

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 20, 2000, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: Hammon

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

Moved by Berry, seconded by Layman to approve the Regular Zoning Board of Appeals Meeting on Thursday, March 16, 2000, at 4:00 p.m. Motion carried, 7-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired regarding Mr. Parker's request to look at oversized structures.

Mr. Parker responded that Mr. Hammon took that request to the Council and DPW. He understands a preliminary proposal was given to the Planning Commission.

Mrs. Dargel asked if the goal is to increase the dimension so they will have these oversized structures.

Mr. Parker said 75% of the applications they receive are for oversized accessory structures. The problem he sees, is that for some of the smaller lots it is impossible to give approval for an oversized accessory structure, but in some of the larger lots, we are being unfair to someone.

Mrs. Dargel stated that she attended a session at the Police Department where a zoning expert stated that if you have a continual item that comes up before the Zoning Board, perhaps you need to take a look at your ordinance.

BOARD DISCUSSION: No Board discussion at this time.

YEARLY APPLICATION(S):

1. ZBA #00-13

BY: American Promotional Events /
A Paramount Promotions
Don Hudson
PO Box 10443
Arlington VA 22210

RE: Wal-Mart Store
5323 E. Court St.
Burton, MI

FOR: Temporary Tent Sale June 20, 2000 –
July 5, 2000 (not to obstruct fire lanes)
(5 Votes)

Dale Prondzinski, 33 Harvardview Pt., Lindwood, MI, said he represents Don Hudson and American Promotional Events. They have never had any problems in the past with the request, and the fireworks have been approved by the Fire Marshall of the City of Burton.

AUDIENCE PARTICIPATION:

Leona Stevens, 3049 Vineland, Burton, MI, spoke regarding debris that is in front of Wal-Mart.

Mr. Strasser said in the Board's packet there is a letter of explanation and a small site plan. They have been in contact with the Fire Marshall, and anything they do sell is in compliance with Michigan laws. The sale would be from June 20th through July 5th. DPW does not have a problem with the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #00-13.
Motion carried, 7-0.

E. NEW APPLICATIONS:

1. ZBA #00-12

BY: Francis G. Johnson
3472 E. Atherton Rd.
Burton, MI 48529

RE: Parcel #59-28-529-002
3480 E. Atherton Rd.
Lot 5, Supervisors Plat #12

FOR: Addition of 20 ft. x 26 ft. to existing
house to expand non-conforming rights
(residential use in C-2 district). (5 Votes)

Jay Johnson, 3480 E. Atherton, Burton, MI, said he is speaking for his father who is hard of hearing. They want to put a 20 x 26 addition to expand the residence. The hardship is family, he has another baby on the way and the two bedroom house is too small.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser said the house is in a commercial area, and they feel there is not a problem with the request.

BOARD DISCUSSION:

Mrs. Layman commented that the applicant's property is quite deep.

Mr. Johnson replied that it goes back 300 ft. or more.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Parker to approve ZBA #00-12.
Motion carried, 7-0.

2. ZBA #00-14

BY: Carl Fowler
1456 Transue
Burton, MI

RE: Lot 135, Seely's Sub. #4

FOR: To construct an attached garage at 4 ft. from
the north property line; 10 ft. required.
(4 Votes)

Carl Fowler, 1456 Transue, Burton, MI, said he would like to construct an attached garage to his house. The size would be 20 ft. wide by 30 ft. deep and it would be keeping with the architectural design of the neighborhood. Approximately 80% of the homes have attached garages that are roughly 4 ft. from the property line. It will be the same pitch and roof line of his home. Mr. Fowler stated further, he received a quote from a realtor that the fair market value of his home is currently \$72,000, and with the attached garage it will raise the value of his home to \$95,000.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser said the applicant is cramped on his lot. On the plan there is a garage door in the backside of the structure which will allow him to drive through or take his boat through. The building inspector will look at the drainage to make sure it is not onto the neighbors property. DPW does not feel this is an unreasonable request.

