

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
FEBRUARY 19, 2004, 6:00 P.M., COUNCIL CHAMBERS
WEBSITE: www.burtonmi.us

Steve Welch, Acting Chairperson, led the Pledge of Allegiance.

Steve Welch, Acting Chairperson, called the Regular Meeting to order 6:04 P.M.

MEMBERS PRESENT: S. Bennett, H. Clark, G. Grantner, T. Martinbianco, Terry Parker, M. Scott and Welch.

MEMBERS ABSENT: Tracy Parker and B. Weatherford

OTHERS PRESENT: T. Strasser, Deputy Planning Official and C. Ladd, Deputy City Clerk.

ATTENTION APPLICANT(S):

In order to prove you are entitled to a variance, you should be prepared to show how your property meets the conditions listed:

1. The difficulty must be unique to your property and not generally shared by others in the same zoning district, and would constitute a hardship.
2. The variance will not adversely affect the public health, safety and welfare, or be contrary to the spirit and intent of the Ordinance.

The burden of demonstrating that the above conditions exist on your property falls on you, the applicant. The Zoning Board of Appeals will not argue or present your case for you.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING(S):

The Regular Zoning Board of Appeals meeting held on January 15, 2004 at 6:00 p.m.

Parker moved and Scott seconded the motion to approve and authorize the minutes of the meeting held on January 15, 2004 at 6:00 P.M. Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

There was no one in the audience who wished to speak.

C. BOARD DISCUSSION:

Reorganization of the board will occur when the full board of regular members are present.

D. NEW APPLICATION(S):

- | | |
|---------------|---|
| 1. ZBA #04-03 | BY: Metro Detroit Signs Inc.
23544 Hoover Rd.
Warren, MI 48089 |
| | RE: G-3043 Dort Hwy. (Enterprise Rent-A-Car)
Lot 274 & 289-295 Chambers Sub., Sect. 28 |
| | FOR: To exceed the allowable square footage for signage by
45 sq. ft. with an additional sign; 45 sq. ft. allowed,
90 sq. ft. requested. (4 Votes Required) |

Don Voth, 11578 Shell Bark Ln, Grand Blanc, MI said they would like to place a second building sign on the premises at 3043 S. Dort Hwy that faces Dort Hwy to further identify their place of business. The pole sign is on the south edge of the property and often the southbound traffic doesn't see the location until they are passed the business. This could cause traffic hang-ups. Our trade dress standards dictate that we have identification on the main road and we have made a long-term commitment to that location on our lease.

Warren Champion, Metro Detroit Signs, said they have looked at the location and have tried to work with the location with the existing signs available allowed under code. When we positioned and laid out our fixtures we did put the pylon sign at the south end of the property to try and provide proper egress visibility when entering and leaving the facility. We did take the one available permit for wall signs and we applied it over the entrance as a courtesy to the customers and also tried to maintain a corporate identity. When driving by the location from the north and focus on the pylon sign, the person is in a position where they have just gone through the intersection and now has to make a quick stop to try to get into the entrance. We do have a little allowance left for a smaller sign, but would like to put in a matching sign so everything is uniform on the building.

Mr. Strasser commented that the size of the sign is not out of line, which is 3x15 and is identical to the one that is on the south side of the building. DPW staff is recommending approval for the sign.

Mr. Parker stated that he is not a sign person, but after viewing the site, it is difficult to see the pylon sign when coming from the North. That building is very visible from the North, but when you said there was a requirement from the corporate office to have it on the front of the building, that took care of my concern. Mr. Parker said he is happy to hear the business has made a long-term commitment to the building and he agrees with Mr. Strasser in supporting the request.

Moved by Scott, seconded by Parker to approve ZBA #04-03 as requested to exceed the allowable square footage for Signage by 45 sq. ft. with an additional sign; 45 sq. ft. allowed, 90 sq. ft. requested. Motion carried 7-0.

2. ZBA #04-04

BY: Diane Cook
2116 Whittemore
Burton, MI

RE: 2116 Whittemore, Lot 444 Bendlecrest
Section 32, R-1C Zoned.

