

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JULY 15, 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: Weatherford, Scott, Parker, Martinbianco, Grantner, Parker, Welch

MEMBERS ABSENT: None

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

Moved by Parker, seconded by Scott to approve the Regular ZBA meeting minutes of May 20, 2004 at 6:00 p.m. and June 17, 2004 at 6:00 p.m. Motion carried, 7-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, commented regarding discussion of enforcement being a priority at a vision session held in January 2003, and Ordinance #36 relative to fences.

BOARD DISCUSSION:

Mr. Welch spoke regarding an October 20th MML Seminar for Basic Planning & Zoning.

NEW APPLICATIONS:

1. ZBA #04-26	BY: Storage One 4258 Somers Dr.
	RE: Lots 6 and 7 Rizzo Industrial Park Sect. 31, M-1 Zoned
	FOR: To allow outdoor storage of up to date recreational vehicles. See Ordinance 19, Sect. 17.03, Item #8. (5 Votes Required)

Louis Blake Rizzo, 5273 Empress Dr. Burton, MI, said he wants to offer outdoor parking spots for campers, RV's and other recreational vehicles that are licensed, insured and in good running condition. He has requests from current and potential tenants to store these types of vehicles. Mr. Rizzo spoke further regarding the layout of the site, and indicated there will be other buildings they will finish next spring.

AUDIENCE PARTICIPATION:

Robert Hate, 4288 Greenley, Burton, MI, stated his property is adjacent to the site. He expressed concerns of having to look at the recreational vehicles, and decreased value of his home. Mr. Hate asked if there will be some type of buffer or fencing.

Mark Somers, 4126 Somers Drive, Burton, MI, inquired regarding the definition of up-to-date vehicles. He asked if there is a recourse to take if it starts to become an eyesore.

Mr. Rizzo said restrictions will require that vehicles are licensed, insured and in good running condition. He will not have junk vehicles.

Brief discussion was held regarding enforcement, landscaping and various items in site plan review.

Mr. Rizzo said they could possibly re-position the asphalt parking spot and have a one-sided building on the south side to screen the outside storage and parking area.

Mr. Strasser said if the Board approves, the motion should specifically state they are up-to-date recreational vehicles that are licensed, operable and insured. Mr. Strasser said DPW recommends approval.

BOARD DISCUSSION:

Mr. Martinbianco questioned the type of screening for the southern setback, and the size of the proposed area.

Mr. Rizzo replied the area for recreational vehicles is less than an acre. He would like to put a building up or a high privacy fence for the screening.

Mr. Martinbianco stated additional approvals may be needed.

Mr. Strasser indicated in the Zoning Ordinance, a 6 foot privacy fence is maximum height. The Board may want to have a timeframe to implement the fence or the building.

Mr. Rizzo acknowledged he will accept restrictions from the DPW.

Mr. Martinbianco asked for an amendment to the motion to state that approval is subject to the installation of a 6 ft. privacy fence that would bound the area, or, another one-sided building, and that the total square footage of the on-site storage area does not exceed one acre, with the timeframe being the installation of the building or the fence come before the construction of the site.

Mr. Parker expressed that he wants the motion to also state no vehicles will be placed on the property until the fence or property is erected.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #04-26 with the stipulation it is up-to-date recreational vehicles that are licensed, operable and insured.

Moved by Martinbianco, seconded by Weatherford to amend to approve ZBA #04-26 with the stipulation it is up-to-date recreational vehicles that are licensed, operable and insured. Approval subject to the installation of a 6 ft. privacy fence that would bound the area, or another one-sided building, the total square footage of the on-site storage area does not exceed one acre, with the timeframe of the installation of the building or the fence come before the construction of the site, and no vehicles will be placed on the property until the fence or property is erected.

Amended Motion carried, 7-0.

Main Motion, 7-0.

2. ZBA #04-27

BY: Joel Bredow
1142 Brabbs St.

RE: Supervisors Plat #8, Lot #65
Section 13, C-2 Zoned

FOR: To construct a residential garage on a property
that is zoned C-2, expand non-conforming
residential use. (5 Votes Required)

Sarah Bredow, 1142 Brabbs St., Burton, MI, said their property is zoned C-2. They received a variance to build their house and now they want to build a garage.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated they recommend approval.

BOARD DISCUSSION:

Mr. Parker inquired regarding commercial restrictions with setbacks.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Martinbianco to approve ZBA #04-27. Motion carried, 7-0.

3. ZBA #04-28

BY: James Shoecraft
5055 Way St.
Burton, MI

RE: 5055 Way St., Parcel #59-11-100-027
R-1A Zoned.

FOR: To construct an attached garage with a 5.3 foot
setback; 10 ft. required.
(4 Votes Required)

James Shoecraft, 5055 Way St., Burton, MI, stated he wants to raise the existing garage so he can have a larger garage door to get things in and out of his back yard.

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

Mr. Strasser stated they recommend approval for the variance request.

