

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 17, 2004, 6:00 P.M., COUNCIL CHAMBERS
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THE MEETING WAS CALLED TO ORDER BY VICE-CHAIRPERSON TERRY PARKER AT 6:00 P.M.

MEMBERS PRESENT: Terry Parker, Weatherford, Scott, Martinbianco, Grantner, Bennett

MEMBERS ABSENT: Tracey Parker, Welch

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

Mr. Parker post-poned approving the minutes of the Regular Zoning Board of Appeals Meeting held on May 20, 2004 at 6:00 p.m. to the next ZBA meeting scheduled for July 15, 2004.

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

BOARD DISCUSSION:

Mr. Martinbianco spoke regarding last month's meeting concerning two lots that were outside the scope of the ordinance for side and front setbacks. He relayed information and concerns the Board expressed with Mr. Cross, the Legislative Committee Chairman. After he has an opportunity to review the issue, he will call a Legislative meeting to set perimeters. Mr. Martinbianco stated further, he is not certain whether this committee will have the ability to set by resolution any fines or fees that would be attached to an ordinance amendment.

Mr. Parker indicated to the audience there is not a full Board present, and they have the opportunity to re-schedule their case if they want a full Board.

NEW APPLICATION(S):

1. ZBA #04-18

BY: Gary Kautz
4062 Woodrow
Burton, MI

RE: 4062 Woodrow, Lots 102, 21 and part of 22 and 101
Greenlawn Sub., Section 3

FOR: To expand the non-conforming side setback of 3 ft. with
an addition to the rear of the home; 10 ft. required.
(4 Votes Required)

Gary Kautz, 4062 Woodrow, Burton, MI, stated last April he applied for a building permit. He drew up the site plan and showed the building department the planned addition to the back of the house. He gave them the measurements from the property line to the existing structure. They approved the permit and then two days later he received a call that it is non-conforming. The building is up and he has inspections and approvals from the City. They told me to continue with the construction of the addition, which I have done.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the existing home is at 3 ft. from the side property line and the addition is at the same non-conforming setback. We do not have a problem with the request.

BOARD DISCUSSION:

Mr. Martinbianco inquired regarding inspecting the site to make sure what has been proposed is in conformance with all city ordinances, and who is responsible if the existing site is non-conforming.

Mr. Strasser said the responsibility is with the building department.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Scott to approve ZBA #04-18. Motion carried, 6-0.

2. ZBA #04-19

BY: Joseph R. Sims Jr.
2318 S. Vassar Rd.
Burton, MI

RE: 2318 S. Vassar Rd., Lot 17
Pioneer Acres

FOR: To split Lot 17 of Pioneer Acres into two lots,
one having a non-conforming width of 60 ft. on
the road; 85 ft. required. (4 Votes Required)

Joseph Sims, Jr. 2318 S. Vassar Rd., Burton, MI, stated he would like to split his land and build another home in the back southwest corner of the lot. The road frontage is only 60 ft. but further to the back edge of the property it is 220 ft. He wants to put within the 60 ft. a driveway.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired regarding the notification process to adjacent property owners.

Mr. Strasser stated this went through the standard notification period to all properties within 350 ft. Normally these types of non-conforming splits receive a negative comment from our department. This case is slightly different with the 60 ft. of road frontage being the same width of street right-of-ways within the city. We don't have a problem with this type of configuration. It opens up to more than half an acre in the back where the house would be built. If this is approved, we ask as a condition of the variance that the house must be built to the west of the newly proposed property line for the existing home. Mr. Strasser stated further if approved, it still has to go through the lot split procedure.

BOARD DISCUSSION:

Mrs. Scott commented regarding two separate tax roll parcel numbers.

Mr. Parker inquired regarding a sewer lead to the property.

Mr. Martinbianco asked for clarification on the exact location of the dwelling.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Martinbianco to approve ZBA #04-19 with the stipulation that the new construction occur west of the parcel's property line, as specified by the applicant, in the southwest corner of parcel B. Motion carried, 5-1. Weatherford – no.

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3 ZBA #04-20

BY: Our Risen Lord Lutheran Church
4040 Lapeer Rd.
Burton, MI

RE: Compliance with Sign Ordinance

FOR: Posting of 2 road markers, each
19 ½ inches x 31 ½ inches (see attachment)
at following locations:
1) On Center Rd. at or just south of the Lapeer
intersection on the east side of Center.
2) On Lapeer Rd., north side at or just west of
Genesee Rd.
(4 Votes Required)

Mr. Parker said it was brought to his attention before the meeting that the Zoning Ordinance requires approval by the ZBA for these types of signs. This is not something out of the ordinary, and it is quite common in the County.

Jan Albaitis, 7164 Levon Trail, Davison, MI, stated she is a member of the Church and is also representing them. There are two markers they want placed at the two locations mentioned.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said they do not have a problem with the request. If approved, we have to direct the church to bring the signs into our department so road personnel can put them up.

BOARD DISCUSSION: No Board discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Martinbianco, seconded by Weatherford to approve ZBA #04-20. Motion carried, 6-0.

