

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JULY 15, 1999, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: Parker

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

Moved by B. Weatherford, seconded by Berry to approve and authorize the Regular ZBA Meeting of April 15, 1999, at 6:00 p.m., Special ZBA Meeting of April 27, 1999, at 5:00 p.m., Regular ZBA Meeting of May 20, 1999, at 6:00 p.m., and the Regular ZBA Meeting of June 17, 1999, at 6:00 p.m.

Motion carried, 7-0.

AUDIENCE PARTICIPATION:

Leona Stevens, 3049 Vineland, Burton, MI, read aloud the pre-amble of Zoning Ordinance 19. She indicated the ZBA is very conscientious and did not deserve the criticism from the Council President that was stated in the Suburban News.

BOARD DISCUSSION:

Mrs. Layman spoke regarding property on E. Court St. and said that it has had a continual flea market there since summer began.

Mr. Strasser said he will turn the complaint in to code enforcement. Mr. Strasser also stated there is an applicant requesting a Special ZBA Meeting for Thursday, July 22nd at 6:00 p.m. He asked if the Board members could attend.

After brief discussion, Mr. Kalanquin stated they will hold a Special ZBA Meeting for Thursday, July 22nd at 6:00 p.m.

NEW APPLICATIONS:

- | | |
|---------------|--|
| 1. ZBA #99-33 | BY: Daniel E. Hause
1064 Rinn St.
Burton, MI 48509 |
| | RE: Lot 51 and Part of Lot 52, Rinn Acres |
| | FOR: To create a substantial lot with a width of
80 ft.; 85 ft. required. (4 Votes) |

The applicant was not present. Mr. Kalanquin said they will table the case to the end of the meeting.

AUDIENCE PARTIIPATION:

John Penrod 1067 Rinn St., Burton, MI, said he has lived directly across the street from this property for 25 years and chose that neighborhood for the size of the lots. He would like to protest and speak against this request. In talking with his neighbors, he understands the purpose of the request is for a variance for a modular home to sell it. He was asked by surrounding neighbors to speak on their behalf also. Mr. Penrod stated further, that he and his neighbors just received the notice today for tonight's meeting, and they did not receive the notice for the meeting of June 17th regarding this case.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

JULY 15, 1999/6:00 P.M.

PAGE -2-

2. ZBA #99-37

BY: Eddie L. Summers
4507 Sunnymead Ave.
Burton, MI 48519

RE: Lot 68, Meadowcroft Est. #3, R-1B zoned.

FOR: To exceed 864 sq. ft. minimum for accessory
structures by 192 sq. ft., with a 12 ft. x 16 ft. shed.
(4 Votes)

Eddie Summers, 4507 Sunnymead Ave., Burton, MI, said his request is to build a 24 x 36 garage and also a shed to go along with it. He has a large boat, garden tractors and other necessities he would like to keep inside. He spoke with his neighbors and they do not have a problem with the request.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Mrs. Weatherford inquired as to the hardship.

Mr. Summers indicated he does not want to leave things outside. The two structures currently there were built by the previous owners and are unsafe. These structures have worried him for a long time, and he has repaired them to the best of his ability. He has started to tear down the garage and it is rotted out bad.

Mr. Berry asked if he is going to tear down the 12 x 12 shed and garage.

Mr. Summers responded yes.

Mr. Berry inquired as to the distance from the lot line and the 36 ft. He asked the applicant if he could get by with less.

Mr. Summers spoke of the 32 ft. structure he currently has and the lack of space for his storage items. Mr. Summers indicated he enjoys woodworking but does not have the space to set up a table saw.

Mr. Berry asked if he made items for sale with his woodworking.

Mr. Summer responded no.

Mr. Strasser stated the request exceeds the ordinance.

Mr. Wright said with the demolition of the existing shed and garage, the difference between what he has and what he is asking for is 48 sq. ft.

Mr. Kalanquin asked Mr. Summers if he is tearing down the building before he starts the new structures.

Mr. Summers responded yes.

Mr. Centilli inquired regarding a cubby hole at the back of the garage.

Mr. Summers spoke of the former owner's construction of the existing garage.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

JULY 15, 1999/6:00 P.M.

PAGE -3-

Brief discussion followed regarding the roofing and siding to match the house.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Layman, seconded by Scott to approved ZBA #99-37, contingent upon the applicant demolishing the two structures.

Motion carried, 6-1. B. Weatherford – no.

3. ZBA #99-38

BY: Robert B. Linn, Jr.
3188 S. Center Rd.
Burton, MI

RE: Lot 5, Center Road Acres, C-2 zoned.

