

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 21, 2003, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON JAMIE CURTIS AT 6:00 P.M.

MEMBERS PRESENT: Weatherford, Scott, Terry Parker, Centilli, Welch, Curtis

MEMBERS ABSENT: Grantner

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

Chairperson Jamie Curtis led the Board and audience with a Pledge of Allegiance.

Moved by Parker, seconded by Scott to approve the Regular Zoning Board of Appeals Meeting held on July 17, 2003 at 6:00 p.m. Motion carried, 6-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired regarding changes to Ordinance 19 concerning fences, and input from the Zoning Board.

Mr. Curtis expressed there has been several workshops and different items are being addressed. This Board has had input.

BOARD DISCUSSION: No Board discussion at this time.

NEW APPLICATIONS:

- | | |
|---------------|---|
| 1. ZBA #03-40 | BY: Bob Stone
14502 Hess Rd.
Holly, MI 48442 |
| | RE: 2202 Bristol Rd., Lot 538 Bendlecrest
Section 32, C-2 Zoned |
| | FOR: 1) Add an addition on S.E. corner of home
within 53 inches of lot line which is in line
with existing home. Normal setback is 8 ft.
2) Expand the non-conforming residential use.
(4 Votes Required) |

Bob Stone, 14502 Hess Rd., Holly, MI, stated he wants to fix up his house and feels this improvement will also add to the community.

AUDIENCE PARTICIPATION:

Mrs. Dargel inquired regarding the figure stated of 53 inches or 53 feet.

Mr. Strasser replied there was a typographical error and it should be 53 inches. DPW has no problem with the request.

BOARD DISCUSSION:

Mr. Parker inquired regarding zoning along Bristol Rd.

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Mr. Strasser replied it is commercial.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #03-40.
Motion carried, 6-0.

2. ZBA #03-41
- | | |
|------|--|
| BY: | Bill Daup Signs, Inc.
420 W. Oakley St.
Flint, MI 48503 |
| RE: | 1481 S. Center Rd., Part of Lot 17
Walli's Commercial Industrial Park |
| FOR: | To re-install one existing main identifiable sign
at 4381 Davison Rd. to above location. We are
asking for additional 22 sq. ft. more than allowed;
50 sq. ft. per Burton City ordinance.
(4 Votes Required) |

Ryan Daup, Bill Daup Signs, stated he is representing Tim Green for America's Premier Mortgage. They are requesting to remove the existing sign on Davison Rd. in Burton to re-locate at 1481 Center Rd. The frontage of the property allowed is 20 square feet and we are requesting an additional 22 square feet so we do not have to revise the existing sign at the new location.

AUDIENCE PARTICIPATION:

Mrs. Dargel asked if the City's sign ordinance stipulates a different size in different zones.

Mr. Curtis responded no, not to his knowledge.

Tim Green, 4381 Davison Rd., Burton, MI, stated he purchased this sign back in November and followed all the ordinances. He went through Apec Signs which has since changed to new owners. The sign itself is state of the art and cost over \$32,000. There are 14,000 cars a day that go by and he never received any foot traffic. Our building we are currently at is right next door to Nightingale Bowling Alley. I was told if I put this sign up I would start receiving foot traffic, and within the first hour the sign was up we received a new client. Because business is doing so well, we wanted to find another building to expand. We are moving over behind Alpine Dog Academy. The square footage is about 6,800 and I assumed which was a serious mistake, that the whole frontage was also counted in ours. Mr. Green stated further, to change the size of his sign is estimated to cost around \$12,000.

Mr. Strasser said as stated by the applicant, they only have 22 ft. of road frontage. If this was the normal size lot in the Walli's Strasse park, he would only need a building permit to put the sign up. We don't see it that far out of line what he is asking for. DPW recommends approval.

BOARD DISCUSSION:

Mr. Parker said the spirit of the intent of the ordinance is that we don't have any gaudy signs in the area. I don't think the sign would be out of place on that road and it isn't any bigger than other signs around there.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #03-41.

Motion carried, 6-0.

Mr. Parker recommended that due to the absence of a Board member tonight, the applicants be made aware that they are entitled to a full Board to hear their variance request.

Mr. Curtis so noted to the audience, each applicant can state whether they want to proceed with their variance request tonight.