BOARD DISCUSSION:

Mrs. Layman inquired as to the hardship.

Mr. Fowler said he is running out of room to store things, they have a baby due in August. He also feels it will make the house more appealing and in line with the neighborhood.

Mr. Parker inquired regarding a firewall.

Mr. Strasser said there will be a one hour fire rated wall between the house and garage.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved By Parker, seconded by Scott to approve ZBA #00-14 with the stipulation that the structure must have a 9 ft. rear door.

Motion carried, 7-0.

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3. ZBA #00-15

BY: Michael D. Thompson (Barbara)

5128 Kendall Dr.
Burton, MI 48509

RE: Lot 60, Little Voden Farms

FOR: To exceed the allowable square footage for
Accessory structures by 736 sq. ft. with a
24 ft. x 40 ft. garage. (4 Votes)

Michael Thompson, 5128 Kendall Dr., Burton, MI, said his garage was originally the house and in 1965 they built a house. It is a cinder block garage and the header in the garage is so low he cannot get his pickup truck in it. His wife is in the daycare business and has moved her daycare toys into the garage. He also has a 1968 camaro, utility trailer, camper and a couple of motorcycles.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser said it exceeds what the ordinance allows at this time.

BOARD DISCUSSION:

Mr. Wright inquired regarding a 24 x 24 garage and the applicant's lot size.

Mr. Thompson indicated a 24 x 24 garage would be okay, but it would not accommodate his camper.

Mr. Strasser said the property is just short of an acre.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #00-15.

Motion carried, 5-2. Parker – no, Wright – no.

4. ZBA #00-16

BY: Scott Strom
1398 Transue
Burton, MI

RE: Lot 143, Seely's Sub #4, R-1B Zoned.

FOR: To place a modular home at 24 ft. from the
rear property line; 30 ft. required. (4 Votes)

Scott Strom, 1398 Transue, Burton, MI, said his house burnt down and it would cost way too much to stick built a house the way it was. His insurance would not accept it, so he went with a modular which will be placed sideways on the lot. If he could move it 24 ft. from the back, he would not have to take out his pine tree and it will not block the neighbors view as much.

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AUDIENCE PARTICIPATION:

Bruce Sines, 1361 Transue, Burton, MI, said he has a problem with a modular home moving into the area. It will be sitting sideways and the rest of the homes run parallel with the street. He feels it is inappropriate for the subdivision and not consistent with the other homes.

Orphie Klinert, 1406 Transue, Burton, MI, said the application has not been on file for two weeks prior to this meeting and she questioned if it should be tabled. She presented to the Board a petition with 50 signatures from nearby residents who are against the modular. Mrs. Klinert spoke further regarding concerns of the placement of the modular at the curb, traffic, and obstruction of view.

Bruce Sines stated the value of their homes would decrease with the modular going in. People in that neighborhood are proud of it, they are putting money into their homes and do not want to see the value of their homes go down.

Mrs. Dargel commented briefly on subdivision Associations, and inquired if it is part of the Ordinance that we line up with other homes or just look at the set backs.

Mr. Strasser said you cannot enforce it, it is not in the Ordinance. Mr. Strasser stated further, the Board is not acting on the modular, they are acting on whether they grant the applicant a 6 ft. variance on the rear set back.

BOARD DISCUSSION:

Mr. Wright asked if there is anything in the Zoning Ordinance that dictates whether it should be a modular or stick built.

Mr. Strasser said only that it has a 4 12 pitch roof.

Mr. Wright asked Mr. Strom if he has already ordered the modular.

Mr. Strom indicated yes and they started building the modular two or three days ago. He also stated his former house was 24 x 36 and the attached garage was 24 x 24.

Mr. Wright said he appreciates the fact that the surrounding property owners would like the modular to sit in the same direction. Mr. Wright asked Mr. Strasser if the Board could determine the orientation of the house.

Mr. Strasser indicated the Board could not determine the orientation of the house, only the 6 ft. variance on the rear setback.

Discussion followed regarding the dimensions of the property and setbacks.

