

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MAY 15, 2003, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: None

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

Mr. Curtis led the Board and audience in Pledge of Allegiance.

Moved by Scott, seconded by Weatherford to approve the Regular ZBA meeting held on March 20, 2003 at 6:00 p.m., and the Regular ZBA meeting held on April 17, 2003 at 6:00 p.m. Motion carried, 7-0

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

BOARD DISCUSSION:

Mr. Curtis addressed the schedule of upcoming ZBA Seminars. If any Board members wish to attend they can contact Julie Adams in the Clerk's Office.

YEARLY APPLICATIONS:

- | | |
|---------------|--|
| 1. ZBA #03-26 | BY: Fred Schrader
518 Cherry Lane
Gas City, IN 46933 |
| | RE: 2333 S. Center Rd., Burton, MI |
| | FOR: Erect a 30 ft. x 50 ft. tent on Meijer parking lot
selling Michigan approved Safe and Sane Class C
Fireworks / Temporary Use. Open 9:00 a.m. to
9:00 p.m. (5 Votes Required) |

Fred Schrader, 518 Cherry Lane, Gas City, IN, said he represents American Promotional Events / Meijer. They would like to place a 30 x 50 ft. tent in the parking lot approximately two weeks prior to the 4th of July to sell fireworks.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated this same company was granted a yearly permit last summer for the same activity. No problems were encountered and therefore, we recommend approval.

BOARD DISCUSSION:

Mr. Welch inquired regarding the exact dates of the tent sale.

Mr. Schrader said the tent will be erected June 20th or 21st and the sale will run from June 23rd through to July 4th.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Weatherford to approve ZBA #03-26.
Motion carried, 7-0.

E. NEW APPLICATIONS:

2. ZBA #03-20

BY: Roger Thomas
4490 Columbine
Burton, MI

RE: Lots 296, 297, 298 Stratmoor, Sect. 31
R-1C Zoned.

FOR: To exceed the allowable square footage for accessory
structures by 238 sq. ft. with a 30 ft. x 40 ft. pole barn,
1,402 sq. ft. allowed; 1,640 sq. ft. requested.
(4 Votes Required)

Roger Thomas, 4490 Columbine, Burton, MI, stated he would like to erect a garage/pole barn. It will have vinyl siding and resemble the house. I need the pole barn because my garage that is attached to the house is a 20 x 22 garage and I have never been able to park the car in it. I have a boat and other various vehicles that I have had to park in the yard. I have had problems with stolen property. With the new structure I can get them out of sight and have more security.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the size requested is not out of line. This would be set back on his property. He also mentioned the need for security. Because of the placement, it does not seem to be too unreasonable.

BOARD DISCUSSION:

Mrs. Scott inquired as to the property being on one tax roll.

Mr. Thomas said the house is on Lots 296 and 297. Lot 298 is on a separate tax roll.

Mr. Strasser said he would have to combine the lots.

Mr. Thomas said it is his intention to combine the lots under one address. I have to first see if I can get the variance.

Mr. Curtis said he would ask the maker of the motion to state contingent upon combining the lots.

Mr. Centilli inquired regarding the survey stakes that are present on the property.

Mr. Thomas said Gould Engineering surveyed the lots.

Mr. Parker stated Council re-visited the Zoning Ordinance. On some occasions I am in favor of a larger accessory structure size than others but it is usually because someone has 10 acres. I think in the City where he is located in that subdivision, this seems excessive to me. He could build a smaller structure than the 30 x 40 and still be within the restrictions of the Zoning Ordinance, so I cannot support it.

Mrs. Weatherford asked if the three lots are combined would the structure still be too large.

Mr. Strasser replied yes.

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Mr. Centilli said basically this is not in a subdivision, it is on a corner lot with Burton Auto Parts behind them with the stacked up cars. Hopefully, it might block the view from those cars. I don't think anything would ever build there

because who wants to live across the street from a bunch of stacked cars. Mr. Centilli said he would support the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Parker to approve ZBA #03-20, contingent upon all lots being combined. Motion carried, 5-2. Parker – no, Grantner – no.

3. ZBA #03-21

BY: Oakview Associates LLC
671 E. Big Beaver STE 105
Troy, MI 48083

RE: 4059 Grand Oaks Ct., Unit 23 Grand Oaks
Sect 35, R-1A Zoned.