4. ZBA #04-21

BY: Argil Barrett
4350 Bennett Dr.
Burton, MI

RE: 4350 Bennett Dr., Lot 24 Bennett Acres No. 1

FOR: To construct an addition to the front of the home at
25 foot front setback; 30 ft. required.
(4 Votes Required)

Argil Barrett, 4350 Bennett Dr., Burton, MI, stated his family has grown over the years and this will give 500 more square feet of living space.

AUDIENCE PARTICIPATION:

Ron Mooney, 4364 Bennett, Burton, MI, said he lives next door and has no problem with the request. He thinks it will be great for his family.

Mr. Strasser said this is a common request and we do not have a problem with it.

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BOARD DISCUSSION: No Board discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Scott to approve ZBA #04-21. Motion carried, 6-0.

5. ZBA #04-22
- BY: Frank Maestaz
3459 Loder Ct.
Burton, MI
- RE: 3459 Loder Ct., Lot 90
- FOR: To construct a deck in the rear setback, 19 ft. requested;
30 ft. setback required. (4 Votes Required)

Frank Maestaz, 3459 Loder Ct., Burton, MI, stated he would like to build on the east side of the house an 8 ft. x 16 ft. deck.

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

Mr. Strasser said decks are now considered to be structures which have to comply with setbacks. An 8 ft. x 16 ft. size is not unusual and we do not have a problem with the request. A couple of the neighbors wrote they do not have a problem with the request.

BOARD DISCUSSION: No discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Bennett to approve ZBA #04-22. Motion carried, 6-0.

6. ZBA #04-23
- BY: Margo L. Peterson
2137 Scottwood
Burton, MI
- RE: 2121 Bergin
- FOR: Put 6 ft. extra on roof with a deck in front of
house, 20 ft. front setback required; 14 ft. setback
requested. (4 Votes Required)

Margo Peterson, 2137 Scottwood, Burton, MI, stated 2121 Bergin is her rental home. The front porch is very small and she would like to put on a nicer porch with an overhang.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said this is a common request in the south end of Burton. We have no problem with the request.

BOARD DISCUSSION:

Mrs. Scott inquired regarding the style of the porch. She feels this will add to the look of the house.

Mr. Bennett inquired as to who is doing the project.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #04-23. Motion carried, 6-0.

Temporary Variance:

7. ZBA #04-24

BY: Ed & Mary O'Mara
3130 Eugene St.
Burton, MI

RE: Parcel #59-25-527-010
3130 Eugene St.

FOR: To have two single family dwellings on a lot. Existing home to remain until new home obtains occupancy, said home to be demolished or removed at time of occupancy. (5 Votes Required)

Ed O'Mara, 3130 Eugene St., Burton, MI, said there is an existing house on the lot and we want to re-build directly behind it and still live in our house while we are doing it.

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

Mr. Strasser asked the applicant if he is having a contractor build the new home.

Mr. O'Mara said he is the contractor and it will be contracted out primarily.

Mr. Strasser expressed they want to work with the public but we also need to safeguard the City as a whole. We don't have a problem with the request, but if approved, we would like strong language from the Board that at the time of occupancy the old house is removed or demolished, a 6 months time limit or something that locks it down for the safety of the City.

BOARD DISCUSSION:

Mr. Parker asked the applicant what type of time limit they need.

Mr. O'Mara expressed 9 months to a year.

Mr. Martinbianco said a year's time is not out of the realm. He inquired if the setbacks have been met.

Mr. Strasser replied they have been met.

Discussion ensued concerning the language in the stipulation for a motion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #04-24 with the stipulation of one year to complete project from the time the applicant obtains his permit, and demolish the home. Motion carried, 6-0.

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Temporary Variance:

8. ZBA #04-25

BY: Judith A. Fromwiller
3172 S. Washburn
Davison, MI

RE: 3035 Clarice Ave., Lot 12, Plat 12

FOR: To place a 29 ft. trailer on the property while the fire damaged home is being repaired. Section 5.16.
(5 Votes Required)

Judith Fromwiller, 3172 S. Washburn, Davison, MI, stated the home on Clarice was destroyed by fire a year ago. They want to put a trailer there so her daughter and husband can live in it while they are re-doing the house.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said if approved, he requests the Board place some type of timelines on it.

BOARD DISCUSSION:

Mr. Martinbianco asked if the home was a total loss, and if it has been red tagged.

Mrs. Fromwiller said the home has not been red tagged. The fire occurred on August 30th.

Discussion ensued regarding utilities and a timeframe for the project.

Mrs. Fromwiller said she hopes to have this project completed before it turns cold.

Mr. Parker addressed requirements to put a trailer on the site.

Mr. Strasser said DPW will address those requirements.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Grantner to approve ZBA #04-25 with the stipulation of a six months period from the date the permit is pulled. Motion carried, 6-0.

Board discussion followed. Mr. Grantner discussed the variance problems the Board has been seeing in recent meetings. He feels DPW should be kept apprised of what has been going on and Council.

Mr. Martinbianco said he would relay this information. There are internal issues and he would hope they would be rectified with open communication.

Mr. Parker stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, July 15, 2004 at 6:00 p.m.**

Meeting adjourned at 6:55 p.m.

jra