

CITY OF BURTON
ZONING MEETING MINUTES
DECEMBER 15, 2011, 5:00PM, COUNCIL CHAMBERS
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The Zoning Meeting was called to order by Welch at 5:00 PM.

MEMBERS PRESENT: Parker, Haskins, Hynes, Weatherford, Grantner, and Welch.

MEMBERS ABSENT: Tracy Parker.

OTHERS PRESENT: A. Frost, Deputy Planning Official, J. Anderson, Clerk's Office

Parker moved and Haskins seconded to approve the Regular ZBA Meeting minutes of November 17, 2011 at 5:00 p.m. Motion carried 6-0.

Mr. Welch informed the applicant there was not a full Board present and they have the option of deferring their case until the next meeting on January 19, 2011.

NEW APPLICATIONS:

1. ZBA #11-16	BY: Brian P. Rheingans 2508 Eugene St. Burton, MI 48509
	RE: 2508 Eugene St., Parcel #59-24-576-009
	FOR: To construct an enclosure on an existing deck that will be 26' from the rear property line, 35' required. (4 votes required)

Mr. Rheingans had nothing more to add.

Ms. Frost stated that the enclosure on the existing deck would make a nice addition to the property.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Parker moved and Haskins seconded to approve ZBA #11-16 as written. Motion carried 6-0.

2. ZBA #11-17	BY: Valley Church of Christ 4201 Lippincott Blvd. Burton, MI 48519
	RE: 4201 Lippincott, Parcel #59-15-300-028
	FOR: To delete the requirement for sidewalks under provisions of 157.092.

(5 votes required)

Dave McClure, 902 Dupont, Flint, MI 48504, is representing the Valley Church of Christ and they are in the process of adding a small addition to the rear side of the Church to house a new baptistery. He stated they should be exempt from the sidewalk requirement as there are no other sidewalks in the area, which is mostly residential.

Ms. Frost stated there are residential homes on each side of the property. The property to the west is zoned R-O, and the property to the east is zoned R-1B. She stated they could delete requirements for a sidewalk completely, or add the stipulation that if the R-0 property is ever developed, the applicant must put in the sidewalk at the same time.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mr. Welch stated there would be a sidewalk to nowhere because residentially zoned properties are not required by Ordinance to have sidewalks.

Mr. Haskins said it would be nice to have a completely walkable community. He referenced Paul's Coney Island stating there are no sidewalks on that side of Center Rd. but the decisions they make must fall in abeyance with every other.

Mr. Grantner stated there is no way to write an Ordinance for putting in sidewalks because all the cases are different. The Planning Commission decided a sidewalk is required for all new site plans that come before the Board. The proper way to deal with it is to take the case to the Zoning Board of Appeals and let them decide if a variance is to be granted.

Mr. Parker said Mr. Haskins asked him if he would like to include a stipulation that requires the applicant to add a sidewalk at a later date. He said money to install sidewalks for "walkable" communities usually comes from Federal funds. Mr. Parker added many other commercially zoned properties do not have sidewalks.

Mr. Grantner added a lot of the places in Burton have ditches and for sidewalks to be installed they would have to be constructed in the setback, which would require drain tiles before the sidewalks are poured.

Mr. Parker stated he would like the motion to be approved as written.

BOARD RECOMMENDATIONS AND/OR ACTION:

Parker moved and Grantner seconded to approve ZBA #11-17. Motion carried 5-1, with Weatherford voting no.

3. ZBA #11-18

BY: Deeandra Quillen
4024 Risedorph
Burton, MI 48509

RE: 4034 Risedorph, Parcel #59-03-553-100

FOR: To object to a front yard fence at
4034 Risedorph. (4 votes required)

AUDIENCE PARTICIPATION:

Deeandra Quillen stated she is present to protest the fence because of safety and aesthetics. She doesn't think it should be allowed by zoning according to article 157.090, section 2, as well as 157.089 section a. of the Burton City Ordinance. She stated that the fence would be hazardous to her health and could potentially endanger her husband's job. She stated the current fence is not up to code and the new fence would bring down the look of the neighborhood.

