

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MAY 20, 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: Bennett, Weatherford, Tracy Parker, Terry Parker, Martinbianco, Scott, Grantner, Welch

MEMBERS ABSENT: None

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Sr. Clerk Typist

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

Moved by Granter, seconded by Scott to approve the Regular Zoning Board of Appeals Meeting held on April 15, 2004 at 6:00 p.m. Motion carried, 7-0

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION: No Board discussion at this time.

NEW APPLICATION(S):

1. ZBA #04-12	BY: Stacey Knowles 3459 Columbine Ave. Burton, MI
	RE: 3459 Columbine Ave. Lots 233 and 234
	FOR: To expand the non-conforming side setback of 31 inches with an addition to the rear of the home. Five ft. required; 31 inches or 2.5 ft. requested. (4 Votes Required)

Al Knowles, 3459 Columbine Ave., Burton, MI, stated he wants to build a family room to the back of the house 31 inches off the property line.

AUDIENCE PARTICIPATION:

Lawrence St. Onge, 3447 Griffith Ct., Burton, MI, inquired regarding the setback.

Mr. Strasser stated the DPW recommends approval.

BOARD DISCUSSION:

Mrs. Scott inquired regarding a firewall.

Mr. Parker spoke of concerns regarding the neighbor's structure close to the lot line.

Mr. Knowles stated there will be 6 feet from the edge of his house to the front of his neighbor's garage.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Mr. Parker to approve ZBA #04-12. Motion carried, 7-0.

2. ZBA #04-13

BY: Rebecca Hoeft
3521 Fern
Burton, MI

RE: 2259 Bristol Rd., Part of Lot 210
Atherton Homestead #2, Sect. 29
C-2 Zoned.

FOR: Objection filed for 4 ft. chainlink fence in the
front yard of 2259 Bristol Rd.
(5 Votes Required)

Rebecca Hoeft, 3521 Fern, Burton, MI stated her concerns of car accidents at Bristol and Fern. She feels the fence could cause problems with the safety of children. She also inquired regarding the accessibility of the fire hydrant which would be fenced in.

Maureen Holmes, 2247 Bristol Rd., Burton, MI, stated she has lived adjacent to the property for 23 years. There are accidents there but this fence would not be a problem. The children cross the street on her side of the road and not the side where the fence would be put up.

Joan Lee, 2259 E.Bristol Rd., Burton, MI, said she wanted the front fence so her dogs could have more running space. If they need to curve the fence in or angle it, they would be more than happy to do that.

Mr. Strasser said the fire hydrant would be behind the fence. It is up to the Board's decision for approval.

BOARD DISCUSSION:

Mr. Grantner said he will be voting no to the applicant's request because he does not see a problem. The real problem is not with a fence, it is across the street where the bushes are high.

Mr. Parker said he also will vote no. That whole stretch of Bristol Rd. has all kinds of fences in the front yards.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Terry Parker, seconded by Grantner to approve ZBA #04-13.
Motion carried to deny, 7-0.

3 ZBA #04-14

BY: Phillip Brown

4312 S. Genesee Rd.
Grand Blanc, MI

RE: Parcel #59-34-400-016, 4312 S. Genesee
Sect. 34, SE Zoned

FOR: To exceed the allowable square footage for accessory
structures by 102 sq. ft.; 2,250 sq. ft. allowed,
2,352 sq. ft. proposed, with a 30 ft. x 40 ft. pole barn.
(4 Votes Required)

Phillip Brown, 4312 S. Genesee Rd., Grand Blanc, MI, stated he wants to tear his old garage down and put a new pole barn up.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the applicant has 5 acres, 165 by ¼ of a mile deep. He is in an area where there are other large structures such as this. The DPW does not have a problem with the request.

BOARD DISCUSSION:

Mr. Martinbianco inquired regarding the sidewall heights.

Mr. Parker said he does not have a problem with the request because of the amount of acreage there.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Parker to approve ZBA #04-14. Motion carried, 7-0.

4. ZBA #04-15

BY: Anthony Hanson / Cross Creek Condominiums, L.L.C.
5206 Gateway Centre, STE 200
Flint, MI 48507

RE: Units 10, 34 and 36 of Cross Creek Condominium
Sect. 10, R-1A Zoned.