FOR: To construct a new home at 7.3 ft. into the front
setback area of Grand Oaks Ct. (4 Votes Required)

William Kropf, Oakview Associates, 617 E. Big Beaver, STE 105, Troy, MI, stated he has supplied in the Board's packet a site plan of what they are proposing. When he bought the lots in Oakview Associates, I knew Lot 23 would be a problem as far as the depth configurations. The homes I am currently building do not meet requirements. I have sold this house contingent upon obtaining the variance.

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

Mr. Strasser said even though this is a new subdivision, this particular lot is an unusual shape. The building envelope is not of a normal shape either, therefore, what he is proposing would not be out of the ordinary. It would actually fit the criteria for a variance because of the unusual shape of the lot.

BOARD DISCUSSION:

Mr. Centilli inquired regarding the depth of the lot and setback behind the house.

Mr. Strasser replied the setback behind the house is 35 ft. Behind the house is Belsay Rd. which is not pictured in the drawings. The back yard fronts Belsay Rd.

Mr. Kropf said we have maintained the required rear setback.

Mr. Centilli asked if the back lot line is at 35 ft.

Mr. Kropf acknowledged yes.

Mr. Centilli referenced the drawings and stated being on a cul-de-sac, the front setback would not be noticeable.

Mr. Curtis asked Mr. Kropf if he owned all the lots.

Mr. Kropf said he owns all the lots in Oakview Associates.

Mr. Curtis said in the drawings it says proposed houses and Lots 26, 5 and 24. Do you foresee the same type of problems with those lots.

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Mr. Kropf replied no. He knew when he bought the lots that this one would be a problem. He would have to put an unusual house on it that I am not building. Mr. Kropf acknowledged that Lot 20 is not in the drawings and that one is also sold.

Mr. Parker said he wants to put on the record that he is not happy with the new subdivisions coming before us, and invariably we end up with a lot line discrepancy when they lay these out. I realize they are trying to get as many lots as they can in the subdivision. Invariably there is two or three in there that end up before us. Is there a reason why he didn't choose to move it in the rear lot area and ask for the variance in the back instead of the front.

Mr. Kropf responded, we thought it would be preferred for the customer's sake to be furthest away from Belsay Rd. as much as possible. It is on a cul-de-sac and there is a nice spread between the homes.

Mr. Parker inquired further regarding berming.

Mr. Kropf said he is going to build berms along Bristol Rd. and Belsay Rd. Per the approved site plan, they are required berms that are 3 ft. and to me they are not adequate. My plans are to build them up higher.

Mr. Parker asked Mr. Strasser what problems he foresees with the house in the front setback area, if any.

Mr. Strasser replied, in this particular case, none at all.

Mr. Curtis stated we have had these cul-de-sac problems before. Mr. Grantner is on the Planning Commission and it is one of the things we need to put on the list and try to head off and remedy it before it becomes after the fact where we have to deal with it.

Mr. Centilli asked if the house is a two story home.

Mr. Kropf stated yes.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Centilli to approve ZBA #03-21.
Motion carried, 7-0.

4. ZBA #03-22	BY: Burton Scrub-A-Dub Properties, Inc. 2025 N. Genesee Rd. Burton, MI
	RE: Lots 86 and 87 Burton Gardens Lots 382 and 383 The Bronx, Sect. 30 C-2 Zoned.
	FOR: To allow a C-3 Special Use "Drive thru car wash establishment in a C-2 zoned area. (5 Votes Required)

David Visser, 2025 N. Genesee, Burton, MI. Mr. Visser introduced his General Manager Larry Moore. Mr. Visser said his particular hardship is there is very few C-3 zoning anywhere. It is a rather unpopular zoning. We feel everything else goes into a C-2, gas stations and that type of thing. We would like to construct a car wash there. Mr. Visser stated further the objections have been addressed that were raised a couple of months ago. The church had problem with traffic. We have agreed with City of Burton to share the cost of a traffic light at Camden and Bristol Rd. I think it will address the problem with traffic.

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AUDIENCE PARTICIPATION:

Father Gerald Gawronski, Holy Redeemer Church, Burton, MI. Fr. Gawronski stated they do have serious concerns at Holy Redeemer about the traffic flow already. There are number of accidents we have witnessed at Bristol and I-475. I am here on behalf of the Pastor and I have spoke with him. He is still in agreement, if the light is installed at Camden and Bristol, we would exceed with reluctance with it. We have not seen anything in writing and would like to. So I guess I am expressing reservations. We have serious concerns and really it is a matter of community safety.

