

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 16, 2001, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: Grantner

OTHERS PRESENT: Jason Rosum, DPW CE Tech, J. Adams, Clerk's Office

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

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Mr. Parker suggested tabling on the agenda the review of the ZBA by-laws due to the absence of Tom Strasser, till the next regular ZBA meeting held in September.

Mr. Kalanquin said they will place it on the September agenda.

NEW APPLICATIONS:

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| 1. ZBA #01-36 | BY: Ronnie Stepp
6309 Lapeer
Burton, MI |
| | RE: Parcel #59-13-200-026
6309 Lapeer
R-1B Zoned |
| | FOR: To park a 5 th wheel travel trailer in the front yard.
(4 Votes Required) |

Ronnie Stepp, 6309 Lapeer Rd., Burton, MI, said he has been at his residence for about 5 to 6 years. He bought a 27 ft. 5th wheel approximately a year and a half ago and has parked it in his driveway. He has not had any complaints and neighbors have signed papers stating they do not care if he parks his 5th wheel in his driveway. Mr. Stepp spoke further regarding his hardship, and stated the previous owner situated the house so the front faces to the west, and the side faces the road. The property is 60 ft. wide, so the driveway and home takes up most of the 60 ft. If I park my 5th wheel behind or to the side of my home, I would not have any room. Mr. Stepp presented to the Board pictures and a diagram of his property and spoke regarding the site.

Mr. Stepp indicated he goes to Court for the 4th time tomorrow morning over the same issue. Mr. Stepp said he has 23 pictures that show recreational vehicles parked in front of peoples home and driveways that are all within walking distance from his home. He presented these pictures to the Board. He feels he is being discriminated against, he has a hardship, and hopes the Board agrees with him.

AUDIENCE PARTICIPATION:

Al Lowe, 1204 Carlson Dr., Burton, MI, said he feels Ron is being discriminated against. Before my wife and I came here tonight, we drove around the area. There are violations of this ordinance all over the place. There is a boat in front of a house that has been there for three years and no one has said a thing. I don't know why this man is being picked out of the bunch to initiate this. Laws are not absolute, there is always perimeters in which you can operate. The way his house sits, I can't see how you cannot give him a variance.

Mr. Rosum inquired as to the size and depth of Mr. Stepp's lot.

Mr. Stepp replied the lot goes 880 ft. back and then tees off to 302 ft. which is a second section. Mr. Kalanquin is an owner of a section of property that runs across the width of his lot and also Al Lowe's. I have a 30 ft. easement that goes right through the middle and then back for 3 ½ acres. All the property behind my house is not developed. There is not a place suitable to park my 5th wheel.

Mr. Rosum asked how far back the house sits.

Mr. Stepp indicated 80 to 90 ft.

Mr. Rosum asked Mr. Stepp how far it is to the undeveloped part of his property.

Mr. Stepp said right behind his house they have a 24 ft. swimming pool, and behind that is a 12 ft. x 12 ft. cement slab for a dog kennel or shed. From there is our garden, then weeds and unleveled ground.

Mr. Rosum asked if there is any area in the back where he could put a stone pad to set the 5th wheel on as he did in the front area.

Mr. Stepp said there is no real room where I could put a gravel or pad for my 5th wheel. To drive the 5th wheel in and out from the front of my house in rainy weather, or any type of weather, is going to tear up my front yard. I have an extended cab 4 door pick up truck which has a long box, a 27 ft. 5th wheel, and only 60 ft. to turn it around in.

BOARD DISCUSSION:

Mr. Parker asked for clarification as to a DPW recommendation.

Mr. Rosum said due to the fact it is an ordinance violation, we recommend denial.

Mr. Cross said in reference to the comment on how the applicant got picked out, the only way this is enforceable is somebody had to turn in a complaint.

Mr. Kalanquin asked Mr. Stepp if the DPW could have the 23 pictures he presented to the Board.

Mr. Stepp responded no. He does want to be someone that would harass another neighbor.

Mr. Cross re-iterated enforcement of the ordinance is generated by complaints.

Mr. Welch asked for clarification of the placement of the home.

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Mrs. Layman said the lot is 800 ft. deep, it seems he should be able to put something in the back, whether he wants to go over his grass or not.

Mr. Parker said the intent of the ordinance is not to have a recreational vehicle parked in front of the house. He does not see that there is a hardship due to the depth of the property. He seen the 5th wheel parked by the swimming pool and it looked like a good place to put it. He cannot support the request.

Mr. Cross inquired regarding the variance staying with the property if granted.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Curtis to approve ZBA #01-36.
Motion denied, 7-0.

Mr. Stepp said he believes this is discrimination and Mr. Kalanquin should have disqualified himself. He asked if he could address the panel.

Mr. Kalanquin indicated he could at the end of the meeting.

Mr. Cross commented that the motion would have carried to deny with or without Mr. Kalanquin's vote.

2. ZBA #01-37	BY: Edward Abbott PO Box 4040 Flint, MI 48504
	RE: Parcel #59-30-578-286 1323 Bristol Rd., Burton, MI
	FOR: To conduct a truck rental business "C-3 Special Use in a C-1 zoning." Outdoor display, parking, of trucks for rent. (5 Votes Required)

Mr. Kalanquin said Edward Abbott called the DPW and asked to have his case placed on the ZBA September agenda.

3. ZBA #01-38	BY: Robert Taylor 1324 Carman Burton, MI
	RE: 1353 Carman, Lot 512 Baker Park
	FOR: Expanding non-conforming side yard setback with 12 ft. x 14 ft. addition, 3 ft. existing; 8 ft. required. (4 Votes Required)

Robert Taylor, 1324 Carman, Burton, MI, said he would like to build an addition on the rear of the house. The hardship is that his home is small, only 774 sq. ft. of living space.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Rosum said the house sits in the setbacks and has been that way since it was built. To build on would be a bonus. DPW recommends approval.

BOARD DISCUSSION: No Board discussion was held.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #01-38 as written.
Motion carried, 7-0.

Mr. Kalanquin said the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, September 20, 2001, at 6:00 p.m.** The Board will address the by-laws at this meeting.

MEETING ADJOURNED AT 6:26 P.M.

jra