3. ZBA #03-42

BY: Doug Fournier
2210 S. Genesee
Burton, MI

RE: 2210 S. Genesee Rd., Part of Lot 19
Torino Gardens

FOR: To expand the non-conforming setback of 6 ft. to the
south property line with an addition to the rear of the
home. (4 Votes Required)

Roger Kelly, Bishop Construction, 3374 S. Center Rd., Burton, MI, said he represents Mr. Fournier, who is present here tonight. He suffered a fire loss to his home and he was here for a previous variance. Mr. Fournier wants to expand out from the bedroom his wife uses. She suffers from multiple sclerosis and the bedroom is extremely small, approximately 9x10. With a bed and dresser in that size room, it is difficult for her to get around the bed. She uses a wheelchair and a walker. The addition would be 8 ft. 6 inches deep by 9 ft. 8 inches wide. It would be squaring off a little offset that is in the house. The house sits approximately 6 feet off of the property line, and the portion where the addition will be is 7 ft. 6 inches because of another offset that is in the house. It will be 16 ft. from the neighbor's garage. In conclusion, Mr. Kelly stated he requests the variance be granted because there are no adverse affect to the community.

AUDIENCE PARTICIPATION:

Mrs. Dargel inquired regarding the zoning.

Mr. Strasser responded the property is R-1A zoned. It is just a matter of expanding a setback. He sees to problem with the request.

Mr. Parker expressed that hardship is one of the criteria they look at. The fire loss and Mr. Fournier's wife's disability fits the criteria.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #03-42.

Motion carried, 6-0.

4. ZBA #03-43

BY: McDonald Suzuki Inc.
6804 Midland Rd.
Freeland, MI 48623

RE: 4190 E. Court St. / Courtland Center

FOR: To conduct a used car sales event "temporary".
(5 Votes Required)

Laurie Haney, Freeland, MI, stated she is representing McDonald Suzuki. They are requesting a temporary tent sale at Courtland Center Mall for used cars that would start Wednesday, October 22nd and runs through Saturday, October 25th. We were originally going to have it in the 3rd week of September but Courtland Center's lot is going to be paved. So now we are looking at the 3rd week in October before the space would be available. We spend about \$20,000 in local advertising between the local newspapers and radio stations that would bring income to the community here. We have had several other used car sales in the area that turned out very good for us and the local towns.

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

Mr. Strasser stated they have no problem with the request and recommend approval.

BOARD DISCUSSION:

Mrs. Scott inquired regarding the type of vehicles being sold.

Ms. Haney responded the vehicles they sell are brand new Suzukis and we have re-possessed and lease turned in vehicles.

Mr. Welch stated he would like to see in the motion if approved specific dates. Mr. Curtis also expressed to state the hours of operation.

Ms. Haney re-iterated it would be October 22nd through October 25th. The hours are 10:00 a.m. to 8:00 p.m.

Mr. Centilli inquired as to the number of vehicles.

Ms. Haney replied there would be approximately 80 vehicles.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Weatherford to approve ZBA #03-43 for the dates of October 22, 23, 24th and 25th and operation hours 10:00 a.m. to 8:00 p.m.

Motion carried, 6-0.

5. ZBA #03-44

BY: Clean Cars & Trucks
157 S. Washington
Oxford, MI 48371

RE: 3034 E. Bristol Rd., Lot 18 Way Acres
C-2 Zoned.

FOR: Four day used car sale event
(5 Votes Required)

Richard Skalne, 157 S. Washington, Oxford, MI, stated their request is similar to the prior applicants. The dates they are requesting are Tuesday, September 16th through Friday September 19th. The location is on the corner of Bristol and Dort Hwy. There is a vacant building and parking lot that use to be a wholesale jewelers and then a mobile home sales lot. It is up for sale and we have a lease agreement. There will be about 100 used cars. We do these events around the state and target markets where there is not a good representation by auto dealers. Mr. Skalne expressed further, they do \$25,000 worth of marketing and move a million and a half cars. They are professional people, hours of operation will be 9:00 a.m. to 8:00 p.m., Wednesday through Saturday. They have references if the Board needs any.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said we do not have a problem with the request.

BOARD DISCUSSION:

Mr. Welch again expressed the motion should state the specific times and dates.

Mr. Centilli inquired regarding the ownership of the vehicles.

Mr. Skalne replied he owns the cars.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Welch, seconded by Scott to approve ZBA #03-44 for September 16th through September 19th, with hours of operation 9:00 a.m. to 8:00 p.m. Motion carried, 6-0.

6. ZBA #03-45

BY: Sue Elyateem
3326 Dell
Burton, MI

RE: Lot 5, Blk M Southgate Sub., Section 28
R-1C Zoned.

