

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 15, 1999, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY WILLIAM KALANQUIN AT 6:00 P.M.

MEMBERS PRESENT: Berry, Scott, Parker, Centilli, B. Weatherford, Layman, Kalanquin

MEMBERS ABSENT: None

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

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Mr. Kalanquin read aloud the memorandum for the MML Planning and Zoning Seminar to be re-scheduled from April 22nd to April 29, 1999 at 6:00 p.m. at the Police/Fire Facility.

APPLICATIONS:

Post-poned from March 18, 1999:

1. ZBA #99-12
- BY: Jillyn Kunz, d/b/a Sprint PCS
300 Galleria Officentre, Ste. 410
Southfield, MI
- RE: Parcel #59-11-200-010
1289 N. Belsay Rd.
Burton, MI
- FOR: 1) To Exceed the height limitations in the M-1
zoning by 91 ft. with a 126 ft. monopole,
35 ft. required.
2) To obtain side setbacks of 30 ft., 126 ft.
required. (4 Votes)

Post-poned from March 18, 1999:

2. ZBA #99-13
- BY: Jillyn Kunz, d/b/a Sprint PCS
300 Galleria Officentre, Ste. 410
Southfield, MI
- RE: Parcel #59-31-200-002
S. Grand Traverse
Burton, MI
- FOR: 1) To Exceed the height limitations in the M-1
zoning by 91 ft. with a 126 ft. monopole,
35 ft. required.
2) To obtain side setbacks of 25 ft., 126 ft.
required. (4 Votes)

Mr. Strasser said it is his understanding that City Council has passed a new ordinance regarding towers. City Council wishes to act on all applications first, and if anything is needed after that such as a variance, the Board will secondarily act on that application. Mr. Strasser recommends tabling the two requests until the City Council acts on their application.

REGULAR ZONING BOARD OF APPEALS MEETING AGENDA
APRIL 15, 1999/6:00 P.M.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Parker, seconded by Scott to table indefinitely ZBA #99-12 and ZBA #99-13.
Motion carried, 7-0.

3. ZBA #99-18
- BY: American Promotional Events/A Paramount
Promotions Inc.
Don Hudson
P.O. Box 10443
Arlington, VA 22210
- RE: Wal-mart Store - Burton
5323 East Court St.
Burton, MI
- FOR: Temporary tent sale - June 20, 1999 - July 5, 1999
(Not to obstruct fire lanes)
* Please note: Per Fire Chief Doug Halstead, City
of Burton Ordinance regarding sale and use of
approved fireworks, as of 9/01/98 complies with state
code. (5 Votes)

Don Hudson, PO Box 10443, Arlington, VA, indicated they did an application for a two week tent sale of the Wal-Mart store for the July 4th fireworks. The fireworks were approved by the State of Michigan and Fire Chief Doug Halsted.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke regarding the location and sketch concerning the nursery and parking lot.

Mr. Hudson said he submitted a site plan and they have addressed the handicapped parking.

Mr. Strasser said they generally have temporary uses such as this and they have no problem with the request. They will comply with the Fire Chief's directives.

Mr. Berry inquired as to the electricity for cash registers.

Mr. Hudson said they will have a cash box and for any electricity they will use a generator.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Berry, seconded by Parker to approve ZBA #99-18.
Motion carried, 7-0.

NEW APPLICATIONS:

3. ZBA #99-14

BY: John Babcock
4296 Greenley

RE: Parcel #59-31-400-008

FOR: 1) To exceed the allowable square footage for accessory structures by 1,536 sq. ft. with a 40 ft. x 60 ft. pole barn.
2) To exceed the height restriction by 1.5 ft., 14 ft. allowed, 15.5 ft. requested. (4 Votes)

John Babcock, 4296 Greenley, Burton, MI, said he needs the variance for a storage structure. He RV's, motorcycles, snowmobiles, etc., and his own personal vehicles.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said it exceeds the sq. footage allowed by the ordinance. Mr. Strasser stated he requests the Board to ask the applicant what is the hardship other than the self created or self imposed hardship. Mr. Strasser said the DPW's request is for denial on this size of barn.

BOARD DISCUSSION:

Mr. Parker said he has voiced the same concerns as Mr. Strasser. He spoke briefly on oversized structures, the manpower to police what is going on, and looking into the future. He indicated he is also in opposition to the size of the building.

Mr. Centilli inquired as to how many vehicles for the structure.

Mr. Babcock said he has a travel trailer, motorcycles, four wheelers and snowmobiles. He indicated it is a garage structure and not a pole building.

Mr. Centilli inquired as to downsizing the structure.

Brief discussion followed regarding the size, height, pitch and sidewalls.

Mr. Babcock asked if the Board would allow a 32 x 48 structure.

