

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MAY 17, 2001, 6:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Kalanquin, Scott, Parker, Layman, Cross, Grantner, Curtis

MEMBERS ABSENT: None

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

Moved by Grantner, seconded by Cross to approve the Regular Zoning Board of Appeals meeting held on April 19, 2001, at 6:00 p.m. Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION:

Moved by Parker, seconded by Cross to move the Board discussion to the end of the meeting.
Motion carried, 7-0.

NEW APPLICATIONS:

- | | |
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| 1. ZBA #01-20 | BY: Martin H. Lyles
1329 Casto Blvd.
Burton, MI 48509 |
| | RE: 1329 Casto Blvd., Lot 401 |
| | FOR: Carport to be constructed at 2 ft. from the
side property line; 10 ft. required.
(4 Votes Required) |

Martin Lyles, 1329 Casto Blvd., Burton, MI, said he has arthritis and it is hard for him to get around in the winter. Because of his condition, he has to use a walking cane and sometimes crutches. He would like a carport at the side back door to get into his car. His neighbors do not have a problem with his request.

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

Mr. Strasser asked the applicant if all three sides would be left open on the carport.

Mr. Lyles replied yes.

Mr. Strasser said as long as all three sides are left open, he has no problems with the request.

BOARD DISCUSSION:

Mrs. Scott inquired regarding drainage.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Layman to approve ZBA #01-20 with the stipulation the carport remain open on the three sides and there is proper drainage per DPW requirements.
Motion carried, 7-0.

2. ZBA #01-21

BY: Brian & Deborah Tangen
10922 Walker St.
Grand Blanc, MI 48439

RE: Parcel #59-36-200-001
4244 Pratt

FOR: 1) To exceed the allowable square footage for accessory structures by 4,614 sq. ft. with a 60 ft. x 100 ft. pole barn.
2) To exceed the allowable height by 3 ft., 14 ft. allowed; 17 ft. required for the pole barn. (4 Votes Required)

Deborah Tangen, 10922 Walker St., Grand Blanc, MI, said the property at 4244 Pratt has 16 acres that they have a purchase agreement contingent upon obtaining permits for the things they would like to do with the property. Her daughter shows horses and the 60 ft. x 100 ft. pole barn will allow her to ride when the weather does not permit her to ride outdoors. Mrs. Tangen said she has to go to another meeting to get a special use permit for the horses before they actually purchase the land. The 60 x 100 building would be the maximum we would ask for and it would sit back at least 100 to 150 ft. from the road and property line. Mrs. Tangen indicated Pratt Road dead ends into this property.

AUDIENCE PARTICIPATION:

David Lafalce, 4270 S. Vassar Rd., Burton, MI, said his home is kiddy corner to the property. He received a letter regarding the variance request two days ago so he did not have a lot of time to research and obtain the neighbors feelings on this. He did speak to a few neighbors and there are concerns of where this barn will be built, road access, fumes from manure, the number of horses, and if they plan on boarding any horses.

William Gould, 4266 Pratt, Burton, MI, spoke regarding concerns of fumes and traffic problems.

Richard Drake 6387 Wagner Ave., Burton, MI, said he has conferred with most of the neighbors on Wagner and a few of them on Pratt. Most are not in favor of the request. Mr. Drake addressed concerns of traffic, the smell of manure from the horses, pitch of the roof on the structure, and what this may turn into.

Mrs. Tangen drew the layout of the property for the Board and audience. She stated this would not be a boarding facility or a riding stable. There will be a total of six horses, three are her daughter's horses and the others belong to two personal friends. Two other cars besides our own personal vehicles would be the extent of the additional traffic. Mrs. Tangen stated their home will be on the property and a 100 ft. behind it will be the barn. She addressed further the concerns of manure, pitch of the roof, and stated they will follow all Burton codes.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

MAY 17, 2001 / 6:00 P.M.

PAGE -3-

Joe Hardacre, 6321 Wagner Ave., Burton, MI, said he will be Mrs. Tangen's neighbor. He is in the process of raising miniature horses. He is in favor of her request but does understand the concerns. There are horses at other properties around Mrs. Tangen's.

Richard Drake asked if the building and home is going to be on the north or south side of the Consumer Power easement.

Mrs. Tangen responded that it will be on the south side.

Mr. Drake stated he was a farmer, and addressed further the problems with manure.