FOR: To place a 6 ft. privacy fence on top of a 3 ft. deck.
Total height of 9 ft; 6 ft. allowed by ordinance.
(4 Votes Required)

Sue Elyateem, 3326 Dell, Burton, MI, stated she has a pre-existing deck on the side of her house. She just put a pool in and wants to add to the deck all around the pool, and put the fence as her property line on top of 3 ft.

Mr. Curtis asked if the deck is going to the property line.

Ms. Elyateem said she is going to add to her deck and believes she is 6 inches from the property line. She owned the other lot years ago when she built the deck, so that is why it is so close to the property line. She has since sold the other lot.

AUDIENCE PARTICIPATION:

Pat Dunneback, 3321 Dell, Burton, MI, stated she is opposed to the request because it is in violation of the ordinance. She asks the Board not to set precedent by allowing this to happen. She asked how many other residents have been allowed to do this.

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Mrs. Dargel asked the Board if they have seen an example case like this to have it in close proximity. Mrs. Dargel commented regarding an NHS house on Kenneth Street that was located very close to a church. She questioned maintenance issues and asked the Board if they are looking to create a precedent to others.

Mr. Strasser said in the ordinance it does specify that a privacy fence be 6 ft. tall. Any privacy fence you buy is 6 ft. tall and 8 ft. wide. We have had a couple of cases come before the Board where they wanted to put a privacy fence on top of a deck for additional privacy. We have situations where privacy fences have lattice work on top that have been used for landscaping, and is that considered a fence? It is a questionable area. The deck can go anywhere on the property and go up to the property line. I always recommend that any time you put a fence in, you put it on the property line because it does become a maintenance situation. But that is up to the individual. Mr. Strasser stated further DPW does not have a problem with the request.

BOARD DISCUSSION:

Mr. Centilli said he has been to the site. The porch goes along the east side of the home and right now they have zero privacy. The way the house sits on the lot, I see no problem with it. Mr. Centilli asked how far the porch is from the lot line.

Ms. Elyateem replied it is 4 to 6 inches.

Mr. Parker asked if the pool is above ground.

Ms. Elyateem responded yes.

Mr. Parker said he does not have a problem with the request either. Questions were asked if we are setting a precedent. I would say no because each is an individual application, and each application is given weight for or against on the merits of each application. When we give a variance it does not mean that everybody that comes before us and asks for that variance is going to get one.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Welch, seconded by Weatherford to approve ZBA #03-45.
Motion carried, 5-1. Scott – no.

7. ZBA #03-46

BY: Don Bertram
1345 Connell
Burton, MI

RE: 3318 S. Grand Traverse, Lots 557, 558 Baker Park
Section 30, C-2 Zoned.

FOR: To place a home on C-2 zoned property.
(5 Votes Required)

Don Bertram, 1345 Connell, Burton, MI, said he acquired these lots and wants to put a house on it. There was a house there before and the City tore it down a few years ago. He did not think about it being commercial there because the only thing commercial is the dentist office.

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

Mr. Strasser stated we do not have a problem with the request.

Mr. Parker said any time someone wants to improve a piece of property in the City of Burton and because it is a C-2 zoned property, if some time in the future someone wants to put something commercial there, I am sure they would be willing to buy this structure Mr. Bertram is going to put on the property.

Mr. Centilli asked Mr. Bertram what type of home he wants to put on the property.

Mr. Bertram said it is a modular home. They have engineering for changing the roof trusses and there will be a full basement.

Mr. Centilli inquired further regarding the pitch of the roof, if BOCA approved and the floor joists system.

Mr. Bertram replied the roof is a 4 12 pitch and it will be engineered. The floor joists are steel beams.

Mr. Centilli asked Mr. Strasser if that land was approved C-2 in the Master Plan. He stated if they are setting inner beams inside a wall, they are putting a double wide trailer there. The prints are not architecturally drawn, they come from the manufacturer's office.

Mr. Bertram said they will have additional plans from an engineer whose office is on Court St.

Mr. Centilli said he hates to see a double wide trailer on that lot because that is one of the main entrances off of the expressway into Burton.

Mr. Bertram said it will look nicer than any home that is within two blocks of it.

Mr. Strasser stressed that you cannot differentiate between a modular home or a stick built home. We can only differentiate as to what the roof pitch the home has on it.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Weatherford to approve ZBA #03-46.
Motion carried, 5-1. Centilli – no.

Mr. Curtis stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, September 18, 2003 at 6:00 p.m.**

Meeting adjourned at 7:03 p.m.

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