

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 19, 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, Parker, Centilli, W. Weatherford, Layman, Kalanquin

MEMBERS ABSENT: B. Weatherford

OTHERS PRESENT: R. LaDuke, Building Inspection Superintendent, J. Adams, Clerk's Office.

Moved by Layman, seconded by Scott to approve and authorize the Regular ZBA Meeting of July 15, 1999, at 6:00 p.m., Special ZBA Meeting of July 22, 1999, at 6:00 p.m., and the Special ZBA Meeting of Thursday, August 5, 1999 at 6:00 p.m.
Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Mrs. Layman inquired regarding the Meijers store parking lot. She indicated there are over 60 semi trucks parked on the south side of Meijers.

Mr. LaDuke indicated Meijers is doing half a million dollar re-modeling at their store.

NEW APPLICATIONS:

- | | |
|---------------|--|
| 1. ZBA #99-48 | BY: Chemco, Inc. / Joe Kolly
4247 S. Dort
Burton, MI 48529 |
| | RE: 4247 S. Dort
Part of Lot 36, Sup. Plat #25
M-1 Zoned |
| | FOR: Permit for walk through Halloween Haunted
attraction, 10/01/99 to 11/01/99, hours of
operation – dusk to 12:00 midnight.
(5 Votes) |

Joe Kolly indicated he is the owner of Chemco Pool & Supplies, and has owned and operated from this location for 15 years. Each October for the past nine years they have operated a Halloween store called Halloween Connection which is retail sales of Halloween costumes, masks and supplies. For seven years he has had to rent space for the Halloween store at various locations in the area, but after re-modeling his store on Dort Hwy. two years ago, he was able to make this his permanent location each October for the Halloween Connection. This year he would like to add a haunted walk-through maize, open on Thursday, Friday and Saturday the first three weekends in October, and Monday through Sunday the last week of October. The last day of operation would be October 31st. He feels this maize would be a great addition to their Halloween retail sales and is asking for approval for a permit of this operation.

AUDIENCE PARTICIPTION: No audience participation.

Mr. LaDuke indicated Randy Stewart reviewed the agenda for tonight and could find nothing in the ordinance that would require Mr. Kolly to come before this body. Mr. Stewart's recommendation is that the application be pulled and put under building department jurisdiction where they will have to go in and inspect it for safety, but it really does not need ZBA approval to do it. If this Board wishes, it can be removed from the agenda and they will deal with it from DPW standpoint.

BOARD DISCUSSION:

Mr. Parker said the ZBA dealt with a similar case located at the former Just We Three building. His only concern was security in case of any rowdiness or anything. He asked if given back to DPW, will this be addressed.

Mr. LaDuke said the DPW would address safety as far as electrical or potential hazardous things for an adult or child to walk through it. They would not supervise the activity as far as police.

Mr. Parker recommended some type of private security.

Mr. LaDuke said they will inspect the building before they let him open up.

BOARD RECOMMENDATION

AND/OR ACTION:

Moved by Layman, seconded by W. Weatherford to approve ZBA #99-48.
Motion carried, 7-0.

Mr. Kalanquin indicated Mr. Kolly can have back the application fee of \$125.00.

Mr. Kolly stated he does have security each year.

2. ZBA #99-49

BY: Christine Hyrman
6048 Pearl St.
Burton, MI

RE: 6048 Pearl St., Sect. 13
R-1B Zoned

FOR: To demolish house and install a modular home
7 ft. from property line; 10 ft. required.
(4 Votes)

Christine Hyrman, 6048 Pearl St., Burton, MI, stated she has an older home she wants removed, and to place a modular home on the property. She needs to go closer to her garage or closer to the property line. Mrs. Hyrman stated further, she understands there is a fire code with the garage so she would like to go closer to the property line.

AUDIENCE PARTICIPATION: No audience participation.

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Mr. LaDuke said the drawing shows the garage 5 ½ ft. off the property and the 10 ft. separation. If this was granted, he would rather have it go towards the property then next to the garage. He feels from a DPW standpoint, it is not an unreasonable request.

BOARD DISCUSSION:

Mr. Parker inquired regarding the size of the modular and turning the modular the opposite way on the property so the opening would face the garage. He feels it would then fit within the restrictions of the ordinance.

Mr. LaDuke commented that the applicant does have a right to do that. There is nothing in the code that would prohibit the house being turned sideways.

Mrs. Hryman said they did look into that, and one of the reasons they chose not to go that route is they did not want it to look like there would be two trailers setting there. Her garage is 26 x 48 which is quite long, and they want to upgrade it, not to down-grade it.