Mr. Strasser said the Board this evening is acting on an oversized accessory structure and not on the horses. That will be a function the Planning Commission will look at. A special use permit for horses is required from the Planning Commission in an SE zoned area. The existing 12 ft. x 24 ft. shed that is at the back of the property is illegal and was built without the permits. It was deemed to be an acceptable structure construction wise, and we could never get the person responsible for it to have it removed. Mr. Strasser said the barn request is greatly oversized and he addressed concerns of the pitch of the roof.

BOARD DISCUSSION:

Mrs. Scott asked if the floor of the structure is concrete.

Mrs. Tangen responded no, it would be bad for the horses.

Mr. Parker stated a gentleman with 20 acres came before the Board for the same thing and was approved. He does not feel this is out of line and the applicant is trying to make some adjustments so it is away from the neighbors. If the property was subdivided into homes, there would be a lot of traffic on Pratt Road.

Mr. Cross inquired as to the hardship.

Mrs. Scott addressed concerns of what a new owner could do with the property if Mrs. Tangen sold it sometime in the future.

Mrs. Tangen said it is a valid concern, but she is intending on staying with the property.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Parker to approve ZBA #01-21.
Motion carried, 7-0.

BOARD DISCUSSION:

Mr. Parker spoke regarding Michigan Municipal League training programs and the use of e-mail to receive notifications. He said he would like to discuss by-laws that he mailed to the ZBA members. He spoke with Steve Langworthy who has conducted MML zoning seminars, and he indicated there are zoning law changes before the State Legislature. So it is important for ZBA members to educate themselves so they are better prepared to deal with the cases that come before them.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

MAY 17, 2001 / 6:00 P.M.

PAGE -4-

Discussion followed regarding upcoming seminars, and the possibility of having an on-site MML seminar once a year for ZBA, Planning and Council.

Discussion followed concerning ZBA by-laws and language regarding conflict of interest and abstaining to vote. Mr. Parker said he would like to talk about approving this and asked for Board discussion.

Mr. Cross said he brought this to the City Council last Monday night and they had a long discussion with the City Attorney. His recommendation was City Council take no action on this, and the Zoning Board can take its own action. Mr. Cross said in Section 6, conflict of interest, he agrees with A. 1, 2, 3 and 4, but has a problem with B. Mr. Cross then read aloud that section. He said he feels there should be added "by approval of majority of the Board to allow to abstain."

Mr. Parker said he agrees with Mr. Cross but feels his statement is covered in C2, which states that person has to abstain.

Discussion followed regarding abstaining from voting. It was decided to consult further with the City attorney on this issue.

Mr. Parker addressed an upcoming Advanced ZBA seminar scheduled in Mt. Pleasant, MI. The Board expressed an interest in contacting MML to have the class on-site.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Cross to contact the Michigan Municipal League for an Advanced ZBA class, and have it reflected the cost and if there is a required number to attend.

Motion carried, 7-0.

Further Board discussion followed regarding by-laws. Mr. Grantner said he would like to go on record that he does not like Item C under Section 3. His reason being, is that the Boards he has served on you might go three years and many of the seminars are not all that enlightening, and then in 6 months there are 4 of them everyone should go to.

Mr. Grantner said he would far better prefer that there would be something suggesting all new members attend a Boardsmanship academy as a primer coming in. School Boards throughout the State have a Boardsmanship academy and all Board members to be certified have to cover everything from finance, public relations and so on.

Mr. Grantner said another item to address with the City Attorney is he does not know about the legality of putting in a requirement on the appointing authority in terms of rule or regulation as to who has been appointed. He believes City Council appoints ZBA members. This wording states if they do not go they are not eligible for reappointment. Legally, I do not know if this Board can put that kind of criteria on the City Council, who is the appointing authority.

Mr. Cross said the City Council itself might be able to do that criteria but he does not think the ZBA can do that themselves.

Mr. Kalanquin stated he thinks it should be up to the individual to attend classes, and most of us will go, but it should not be mandatory.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

MAY 17, 2001 / 6:00 P.M.

PAGE -5-

Mr. Parker said we want the people that sit on this Board to be informed of what their duties are, and one of the ways to do that is to have them attend one of these meetings.

Mr. Kalanquin feels if you are made to go, it should be counted as a regular meeting and they should be paid for it.

Mrs. Layman commented on trailers parked along the drive at Home Depot, and stated the clutter is being accumulated in an area of no parking.

Mr. Kalanquin stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, June 21, 2001 at 6:00 P.M.**

MEETING ADJOURNED AT 7:05 P.M.

jra