

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 21, 2011, 5:00 P.M., COUNCIL CHAMBERS
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Steve Welch called the meeting to order at 5:00 p.m.

MEMBERS PRESENT: Parker, Grantner, Weatherford, Spose, Welch and Parker.

MEMBERS ABSENT: Hynes and Haskins.

OTHERS PRESENT: A. Frost, Deputy Planning Official and M. Snow, Clerk's Office.

Terry Parker moved and Weatherford seconded to approve the Regular ZBA Meeting Minutes of February 17, 2011 at 5:00 p.m. Motion carried 7-0.

NEW APPLICATIONS:

1. ZBA #11-02

BY: Holy Redeemer Roman Catholic Church
1227 Bristol Rd.
Burton, MI 48529

RE: 1227 Bristol Rd. #59-30-300-014

FOR: To conduct a C-3 special use in an R-1C
zoned area for a benefit concert for the
Burton Area Ministerial Association to
Support LOVE Inc. and Burton Police K-9
unit. (5 votes required)

Tim Allen, 5205 Bloss, showed pictures of the stage set up by the Powers scoreboard. It will be placed towards the old convent to prevent the sound from disturbing residents as much as possible. Simms security will be on hand. The event will start at 6:45 pm through 10 or 11:00 pm. The stage will go up Thursday night. He expressed wanting to do this every year on behalf of LOVE Inc.

AUDIENCE PARTICIPATION: None.

Ms. Frost said the Board could run this for 1 year, 5 years, or with an expiration of 2013. She recommended approval.

BOARD DISCUSSION:

Mr. Parker said this is a quality organization, but since it has not been done before, he questioned granting this for 3 years. We have no idea what is going to happen and therefore thought it should be done on a 1-year basis.

BOARD RECOMMENDATIONS AND/OR ACTION:

Grantner moved and Tracy Parker seconded to approve ZBA #11-02, with the stipulation that it run through July 2013. Motion carried 6-0.

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2. ZBA #11-03

BY: David Dado
3267 Cheyenne Ave.
Burton, MI 48529

RE: 4463 S. Dort Hwy. #59-33-300-013

FOR: To conduct a Medical Marijuana Dispensary
that will be:

1. Less than 200 feet from a residential
house (4462 S. Dort).
2. Located on the same property as an
apartment. (5 votes required)

David Dado, 2267 Cheyenne, had nothing more to add.

AUDIENCE PARTICIPATION: None.

Ms. Frost said the apartment would be in the same building as the dispensary.

BOARD DISCUSSION:

Mr. Spose asked if anyone lives in the apartment and if it has multiple units. Ms. Frost replied it is one vacant unit.

Mr. Parker could not support this being as it is such a new Ordinance.

Mrs. Weatherford asked how many Dispensaries the City needs. Ms. Frost said there are 4 throughout the City.

BOARD RECOMMENDATIONS AND/OR ACTION:

Grantner moved and Terry Parker seconded to approve ZBA #11-03. Motion failed 5-1.
Weatherford-no, Parker-no, Grantner-no, Parker-no, Welch-no.

3. ZBA #11-04

BY: Ken Stearns
4512 Briar Ln.,
Burton, MI 48509

RE: 4512 Briar Ln. #59-03-580-062

FOR: To construct an accessory structure and a
carport that will be 1,328 sq ft, 874 sq ft
allowed, 454 sq ft requested.
(4 votes required)

Ken Stearns, 4512 Briar Ln., had nothing to add.

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AUDIENCE PARTICIPATION:

Dale Roat, 2207 N. Genesee did not support the variance. He said the activity going on at the property is not typical in a residential area. There is a real problem with abandoned houses and he feels anything that jeopardizes the residential use of Calvert Park is a detriment to the City.

Ms. Frost said the garage would be 1,200 ft., making the home next door smaller than the garage. She recommended denial and suggested they erect a smaller garage.

BOARD DISCUSSION:

Mr. Spose asked if this would be used for a business since there are existing structures.

Mr. Stearns said his hobby is working on cars, but needs more room. He owns 5 cars and one hauling trailer. The whole objective to a new building is so the belongings are not kept outside.

Mr. Welch asked an allowable size. Ms. Frost replied 30 x 28 ft. to keep within the Ordinance.

Mr. Parker said this Ordinance was revisited not too long ago and he finds it very fair. He will be voting no.

BOARD RECOMMENDATIONS AND/OR ACTION:

Grantner moved and Terry Parker seconded to approve ZBA #11-04. Motion failed 6-0. Parker-no, Grantner-no, Weatherford-no, Spose-no, Welch-no, and Parker-no.

4. ZBA #11-05

BY: Patricia Royster
2219 S. Term
Burton, MI 48519

RE: 2219 S. Term
#59-21-528-019, Lot 24 South-East Acres

- FOR:
1. To conduct an RM Multi Family use in an R-1C Zoned area for an adult foster care facility. (5 votes required)
 2. To conduct an adult foster care facility on a property that is .99 acres, 5 acres required. (4 votes required)
 3. To have addition for an adult foster care facility that will have a side setback of 39 ft, 40 ft required. (4 votes required)

Patricia Royster, 2219 S. Term, has put an addition on her home to care for people with needs.

Attorney Craig Fiederlein, 302 E. Court, said there is another parcel to add to the .99, which will increase the acreage.

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Dennis Bailey, 3370 Swaffer, said the home is “L” shaped and looks like the rest of the house.

AUDIENCE PARTICIPATION: None.

Ms. Frost hasn't received any complaints to date. They have been in business over a year. She did receive an objection by mail from 2230 Morrish. She recommended approval and that the property is kept up nicely and there is ample parking. Ms. Frost suggested the 2 parcels be combined, which will increase the property and bring up the value of the home.

BOARD DISCUSSION:

Mr. Grantner asked how many people live with her. She replied 3, but could house a total of 9.

Mr. Spose asked what type of adult care she would be administering. Mrs. Royster replied she would be aiding people with Down Syndrome and Alzheimers.

Attorney Fiederlein said the property was bought cheap and the City will benefit from the tax base.

BOARD RECOMMENDATIONS AND/OR ACTION:

Mr. Parker moved and Grantner seconded to approve ZBA #11-05 request #1. Motion carried 6-0.

Mr. Parker moved and Grantner seconded to approve ZBA #11-05 request #2, with the stipulation that the applicant be required to combine the 2 adjoining parcels 59-21-528-019 and 59-21-528-018 to make 3.12 acres. Motion carried 6-0.

Mr. Parker moved and Grantner seconded to approve ZBA #11-05 request #3. Motion carried 6-0.

AUDIENCE PARTICIPATION:

Randall Luxton, 2167 N. Genesee, was here in February to request a variance to raise chickens but was denied. He asked the Board to reconsider his case. He was only 10 ft. short of the Zoning requirement and has 3 letters in favor of the request. Mr. Luxton felt there was confusion on the part of the Board and his neighbors.

Mr. Welch assured Mr. Luxton the Board was quite aware of the request. At the previous meeting there were no neighbors to show support for this variance, only complaints.

Mr. Luxton asked why he wasn't informed that no variances on this request would be given and Mr. Welch replied no decisions are made prior to the meeting.

BOARD DISCUSSION: None.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, May 19, 2011 at 5:00 p.m.**

Meeting adjourned at 5:55 p.m.
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