Dick Cooley, 412 S. Saginaw St., Flint, MI, stated he is a lawyer in Flint representing Wendel Norman, the owner of the property to the east. Mr. Wendel lives at 5151 Van Slyke Rd., Mundy Township. He has owned this property that is located between the church and the property to be changed. He has 5 little apartments and is a retired auto worker who lives on Social Security, GM pension and the income from these apartments. Mr. Cooley presented photos of Mr. Wendel's property. He stated further, there is a very short piece of property between the proposed car wash and the apartments. We know we have to live with the traffic, and maybe a traffic light will help. We are afraid we won't be able to rent the apartments. Mr. Wendel needs the income and it is his livelihood. With a car wash that closed, continuous noise, added to the noise on the road which is already there, and the exhaust fumes, will make people not want to live in those apartments. The Norman property would be de-valued if there was a car wash next door.

Cheryl Caleca, 2420 Venician Ct., Fenton, MI, introduced her father, Mr. Norman. I request this proposal be denied. I don't understand the hardship. There is only 6 ft. between where the apartments back door is and where their windows are on that side of the house to the property of the proposed car wash. If you have cars lined up to wait for the car wash, you have people looking into their windows, they are not going to be able to open their windows on the back side because of the exhaust from the cars that are waiting. It is going to be difficult to rent these apartments. Mrs. Caleca stated further, they have not seen any information regarding lights. Our biggest concern is not being able to rent out the apartments.

Norman Wendel, 5151 Van Slyke Rd., Mundy Township, addressed concerns of exhaust fumes, debris from the car wash, the closeness to the windows, traffic lane coming into the car wash. Mr. Wendel said he would appreciate it if the Board consider these items when making their decision.

Mr. Visser said he is not sure Mr. Norman has seen their latest revised site plan that was approved on condition the other night. It has a 37 ft. green belt between our property and his. There is also a 6 ft. high screen fence. Mr. Visser passed out his drawing. He stated we did this for a couple of reasons. We have some extra land and were going to negotiate it with the Dollar Store and they were not interested. Mr. Norman has a 100 ft. x 300 ft. lot there and we were hoping that if we leave 37 ft., that will leave for future development a 137 ft. lot. It is getting difficult to develop much on a 100 ft. lot and the future of his property is definitely of some commercial interest.

Mr. Curtis asked if the 37 ft. is his lot line.

Mr. Visser replied our lot line to the asphalt is 37 ft.

Mr. Parker said just for point of reference, he alluded to the fact it was given preliminary approval. He asked Mr. Curtis if Mr. Grantner could update the Board.

Mr. Grantner said this case was on the Planning Commission's agenda last Tuesday. We were told at that time along with this property there is going to be a Family Dollar Store next door. As of May 1st the City took over the streets in Burton. We no longer have to deal with the County for driveway openings. The Family Dollar Store and car wash were going to share a driveway. I advised the Planning Commission of the action taken at the April ZBA meeting and why. The Commission heard the case, looked at the plans and approved it contingent upon a variance from ZBA. The light at Camden was a factor and some of the Board felt the business of the demolition of the car wash down the street all added up to an improvement. It was approved and it was also upon recommendation of the City.

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Cheryl Caleca addressed the Board again. She stated she does not know how these things work, but she suggests if we can't come to some kind of agreement, just showing this blueprint and not allowing us to really take a look at it. He proposed if we want to buy 37 ft. but he does not have a price for it. We can't say we will buy it and we don't have a price. So I suggest we post-pone this until we can get further facts.

Mr. Curtis said that plan is what they submitted before the Planning Commission. They cannot alter it without going back through the Planning Commission. The 37 ft. stays, it is the setback.

Mrs. Caleca said we did not know this before tonight and have not had a chance to look at it. He just proposed if we want to buy that 37 ft., and that is a pretty quick decision to make tonight when we don't even know the price.

Fr. Gawronski asked if the traffic light was part of the plan, and if it was binding.

Mr. Grantner said it is in the minutes of that meeting.

Mr. Curtis responded, he believes so. It is between the City and Mr. Visser's corporation to put that in there.