BOARD DISCUSSION:

Mr. Welch inquired regarding a firewall.

Mr. Strasser asked Mr. Shoecraft if he is putting a second story on.

Mr. Shoecraft replied yes.

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Mrs. Scott asked if the height of the garage will be a lot more higher than the house.

Mr. Shoecraft stated it will be 6 ft. higher than the house.

Mr. Parker inquired regarding another door in the back of the garage.

Mr. Shoecraft said there is a door in the back.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #04-28.

Motion carried, 7-0.

4. ZBA #04-29

BY: Judith M. Wright
4242 Manor Dr.
Grand Blanc, MI

RE: 4242 Manor Dr., Sect. 34, R-1B Zoned.

FOR: To construct an addition to the home at 4 ft.
from the detached garage, existing home is
4 ft. from garage, expand non-conforming setback.
See Sect. 5.15, Item 5.
(4 Votes Required)

Judith Wright, 4242 Manor Dr., Burton, MI, said she has a very narrow lot and her house faces north. There is 7 feet from the present garage to the east side, and 4 ft. on the west side from the home. Her house is L-shaped and she wants to extend the new addition out 16 feet to be equal with the present garage. There will be a firewall in the new addition. Mrs. Wright said there is no house behind her property or the east side that faces Howe Rd. She is in need of more room, storage and a basement.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he recommends approval. The existing home is already at 4 ft. from the garage, so she is expanding the non-conforming setback.

BOARD DISCUSSION:

Mr. Parker expressed his approval.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #04-29.

Motion carried, 7-0.

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5. ZBA #04-30

BY: Oakview Associates
671 E. Big Beaver STE 105

RE: 4037 Grand Oaks, Lot 32 Grand Oaks
Sect. 35, R-1A Zoned.

FOR: To construct a deck in the rear yard at 29 feet from
the rear property line; 35 ft. required.
(4 Votes Required)

William Dow, 671 E. Big Beaver Rd., stated he is representing Oakview Associates. They would like to construct a 12 ft. x 22 ft. deck at the rear of the home. It would encroach 5.5 feet into the 35 ft. rear setback.

AUDIENCE PARTICIPATION:

Kateri Overstreet, 4044 Grand Oaks Ct., Grand Blanc, MI, stated her back yard abuts the corner of the property and she is in support of the variance request.

Mr. Strasser stated this is a brand new subdivision. There should be better planning on the builders and developers part. We are running into where they want bigger decks and it is going into the setbacks. In this particular case, we recommend approval.

BOARD DISCUSSION:

Mrs. Weatherford inquired regarding restrictions on deck sizes.

Mr. Strasser said deck sizes is not really what you want to regulate, it is the placement of them that needs regulating so they do not go into the setbacks.

Mr. Parker inquired regarding decks being addressed in the Ordinance.

Mr. Strasser said in the definition portion of the Ordinance, decks are referred to as either structures and/or buildings, anything that is directly accessible to a home where someone can use the deck to enter or exit the home. It does not require a roof over it. It is required to have a building permit and it has to abide by all setbacks on the property.

Mr. Parker had questions regarding the diagram showing the lot line and easement for drainage.

Mr. Martinbianco asked if there has been a final plat approval.

Mr. Strasser acknowledged yes. He does not know if it would be prudent or not, to possibly establish different setbacks for decks as opposed to principle structures.

Mr. Grantner stated they are talking about a future joint meeting with the ZBA, Planning Commission and City Council. This would be an appropriate item to look at and possibly make changes to the ordinance.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #04-30.
Motion carried, 7-0.

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6. ZBA #04-31

BY: Maria A. Villarreal
3490 E. Atherton Rd.

RE: Lots 1, 7 and 48 of Supervisors Plat No. 12
Section 28

FOR: To construct an addition for residential use in a
C-2 zoned parcel. (5 Votes Required)

Ricardo Villarreal, 3490 E. Atherton Rd., Burton, MI, stated they would like an addition to their house for more living space due to the size of their family.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated this is another residential situation that is caught up in a commercially zoned area. DPW recommends approval.

BOARD DISCUSSION:

Mr. Strasser expressed that in their future joint session, they may want to look at residential structures that want to expand in a situation other than a residentially zoned area.

Brief discussion ensued regarding the Master Plan update.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #04-31.
Motion carried, 7-0.

7. ZBA #04-32

BY: Charlene A. Kowalski
6040 E. Potter

RE: 6040 Potter Parcel, #59-01-100-003
Section 1, R-1A Zoned.

FOR: To construct a 6 ft. chain link fence in the
back yard of a residential property.
(4 Votes Required)

Applicant was not present.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Martinbianco, seconded by Weatherford to post-pone ZBA #04-32 until the next Regular ZBA meeting held on Thursday, August 19, 2004 at 6:00 p.m. Motion carried, 7-0.

Mr. Welch announced the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, August 19, 2004 at 6:00 p.m.**

Meeting adjourned at 7:03 p.m.

jra