Mr. Centilli inquired to Mr. Strasser regarding a 30 x 40 structure.

Mr. Strasser re-iterated proving the hardship.

Mrs. Weatherford asked the applicant what the hardship is.

Mr. Babcock said there are no outbuildings, the only structure is his home. He wants a structure to store his recreational vehicles and also neatness for the property.

Mr. Strasser spoke regarding the definition of a hardship as it refers to the zoning ordinance for a variance request.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

APRIL 15, 1999/6:00 P.M.

PAGE -4-

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Weatherford, seconded by Berry to deny ZBA #99-14 for a 32 x 48 structure.
Motion failed to deny, 3-4. Berry – yes, Scott – no, Parker – no, Centilli – no, B.Weatherford – yes, Layman – no,
Kalanquin – yes.

Mr. Parker inquired regarding the applicant going with a 10 ft. sidewall instead of 12 ft.

Mr. Babcock indicated he would agree with a 10 ft. sidewall.

Moved by Parker, seconded by Scott to accept ZBA #99-14 request for a 32 x 48 structure and 10 ft. sidewall.
Motion carried, 5-2. Berry – no, Scott – yes, Parker – yes, Centilli – yes, B. Weatherford – no, Layman – yes,
Kalanquin – yes.

4. ZBA #99-15	BY: Yvonne Gwaltney 1185 Forest Ave. Burton, MI 48509
	RE: 1185 Forest Ave., Lot 45 of Glendale Acres, R-1A Zoned.
	FOR: To exceed the allowable square footage for accessory structures by 885 sq. ft. with a 30 ft. x 40 ft. garage, 864 sq. ft. required, 1,649 sq. ft. requested. (4 Votes)

Yvonne Gwaltney, 1185 Forest Ave., Burton, MI, said she is requesting to build a 30 x 40 garage to store vehicles, tractor and snowmobiles and to clean the yard up.

AUDIENCE PARTICIPATION:

Mrs. Dargel said she would find it beneficial to see the dimensions of the lot on the applications.

Mr. Strasser indicated it is 142 x 305. It does exceed the ordinance, and the need to prove the hardship.

Mrs. Layman asked the applicant what they have in the other garage and shed.

Ms. Gwaltney said they have a lawnmower in the smaller shed and a classic car in the other garage.

Mr. Centilli asked if they have over an acre of land.

Mr. Strasser indicated the property is 6 sq. ft. short of an acre.

Mrs. Scott asked if they intend to keep the shed and garage in addition to the new garage.

Ms. Gwaltney said once this was built the smaller shed would be tore down.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 15, 1999/6:00 P.M.
PAGE –5-

Mr. Centilli said the structure would dwarf the house, and inquired if they could put the structure in the back of the house instead of right up to the road.

Ms. Gwaltney said they use the back yard to ride snowmobiles. They have a circle drive and the structure would be behind that.

Mr. Parker said the garage would be bigger than the house and would look out of place. Based on the print, he would vote no due to the placement and size.

Ms. Gwaltney said once they put the garage on they would like to add onto the house.

Mr. Kalanquin indicated he concurs with Mr. Parker's statements.

Mrs. Layman inquired as to the hardship.

Ed Musselman, 1185 Forest, Burton, MI, said he cannot understand why the Board would give a zoning ordinance for a person that has a certain size building and turn down a smaller one for someone who has 6 sq. ft. shy of an acre. If they had that much more to the property, they would not even be here.

Mr. Centilli asked the applicant if she would be willing to put the structure in the back of the lot.

Ms. Gwaltney indicated she would not.

BOARD RECOMMENDATION
AND/OR ACTION:

Moved by Parker, second by B. Weatherford to deny ZBA #99-15.

Motion carried to deny, 6-1. Berry – yes, Scott – yes, Parker – yes, Centilli – no, B. Weatherford – yes,
Layman – yes, Kalanquin – yes.

5. ZBA #99-16

BY: Robert Sak
3172 Eastgate
Burton, MI

RE: Lot 161 Eastgate #7, R-1B Zoned

FOR: To exceed the allowable sq. footage for accessory structures by 632 sq. ft. with a 24 ft. x 32 ft. addition to an existing barn, 864 sq. ft. allowed, 1,496 sq. ft. requested. (4 Votes)

Robert Sak, 3172 Eastgate, Burton, MI, said he has an existing garage that was built in 1962 before he moved there. He cannot open the door of his vehicle on the passenger side when in the garage, and the truck has to be right on the wall and if not perfectly straight in the garage, the garage door will not go down. He has two other vehicles which sit outside in the driveway, two snowmobiles, boat and camper. Mr. Sak said he is willing to take 11 ft. 2 inches off the back of the existing barn to be able to get everything he has inside the building.

