

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 18, 2004, 6:00 P.M., COUNCIL CHAMBERS
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THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON STEVE WELCH AT 6:00 P.M.

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

MEMBERS ABSENT: None

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

Moved by Martinbianco, seconded by Scott to approve Steve Welch as Chairperson and Terry Parker as the Vice-Chairperson of the ZBA. Motion carried, 7-0.

Moved by Parker, seconded by Scott to approve the Regular Zoning Board of Appeals Meeting minutes held on February 19, 2004 at 6:00 p.m. Motion carried, 7-0.

PARTICIPATION: No audience participation.

D. NEW APPLICATION(S):

1. ZBA #04-05	BY: Mike & Tracy Friend 2041 E. Boatfield Burton, MI
	RE: 2041 E. Boatfield, Lot 362 Bendlecrest C-2 Zoned
	FOR: To conduct a Home Occupation "Photography Studio" in a C-2 zoned property. In conjunction with non-conforming residential use of the property. (5 Votes Required)

Mike Friend, 2041 E. Boatfield, Burton, MI, stated his home is also a photography studio with the main emphasis being weddings. The property is zoned C-2 and he believes this falls under the criteria of home occupation. Mr. Friend stated further there may be 5 to 10 people in and out of his home a week to pick up pictures or put their wedding albums together. He has had problems with one neighbor.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the variance was originally granted two years ago. He received one rebuttal letter which he gave to the Chair prior to the meeting. Mr. Strasser said they see no problem with the request and recommend approval.

BOARD DISCUSSION:

Mr. Martinbianco asked for further clarification, spoke regarding the August 2002 meeting minutes, and the number of votes needed for the variance.

Mr. Strasser gave a brief summary of the prior variance approval. He indicated 5 votes are required.

Mr. Friend expressed he would like to have a permanent variance.

Mrs. Scott said the permanent variance would be fine if Mr. Friend always planned to live there.

Mr. Friend commented regarding money he has invested in the house and property for improvements. He stated he has no plans to move.

Mr. Parker said he would not be in favor of a permanent variance because the ZBA could lose control of the situation. He does not have a problem with giving the variance another year status.

Mrs. Weatherford spoke of prior concerns with parking.

Mr. Friend said he makes every conscious effort to help in keeping the parking to a minimum. He does not want any problems arising from his business.

Mr. Martinbianco asked if the property was considered to be inside the DDA area.

Mr. Strasser indicated he did not know.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #04-05 for a one year renewal.
Motion carried, 6-1. Weatherford – no.

2. ZBA #04-06

BY: Vickie & Don Rosebrough
4488 S. Dort Hwy.
Burton, MI

RE: 4488 S. Dort Hwy.

FOR: To expand the non-conforming residential use of the property with a 10 ft. x 20 ft. and 12 ft. x 12 ft. deck area. (5 Votes Required)

Don Rosebrough, 4488 S. Dort Hwy., Burton, MI, stated he is the owner of the Lemon Wedge at 4476 S. Dort Hwy. along with the house next door. He would like to put a deck onto the back of the house. The house is zoned commercial and he has improved the property quite a bit.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he recommends approval for the deck addition.

BOARD DISCUSSION:

Mr. Parker said the Board has approved expanding a non-conforming residential use before. He feels if someone wants to use it for a commercial use, and if it is a viable piece of property to change it to a commercial use, they will pay whatever they want to tear the house down, get rid of the deck, or whatever it might be. He does not have a problem with the request and will support it.

Mr. Martinbianco inquired as to Mr. Rosebrough's residence on Dort Hwy.

Mr. Rosebrough said he has no neighbors, it is quiet and peaceful and he really does not have a problem living there.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Tracy Parker to approve ZBA #04-06.
Motion carried, 7-0.

3. ZBA #04-07

BY: Cheryl DuShane
2117 Delaney
Burton, MI

RE: 2117 Delaney

FOR: To keep 4 adult dogs on property. M-1 use in an
R-1B zoned area. (5 Votes Required)

Cheryl DuShane, 2117 Delaney, Burton, MI, stated she has a ½ acre lot with a 5 ft. chain link fence. She owns two dogs, one 1 ½ year old and the other dog is 14 years old. She took in two golden retrievers the first of the year for a couple that is having their home built. Their dogs are 13 and 11 years old. The couple put their house up for sale and it sold immediately. They had to go into an apartment and could not take the dogs. Mrs. DuShane stated further the dogs do not bark. Before she took the dogs in, she checked with the surrounding neighbors that would be impacted by this and no one had a problem with it. There was one neighbor she did not check with because she knows she would have a problem with him.

AUDIENCE PARTICIPATION:

Daniel Peake, 2111 Delaney, Burton, MI, stated he is against the variance request. He spoke of odors coming from the property and other animals the applicant has.

Theresa Hillier, 2124 Delaney, Burton, MI, stated Mrs. DuShane is a wonderful lady and takes care of lots of animals in the neighborhood. Her dogs do not bark and the home and yard are clean. She feels she is being picked on.

Kenneth Hillier, 2124 Delaney, Burton, MI, stated he is the neighborhood block club coordinator. He feels what is going on between Mrs. DuShane and her neighbor is more personal than anything else.

Mrs. DuShane said she does not understand the comments expressed of odors. Her neighbor has not been to her home in many years.

Mr. Strasser indicated the request is for 4 dogs, two is allowed by ordinance. She had previously been granted a variance from ZBA for three adult dogs about 20 years ago. Mr. Strasser referenced the minutes of the applicant's prior request and similar requests approved on a yearly basis. This came to the DPW's attention through a complaint.

BOARD DISCUSSION:

Mr. Grantner inquired regarding how long the dogs would be at the home.

Mrs. DuShane said she did not know how long it will take the couple to build their home. It has not been started yet.

Mr. Welch made reference to her past request and inquired as to her awareness only 2 dogs were allowed.

Mrs. DuShane acknowledged she was aware of what is allowed.

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Mr. Parker spoke of extenuating circumstances and approval of a year renewal.

Mr. Martinbianco said he does not see any expectation that this would go beyond a year. The responsibility of the pets rests with the owners and not Mrs. DuShane. Mr. Martinbianco addressed the option of kenneling the dogs. He also has problems with the smaller lots and closer neighbors.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #04-07 for one year.
Motion carried, 6-1. Weatherford – no.

Mr. Welch stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, April 15, 2004 at 6:00 p.m.**

Meeting adjourned at 6:48 p.m.

jra