

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JANUARY 20, 2005, 6:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

THE MEETING WAS CALLED TO ORDER BY CHAIRMAN STEVE WELCH AT 6:00 P.M.

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

MEMBERS ABSENT: None

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Deputy Clerk

Moved by Terry Parker, seconded by Scott to approve the Regular ZBA meeting minutes of December 2, 2004 at 6:00 p.m. Motion carried, 7-0.

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

BOARD DISCUSSION:

Mr. Welch addressed electing new officers at the next Regular ZBA meeting in February.

Brief discussion ensued regarding terms expiring for Mr. Parker and Mrs. Weatherford. Mr. Martinbianco asked Mrs. Adams to research the terms expiration dates.

NEW APPLICATION(S):

1. ZBA #04-47

BY: Oakview Associates
671 E. Big Beaver Rd #105
Troy, MI 48083

RE: 4034 Grand Oaks Trail, Lot #14
Oakview Meadows, Sect. 35
R-1A Zoned.

FOR: Rear set back variance needed to
accommodate depth of home 3 ft.
variance requested, 35 ft. rear setback
required; 32 ft. rear setback requested.
(4 Votes Required)

Bill Kraft of Oakview Associates introduced Anthony Fritz as the purchaser of the home in question. They are requesting a variance to add a sun room onto the back of the home. His lots are not deep enough at Oakview Meadows and he needs a 3 ft. rear yard variance.

AUDIENCE PARTICIPATION: No audience participation.

REGULAR ZONING BOARD OF APPEALS MINUTES

JANUARY 20, 2005 / 6:00 P.M.

PAGE 2

Mr. Welch read aloud a letter received by a resident who expressed problems with the developer concerning her fence. The fence was knocked down by the developer while clearing the lots and he said it was not his responsibility.

Mr. Kraft said he purchased the lots from Gary Ashley. He is familiar with the situation of the fence and spoke with Mr. Ashley about it and told him he needs to contact the homeowner. Mr. Kraft re-iterated the need for the variance.

Mr. Strasser stated the ZBA had similar requests in the past that were granted. It is the Board's decision.

BOARD DISCUSSION:

Mrs. Weatherford said the Board is seeing many of the same variances in this particular subdivision. They should have bigger lots for these larger homes.

Mr. Martinbianco stated he supports the request which has been done in the past with success. The extra 3 ft. is not going to make that much difference. Mr. Martinbianco expressed that Mr. Ashley be made aware of the fence situation and address the complaint. He asked Mr. Strasser to update the Board at the next meeting.

Discussion continued regarding the past variances in the subdivision. Mr. Kraft acknowledged the first variance was for Lot 23, a totally non-buildable lot that required a special plan. The second variance was the same situation.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Terry Parker, seconded by Martinbianco to approve ZBA #04-47.

Motion carried, 4-3. Weatherford – no, Terry Parker – no, Welch – no.

2. ZBA #04-51

BY: Kimberly Arnesen
1488 S. Vassar Rd.

RE: Parcel #59-13-400-004, R-1A Zoned

FOR: To allow 4 dogs to dwell at the
residence above; 2 dogs allowed.
M-1 use in an R-1A zoned area.
(5 Votes Required)

Kimberly Arnesen, 1488 S. Vassar Rd., Burton, MI stated she was unaware of the City's ordinance on the number of dogs allowed. She has four dogs with the ages of 1 ½, 9 months old, 12 years old and 9 years old. She put up a fence so her dogs would not be a bother to neighbors. Her dogs are for security and companionship. She requests to keep them all together.

REGULAR ZONING BOARD OF APPEALS MINUTES

JANUARY 20, 2005 / 6:00 P.M.

PAGE 3

AUDIENCE PARTICIPATION:

Brian Brown, 1504 S. Vassar Rd., Burton, MI, stated he lives next door and speaks against the request. The dogs spend a lot of time in his yard. Even though her yard is fenced they still get out and come over. He has called Animal Control and 911. Mr. Brown complained further regarding the loud barking and he is opposed to allowing that number of dogs.

Mr. Strasser stated they should be kept in a fenced in area and not a bother to neighbors.

Ms. Arnesen indicated she has had past problems with Mr. Brown. She feels this stems from a fence line issue that happened way before she bought the property.

BOARD DISCUSSION:

Mr. Parker stated the Ordinance allows 2 dogs. He cannot support the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Terry Parker, seconded by Scott to approve ZBA #04-51.

Motion carried to deny, 7-0. Weatherford – no, Scott – no, Terry Parker – no, Martinbianco – no, Grantner – no, Tracy Parker – no, Welch – no.

3. ZBA #05-01

BY: Albert Jones
2307 Blackthorn Dr.
Burton, MI.

RE: 4029 Lapeer Rd, Part of lot 3,
Cooks Plat. C-2 zoned. Section 15.

FOR: 1.) To convert a garage to an office
space, “maintain non-conforming
residential use of the home”.
2.) Construct a 96 sq. ft. sign; 54 sq.
ft. sign allowed. (5 Votes Required)

Albert Jones, 2307 Blackthorn Dr., Burton, MI, stated he currently owns a home care company and has office space on Belsay Rd. in Burton. He would like to buy this property by the home to convert the garage for an office. He plans to live there as well. Mr. Jones indicated further he would like to put a sign up with some height because of visibility due to Wallis restaurant and the strip mall.

AUDIENCE PARTICIPATION: No audience participation.

REGULAR ZONING BOARD OF APPEALS MINUTES

JANUARY 20, 2005 / 6:00 P.M.

PAGE 4

Mr. Strasser said the recommendation for the sign, Item #2, is to stay within the ordinance and build a 54 square foot sign. In the zoning district he would be allowed to construct a sign up to 30 ft. tall. If the variance is granted, he will need architectural prints to show the building inspector the fire separation between the office use and residential use, steel doors, handicap bathroom and entrances. Mr. Strasser indicated the place has been empty for quite awhile so it will be good to have someone in there.

Mr. Parker said he cannot support Item #2. We need to stay inside the description of the Ordinance for signs.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Weatherford to approve ZBA #05-01, Item #1, with DPW approvals. Motion carried, 7-0.

Moved by Terry Parker, seconded by Martinbianco to approve ZBA #05-01, Item #2.
Motion carried to deny, 7-0. Weatherford – no, Scott – no, Terry Parker – no, Martinbianco – no,
Grantner – no, Tracy Parker – no, Welch – no.

BOARD DISCUSSION:

Mr. Parker said the last time his appointment term expired, the City Attorney said he was not allowed to conduct business until he was re-appointed by Council. Mr. Martinbianco suggested sending a letter seeking re-appointment. Council will make the determinations.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, February 17, 2005 at 6:00 p.m.**

Meeting adjourned at 6:37 p.m.

jra