FOR: 1) Exceed sq. footage of accessory structures by
1,228 sq. ft.;
2) Expand residential use in C-2 zoning;
3) Exceed height by 4 ft.; 14 ft. required, 18 ft.
requested. (4 Votes)

Robert Linn, Jr., 3188 S. Center Rd., Burton, MI, said the 18 ft. requested on the agenda was incorrect, and he only requested 14 ft. He wants to build a garage to accommodate the height of his motor home and he needs storage for his tractor, equipment, and numerous decorations for the holidays.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he is asking for 14 foot sidewalls and spoke further of the height restriction, sidewalls and peak of the roof.

Mr. Kalanquin indicated Mr. Linn has 5 acres.

Mr. Strasser said he is still only allowed 2,000 sq. ft. total.

Mr. Wright inquired regarding the structure allowed in a C-2 zoning.

Mr. Strasser stated if it was a commercial establishment it would be allowed. Zoning on the property is C-2, the use on the property is residential. They do not have a commercial use that has been approved by the Planning Commission on that site.

Mr. Linn said he does not want to sell anything, just to store his items.

Brief discussion followed regarding adjacent property next to Mr. Linn's property, and site plan review with the Planning Commission.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JULY 15, 1999/6:00 P.M.
PAGE -4-

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Berry, seconded by B. Weatherford to deny ZBA #99-38 until they work out the size of the pole barn.
Motion carried to deny, 7-0.

Mr. Linn questioned as to what he could do.

Mr. Centilli asked if he would be willing to go with a 32 x 60.

Mr. Linn indicated he would agree to that.

Discussion followed regarding re-voting, amending the motion, Mr. Linn re-submitting a revised request, Roberts Rules of Order, and possibly holding a special ZBA meeting.

Mr. Kalanquin indicated to Mr. Linn that he would have to augment his request.

4. ZBA #99-39

BY: Vickie Rosebrough
3381 Greenley
Burton, MI

RE: Lot 515, Baker Park, R-1C zoned. Corner of
Greenley & Carman.

FOR: To construct a 5 ft. chainlink fence in the front yard
setback of Greenley and Wells. (4 Votes)

Vickie Rosebrough, 3381 Greenley, Burton, MI, said she wants to put up a chain link fence to protect their dogs and the children.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the lot is on the corner of Carman and Greenley. It is in a front yard area where a 4 ft. chain link fence is allowed. Carman and Greenley both constitute front yards.

BOARD DISCUSSION:

Mrs. Weatherford said she was by the property today and it looks like it is already under construction.

Mrs. Rosebrough indicated they did not know they needed a permit. They have a swimming pool and the cement mixer was there for work on some bricks.

Kenneth Rosebrough, 1361 Wells, Burton, MI, stated the cement mixer on the site was there for other work and not the fencing.

Mr. Wright inquired if they own both lots, and if the only item that is out of compliance is the height of the fence and not the setbacks.

Mr. Strasser responded that is correct.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JULY 15, 1999/6:00 P.M.
PAGE -5-

Discussion continued regarding the posts, sidewalks and height of the fence.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Centilli, seconded by Berry to approve ZBA #99-39.

Motion carried, 4-3. Berry – yes, Scott – yes, Wright – yes, Centilli – yes, B. Weatherford – no, Layman – no, Kalanquin – no.

5. ZBA #99-40

BY: Denton Sorensen
2485 Clarice
Burton, MI

RE: Lots 13 – 15, Miller Hts., Sect. 21, C-2 zoned.

FOR: To construct a 24 x 32 garage in a C-2 zoned area,
for residential use/expand non-conforming
residential use. (5 Votes)

Denton Sorenson, 2485 Clarice, Burton, MI, said he would like to build a garage. His mother had a garage and tore it down two years ago, he is going to move into her house and needs a garage.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the only reason he is here is because the property is zoned commercial. They see no reason to deny his request.

BOARD DISCUSSION:

Mrs. Scott inquired as to maintaining the current shed.

Mr. Centilli inquired regarding the size of the lot.

Mr. Sorenson responded that it is $\frac{3}{4}$ of an acre.

Mrs. Weatherford inquired regarding the placement of the shed.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Layman to approve ZBA #99-40.
Motion carried, 7-0.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JULY 15, 1999/6:00 P.M.
PAGE –6-

6. ZBA #99-41

BY: Mark C. Bowles
6469 E. Maple Ave.
Grand Blanc, MI 48439

RE: 6469 E. Maple Ave.
Parcel #59-36-400-037, SE zoned.

FOR: To exceed allowable sq. footage for accessory
structures by 162 sq. ft.; 864 sq. ft. allowed by

ordinance; asking for 1,026 sq. ft. (4 Votes)

Mark Bowles, 6469 E. Maple Ave., Burton, MI, said he would like to build a shed. His mother-in-law moved in and he needs more storage space.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated the request exceeds the ordinance.

