

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 20, 2003, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON JAMIE CURTIS AT 6:00 P.M.

MEMBERS PRESENT: Curtis, Weatherford, Scott, Terry Parker, Centilli, Grantner, Welch

MEMBERS ABSENT: None

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

Mr. Grantner asked that a correction be made to the Regular Zoning Board of Appeals Meeting minutes of January 16, 2003, at 6:00 p.m., reflecting the Zoning Board members attended a conference in Battle Creek, Michigan. Grand Rapids was incorrectly stated.

Moved by Parker, seconded by Weatherford to approve the Regular Zoning Board of Appeals Meeting held on January 16, 2003 at 6:00 p.m., with the correction of the conference location changed to Battle Creek, Michigan, and approval of the Special Zoning Board of Appeals Meeting held on January 30, 2003 at 6:00 p.m.
Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION:

Mr. Curtis asked Mr. Centilli if he would look into Zoning Board members obtaining identification badges for the purpose of identifying themselves to residents when they go out to look at the applicant's property.

Mrs. Weatherford said the Board members are not suppose to go on the actual property according to information they have received in zoning seminars.

Mrs. Scott said she believes they can if they get permission to do so.

Mr. Parker said Steve Langworthy presented many of the MML zoning seminars. He explained that part of the application process is the applicant by signing the application is granting a person to inspect their property. We are not suppose to go out and talk to anyone. All pertinent information is given at the podium by the applicant during the ZBA meeting. Mr. Parker stated ID badges were provided in the past for ZBA members so there would not be any problems with going to the properties and being questioned as to who they were.

Mr. Curtis said on certain applications you have to look at the egress and ingress for the impact it has on the surrounding neighborhood. I just wanted to have a way for our members to be identified. Mr. Curtis addressed further inserting on the application they sign a release that we have the right to come out and inspect the property for the variance they are applying for.

Mr. Strasser said he can make an addendum to the application.

Mr. Grantner said Mr. Parker is correct that it is not a good idea to go onto the property. He understands though the reason for identification badges because it would relieve fears of a homeowner seeing someone scoping out their property and wondering what they are doing.

Mr. Centilli said he will look into the ID badges.

D. NEW APPLICATION(S):

1. ZBA #03-03

BY: Gary Sicard
5164 Raymond
Burton, MI

RE: 5164 Raymond, Lot 105 Vodden Little Farms #2
Sect. 14, R-1B Zoned.

FOR: Exceed square footage for accessory structures by
264 square feet. Wants total 1,776 sq. ft. by adding
30 x 40 pole barn; existing garage is 576 sq. ft. and
existing shed to be demolished.
(4 Votes Required)

Gary Sicard, 5164 Raymond, Burton, MI, presented pictures to the Board and said they show different views of the area where he would like to place the pole barn. They have a 12 x 16 shed that has been there since 1978, it will be dismantled and in its place a 30 x 40 pole barn. We have a boat and a fifth wheel travel trailer that has been sitting in the back of the property. My plan is to put those inside the new pole barn to protect the vehicles from further damage from the weather. It will also add an appealing affect in the neighborhood to keep them out of sight.

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

Mr. Strasser stated the request does exceed what the ordinance allows. The Planning Commission and City Council passed larger square footage allowances for residential properties a couple of years ago. The lot is 308 ft. which is quite deep, and the structure would be very far removed from any residential homes. It would not have quite the impact of being over-sized as it would in a smaller size neighborhood.

BOARD DISCUSSION:

Mr. Centilli said he seen the site and with the depth of 308 ft., he has no objection.

Mr. Grantner said he also struggles with this and remembers what Mr. Langworthy expressed in the ZBA seminars. We have an ordinance that was just recently expanded to make the structures bigger because of the numerous requests that came in. He wonders how much farther do we have to go. Other than a desire to have it, he did not see in terms of the needs for the variance or anything that was unique to the property that would make this a compelling need to do this. Mr. Grantner stated further, he cannot support this request.