Mr. Strasser said all of the land between I-475 and Fenton Rd. is zoned commercial, C-2. There are a few homes left and several have been demolished and commercial enterprises have been built. The Credit Union at the corner of Camden and Bristol has plans to expand their parking lot. Two days ago at the Planning Commission meeting a Family Dollar Store was approved for site plan review which will be between the Credit Union and Mr. Visser's proposed car wash. Even though it requires a variance at this time, there are also some revisions being looked at by the Planning Commission to pass on to City Council. One is to remove car washes from C-3 zoning and make them a principal permitted use in a C-2 zoning, with certain restrictions. Mr. Strasser stressed, that has not been passed by City Council, it is not a revision to the zoning ordinance, it is a proposal. Today's car washes are not built and designed like they were 20 - 25 years ago. If not this commercial business, than it will be something else. It is only a matter of time. You have the church, credit union, Krogers, Tim Horton's, and so on. It will be built up just like Center Rd.

Mr. Strasser stated further, there is a bit of animosity by the church for this traffic light. As a suggestion, if you want to relieve that animosity, the Board has the authority to grant the variance with the stipulation such as, they pay for half of the street light at Camden and Bristol before the building permit is issued. It is a little out of the ordinary, but you do have the authority to do that. Mr. Visser indicated on the plan there is a 6 ft. privacy fence and landscaping to go between his building and the apartments that are on Mr. Norman's property. It is over and above what the ordinance calls for. The only time screening is required is when a commercial property abuts a residentially zoned property. Not a residential use, a residential zoned, and that property is zoned commercial. Mr. Strasser said DPW recommends approval.

Mr. Curtis said he recommends the maker of the motion state Burton Scrub-A-Dub Properties, Inc. at the time of taking out the building permit, they front the money for their half of the traffic light.

Mr. Parker stated when Mr. Visser was before us at the last meeting, I was probably one of the few people that supported him and I am going to support him again. Mr. Norman's daughter's question on the 37 ft and not having enough time to decide whether they want to purchase this property, it is not really germane to what we are discussing because the 37 ft. is there - because it was approved at the Planning Commission. I applaud Mr. Visser for backing off of it so there can be more commercial development there. If Mr. Norman in the future decided to sell his 100 ft. then he does have 137 ft., so there is more commercial that could go in there if necessary. Irregardless if they buy it or not, it is still 37 ft. there. It was approved by the Planning Commission based on what we do here tonight, so they are not going to deviate from that. As I stated the last time he was here, whatever goes in there, there is going to be traffic. With him agreeing to purchase half of the light at Camden, I think it is going to alleviate a lot of the traffic that is on the road there.

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Mr. Centilli said the Norman's should be able to have a discussion with Mr. Visser, if they want to buy the 37 ft. or not. Mr. Centilli addressed Green Briar's statements that they would have a traffic study and they hoped to install some signal lights. He said he would still like to know why the developers of Green Briar have never spent one penny. Why should the City pay for half of the traffic light when Green Briar already agreed to do it. Mr. Centilli suggested tabling the request until the next meeting so the Norman's have a chance to try and purchase the property, and also to find out who is going to pay for the other half of the street light.

Mr. Curtis said the City already agreed to pay half and the developer agreed to pay half and up front at the time he takes out the permit. Mr. Curtis said we are not dealing with Green Briar.

Mr. Centilli said Green Briar also agreed to pay half. Why should the City pay \$25,000 for something that somebody else agreed to do already.

Mr. Welch agreed with Mr. Curtis that it is not germane to this topic here. If that is the situation with Green Briar, then go after them to pay the other half.

Mr. Grantner said there was a discussion about this very same thing at the Planning Commission. The City is apparently aware of it, though this case is sort of a separate issue. I don't know who has the responsibility for going after them.

Mr. Curtis said we can put in safeguards to prevent things like this from happening by the language in the motion. We need to deal with the case that is before us tonight.

Mr. Centilli said he feels it is germane. Mr. Norman's daughter said she did not know the land was for sale.

Mr. Curtis said that is between the developer and her. Mr. Curtis re-iterated some of Mr. Strasser's comments regarding C-2 zoning and the surrounding commercial businesses.

Mr. Welch said the fact is they came up with a 37 ft. buffer and whether it is for sale or not has nothing to do with the Board.

Mr. Visser said the property is for sale. They asked me in the hall if I would have a post-ponement. I was here 60 days ago. You have one building season a year, if you post-pone this one more meeting we are out of here and we are not coming back again because we cannot build this year. We are not going to buy that property and we are not going to develop this thing if we cannot build this year. I have negotiated property all over the State of Michigan. You don't negotiate and sell a parcel in 30 days. You have to have it surveyed and it is subject to several things, you cannot close a parcel in thirty days. The traffic light has nothing to do with me. I can't help what the trailer park didn't do. We have been doing business for 33 years, and to put me in the same category as someone who doesn't keep their word is two different things.