REGULAR ZONING BOARD OF APPEALS MEETING AGENDA
APRIL 15, 1999/6:00 P.M.
PAGE -6-

AUDIENCE PARTICIPATION:

Gerald Makidon, 3162 Eastgate, Burton, MI, said he lives adjacent to the north of Mr. Sak. His concern is Mr. Sak already has an outbuilding as big as any outbuilding on the street. Mr. Makidon said if you look out his back window, half way down the fence is Mr. Sak's outbuilding that already has two additions to it. Behind that is an

area where he keeps fowl, pheasants and chickens, which he understands is not within zoning regulations. Mr. Makidon stated further, that his whole view is dominated by this big barn and area where he keeps fowl.

Mr. Sak said there is not any way to get a truck in his existing 12 x 12 barn, it is similar to a tool shed. The pheasants are a 4-H project, both of his children has been in 4-H all of their lives. Pheasants are something you grow and release, which they are released right in the neighborhood. They are here an average of 2 ½ months through the summer for the fair.

Mr. Strasser said it exceeds the ordinance and to explain the hardship.

BOARD DISCUSSION:

Mrs. Scott asked Mr. Sak if he is asking for an addition to the shed and garage.

Mr. Sak said it will be added to the shed and would be connected to the driveway. He would be able to get items out of his back yard.

Brief discussion followed regarding the animals.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Layman to deny ZBA #99-16.
Motion carried, 7-0.

6. ZBA #99-17

BY: David Gibson
2126 Morris Ave.
Burton, MI 48529

RE: Lot 161 Eastgate #7, R-1B Zoned.

FOR: To construct an accessory structure at 7 ft. from
the main structure, 10 ft. required. (4 Votes)

David Gibson, 2126 Morris Ave., Burton, MI, said he has no garage now and no place to park his car. He spoke regarding the size of the proposed structure and property.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser indicated his situation is the closest to the definition of hardship he has seen. They recommend a one hour fire rated wall.

BOARD DISCUSSION:

Mr. Parker inquired as to the size, property line and brick wall.

REGULAR ZONING BOARD OF APPEALS MEETING AGENDA
APRIL 15, 1999/6:00 P.M.
PAGE -7-

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Centilli to approve ZBA #99-17.
Motion carried, 7-0.

7. ZBA #99-19

BY: Stephen Gilling
3200 Wyans Mill
Metamora, MI

FOR: Follo Acres #43, 44, and 45

RE: To conduct a C-3 special use, outdoor sales of
nursery and landscape items in a C-2 zoned area.
(5 Votes)

Stephen Gilling, 3200 Wyans Mill, stated he would like a nursery farm at the property and it is the only thing that would fit because of the configuration of the land.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the property is somewhat limited to build on. DPW has no problem with the request. The Planning Commission postponed action on the site plan until next month for various reasons. If he receives a variance on this, he cannot do anything until the site plan has been approved, because he cannot do it unless there is a building on the property.

Brief discussion followed regarding a building on the site, design of the building, Thread Creek and the wetlands that affect the property.

Mr. Gilling said if he does get the variance, he would not sell a thing there until he gets site plan approval. The biggest thing was that he did not have a design of a building pinned down. He did not want to put money into the property without having any future plans of doing something to it. Mr. Gilling said he would like to clean up the property, plant trees and conduct nursery sales. He would like to eventually have a building on the site.

Discussion followed regarding site plan approval with the Planning Commission, drainage and wetlands.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Parker to approve ZBA #99-19 contingent upon DPW recommendations and approval of the Planning Commission.
Motion carried, 7-0.

REGULAR ZONING BOARD OF APPEALS MEETING AGENDA
APRIL 15, 1999/6:00 P.M.
PAGE -8-

8. ZBA #99-20

BY: Ernest L. Perdue
3338 Long St.
Burton, MI 48519

FOR: #7 Country Gardens

RE: To exceed the allowable square footage for accessory
structures by 560 sq. ft. with a 28 ft. x 32 ft. garage.

(4 Votes)

Ernest Perdue, 3338 Long St., Burton, MI, said he would like storage for his patio furniture, snowmobiles and trailers.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser re-iterated that the request exceeds the ordinance.

BOARD DISCUSSION:

Mr. Berry inquired regarding the property on the south side and size of the lot.

Mr. Perdue said the lot is 100 x 160.

Mr. Berry said it is located on Long St. away from residential to the west.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Layman, seconded by Berry to approve ZBA #99-20.
Motion carried, 7-0.

BOARD DISCUSSION:

Brief discussion followed regarding a business of used cars located at property on Hemphill and Dort Hwy.

AUDIENCE PARTICIPATION: No audience participation.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, May 20, 1999 at 6:00 P.M.

MEETING ADJOURNED AT 8:30 P.M.

JRA