Mrs. Layman asked if it is a 4 car garage. She feels that there is a lot of room there now.

Mr. Bowles indicated if the structure is a 3 car garage. It was a 2 car garage and they built onto it.

BOARD RECOMMENDATIONS

AND/OR ACTION:

Moved by Layman, seconded by B. Weatherford to deny ZBA #99-41.

Motion failed to deny, 4-3. Berry – no, Scott – yes, Wright – no, Centilli –no, B. Weatherford – yes,
Layman – yes, Kalanquin – no.

Moved by Centilli, seconded to Berry to approve ZBA #99-41.

Motion denied, 4-3. Berry – yes, Scott – no, Wright – yes, Centilli – yes, B. Weatherford – no, Layman – no,
Kalanquin – no.

7. ZBA #99-42

BY: National Marketing Group, Inc.
6451 E. Atherton Rd.
Burton, MI 48519

RE: Part of Lot 5, Pioneer Acres, Sect. 24
R-1A zoned.

FOR: Expand R-O use in an R-1A zoned area,
addition at 10 ft. from side lot line; 20 ft.
required. (4 Votes)

Dan Hagy, 6451 E. Atherton Rd., stated they came to the Board in 1997 to get an addition approved. The reason for the hardship is they have grown to a point where they need extra storage space. They do a lot of outsourcing and supplies throughout Michigan and other states. They need double the space that they have now and also they would like some more offices because of additional employees. Mr. Hagy stated further they like the area and hope that they do not have to move the business.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

JULY 15, 1999/6:00 P.M.

PAGE –7-

AUDIENCE PARTICIPATION:

Brian Rheingans, 2508 Eugene, Burton, MI, said he has known the applicant since he opened the doors of the building and it is an excellent place. He keeps it up and he would like to see him stay. His sister-in-law lives right behind him and is also for the applicant 100%. Mr. Rheingans said the surrounding neighbors feel the same way.

James McKittrick from Atherton Road Sales, Burton, stated that his business is across the street and he also owns the lot beside the applicant's business, and a house across the street. Mr. McKittrick said 8 ½ years ago the place looked bad and sat empty. Throughout the years it has been a gas station, grocery store and a lot of other things. The applicant has continued to maintain it and it is a nice looking building, they want him to stay.

BOARD DISCUSSION:

Mr. Wright asked Mr. Strasser if they ever had complaints on the site.

Mr. Strasser responded they had not since the applicant has had it. Mr. Strasser said it is a nice looking corner and that area is a little different with the dance studio, Atherton Road Sales and the applicant's business. They have not had any calls negative about it.

Mrs. Weatherford asked if there was adequate parking.

Mr. Hagy said they have nine employees, with 11 parking spots plus a handicapped parking area.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Berry, seconded by Centilli to approve ZBA #99-42.
Motion carried, 5-2. Layman – no, B. Weatherford – no.

8. ZBA #99-43	BY: Larry and Susan Huber 4487 Howe Rd. Grand Blanc, MI 48439
	RE: 4487 Howe Rd., Parcel #59-34-400-023 SE zoned.
	FOR: To exceed the allowable sq. footage for accessory structures by 1,282 sq. ft. with a 42 ft. x 56 ft. pole barn; 2,000 sq. ft. allowed; 3,282 sq. ft. required. (4 Votes)

Susan Huber, 4487 Howe Rd., Burton, MI, said she would like to clarify an item on the request. The actual interior of the walls is 32 x 56 and a 10 ft. lean-to off to one side. They own 25 acres and have four horses they would like to keep at their home. They need the barn for the stalls, hay for bedding and equipment. There are no residents or other structures several hundred feet on either side of them.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said it does exceed what is required by the ordinance. There is a barn similar to this approved on Genesee Road for the same use for horses.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JULY 15, 1999/6:00 P.M.
PAGE –8-

BOARD DISCUSSION:

Mr. Wright asked if it was going to be a specific barn built for horses.

Mrs. Huber responded it will be built specifically for horses and there will not be a loft.

Mr. Wright inquired as to the siding matching the house.

Mrs. Huber responded that it would be metal siding.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Centilli, seconded by Wright to approve ZBA #99-43.

Motion carried, 5-2. Berry – yes, Scott – yes, Wright – yes, Centilli – yes, B. Weatherford – no, Layman – no, Kalanquin - yes

1. ZBA #99-33

BY: Daniel E. Hause
1064 Rinn St.
Burton, MI 48509

RE: Lot 51 and Part of Lot 52, Rinn Acres

FOR: To create a substantial lot with a width of
80 ft.; 85 ft. required. (4 Votes)

Daniel Hause, 1174 S. Belsay Rd., Burton, MI, stated his hardship is the lot size of 65 ft. deep, and he would like to increase the lot size to 80 ft. to put a home on it.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he had a few phone calls today against the request because the lots are larger and they are opposed to having smaller lots than what everyone else has.

