the home. It looks like a single family home from the exterior other than the fact that it has two garage doors but they are both right next to each other. There will only be one driveway access and this will not change the traffic pattern on Brookwood. The house is 2,700 square feet which is consistent with the neighborhood. It will leave both units at approximately 1,350 square feet. Each unit does meet the city's requirements for dwellings in that area. There are no issues regarding setback requirements. It would look very similar to the parcel to the north of them except it would be two units.

Mr. Rapacz asked the applicant to explain what she intends on using this duplex style building for.

Ms. Ryan stated I am retired. My step sister and I were each going to live in one side of the house. I am planning on living there for the rest of my life.

Mr. Richvalsky asked the applicant if she has any intention of renting the property out.

Ms. Ryan said absolutely none.

Mr. Welch asked for clarification from the applicant if she is planning on combining all three parcels or just the two parcels now.

Ms. Ryan stated the two because I wanted to put the house in the middle. I had no intention of building on the third lot, I purchased the property so it wouldn't be vacant.

Mr. Welch stated we will recommend removing parcel number 59-02-526-055 from the application as stated by the administration. Is that correct?

Mrs. Abbey said, yes. I do not want it to be part of the request if it is not going to be combined. Then, as everyone had stated, if you approved it without removing that parcel, it would allow for another duplex to go in there. You will need to add that removal as a stipulation in the motion.

Mr. Richvalsky asked if the lot 29A was large enough to put a single family dwelling on.

Mrs. Abbey said, yes. The setbacks are 10 feet on each side. That would leave a 65 foot wide house.

Mr. Richvalsky stated they would not have to come before the Zoning Board of Appeals to build a house there if it fit the envelope.

Mrs. Abbey said, correct.

Mr. Burge asked if there is a reason they are not building two separate houses rather than a duplex.

Ms. Ryan stated we originally wanted to build one house but wanted to have separate living quarters. It wouldn't meet the standards. We wanted one home with separate living quarters on each side.

Mr. Burge stated you can have that with two homes also.

Ms. Ryan stated we don't want to build two homes because we want to be able to watch out for each other as we get older.

Mr. Welch recommended that the maker of the motion reads off the parcels that are being combined and also states that there is to be no driveway access off of Brookwood.

Mrs. Abbey stated she would like to add that they remove the driveway access that is on brookwood as well.

Mr. Rapacz stated if we grant this with the two combined parcels and remove the third parcel, the max they could have is the duplex they are building now and a single family home later on, if they feel the need. Where would the driveway for that house be if it were to ever be built?

Mrs. Abbey stated if we are removing that parcel from the request, any stipulations you put in the motion will not affect that parcel of land.

Mr. Rapacz asked if she wanted to build a single family home on that third lot, where would the driveway access be for that home?

Mrs. Abbey stated it would have to come off of Brookwood.

Mr. Rapacz stated if we have them remove it now, then they can put it back.

Mrs. Abbey stated there is a driveway approach in front of parcel 59-02-526-056. That is the one that will be removed.

Mr. Richvalsky motioned to approve ZBA case #21-29 with the stipulations that parcel number 59-02-526-055 will be removed from the application, parcels 59-02-526-056 and 59-02-526-057 will be combined, there will be no driveway access off of Brookwood and the current driveway on Brookwood will be removed.

RESULT:	FAILED [3 TO 4]
MOVER:	Joey Richvalsky, Alt. Commissioner
SECONDER:	Scott Hynes, Commissioner
AYES:	Conley, Welch, Richvalsky
NAYS:	Burge, Hynes, Rapacz, Fuhst
EXCUSED:	Kautz, Ward-Terry

F. AUDIENCE PARTICIPATION

Roger Hunt stated the three that voted for this, I hope it is on record so we can get your names. You voted for it and it is in your laws that there are only single dwellings. You were going to put two in one place. What is wrong with you guys? Don't you follow the law?

Mr. Welch stated that is what this is all about. This is the Zoning Board of Appeals.

Mr. Hunt stated I know it is. I'm talking about people that want to just come in and change things. I have been here over 40 years and you just want to come in and destroy things.

Mr. Welch stated it did not pass so you do not have anything to worry about.

Mr. Hunt stated I know it didn't and I want to make sure you know. Can it be brought back up?

Mrs. Hunt stated she did not receive notice of this case. If it wasn't for everyone on the street coming together, they would have not known about it.

Mrs. Abbey explained that the law only requires everyone within 300 feet, to receive notice. If you do not live within 300 feet you will not get notice. This was also published in the Burton View which is distributed to everyone in the city. Proper notice absolutely went out.

G. BOARD DISCUSSION

Mr. Hynes stated every resident has a legal right to come before us to ask to change a zoning ordinance. It does not mean it is going to happen. We are here to regulate these sort of things. Everyone in this audience has a right to come to us and ask for a zoning variance as long as they pay the fee and meet the guidelines. We can only vote on what is brought forth to us. I can assure you that every time we are not all going to agree but we respect each other. If it does come forward again, get your group together and respectfully deal with people. You were influential in today's outcome. No one can guarantee anything but you have a right to say your piece.

Mr. Welch further explained the process of board meetings.

The next regular scheduled Zoning Board of Appeals meeting will be held on Thursday, December 16, 2021, at 5:00 p.m.