Mr. Parker said if this is approved, what would be the conditions for having the modular moved closer to the garage. If we are going to approve this, why cause the neighbor to have a hardship because of this. If it's a hardship, lets move it in so that all of the encumbrances are on the applicant itself. Mr. Parker asked what would the requirements be to have it moved at 7 ft. from the garage.

Mr. LaDuke said from a fire standpoint, 10 ft. would give better separation if the garage caught on fire.

Mrs. Hryman said she only chose to go that way because she was told it was a problem. She had wanted a 56 ft. home but was told there was no way she could get closer to the garage because it is a fire hazard. She would prefer going closer to her garage and to go with a 56 ft. size.

Mr. LaDuke said they should not allow the applicant to change the request after notification has been made for certain things.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #99-49 as written.
Motion carried, 7-0.

3. ZBA #99-50

BY: Dennis Myers
1188 Allen St.
Burton, MI 48529

RE: Lot 631 and Lot 632, Baker Park
Sect. 30, R-1C Zoned

FOR: To construct a carport from house to property
line; 0 ft. setback; 8 ft. required. (4 Votes)

Dennis Myers, 1188 Allen St., Burton, MI, stated he has lived there for 52 years. The sun in the afternoon heats up the whole side of his house. He did not know he needed a permit to put up something that would stop the sun from beating on the side of the house, he did receive a stop work order. Mr. Myers stated further, his neighbors do not have a problem with it.

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AUDIENCE PARTICIPATION: No audience participation.

Mr. LaDuke said DPW has had no complaints regarding this. The application states to construct a carport from house to property line. The ordinance says 8 ft. and he is asking for zero.

BOARD DISCUSSION:

Mr. Centilli said he is 30 ft. from the next house and sees no problem with it.

Mrs. Scott inquired regarding eavestroughs.

**BOARD RECOMMENDATIONS
AND/OR ACTION:**

Moved by Berry, seconded by Centilli to approve ZBA #99-50.
Motion carried, 5-2. Layman – no, Scott – no.

4. ZBA #99-51

BY: Randy Baumbach
3328 Long St.
Burton, MI 48519

RE: 3328 Long St., Lot 6 Country Gardens
R-1B Zoned

FOR: Build 24 ft. x 24 ft., two car garage matching house.
Ordinance allows 864 sq. ft. for 1,152 sq. ft.; exceed
ordinance by 288 sq. ft. (4 Votes)

Randy Baumbach, 3328 Long St., Burton, MI, stated he applied before for a 32 x 32 structure, which his neighbor put up. He probably could get by with a 24 x 24, but it is the smallest he could go. He has a boat, picnic table and a gas grill. He also has a trailer with a snowmobile which he has over to his son's house because he cannot get it in his garage.

Mr. Baumbach presented pictures to the Board, and stated it shows his neighbor's 32 x 32 garage that he just put up. He said he has an extra lot in the back of the property that is 66 x 200 that he bought from Consumers Power.

AUDIENCE PARTICIPATION: No audience participation.

Mr. LaDuke said the ordinance states 864 sq. ft. for accessory structures, and this is exceeding the ordinance by 288 sq. ft.

BOARD DISCUSSION:

Mr. Centilli asked what is behind the extra lot.

Mr. Baumbach indicated it is a vacant field.

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**BOARD RECOMMENDATIONS
AND/OR ACTION:**

Moved by Layman, seconded by W. Weatherford to approve ZBA #99-51.
Motion carried, 6-1. Parker – no.

5. ZBA #99-52

BY: George Stevens
3242 Christner
Burton, MI 48529

RE: Parcel #59-28-528-200
3242 Christner, Lots 7-10, Southgate Sub.
R-1C zoned

FOR: To place deck closer to property line than is allowed;
8 ft. required, asking to be 1 ft. (4 Votes)

George Stevens, 3242 Christner, Burton, MI, indicated he bought his home from his parents who lived there over 50 years. It was a 900 sq. ft. house and one lot when he moved there. He and his wife bought some extra lots to erect a home they got permits for 11 years ago. They built a 3,000 sq. ft. addition onto the 900 sq. ft. house, and at that time they got permits through the City of Burton that was required. Mr. Stevens spoke further regarding the deck and money he put into the home. He presented pictures to the Board to review.

AUDIENCE PARTICIPATION:

Arthur Crup, 3256 Christner, Burton, MI, said he lives on the south side of the applicant. He spoke of concerns regarding the deck, privacy fence and property line. He asked if he is allowed 12 inches from the property line or 12 inches from the fence.

Mr. LaDuke said the question is, can he be allowed to put that deck one foot from the property line. He is not here to say if that fence is on the property or not. That is something civilly they would have to deal with together.

Mr. Crup inquired regarding the ordinance for a fence.