Mrs. Weatherford asked Mr. Hause if this lot was adjoining to his.

Mr. Hause indicated he has two lots on Rinn St. The one lot has a small home he is trying to sell and he would like to build a new home on the other lot. He was told when he purchased the lot that he could build on it because of a grandfather clause, but he does not know how valid that is.

Mr. Wright inquired as to who told him it was grandfathered in, and if it was stated in his deed.

Mr. Hause indicated he was told by the person he bought it from, and it did not state anything in the deed as such.

Mr. Wright asked what the average width of the lots are in the area.

Mr. Strasser said it varies, but the majority are wider than 85 ft., and a lot are in the 100's.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JULY 15, 1999/6:00 P.M.
PAGE -9-

Mr. Hause said he believes a large majority are 84 1/2 ft., because when he received paving assessment paperwork from the City, he looked it up and seen that many are.

Mr. Berry said one of the neighbors stated he is building this home on the lot for re-sale.

Mr. Hause indicated it was not true and is not sure where that idea came from. No one there would know if he was going to live in it or sell it. The neighbor next door would be the only one that would know what he was planning on doing. He feels that is an assumption by however called in.

Mrs. Layman asked Mr. Hause if he is planning on building a stick built house there. She also has received a call and was told it was a modular.

Mr. Hause re-iterated he does not know where they got the information, and that is not his intention. He is leaning towards a stick built, but is still undecided.

BOARD RECOMMENDATIONS

AND/OR ACTION:

Moved by Layman, seconded by B. Weatherford to deny ZBA #99-33.

Motion carried to deny, 5-2. Berry – no, Scott – yes, Wright – yes, Centilli – no, B. Weatherford – yes,
Layman – yes, Kalanquin – yes.

Mr. Hause spoke regarding why his request was postponed from last month's meeting, and inquired as to the denial.

Mrs. Layman said they have to also consider the neighbors and everyone concerned.

Celeste Hause, 1174 S. Belsay Rd., said they came to the ZBA last month and there were no problems. They were told to change the width of what they asked for. They brought in the property lines of the entire street and most are 85 ft. There is a dumpy little house there now and they wanted to build a nice house, but not on a 65 ft. property.

AUDIENCE PARTICIPATION:

Robert Linn, 3188 S. Center Rd., Burton, MI, said under the Roberts Rules of Order, in order to re-consider a motion, it must be moved by one who voted with the prevailing side.

Brief discussion followed regarding the motion and the Roberts Rules of Order.

Mr. Linn said under the circumstances he is in, he is asking for a motion to re-consider, and amend the 32 x 60.

Discussion followed regarding the 14 ft. sidewalls, size of the structure and existing structures.

Mr. Strasser inquired regarding the placement of the two sheds in the back of the property.

Mr. Linn said he will get rid of them.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

JULY 15, 1999/6:00 P.M.

PAGE –10-

3. ZBA #99-38

BY: Robert B. Linn, Jr.
3188 S. Center Rd.
Burton, MI

RE: Lot 5, Center Road Acres, C-2 zoned.

FOR: 1) Exceed sq. footage of accessory structures by
1,228 sq. ft.;
4) Expand residential use in C-2 zoning;
5) Exceed height by 4 ft.; 14 ft. required, 18 ft.
requested. (4 Votes)

BOARD RECOMMENDATIONS

AND/OR ACTION:

Moved by Centilli, seconded by Wright to reconsider ZBA #99-38 for a 32 x 60 structure.

Motion carried, 7-0. Berry –yes, Scott – yes, Wright – yes, Centilli – yes, B. Weatherford – yes, Layman – yes,
Kalanquin – yes.

Mr. Strasser said residential use in commercial zoning requires 5 votes.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Centilli, seconded by Wright to approve ZBA #99-38, for a 32 x 60 structure, contingent upon removal of the existing shed.

Motion carried, 6-1. Layman - no.

AUDIENCE PARTICIPATION:

Mr. Hause inquired as to the people that objected to his request so he could contact them.

Mr. Kalanquin stated there is a Special ZBA meeting scheduled for July 22, 1999, at 6:00 p.m., and the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, August 19, 1999, at 6:00 P.M.**

MEETING ADJOURNED AT 7:40 P.M.

Jra

* * Note: There is a **Special ZBA Meeting** scheduled for **Thursday, August 5, 1999, at 6:00 p.m.**