Sandra Guiles, 4034 Risedorph, stated the couple at 4024 Risedorph has harassed them over a year. The male comes onto her property and tries to engage her husband in physical altercations. The neighbors put fencing panels three feet onto their property. She said there have been multiple occasions where the police have had to be called. She said the fence they constructed was beautiful and does not go thirty feet into the easement, but six inches before the boundary mark, as surveyed by Delta Survey. Burton Police instructed them to construct no trespassing signs. Ms. Guiles added the neighbors have plants and a fence that go past the property line. She is hoping this fence will alleviate any problems they may have in the future.

Jennifer Thomas, 4021 Risedorph, said she lives directly across the street from the Thomas'. She stated they are not the property owners, they are renting. She said the fence is unsightly and will be a hazard.

Michael Freeman, 2182 N. Center Rd., stated his backyard is adjacent to the Thomas'. He said that people fly around the corner and the fence would be a safety issue and an eye sore.

BOARD DISCUSSION:

Ms. Frost stated Ms. Quillen is the applicant, therefore the homeowner does not need to be present. The applicant would not be the only house with a fence in the neighborhood and it is her right to have a fence if she pleases. The reason she had to come before the zoning board was because there was an objection. The fence would not be allowed in the right of way. She suggested they deny the objection.

Mr. Parker asked Ms. Frost if the fence would be within the right of way and what would happen if sidewalks were installed one day.

Ms. Frost responded there is a thirty-foot right of way from the center of the road and the sidewalks would be constructed within the right of way. She feels a fence would help resolve the property line issue.

Mr. Haskins stated Mr. Quillen drives a semi and asked if he drives it down the road. He stated semi trucks in residential neighborhoods are illegal.

Mr. Welch confirmed it requires four votes and to vote in the affirmative would be a denial to the construction of the fence.

BOARD RECOMMENDATIONS AND/OR ACTION:

Grantner moved and Weatherford seconded to approve ZBA #11-18 as written. Motion failed 6-0, with Weatherford, Hynes, Parker, Haskins, Grantner and Welch voting no.

4. ZBA #11-19

BY: Patricia Gonzales
11515 Saginaw St.
Clio, MI 48420

RE: 1192 N. Genesee, Parcel #59-11-552-017

FOR: To conduct an R-O Restricted Office use in
an M-1 Light Industrial zoned property for a
childcare center. (5 votes required)

Patricia Gonzales is interested in opening a daycare center in Burton with hours of operation from 6:00 A.M. to 11:00 P.M. that accommodates newborn to school aged children. She has done daycare for sixteen years. She started in her house for five years and then moved to a daycare center for nine and a half years. She was licensed for seventy-three children and has gone down to thirty-five.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Ms. Frost stated the property is zoned M-1 but has an office type setting and recommends approval.

BOARD RECOMMENDATIONS AND/OR ACTION:

Grantner moved and Hynes seconded to approve ZBA #11-19. Motion carried 6-0.

5. ZBA #11-20

BY: Elizabeth Nixon
2224 N. Center Rd.
Burton, MI 48509

RE: 2224 N. Center Rd. Parcel #59-03-551-002

FOR: To conduct an animal rescue out of a
residential home to house not more than
10 dogs at a time, 2 dogs allowed.
(5 votes required)

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mr. Grantner pointed out there is a lot of brush and screening causing a hazard at the corner of Eugene and Atherton Rd.

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Mr. Hynes said there is a tree right at the exit of Family Video on Atherton Rd. that obstructs traffic.

Mr. Parker stated there is a new business on Atherton Rd. where a sign was made permanent that obstructs the view of traffic. He also said this is Mr. Grantner's last meeting and he wanted to thank him for his service.

Mr. Welch thanked Mr. Grantner for his service to the community and pointed out his expertise on the Zoning Board of Appeals will be missed.

Mr. Grantner said this is the most important Board in the City. He stated that they do a good job. He added that his successor is Bob Walls.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, January 19, 2012 at 5:00 p.m.

Meeting adjourned at 5:55 p.m.

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Meeting adjourned at 5:55 PM.

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