Mr. Parker said he agrees with Mr. Grantner's comments. I think in some cases the size of the accessory structure is going to be too big and this Board needs to have some consistency. He does not see the hardship and it could be scaled down and meet the ordinance restriction. Mr. Parker said he cannot support the request.

Mrs. Weatherford asked how big could the structure be for the size of his lot.

Mr. Strasser replied roughly 24 x 30.

Mr. Centilli re-iterated his earlier comments that he sees no problem with the size of the structure being requested. When you have a lot size of this magnitude, this is not a very big barn sitting back there.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #03-03.

Motion carried 6-1 to deny. Weatherford – no, Scott – no, Parker – no, Grantner – no, Welch – no, Curtis – no.
Centilli – yes.

2. ZBA #03-04

BY: Alyce Adkisson
1388 Proper
Burton, MI

RE: 1388 Proper, Lot 356 Greater Flint Sub.
Sect. 31, R-1C Zoned.

FOR: To exceed the allowable square footage for accessory
structures by 578 sq. ft. with a 36 ft. x 36 ft. pole barn.
(4 Votes Required)

Alyce Adkisson, 1388 Proper, Burton, MI, stated she and her husband have lived there for 30 years. They purchased the house next door at 1392 Proper and had the home tore down three years ago. They now have a 27 ½ ft. motor home, a 1977 Nova and 2002 Trans Am. We are trying to build a 36 x 36 pole barn to store these vehicles in so they are not sitting out in the driveway blocking the neighbors view. Their cars have been vandalized and broken into and it would basically be for protection.

AUDIENCE PARTICIPATION:

Sue Layman, 1079 Arrowhead Dr., Burton, MI, stated she looked over the property and there is a stop work order on it. The barn would be higher than their house and the neighbor's house next door. I feel it is very improper to put this there and it would take from the neighborhood.

Mrs. Adkisson said the location of the original house is the same exact spot where we want to build this pole barn. Her neighbor said this would not bother her.

Mr. Strasser said this came to them through a stop work order. The building was started prior to permits being issued, and they would not have been issued because the building is oversized. Without a variance they could build a 24 x 30 barn with a permit even with the existing garage and shed they have on site.

BOARD DISCUSSION:

Mrs. Scott inquired regarding the height of the door.

Mr. Strasser said it is not going to be a high peaked roof, it would be a flatter roof.

Mr. Centilli asked if this is a vacant lot.

Mr. Strasser responded it is.

Mrs. Scott asked if the property is on one tax roll.

Mrs. Adkisson said she just had it put together on one parcel.

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Mr. Parker said he wants to make the same comments as in the first case, and even more so here. When the City Council re-visited the ordinance, I am sure they spent a lot of time researching and coming to conclusions about what

they thought a fair and equitable accessory structure was. This part of the ordinance is only two years old and it has been looked at. He does not see the hardship and cannot support it.

Mr. Grantner said he concurs with Mr. Parker comments.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #03-04 as written.

Motion carried 6-1 to deny. Weatherford – no, Scott – no, Parker – no, Grantner – no, Welch – no,
Curtis – no, Centilli – yes.

3. ZBA #03-05

BY: Mindi Bowen
1468 Ready
Burton, MI

RE: 1392 Gram / The W 15 ft. Lot 235 and Lot 236
Greater Flint Sub., Sect. 31, R-1C Zoned.

FOR: To construct a new home at 5 ft. from the west property
line; 8 ft. required. (4 Votes Required)

Mindi Bowen, 1468 Ready, Burton, MI, stated they are requesting to build a home almost precisely in the same location as the home that was destroyed in a fire last year. Most of the houses in our neighborhood are close to the property line. We are not asking to be any closer than we had previously been. Mrs. Bowen stated further it is not their intention to do anything with the garage but repair the damage that was done by the fire. On the front of the house there is about 2 ft. that brings the overhang closer to the sidewalk.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated the house was destroyed by fire and they are trying to construct a new home. It is not unusual in the south end to ask for a variance. We have no problem with the request. Mr. Strasser pointed out to the Board that they are acting on the side setback variance.