Mr. Centilli said it still has not been purchased and how can you prove a hardship with property you don't even own.

Mr. Grantner said you don't have to prove a hardship, this is a use variance and not a dimension variance. The only time a hardship exists is with a dimension variance.

Mr. Centilli asked why it is before the Board then.

Mr. Grantner said that is why he made the comments that he did at the last meeting.

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Mr. Curtis said when I opened the meeting up, I re-iterated that dimensional variances only apply to 1 and 2. MML does not require hardships before a use variance. When this case came before this Board two months ago, the major concern from the church and residents, was the traffic. It is almost impossible to get a developer to go half on a traffic light and the city pick up the other half, and probably get re-imburshed from Green Briar as this fight goes down the road. The traffic was a concern, the health and safety was a concern and it is being addressed with this proposal tonight.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #03-22 with the stipulation Mr. Visser fronts half of the money for the traffic light at Camden and Bristol Rd., when he gets his building permit.

Motion carried, 5-2. Weatherford – no, Scott – no.

5. ZBA #03-23

BY: Frank Maestaz
2298 Bass Ct.
Flint, MI

RE: 3463 Loder Ct.

FOR: 1) Request a front setback of 26.5 ft., 30 ft. required.
2) Rear setback of 26.5 ft., 30 ft. required. House to face west.
(4 Votes Required)

Frank Maestaz, 2298 Bass Ct., Flint, MI, said he wants to put a manufactured home 28 x 80. The lot is odd shaped, it comes down Loder and turns into a curve which gives it two fronts. A front on the south and a front on the west. With the laws with the 30 ft. There is 3 ½ feet in the back and 3 ½ from the front which would be the east and west.

AUDIENCE PARTICIPATION:

Shirley Miller, said she lives exactly across the street from the property they are intending to put the house on. This will improve the neighborhood. It has been an empty lot for a long time. I would love to see this request passed.

Mr. Strasser said there was an omission on the agenda. This property is zoned R-O, restricted office.

Mr. Curtis said he believes the Board did a variance on this property.

Mr. Strasser said that is correct, it was to allow a residential use on this. Even though it is residential use, you still have to use the office setbacks. If this was in a normal subdivision area of zoning, in that area it would be fine because the setback would be 20. We don't see a problem with the request.

Mr. Centilli questioned the pitch of the roof.

Mr. Maestaz said it is 5 12, a brand new manufactured home and BOCA approved.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved By Parker, seconded by Weatherford to approve ZBA #03-23.
Motion carried, 7-0.

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6. ZBA #03-24

BY: Karen and Dennis Kellogg
3030 S. Center Rd.
Burton, MI

RE: 3030 S. Center Rd.
Parcel #59-28-529-041

FOR: 1) To exceed the allowable square footage for accessory structures by 192 sq. ft. with a 24 ft. x 24 ft. garage; 1,824 sq. ft. allowed, 2,016 sq. ft. requested.
2) To expand the non-conforming residential use of the property with said structure.
(4 Votes Required)

Dennis and Karen Kellogg, 3030 S. Center Rd., Burton, MI. Mr. Kellogg presented drawings to the Board. He stated there is a landmark on this drawing that is the well. It is restricting our side to side movement. The actual garage we want to build is 23 x 24, even though the paperwork says 24 x 24. That presents us with two problems being the square footage and the distance between the pole barn and the garage. We can divide it out where it is 7 ½ ft from the house to the barn, or we can make the distance 10 ft. from the house to the garage, but that would only leave us a distance

between 5 ft from the back of the garage to the front of the pole barn. There will be 16 ft. garage door on the back of the garage so there will not be any access to the barn. We had the room behind the pole barn to build the barn back further, but we either received old information or I don't know if it was outdated or what, but we thought our building distance between the buildings would be 6 ft. and we allowed for that in this planner. The barn is up and it is built, it is too late to move it back the 5 ft. that we need right now. If we had known, we would have. We plan on parking our main two vehicles in there, we own 5 vehicles.

AUDIENCE PARTICIPATION:

Ricardo Villarreal, 3490 E. Atherton Rd., Burton, MI, said Mr. Kellogg already built a barn to fit the 5 cars he says he owns. I don't see why he needs the garage. He also mentioned he has a number of accumulation of things during the last ten years and he needed space to put it in. I think he has plenty of space to put everything he has in the barn. Mr. Villarreal said he wants to know why the need for the garage.