Mr. Strom indicated he also plans in the future to add a garage on.

Mrs. Weatherford inquired if the subdivision has an Association and could stop the modular from going in.

Mr. Strasser indicated if the subdivision Association has a Court injunction. The Zoning Board has to abide by the Zoning Ordinance and not subdivision restrictions.

Mrs. Klinert said she has spoke to an attorney that is going to represent the 50 people on the petition. She spoke again of tabling the case because of the 14 day application filing.

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Mrs. Strasser said by State law, he is required to have notification postmarked 48 hours prior to the meeting. As far as the two weeks prior to the meeting, that is an administrative ruling in DPW, a guideline. That is to tell people we need two weeks prior to the meeting to process all these things, it is not State law.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #00-16.
Motion carried, 6-1. B. Weatherford – no.

5. ZBA #00-22

BY: C.S.S. Investors, LLC
5515 Davison Rd., STE 14
Burton, MI

RE: Lot 10, Beechwood Estates
C-1 Zoned.

FOR: To construct an office building and parking
area in the front setback; 25 ft. required,
5 ft requested. To construct building and
parking in the rear setback; 25 ft. required,
5 ft. requested. (4 Votes)

Chuck Sekrenes, owner of C.S.S. Investors, 5515 Davison Rd., STE 14, Burton, MI, said they own Beechwood Center Plaza. A lot of people have wanted to come there, but they had to turn them away because there is no more space left. They have another small section of this property that goes along Davison Road, 80 ft. deep and 130 ft. wide. Mr. Sekrenes spoke of further development on that site and expanding the parking.

AUDIENCE PARTICIPATION:

Mrs. Dargel asked if this is two story parking with an approach on one level, parking in the front, and the lower level with parking in the rear.

Mr. Sekrenes said in looking at the development from the Davison Road side of it, you will see half of it in the ground and half of it out. Entrance will be on the west end for the lower half.

Mrs. Dargel inquired regarding drainage.

Mr. Sekrenes responded that the roof drain would be tied into the existing storm sewer.

Mr. Strasser said there are some site plan review issues. Mr. Sekrenes did a nice development which is evident on that corner. Notices went out to the neighboring subdivision and we did not hear any replies on it. The building is very close to the property line, both front and back, and with proper landscaping it will look very nice. DPW does not see a problem with it.

Mrs. Layman commented that the layout of the development is a good idea.

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Mr. Sekrenes said the building is actually no higher than the existing building, its just that the land slopes.

Mr. Wright said it is a nice facility and an improvement from what was formerly there. However, he has noticed problems with the storm drainage. After recent heavy rains, the water level in the road ditch had raised pretty high and carried a tremendous amount of trash down to residential homes on Belsay Road.

Mr. Sekrenes said some of the last tenants piled the dumpsters up, and they had a problem with Waste Management not emptying one of them. They have since cleared up the problem. Regarding the drains, they have a letter from the County Drain Commission that they have to put a 4 or 5 inch restricter in which will be done in the next couple of weeks.

Mr. Parker said his only concern is the 4 ft. on the back of the property. He looks at encroachment upon the neighbors when someone asks for a variance. Mr. Parker asked Mr. Strasser for his views as to the closeness.

Mr. Strasser said he would like to start some innovative things with site plans. He understands the concerns because lighting needed to be taken care of on the back of the building as it was bothering neighbors. Mr. Strasser spoke further of the site plan review to include the existing home owner.

Brief discussion followed regarding working with the residents.

Mr. Sekrenes said there are eight or ten 40 ft. pine trees behind the fence, and there are no lights behind the building or access back there.

Mr. Wright asked if the west wall of the building would be a two story wall.

Mr. Sekrenes responded yes.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Layman to approve ZBA #00-22.
Motion carried, 7-0.

AUDIENCE PARTICIPATION: No one in audience wished to speak.

The **second** regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, May 4, 2000, at 6:00 P.M.**

MEETING ADJOURNED AT 7:13 P.M.

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