BOARD DISCUSSION:

Mr. Parker commented regarding the hardship of the fire and being in that particular part of the south end of the city. He will support the request.

Mrs. Scott inquired regarding the front porch requiring another variance.

Mr. Strasser said there is a clause for the front porch area. DPW recommends approval.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Weatherford to approve ZBA #03-05.

Motion carried, 7-0.

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4. ZBA #03-06

BY: EV Real Estate
3385 S. Center Rd.
Burton, MI

RE: 3385 S. Center Rd. / Lot 9 and part of Lots 8 and 10

Schramm Acres, Sect. 27, C-2 Zoned.

FOR: To split property not having direct access "frontage" on a public roadway. Access is by private drive.
(5 Votes Required)

Dr. Peter Vergos and Dr. Engelman, 3385 S. Center Rd., Burton, MI, stated they have a new eye care building. Dr. Vergos presented pictures of the property to the Board and said the parcel they are dealing with is on the east side of the property. For the person that purchases the land we will grant them a perpetual irrevocable easement for ingress and egress because we realize there is a private road there. Our building has access to the public road but the property in the back on the east lot would have to be accessed onto our private road.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, stated that from what she has read, they are splitting a lot because there is one parcel number. The Planning Commission splits property.

Mr. Strasser said this request stems from the fact all properties are suppose to have direct access on a public roadway. What they are proposing is similar to a condominium where you can have a private driveway and all properties would have equal access and rights to it in order to egress and ingress their property and go out onto a public roadway. If approved tonight, from this point they have to go before the Planning Commission for a formal lot split. In the future they gain a buyer and they want to build on it, they have to go before City Council and request a waiver in order to get a building permit to build on a piece of property that does not have access to a public roadway, even though they would grant them an easement.

Mr. Strasser gave examples of similar situations on Dortch Drive. He stated if this is approved, we ask at the time an easement is granted to a purchaser, we receive a copy of it to have on file with the City.

Mr. Centilli asked if the City maintains the road.

Mr. Strasser replied the City does not maintain the road because it is a private drive.

Mr. Centilli asked for clarification that the applicants want a private drive in the back to build more buildings.

Mr. Strasser responded they would be able to build one building in the back not directly on a public roadway.

Dr. Vergos said they want to reassure the Board that they will register the easement documents at the County.

Mr. Curtis inquired regarding the site plan and if different phases are involved.

Mr. Strasser said the plan they are looking at shows the original site plan that was a concept of having three different buildings there. As it stands right now, they are asking to split off one piece of commercial property, basically one lot east of their building, which in essence gives them the ability to build one building on it. You could build more than one but you are going to be back before Council every time you get a permit on a private drive.

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Mr. Curtis asked for further clarification that a variance granted tonight would only involve one lot, one buildable site.

Mr. Strasser said they would be granting them the ability to have a piece of property not on a public roadway. You are not splitting the property, it now has to go to the Planning Commission if approved and they act on the lot split.

Mr. Centilli asked how this differs from an industrial park.

Mr. Strasser replied that with an industrial park your lots are directly accessible to a public roadway and they are right at the road.

Mr. Centilli asked if they could make it a public roadway.

Mr. Strasser said he does not believe it is close to being characterized as a public roadway.

Mr. Centilli expressed this will be a good tax base for the City.

Dr. Engelman stated that in looking at the drawings, he believes the three spots were approved already. What we are asking for is the eastern most part of the property. The two buildings right behind us are still part of our property and the road is going to go right to there. We went to the Planning Commission and we were approved for what you see in this picture. Dr. Engelman stated further they also want to do something with the lot to the north of them.

Mr. Parker said he thinks this is advantageous for the City to grant an easement into a piece of property. If approved he would like in the motion stating there is to be signage at the road for emergency personnel to locate it.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #03-06, with the stipulation there is signage at the road for emergency personnel, and a copy of the easement is sent to the City.
Motion carried, 7-0.

Mr. Curtis stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, March 20, 2003 at 6:00 p.m.**

Meeting adjourned at 6:57 p.m.

jra