Mr. LaDuke said the fence can be put on the property line, there is no stipulation that the fence has to be so many inches away, and/or feet.

BOARD DISCUSSION:

Mr. Centilli inquired to Mr. Crup regarding the fence and property line.

Mr. Crup stated he does not have any complaints with the appearance of the deck, it is a beautiful deck. His only concern is if it is on the property line or not.

Mr. Stevens indicated the fence was put up 20 years ago by his father and Mr. Crup's sister.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Parker to approve ZBA #99-52.
Motion carried, 6-1. Layman – no.

6. ZBA #99-53

BY: James Wolvin
6382 Lapeer Rd.
Burton, MI

RE: Parcel #59-13-400-026, R-1A Zoned

FOR: To exceed the height limitations for accessory structures by 1 ft. 6 inches; 14 ft. allowed; 15 ft. 6 inches requested. (4 Votes)

James Wolvin, 6382 Lapeer Rd., Burton, MI, said he has 2 acres of land and wants to put a garage up. He has a motor home and would like to put it inside of it.

AUDIENCE PARTICIPATION: No audience participation.

Mr. LaDuke said he is very familiar with the location because they have received complaints from neighbors about the motor home being in the side yard. It would be an improvement if he had a place to store the motor home, and he can understand why he would need the extra height to get the motor home in. The DPW does not have a problem with the request.

BOARD DISCUSSION:

Mr. Parker asked if the height requirement is because of the sidewall, and what size sidewall is the applicant planning on using.

Mr. Wolvin indicated 12.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Centilli, seconded by Layman to approve ZBA #99-53.
Motion carried, 7-0.

7. ZBA #99-54

BY: Lowe's Home Centers, Inc.
C/O Chris Thallmann
1203 School St.
Wilkesboro, NC 28697

RE: Parcel #59-15-100-018
4274 E. Court
C-4 Zoned

FOR: Request a variance for size of building sign from 200 sq. ft. to 248 sq. ft., for a total variance of 48 sq. ft. (4 Votes)

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Larry King, CESO, an engineering firm out of Dayton, OH, said he is representing Lowe's Companies, Inc., requesting they be granted a signage increase from 200 to 248 sq. ft. The Lowe store is a considerable distance from the roadway and it is a very large store. The signage they are proposing is very limited and it is important to get the recognition because they are across the street from their major competitor. Therefore, they request you grant this request so they can be visible from the road and have the same opportunities for exposure that other similar stores have in this area.

AUDIENCE PARTICIPATION:

Larry Petrella, 1081 Howe Rd., Burton, MI, stated that once the applicant gets a large size, Home Depot, Wal-Mart, K-mart and everyone else wants it. We have stood strong with the pole barn ordinance, and he asks the Board to

uphold the ordinance of this in the same nature. Mr. Petrella presented a map and indicated the areas of sign locations that were approved. He inquired as to the time the applicant submitted the application to the City.

Mr. Kalanquin responded it was on August 12th.

Mr. Petrella spoke regarding the notice and filing deadlines in reference to the application.

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired regarding the sign on the illustration.

Mr. LaDuke commented that when the application is made, notices are provided in a timely fashion and within the time limit. They arbitrarily pick 2 weeks for staff to make the notices and get the agenda out in a timely fashion. Mr. Strasser chose to accept this application because he knew he had the time limits met, which is required by our ordinance. The agenda was small, they do this occasionally and not on every case, it depends on the size of the agenda.

BOARD DISCUSSION:

Mr. Centilli inquired regarding the size of other business buildings, and how far back Lowe's building sits.

Mr. LaDuke said Lowe's building sits back at least 600 ft.

Mrs. Layman said Lowe came in last year to get the other signage approved because they wanted to go over size. She will deny this request because she feels they have enough signage, especially when they allowed all this extra feet.

Mr. Berry asked if this was Lowe's standard sign they have on other buildings.

Mr. King responded yes.

Mr. Parker said he agrees with Mrs. Layman, they have already okayed the larger sign on the expressway and the sign on Court Street is very large.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by W. Weatherford to approve ZBA #99-54.
Motion denied, 4-3. Berry – yes, Scott – no, Parker – no, Centilli – yes, W. Weatherford – yes, Layman – no,
Kalanquin – no.

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Mr. LaDuke said Randy Stewart has retired from the City, his last day is this Friday. He will be working at Davison Township as a Zoning and Planning Administrator. We still have Tom Strasser and the Board may see Ken Wright from time to time if Tom is absence.

Mr. Kalanquin stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on
Thursday, September 16, 1999 at 6:00 P.M.

MEETING ADJOURNED AT 6:55 P.M.