FOR: To allow a carport to remain at 2 ft. from
the east property line; 8 ft. required.
(4 Votes Required)

Diane Cook, 8045 Kensington Blvd., Davison, MI, explained that she is asking for a variance to leave the carport on the house that she recently inherited at 2116 E. Whittemore. She said when her father added the carport a few years ago he didn't have it the correct distance from the property line. She would be willing to put eaves and downspouts on it. It looks as though the majority of the water is on her side of the fence, so this shouldn't cause a problem. She does have the house sold and it is pending for the mortgage. It would cause a hardship if the carport had to come off from the house because she is apt to lose the sale.

Audience Participation:

Pauline Dargel, 6119 Hugh St., noted that the carport has been there for some time. Are we looking for some type of code enforcement?

Mr. Strasser said we are trying to legalize the situation after the fact. This case was not brought to me as a code enforcement situation, but as legalization for the mortgage company and the potential buyers to have the situation approved by the City. He researched the property history file and a variance was never granted and no permits were ever issued. The carport was built illegally, but it is not Ms. Cook's doing, but her father's.

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 19, 2004 / 6:00 P.M.

PAGE 3

Sherry Schwerin, 2122 E. Whittemore, presented pictures of the site. She said her husband measured the area and from the lowest point of the siding to the lowest point of the carport there is approximately 32". She noted that their main concern is the possibility of this being a fire hazard for both homes. There is very little space between the homes.

Jeff Schwerin, 2122 E. Whittemore, said when they had their survey done about 9 years ago, we were told that our property line is 29" and this carport isn't two feet away from the property line. He also noted that the drainage does go into his yard. He doesn't know if cutting it back along with gutters would solve the problem or not. He is also concerned about the fire hazard with the homes being so close together. He said if the carport ever caught on fire, his home would definitely be damaged.

Mr. Strasser asked if the carport is open on all three sides. He was informed that it was. The drainage should be not fall on someone else's property. He suggested to the Board that if they make an affirmative motion for this case, that the motion should require the homeowner to put in gutters and downspouts to keep the drainage on this property. In regards to the fire issue, by looking at the carport itself, he doesn't believe a fire would start there, but the house could catch on fire. There could also be a car fire that would cause a problem. The roof of the carport wouldn't be a fire hazard. The carport has been there for about four years and was put there without us knowing it and without permits. Mr. Strasser also stated that the Board could put a stipulation that the carport must remain open on three sides, so it doesn't get closed in.

Moved by Parker, seconded by Scott to approve ZBA #04-04 for discussion purposes.

Mr. Martinbianco said the City Council is now reviewing fees and in the future there will be fines imposed for structures that are built without a permit. He referred to the pictures that were presented by Mrs. Schwerin in regards to the closeness of the carport and the property line. Discussion was held regarding the setback area.

Mr. Clark asked Mr. Strasser if the property would have been routinely inspected had the proper permits been taken out.

Mr. Strasser replied that prior to the inspection and the permit being taken out, the applicant would have had to come before this Body because an attached structure had to be 8 feet. An inspection would have been done to make sure the structure was up to code.

Mr. Clark asked what legal right does the City have now, in the aftermath, to do that inspection or require certain things if the structure isn't up to code.

Mr. Strasser said the City could require the owner come in and apply for a permit and have the inspection by the Building Inspector and take it from there.

Mr. Welch stated that the Zoning Board could go even further and put conditions on the variance.

Mr. Strasser said this Board has the legal authority to have the homeowner remove the structure.

Further discussion continued regarding inspections on the structure.

Mr. Parker said he has seen this type of case many times while sitting on this Board. He said he would like to see this case approved, with the stipulations that drainage doesn't go on the neighbor's property.

Mr. Martinbianco asked Mr. Strasser how often his office works with the Assessor's Office to determine the length of time a property has been on the tax rolls.

Mr. Strasser said he is in contact with the Assessor's Office on a regular basis.

Moved by Parker, seconded by Scott to amend the motion to approve ZBA #04-04 and to require downspouts and gutters, with a code inspection to meet city codes and keep the structure open on three sides. If the structure doesn't meet the code, it is to be brought up to code to get the variance or the structure would have to be torn down.
Motion carried 6-1 with Mr. Bennett voting no.

Mr. Welch introduced the new alternate members on the Zoning Board, Mr. Herm Clark and Mr. Steve Bennett.

Mr. Strasser commended the Board on the comments and questions.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, March 18, 2004 at 6:00 p.m.**

Meeting Adjourned at 6:33 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML