

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
SEPTEMBER 7, 2000, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY BOBBIE WEATHERFORD AT 6:00 P.M.

MEMBERS PRESENT: B. Weatherford, Scott, Parker, W. Weatherford, Grantner, Layman

MEMBERS ABSENT: Kalanquin, Cross

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

Moved by Layman, seconded by Grantner to approve the Regular ZBA Meeting of July 20, 2000 at 6:00 p.m., Special ZBA Meeting of July 27, 2000 at 6:00 p.m, and the Regular ZBA Meeting of August 17, 2000 at 6:00 p.m.
Motion carried, 6-0.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Mrs. Layman inquired regarding minutes of the Planning Commission meeting referencing Lockwood's development.

Mr. Parker spoke regarding the motion made for the Village Inn at ZBA meeting on May 4th. The motion stated there was to be no music outside and no business to be conducted past 10:00 p.m. He inquired as to their outdoor screened patio area.

Mrs. Layman asked if there was a permit to screen in their patio.

Mr. Strasser responded that there was.

D. NEW APPLICATIONS:

1. ZBA #00-39

BY: The Lockwood Group
30100 Telegraph Rd., Ste 426
Bingham Farms, MI

RE: 2173 S. Center Rd.
Parcel #59-22-100-009 & #59-22-100-010

FOR: 1) West setback 25 ft. for access aisle, 44 ft. required.
2) Request to place carports in south setback at 10 ft. from property line, 44 ft. required.
3) North setback at 5 ft. from property line, 44 ft. required for parking and access aisle.
(4 Votes Required)

Carl Skrzynski of The Lockwood Group, 30100 Telegraph Rd., Ste 426, Bingham Farms, MI, stated the County drain is unique to the site and they are attempting to provide parking as close to the building as possible. He spoke further of the variance being requested.

AUDIENCE PARTICIPATION:

Walter Borkovich, 6228 Greenview Dr., spoke of St. Nicholas Church's concerns and indicated they are requesting Lockwood to have a wrought iron fence on the property like the fencing at Burton Place. Since the church borders their property, they feel that type of fencing would be elegant and eye appealing.

Mr. Strasser indicated the DPW sees no problem with the request. The car wash has indicated they do not have a problem with the development. It should be stated in the motion what type of fencing, the color, and how high it is to be.

BOARD DISCUSSION:

Mr. Parker inquired regarding the north property line and the encumbrance upon their neighbors.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve parts 1, 2 and 3 of the variance with the stipulation there will be a 4 ft. black wrought iron fence to the right-of-way. Motion carried, 6-0.

2. ZBA #00-42

BY: Albert S. Odishoee
2124 S. Term St.
Burton, MI 48519

RE: 2124 S. Term St.
Parcel #59-21-528-011
Lot 11 Southeast Acres

FOR: To keep contractor's equipment on site for use
in asphalt business. M-2 Use in R-1C zoned
area. (5 Votes Required)

Albert S. Odishoee, 2124 S. Term St., Burton, MI, said his father passed away a year ago and he has taken over the asphalt business. He is asking to keep the equipment in his back yard which is concealed by fruit trees and a garden. Mr. Odishoee passed out to the Board members a copy of a newspaper article of his community involvement. He indicated there is no noise before 8:00 a.m. and the equipment is not a nuisance to the neighborhood.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser inquired as to what equipment he has.

Mr. Odishoo responded he has an asphalt paver, trucks, trailer and other miscellaneous equipment.

Mr. Strasser indicated he has not received any complaints.

BOARD DISCUSSION:

Mrs. Layman asked how deep the lot is. She indicated that she could hardly see the equipment because of the trees and it was well concealed. She does not have a problem with the request.

Mr. Odishoo responded the lot is 450 ft. deep.

Mr. Parker inquired regarding where the equipment was kept up until a year ago.

Mr. Odishoo indicated his father bought the old building of Koontz Tool & Die and everything was stored there.

Mr. Parker asked if his intent is to buy property to store the equipment.

Mr. Odishoo said he plans on buying in the future a large commercial property as soon as possible.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #00-42 with the stipulation there is a yearly renewal. Motion denied, 4-2. Parker – no, Grantner – no.

3. ZBA #00-43

BY: Blake Rizzo Development
4258 Rizzo Court
Burton, MI 48529

RE: Rizzo Industrial Complex
Lot No. 6 – Rizzo Blvd., Section 31
M-1 Zoned

FOR: 1) To reduce the side west and rear setbacks
from 20 ft. and 35 ft. respectively, to 0 ft.
2) To allow a separate office use on site not
directly related to the storage facility.
(4/5 Votes Required)

Kirk Yuhasz, 2169 Chestnut Ct., said he is an architect representing Blake Rizzo. The property is bordered by the I-475 expressway and involves 5 ½ acres. They plan a mini or self storage facility which will involve 72,300 sq. ft. of storage. The success of the development is based on building location and circulation around the site. Mr. Yuhasz stated further, the intent of the Zoning Ordinance is achieved through the natural buffer space that is already a natural characteristic of the I-475 green belt area and 100 ft. wide utility easement.

Mr. Yuhasz indicated the 2nd part of the request involves an addition of a compatible use of a building. The building would be an office space for management of the self storage facility and a manager's apartment. Also, in addition they are seeking 1,700 sq. ft. of office use for Mr. Rizzo's business.

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AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated the west and the south setbacks are not needed because of what they are bounded by. DPW does not have any problem with granting the requests.

BOARD DISCUSSION:

Mrs. Scott inquired as to the hardship.

Mr. Yuhasz responded that if the buffer spaces were required, they would lose approximately 12,000 sq. ft. of building area.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve part 1 of ZBA #00-43.
Motion carried, 4-2. Scott – no, Layman – no.

Moved by Parker, seconded by Grantner to approve part 2 of ZBA #00-43.
Motion denied, 4-2. Scott – no, Layman – no.

4. ZBA #00-44

BY: Geoff Davis
1874 Lake Pointe
Ortonville, MI 48462

RE: 1224 S. Genesee Rd.
Parcel #59-15-200-019

FOR: To create two sub-standard width lots of 74.85 ft.,
85 ft. is required. (4 Votes Required)

Jeff Davis, 1874 Lake Pointe, Ortonville, MI 48462, said his object is to divide the property to make the purchase of it more profitable. He would build two stick frame homes and improve the existing outbuildings there.

AUDIENCE PARTICIPATION:

Anita Harrison, 1192 S. Genesee, Burton, MI, stated she has the second property away from this site. She and her husband have lived there almost 16 years and raised two sons on the two acres they have. They liked the openness and chose not to raise their sons in a subdivision. They have spent a lot of time and money over the last few years on their property as well as their neighbors. Mrs. Harrison stated further, she comes as a representative of sixteen of her neighbors, that all agree, they do not want this property split. Mrs. Harrison submitted copies of signatures to the Zoning Board Chair, Mrs. Weatherford. They do want the property cleaned up and they asked Mr. Davis if he would build a one family home and improve the property. They feel he could make money off of that.

Mr. Strasser said Mr. Davis is an upstanding builder and they have dealt extensively with him. Mr. Strasser commented on the problems the City has had in the past with the property.

Mrs. Harrison said if you take a general view of the neighborhood, it has improved overall. The neighbors stand behind cleaning it up, but they do not want the small individualized pieces of property, it takes away from the enhancement that we want in the neighborhood.

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Mr. Strasser said if this is approved tonight, it still has to go in front of the Planning Commission.

Mr. Davis said the current property owner is asking a good bit of money and several people have offered him below that amount within reason, and he still stands firm on the amount. You could not make a profit from the building of one

single home on that property. The owner feels the existing outbuilding and some of the features are worth far more than the real value.

Mrs. Harrison said she believes it can be negotiated with the owner.

Mr. Davis said he has put several bids on the property and we finally came to an agreement that I would try for a split at his current asking price. Mr. Davis passed out photos to the Board members.

Mr. Strasser indicated that if the Board elects to pass this, he asks that in the motion it states it would be two stick built homes of today's modern design. The applicant has agreed to that.

BOARD DISCUSSION:

Mrs. Layman commented on the problems they had with the property, and also the placement of a modular across the street from the property that went in lengthwise. She stated she would like to see something done with this property.

Mr. Parker spoke regarding the City's master plan revisions of going to bigger lots. He said there has been several developers that the Council stated to them they did not want small lot sizes. Even if someone placed a double-wide on that property it would still be an open area. He foresees problems with a 75 ft. lot, and we are asking for problems if we deviate from the variance, so he cannot support this request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #00-44.
Motion carried, 5-1. Parker – no.

Mrs. Harris asked what recourse the neighbors have now.

Mr. Strasser explained the appeal process and stated that it still has to go in front of the Planning Commission.

5. ZBA #00-45

BY: Stephen L. Wise
2319 Eugene St.
Burton, MI 48519

RE: 2319 Eugene
S 55 ft. of N 110 ft. of Lot 22, Pioneer Acres.

FOR: 1) To construct an addition at 7ft. from the south
property line, 10 ft. is required.
2) To attach the existing garage to the house and
create a 2 ft. north side setback; 10 ft. required.
(4 Votes Required)

Stephen Wise, 2319 Eugene St., Burton, MI stated he is asking to put his existing garage on a foundation and attach it to the addition he is putting on the house. Mr. Wise spoke further regarding the setback.

