

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 16, 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: Clark, Terry Parker, Martinbianco, Grantner, Bennett, Welch

MEMBERS ABSENT: Weatherford, Scott, Tracy Parker

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Sr. Clerk Typist

Moved by Parker, seconded by Grantner to approve the Regular ZBA meeting of July 15, 2004 at 6:00 p.m., and Regular ZBA meeting of August 19, 2004 at 6:00 p.m. Motion carried, 6-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Welch announced to the audience there is not a full Board tonight. They may decline in having their case heard and wait till the next regular ZBA meeting.

NEW APPLICATIONS:

To Be Re-considered:

- | | |
|---------------|--|
| 1. ZBA #04-32 | BY: Charlene Kowalski
6040 E. Potter
Burton, MI |
| | RE: Parcel #59-01-100-003, 6040 Potter
Sect. 1, R-1A Zoned. |
| | FOR: To construct a 6 ft. chain link fence in the back yard
of a residential property. (4 Votes Required) |

Mr. Strasser explained the re-consideration was due to problems with mailing notices. A decision was made to re-notify residents within 350 ft. of the property.

Charlene Kowalski, 6040 E. Potter, Burton, MI, stated she came before the ZBA at their August 19th meeting and her variance was approved. She re-iterated her past comments concerning the fence company's error in not obtaining a permit, and the fence is along a tree shrub line and not noticeable.

AUDIENCE PARTICIPATION:

Steve Alderman, 2484 N. Belsay Rd., Burton, MI, spoke regarding the fence line and the lawn not being mowed and kept up.

Pauline Dargel, 6119 Hugh St., Burton, MI, indicated the applicant was approved for the variance at the August 19th ZBA meeting and it should be upheld. She feels the Board does not have an option to grant an appeal or a change.

BOARD DISCUSSION:

Mr. Parker re-iterated his past comments regarding the case. The intent of the ordinance is not to having anything unsightly. The tree line and shrubbery makes the fence unnoticeable. He supports the request.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Martinbianco to approve ZBA #04-32.
Motion denied, 3-3. Clark – no, Grantner – no, Welch – no.

2. ZBA #04-39
- BY: National Amusements, Inc. (Burton Showcase Cinema)
200 Elm St.
Dedham, MA 02026
- RE: Parcel #59-11-551-007
Lot 9 of Creekwood Trails
- FOR: The ability to maintain the 30 ft. front building setback
line for future construction from the ex. 35 ft. N. R-O-W
line of Court St. after granting of the City's request of
the additional 15 ft. easement – R-O-W.
(4 Votes Required)

Attorney Richard Wurtz, 3153 W. Hill Rd., stated he is representing National Amusements, Inc. / Burton Showcase Cinema). He spoke regarding future development and the right-of-way.

Mr. Strasser stated they are requesting to maintain the 30 ft. setback from the previous 35 ft. right of way. It will be in line with the other buildings in the area. We recommend approval.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Mr. Parker inquired regarding the line of right-of-way.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Clark to approve ZBA #04-39. Motion carried, 6-0.

3. ZBA #04-40
- BY: Bernard Mexicotte
1045 Petts Rd.
Fenton, MI 48430
- RE: 1330 E. Hemphill Rd., Lots 90, 91, 92 & 93
- FOR: To add an eighteen hundred (1,800) square feet building
on Lot 92 and 93, with a rear setback of 11 ft; 25 ft.
required. (4 Votes Required)

Bernard Mexicotte, 1045 Petts Rd., Fenton, MI, stated the structure is to be used to park their vehicles and to store additional inventory.

AUDIENCE PARTICIPATION:

Kimberlie Henry, 1325 Allen, Burton, MI, addressed concerns of the structure blocking her view.

Mr. Strasser stated he recommends approval of the variance request.

BOARD DISCUSSION:

Mr. Parker expressed his support.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Martinbianco to approve ZBA #04-40.
Motion Carried, 6-0.

