

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JANUARY 15, 2004, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON STEVE WELCH AT 6:05 P.M.

MEMBERS PRESENT: Grantner, Tracy Parker, Welch, Weatherford, Scott

MEMBERS ABSENT: Martinbianco, Terry Parker

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Clerk's Office

Mr. Welch stated that due to the absence of a full Board, they would elect a new Chair and Vice-Chair at next month's meeting.

Moved by Grantner, seconded by Weatherford to approve the Regular Zoning Board of Appeals Meeting held on Thursday, November 20, 2003 at 6:00 p.m., and the Regular Zoning Board of Appeals Meeting held on Thursday, December 4, 2003 at 6:00 p.m. Motion carried, 5-0.

AUDIENCE PARTICIPATION: No one from the audience elected to speak at this time.

BOARD DISCUSSION:

Mr. Grantner stated the Planning Commission met this past Tuesday. The Mayor attended the meeting and advised us the City Council approved the recommendations that the Planning Commission worked on. We are already into another cycle, and if there is anything the Zoning Board feels needs to be brought to the attention of the Planning Commission, please let me know.

Mr. Grantner addressed item 2 in the paragraph that is read aloud to the applicants concerning hardship. Mr. Grantner said hardship does not apply on a use variance.

Mr. Welch said the Board did discuss a few months changing the wording and he will look further into it.

Mr. Welch expressed that there are only 5 Board members present tonight and the applicants are entitled to a full Board. If they would like to delay their case, they can choose to do so.

NEW APPLICATIONS:

1. ZBA #03-65
- BY: Richard Wiktorowski
3354 S. Grand Traverse
Burton, MI
- RE: 3354 S. Grand Traverse
- FOR: 1) To construct an addition at 7 ft. from the garage;
10 ft. required.
2) Expand the residential use in a C-2 zoned area.
(4 Votes Required)

Richard Wiktorowski, 3354 S. Grand Traverse, Burton, MI, said originally the plans for the addition to the house was approved. The digging was done and the foundation was laid. We were then told we didn't allow the 10 ft. that was required. We feel since it was approved at first and we posted the approval, there should be a variance to this. We will comply with a fire board between the garage and house. The extra feet is needed in the plans because the house is rather small for the number of people staying in the house. The three additional feet is needed for a hall space. Since we were given that approval, we feel in some way we are entitled to continue in the process.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired regarding the permit given to the applicant.

Mr. Strasser said the permit was issued and there was error on both parties. The applicant acknowledged he will have a firewall on the inside of the garage. We recommend approval.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #03-65.
Motion carried, 5-0.

2. ZBA #03-66

BY: Charles W. Clark, Jr.
3234 S. Center Rd.

RE: Parcel #59-28-526-004, Lot 2 Center Rd. Acres
Sect. 28, C-2 Zoned

FOR: To expand the residential use of the property with a
pole barn in a C-2 zoned area.
(5 Votes Required)

Charles Clark, Jr., 3234 S. Center Rd., Burton, said his request is to build an addition onto an existing pole barn. He would like the extra space for a workshop. There are several other properties with pole barns in the area. The problem is that it is zoned C-2 commercial but the area is basically residential at this point. I feel when the area does go to commercial use, they will tear down the houses, garages and pole barns anyway.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said this is pretty much standard procedure on Center Rd. We do not have a problem with the request.

BOARD DISCUSSION:

Mrs. Scott inquired as to the size of the addition.

Mr. Clark replied it would be 24 x 45.

Mr. Strasser said the square footage is less than what is allowed by ordinance. The only reason he is here is because it is zoned commercial.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Weatherford to approve ZBA #03-66.
Motion carried, 5-0.

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3 ZBA #04-01

BY: Mallard Ponds Development
418 Woodbridge
Grand Blanc, MI 48439

RE: Parcels #59-11-200-001, #59-11-200-009, and
#59-11-200-012

FOR: To have a minimum front setback of 10 feet;
25 ft. required.
(4 Votes Required)

Chuck Sekrenes said he is owner of Mallard Ponds Development. He is also present with Michael Pifer from Kraft Engineering.