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AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said they do not see a problem with the request, the garage will have to be updated with a firewall on the inside and full depth footing, and there are construction codes that will have to be complied with.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #00-45, parts 1 and 2 as written.
Motion carried, 6-0.

6. ZBA #00-46

BY: Bradley C. Rife
3281 S. Term St.
Burton, MI 48529

RE: 3281 S. Term St.
Part of Lots 56, 57, 58 Holland Heights, Sect. 28

FOR: To construct an addition to the front of the home at
6 ft. from the front property line of Alpena St.,
20 ft. required. (4 Votes Required)

Bradley Rife, 3281 S. Term St., Burton, MI, said he and his wife have a new addition to the family and their house is too small. The two bedrooms are both 8 ft. x 8 ft., some people have bathrooms and walk-in closets bigger than that. Mr. Rife presented pictures to the Board.

AUDIENCE PARTICIPATION:

William Watkins, 3255 Alpena, Burton, MI, said he use to live next door for 53 years. He does not see how the request would affect anyone.

Mr. Strasser said what is being requested is not out of the ordinary for that area. The lots are fairly small and close to the road. They do not see a problem with the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by W. Weatherford, seconded by Layman to approve ZBA #00-46.
Motion carried, 6-0.

7. ZBA #00-47

BY: Gregory J. Benson
9219 Green Rd.
Goodrich, MI 48438

RE: Lot 41 except west 360 ft. Radio Acres
Section 27, R-1A zoned.

FOR: To split Lot 41 Radio Acres, except west 360 ft.
into five 50 ft. x 295 ft. lots / 85 ft. lots required
by Ordinance. (4 Votes Required)

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Gregory Benson, 9219 Green Rd., Goodrich, MI 48438, said he purchased the property from the Atherton School system, Lots 38, 39 and 40 which is 66 ft. by 295 ft., and Lot 41 is a platted lot that is 300 ft. x 295 ft. He would like to split this to get more pieces out of it. Mr. Benson stated further, he would like to finish the street at his expense and put in a cul-de-sac at the very end of it. He commented briefly on the sewer and drains affecting the property.

Mrs. Weatherford said the paperwork states 360 ft. and not 300.

Mr. Benson agreed to the correction. He stated he has permits and everything he needs from the Department of Environmental Quality.

AUDIENCE PARTICIPATION:

Linda Streeter, Business Manager at Atherton School, said she wants to clarify that the school sold the property to Gerard Burnash. Mrs. Streeter indicated there are concerns with regards to transportation. They have a kindergarten route that goes down Ellis Park Drive and the bus uses the cul-de-sac to turn around. Also, their major concern is if he starts building those lots up. With the grading changes, will that result in an increase run off which will flood the back of the school's property. There is a cross country track at the back of that property. When they sold the property to Mr. Burnash, he had to obtain a permit from the Michigan Environmental Quality department and there were certain guidelines. They want to make sure those guidelines are met.

Mr. Benson responded that the permit issued to the school system, he has to follow it exactly and cannot deviate or alter it in the least.

Mr. Strasser said there was drain improvements downstream done by the County Drain Commission. He does not feel that the amount of fill he would bring in for the houses would impact anything. The DNR does look at their mapping system and he is only allowed to bring in so much. The brand new homes at the end of the street will raise the valuation of the homes in the surrounding neighborhood. Mr. Strasser said Mr. Benson also has to extend the street and build a cul-de-sac at the end of the street to the City's specifications which includes room enough for road graders, so there would be enough room for the school bus. DPW does not have a problem with the request.

BOARD DISCUSSION:

Mrs. Scott commented on the small size of the 60 ft. lots and access to the rear yards.

Mr. Benson showed copies to the Board of one of the styles of homes he wants to build.

Mrs. Layman also spoke of concerns with the small lots.

Mr. Benson indicated he will not install anything that is in the rear yard, water and sewer would be in the front.

Mr. Strasser said it is a 60 ft. wide lot, a 40 ft. wide house and in that zoning you are required to have a 10 ft. side setback, and he meets all that.

Mr. Parker said he sees a problem with 60 ft. lots in the future with outbuildings, or whatever. There is criteria we use, that is if it is unique to the property and not generally shared by others in the same zoning district, and he does not see it is unique to this property. There are other pieces of property that people have asked to split. He does not see a hardship created by the Ordinance, and he feels it will be contrary to the spirit and intent of the Ordinance. Mr. Parker said he cannot support this request.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to deny ZBA #00-47.

Motion carried to deny, 3-3. Scott – no, Parker – no, Layman – no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, September, 21, 2000, at 6:00 P.M.**

MEETING ADJOURNED AT 7:50 P.M.

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