4. ZBA #04-41

BY: Oakview Associates
671 E. Big Beaver Rd.
Troy, MI 48083

RE: 4090 Grand Oaks Tr., Unit #7 Grand Oaks
Section 35, R-1A Zoned

FOR: Requesting setback variance in the rear yard of 31 ft.;
35 ft. required. (4 Votes Required)

William Kroft, stated he is the managing partner for Oakview Associates and Maple Creek Development. He referenced their Maple Creek and Oakview Meadow projects. On his application he put a rear setback variance, but a front setback would work just as well. He has a purchase agreement to sell Lot #7, but with changes and size of the home, it will not fit on the lot.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said Florida/sun rooms are becoming more and more popular. They recommend approval of the variance.

BOARD DISCUSSION:

Mr. Parker inquired regarding the 60 ft. buffer and drainage.

Discussion ensued regarding the market demand for sun rooms. Mr. Martinbianco suggested the Planning Commission be made aware of the demand for these sun rooms and the size of the lots are not quite adequate for it. We may have to revisit this area again.

Mr. Grantner said he does not believe lot size is the issue, rather it is taking a look at our ordinance and we will have to abide by it. This would be a very good discussion item for City Council, ZBA and the Planning Commission. Mr. Strasser and I have discussed a meeting with all three Boards.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #04-41.
Motion carried, 6-0.

5. ZBA #04-42

BY: Russell Baumbach
1144 Rinn St.
Burton, MI

RE: 3344 Cheyenne Ave., Lot 235 Elmwood Gardens

FOR: To build an addition that is 13 feet from the property line; 20 feet required. "Front setback for Joyce St."
(4 Votes Required)

Russell Baumbach, 1144 Rinn St., Burton, MI, spoke regarding his request for an addition. He indicated the map shows Joyce Street continues along the side of his house.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he is asking for a front setback variance of 13 ft. from Joyce St. Joyce Street does not go all the way through because it is an unimproved right-of-way. It directly abuts an industrial park. Mr. Strasser said they do not have any problem with the request.

BOARD DISCUSSION:

Mr. Parker said unless that area is sold, he cannot see Joyce Street ever being used. He feels this is pretty innocuous and supports the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Clark, seconded by Parker to approve ZBA #04-42.
Motion carried, 6-0.

6. ZBA #04-43

BY: Ernest John Hulber
1414 S. Belsay Rd.
Burton, MI

RE: 1414 S. Belsay Rd., Lot 107 Lapeer Hts.
R-1A Zoned.

FOR: A variance for height on pole barn; 17 feet requested,
16 feet required by ordinance.
(4 Votes Required)

Ernest Hulber, 1414 S. Belsay Rd., Burton, MI, expressed the need for storage space. He contacted his neighbors and they did not have a problem with his request.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the height restrictions in the ordinance use to be 14 ft. and we increased it to 16 ft. because of these types of requests. We do not have a recommendation.

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BOARD DISCUSSION:

Mr. Grantner re-iterated Mr. Strasser's comments on the ordinance increase in height. He will not support the request.

Mr. Parker inquired regarding the configuration of the roof.

Mr. Hulber indicated his builder came up with the design and configurations.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Martinbianco to approve ZBA #04-43.

Motion carried to deny, 6-0. Clark – no, Terry Parker – no, Martinbianco – no, Grantner – no, Bennett – no, Welch – no.

7. ZBA #04-44

BY: Marcia Wheat
3231 Christner
Burton, MI

RE: Lot 16, Blk R, Southgate
R-1C Zoned.

FOR: Close in carport, existing on three sides. Zero ft.
setback. (4 Votes Required)

Marcia Wheat, 3231 Christner, Burton, MI, stated in the last 3 to 4 years there has been a lot of theft and she cannot leave anything outside.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser brought out the question of accessibility to the back yard.

BOARD DISCUSSION:

Mr. Clark inquired regarding the hardship.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Bennett, seconded by Martinbianco to approve ZBA #04-44.

Motion failed, 4-2. Clark – no, Terry Parker – no, Bennett – no, Welch – no.

BOARD DISCUSSION:

Discussion ensued regarding the fence re-consideration case.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, October 21, 2004 at 6:00 p.m.**

Meeting adjourned at 7:27 p.m.

jra