Michael Pifer of Kraft Engineering, 409 W. Seventh St., Flint, MI, presented drawings to the Board. He stated they appeared before the Planning Commission on Tuesday, January 13th and received preliminary condominium site plan approval. They made the Commission aware of the variance request and they basically approved it contingent upon ZBA approval.

Mr. Pifer stated further, the proposed project is located at the southwest corner of Belsay and Davison Rd. and consists of approximately 46 acres. We plan to develop this land as single family clustered condominiums. The major entrance is off of Davison Rd. and a second entrance off of Belsay Rd. The development is similar to Maple Creek off of Maple Road and Cross Creek on Genesee Rd., north of Court St., both of which their firm developed. There are 7 to 8 acres of regulated wetlands that must remain its natural state according to the DEQ. Because we cannot use a large portion of that land, we want to develop the cluster condominium. It allows us to cluster the homes closer together and leave larger open spaces.

In summary, Mr. Pifer stated in lieu of putting in a 25 ft. setback from the road right-of-way line, they be granted a variance to put it at 10 ft. The road would be constructed to a 30 ft. width, which is wider than a private road would typically be. Because we are putting in a public road, we have to dedicate this right-of-way to the City of Burton.

AUDIENCE PARTICIPATION:

Dean Fusi, 1398 Clairwood, Burton, MI, stated his property abuts the proposed project. He asked if there will be distance between his lot line and the structures.

Mr. Piper responded the request does not apply to the back yard setback. The closest they would be is 25 ft. from his property line.

Mrs. Dargel said she attended the Planning Commission hearing for a zoning change on this parcel. It has been before the Planning Commission for the first public hearing and has yet to be before Council for approval. Mrs. Dargel commented regarding Ordinance 19, page 51, D. She asked if the 25 ft. setback applies to the entire proposal.

Mr. Sekrenes responded to Mrs. Dargel that not all are closer than 25 ft. There will be some in the cul-de-sacs that are 40 to 50 ft. back. We want a wider street and to have the project look like a subdivision. It is curb and gutter and there will be no open ditches.

Mr. Strasser commented regarding the two similar developments of Maple Creek and Cross Creek and stated he has worked with Mr. Pifer quite extensively on this and we feel it is a good proposal and recommend approval.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #04-01.

Motion carried, 5-0.

4. ZBA #04-02

BY: Sonya Kellams
5349 Lippincott
Burton, MI

RE: Lots 601, 602 and 603 Lapeer Heights
Section 14, R-1A Zoned.

FOR: To exceed the allowable height for accessory buildings
by 3 ft.; 14 ft. required, 17 ft. requested.
(4 Votes Required)

Mr. Strasser stated all the information was supplied in the applicant's building permit application. Our department did error and it is not the applicant's fault.

Sonya Kellams, 5349 Lippincott, Burton, MI, said she requested a building permit on December 3rd which was approved. She started building a 24 x 32 pole barn in her back yard and it was done up to the framing inspection which was approved. She then had cement poured where the garage is going to be and the building inspector came out and approved that. Upon finishing that, he came back and stopped the building because he had a complaint and the height was overlooked. She is here to request a variance to continue.

Bob Payne, 1502 McEwen, Burton, MI, said his neighbor behind him at 1499 Denies had a shed built 3 years ago. He was not allowed to have a big barn as this was.

Mr. Strasser commented regarding the change in the ordinance that allows more square footage. He stated for this particular barn, it is not that the square footage is oversized, it is the height. Mr. Strasser re-iterated the department made a mistake and they recommend approval.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #04-02.
Motion carried, 5-0.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, February 19, 2004 at 6:00 p.m.**

Meeting adjourned at 6:35 p.m.

jra