

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 15, 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: Weatherford, Scott, Terry Parker, Martinbianco, Grantner, Bennett, Welch

MEMBERS ABSENT: Tracy Parker

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

Mr. Welch led the Board and audience with a Pledge of Allegiance.

Moved by Weatherford, seconded by Scott to approve the Regular Zoning Board of Appeals Meeting held on March 18, 2004 at 6:00 p.m. Motion carried, 7-0.

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

BOARD DISCUSSION: No Board Discussion was held.

YEARLY APPLICATION(S):

1. ZBA #04-08	BY: Tri-City Aggregates / Genoak Construction 3251 E. Bristol Rd. Burton, MI 48529
	RE: Lots 10-13 Follo Acres, Sect. 28 M-2 Zoned
	FOR: Stock piling raw concrete and crushing concrete, concrete re-cycling. (5 Votes Required)

Mark McGee, 3251 E. Bristol Rd., Burton, MI, stated they are asking for an extension on their variance for re-cycling concrete.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated there is no problem with the request. For several years they have been approved for this. Mr. Strasser expressed to Mr. McGee that they keep the street entrance area swept during wet times because of material that is dragged out onto Bristol Rd.

BOARD DISCUSSION:

Mr. Martinbianco said he compliments Tri-City on the operation and cleanliness they have kept the site. They are an asset to the community. Mr. Martinbianco addressed other construction development sites that have material being brought onto the roadway. He feels this should be brought to the attention of applicants that appear before the Planning Commission when site plan reviews are done, especially for large residential developments.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Martinbianco, seconded by Parker to approve ZBA #04-08.
Motion carried, 7-0.

NEW APPLICATION(S):

2. ZBA #04-09

BY: Edwin W. Tuttle Sr.
3077 S. Belsay Rd.
Burton, MI 48519

RE: Lot 29 Eastgate #2, Sect. 25, R-1B Zoned.

FOR: To house more than 2 dogs. Do not want to
board dogs other than my own. Five dogs
requested. M-1 use in R-1B area.
(5 Votes Required)

Edwin Tuttle Sr., 3077 S. Belsay Rd., Burton, MI, stated he moved back to Burton from up north because of his wife's medical condition. They have hunting dogs for competition and show. They are strictly kennel dogs that do not run loose and are kept under very strict rules. Mr. Tuttle indicated further his kennel up north had eight dogs at the time and he scaled down the number of dogs. He belongs to the German Short Hair Club of Michigan and he does a lot of competition and training with them. He spoke to a couple of the neighbors and they did not have a problem with his request.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he suggests if the request is approved, it be on a yearly basis and that would give the Board the ability to review it in a year. There are other situations where people have more than 2 dogs. This is in an open area and not located in a subdivision.

BOARD DISCUSSION:

Mr. Parker feels five dogs is a lot though it is in a remote part of the City and there is a lot of room between houses.

Mr. Martinbianco commented regarding the larger size lots. He agrees that a way to control this is to have the variance on an annual basis. There are other areas nearby that have much smaller lots that have the same type of operation to a smaller degree. Mr. Martinbianco asked Mr. Tuttle if he planned on replacing the older dogs when the time comes for them to be put down.

Mr. Tuttle said he does not plan on replacing the two older dogs. He has almost 5 acres of land.

Mr. Welch asked for clarification regarding a kennel license.

Mr. Strasser stated in the City's ordinance a dog kennel is suppose to be in a M-1 zoned area. A kennel is defined as a place where you keep or board dogs, and you have more than 2 adult dogs. If the Board approves this request, he can only have the 5 dogs and cannot board dogs for other people. He could not run a business.

Brief discussion was held regarding the issue of enforcement. Mr. Martinbianco re-iterated renewing on an annual basis.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #04-09 on a yearly basis.

Motion denied, 4-3. Weatherford – no, Scott – no, Parker, No, Martinbianco – yes, Grantner – no, Bennett – yes,
Welch – yes.

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3 ZBA #04-10

BY: Joseph and Cindy Paris
2450 Briar Creek
Burton, MI 48509

RE: Parcel #59-15-526-012
4284 E. Court St.

FOR: I would like a variance from 6/1/04 to 6/1/05 for my
business address at 4284 E. Court St. which is zoned
RO to use the 3 bedroom, 1.5 bath home as a residence.
(5 Votes Required)

Joseph Paris, 2450 Briar Creek, Burton, MI, presented the Board with photos of the property at 4284 E. Court St. He stated the previous owner, Mr. Ryder, is a home builder and had his business there. The 3 bedroom ranch was his model home. Mr. Paris said he purchased the property on a land contract a month ago and his intention is to develop the property. He would like to move there temporarily and get the building and property developed the way it needs to be. Mr. Paris spoke further regarding the surrounding area of residential homes, commercial and restricted office. His business will be teaching appraisal classes. He will go before the Planning Commission for site plan review. Mr. Paris estimates there will be between \$50,000 to \$60,000 in improvements to the property. He hopes to eventually employ about 10 employees.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated the variance request seems to fit the location as there are other office uses in the area. If the Board approves the request, a firewall needs to separate the residential and office portion of the home.

BOARD DISCUSSION:

Mrs. Scott inquired regarding the back yard being used for parking.

Mr. Paris said he has an architect looking at the site. There should be room for approximately 20 cars.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Parker to approve ZBA #04-10.
Motion carried, 7-0.

4. ZBA #04-11

BY: Jerry Drittler
3044 S. Term

RE: Lot 9, Blk F Southgate Sub., Sect. 28
R-1C Zoned.

FOR: To construct an overhang and deck at 13 ft. from the
front property line; 20 ft. required.
(4 Votes Required)

Jerry Drittler, 3044 S. Term, Burton, MI, stated he would like to make improvements to the property by adding a front porch and covering over it.

AUDIENCE PARTICIPATION: No audience participation.
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Mr. Strasser stated the DPW recommends approval.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #04-11.
Motion carried, 7-0.

Mr. Welch stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, May 20, 2004 at 6:00 p.m.**

Meeting adjourned at 6:35 p.m.

jra