FOR: Change front setback from edge of road to house from
25 ft. to 19 ft. for Unit 10, and from 25 ft. to 20 ft. for
Units 34 and 36. (4 Votes Required)

Michael Pifer from Kraft Engineering, 409 W. Seventh St., Flint, MI, stated he is representing Mr. Hanson. Their project is a residential clustered condominiums. The City's ordinance calls for a 25 ft. setback from the edge of the street to the front of the building. Due to an error that was made during the layout of the building, there were three buildings that were constructed at an incorrect setback. Unit 10 was constructed with a 19 ft. setback, Units 34 and 36 were constructed with a 20 ft. setback.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, asked when it was discovered that it was not in compliance as far as the location on the parcel. She also inquired as to the City's building inspection.

Fletcher Johnson, 1152 Arrowhead Dr., Burton, MI, inquired regarding a privacy fence.

Mr. Strasser replied that it is a residentially zoned property so fencing is not required.

Mr. Pifer stated the error was not discovered until after the homes were built and other houses were being staked out.

Mr. Strasser said this was a layout mistake and the homes are already built. We recommend approval on granting the variance.

BOARD DISCUSSION:

Mr. Martinbianco inquired as to foundation inspections.

Mr. Parker expressed driving by and noticing the houses were built before any roads were put in.

Mr. Pifer said the homes, roadways and utilities were staked out. The foundation went in prior to pavement of the roadway. An inspector, builder or surveyor would not be able to accurately measure the distance from the foundation to the edge of the roadway, until the edge of the roadway was put in.

Mr. Martinbianco asked if it is a common practice to build a home before you put a road in. Mr. Pifer replied yes.

Mr. Parker said the Board has seen 5 to 6 cases similar to this. Discussion ensued regarding possibly setting fines and/or having more stringent procedures in place. Board members asked Mr. Martinbianco to take this issue to Council for discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Weatherford to approve ZBA #04-15. Motion carried, 7-0.

5. ZBA #04-16

BY: Viacom Outdoor
6083 Taylor Dr.
Flint, MI 48507

RE: Parcel #59-11-200-001 / Mallard Ponds

FOR: Requesting permission to move the current billboard structure located off of Davison Rd. to the western property line of Parcel #59-11-200-001. Waive provisions of Ordinance 19, Sect. 5.28 Item 4. (5 Votes Required)

Eric Dufort stated he represents Viacom Outdoor, 6083 Taylor Dr., Flint, MI. They propose to move the current billboard that was built in the early 1960's to the western part of the property to open up the entranceway for the new condominiums. The setback would be pretty much what it is now. There will be tree coverage for the residential area that is located across from it.

AUDIENCE PARTICIPATION:

Chuck Sekrenes from Mallard Ponds Development, re-iterated Mr. Dufort's comments regarding placement of the billboard. He indicated there is a wetland area behind it and he owns the commercial property next to it. Their only alternative is to tear down the billboard.

Mrs. Dargel inquired regarding the zoning, variance request and if the sign is lighted.

Mr. Strasser said they recommend leaving the billboard where it is at, or move it to the easterly portion of the commercial property.

Mr. Sekrenes addressed the property site at length.

BOARD DISCUSSION:

Board discussion ensued regarding the site Mr. Grantner said he cannot support the request. His main concern was the lighted sign being in close proximity to the surrounding neighborhood.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #04-16. Motion carried to deny, 7-0.

6. ZBA #04-17

BY: Mike Nast
2496 Stockbridge
Burton, MI

RE: 2496 Stockbridge, Lot 106 Richfield Gardens

FOR: 1) To construct an addition at 8 ft. from the north
property line; 10 ft. required.
2) To have the roof lines between the detached garage
and the addition at 3 ft.; 10 ft. required.
(4 Votes Required)

Mike Nast, 2496 Stockbridge, Burton, MI, stated he needs an extra bedroom and larger bathroom for his growing family. The existing house is 8 ft. from the north property line. He is not looking to going any closer with the addition.

AUDIENCE PARTICIPATION:

Mark Meier, 2488 Stockbridge, Burton, MI said he is a neighbor and has no objections to his request.

Mr. Strasser stated this is a common request. The firewall will be taken care of with the building department. We recommend approval.

BOARD DISCUSSION: No Board discussion.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Scott to approve ZBA #04-17.
Motion carried, 7-0.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, June 17, 2004 at 6:00 p.m.**

Meeting adjourned at 7:00 p.m.

jra