Dennis Kellogg said Mr Villarreal is his neighbor. They both do not speak and we don't have a relationship. He would like me to cut down a tree that I refuse to cut down. He has not approached me with a reasonable method of cutting this tree out, he wants to cut it down himself. I know it is not related, but that is why he is here today is over a tree and not a garage. I also own a small cement mixer, a bobcat, three canoes and various camping gear. I have a lot of stuff and it sits in my yard.

Mr. Strasser asked Mr. Kellogg if he is in the construction business. And if he will be running a business out of any of these buildings.

Mr. Kellogg replied he is not in the construction business. He got the bobcat for constructing this project and when he is done with this project he plans on bringing in bricks and doing the back part in pavers. When I am through with this equipment I will be selling it. Construction is not my profession.

Mr. Strasser said his request is to exceed the ordinance, the square footage. This is a little bit of a different situation, it is in a commercial area. The property is zoned commercial. It would be a two part, the Board would have to approve expanding the non-conforming residential use of the property. The Board has previously approved a variance for the expansion and the height of the existing pole barn. The decision is entirely up to the Board.

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BOARD DISCUSSION:

Mr. Welch asked how they would get to the well if there was a problem with it.

Mr. Kellogg said he has a ramp next to the barn in the back. A truck could drive through there and I believe that is what the 10 ft. opening is for. There would be a 10 ft. opening between the house and corner of the garage.

Mr. Curtis said you wanted to have a 24 x 20 garage and I believe it would meet your allowable sq. footage and you would not be here today.

Mr. Kellogg said the last time we spoke, I quoted the wrong lot size. With the lot size I had at the time, we were not in danger of approaching the square feet. I didn't plan on going over the square footage right from the beginning or too close to the other structure.

Mr. Curtis expressed to Mr. Kellogg that in looking at the notes and minutes, he had some reservations beforehand. You acknowledged at a later time that you would build a 20 x 24 building and that would meet the allowable square footage. Mr. Curtis acknowledged he cannot support the request.

Mr. Kellogg said the extra 3 ft. would give me the room in between the vehicles. The extra 3 ft. is what is making us exceed the square feet.

Mr. Parker said each case is individual and based on the merits of that particular application. I am having a hard time believing he cannot get everything he owns into a 30 x 48 pole barn. I appreciate that he wants to have a 23 x 24 to get two cars in there, but if he builds a 20 x 24, he does not need to be here. A 30 x 48 is huge, to add a 20 x 24 is even huger. I think there is plenty of square footage available to him without exceeding the restrictions. I cannot support it either.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #03-24.
Motion denied, 6-1. Centilli – yes.

7. ZBA #03-25

BY: Paul Dycus
2373 N. Belsay
Burton, MI

RE: 2373 N. Belsay, Lot 26 Madarasz Acres
Sect. 2, R-1A zoned.

FOR: To occupy the existing home during construction of a
new home. Two dwellings on one site for temporary
use. See Sect. 5.14 Ordinance 19.
(4 Votes Required)

Paul Dycus, 2373 N. Belsay, Burton, MI, stated he would like to build a house with the existing house on the property for a temporary use, just until he gets the house built and then he will demo the existing house. He has a demo permit which is good until November. Mr. Dycus stated further his wife is pregnant so he is trying to keep the moving from the back door, sort of speak. I have no intentions of keeping the existing house when I am done.

AUDIENCE PARTICIPATION: No audience participation.
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Mr. Strasser stated there was an error by the building department. This gentleman was told what he was doing he can do which is living in the existing home while he is building the new one. A permit was issued and it was one thing after another. It is our mistake. The applicant can be given some time restraints or some stipulation he cannot have an occupancy on the new home until the old home is demolished.

BOARD DISCUSSION:

Mr. Curtis asked Mr. Strasser if he has a recommendation on the time period.

Mr; Strasser said six months would give them plenty of time to get the home built.

Mr. Welch stated he would not put that you had an occupancy permit before you demolish it, because then you are living in the back yard.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #03-25, with the stipulation the old structure be torn down within six months from this date November 1, 2003.
Motion carried, 7-0.

Mr. Curtis stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, June 19, 2003 at 6:00 p.m.**

MEETING ADJOURNED AT _____ P.M.