

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
SEPTEMBER 18, 2003, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: None

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

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

Moved by Scott, seconded by Weatherford to approve the Regular ZBA meeting held on August 21, 2003 at 6:00 p.m.
Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION:

Mr. Curtis addressed upcoming seminar material.

YEARLY APPLICATION(S):

1. ZBA #03-47	BY: Brian Dykes 3455 S. Center Burton, MI
	RE: 3455 S. Center, Lot 4 Schram Acres Section 27, C-2 Zoned.
	FOR: Haunted Forest "Temporary Use" (5 Votes Required)

Brian Dykes, 3455 S. Center, Burton, MI, stated he is petitioning the Board for use of property for a haunted forest. They have done this a few other times and have had no problems. They have insurance through Boy Scouts of America.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the applicant has been before the Board in the past with this request. There were no complaints on the use and see no reason to deny the request.

BOARD DISCUSSION: No Board discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #03-47.
Motion carried, 7-0.

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NEW APPLICATIONS:

2. ZBA #03-48

BY: Brad Willingham
5174 Lippincott
Burton, MI

RE: 5174 Lippincott, Parcel #59-23-100-042
R-1A Zoned.

FOR: To exceed the height requirements for accessory
structures by 5 ft; 14 ft. required, 19 ft. requested.
(4 Votes Required)

Brad Willingham, 5174 Lippincott, Burton, MI, stated he would like to build an old style pole barn with a gambrel roof so it has storage upstairs. It will make it come out taller than the height requirements, but it sets back over 100 ft. off of the road and back into a grove of trees that are over 70 ft. tall. No one will even see it back there.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said even though the structure exceeds the height requirements, it is quite a ways off the road and will be somewhat hidden. The old gambrel is not an obnoxious or obtrusive look because of that style. We do not have a problem with the request.

BOARD DISCUSSION:

Mr. Centilli said he has been out to the site and he has no objections.

Mrs. Scott said it sets back far by the woods. She inquired as to the height being taller than the house.

Mr. Willingham said the structure would be 5 ft. taller than the house. There are three 70 ft. tall trees between the house and where the structure is going to go. In the summer, most people wouldn't even know it is back there.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Weatherford to approve ZBA #03-48.
Motion carried, 7-0.

3. ZBA #03-49

BY: Julie Bender
2534 Bagley St.
Flint, MI 48504

RE: 4471 E. Atherton Rd. / Judson Baptist Church

FOR: To exceed the allowable square footage for signage by
48 sq. ft.; 32 sq. ft. allowed, 80 sq. ft. requested.
(4 Votes Required)

Jim Voorheis, stated he is from Voorheis Sign Company and is representing Judson Baptist Church. The church wants to remove the two existing signs, one on Atherton and one on Genesee that are both in a run down condition. They want to replace it with a single sign at the corner approximately 100 ft. back from each of the intersections so it is twice the difference from the clear vision area.

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

Mr. Strasser said this particular site would lend itself to something that has more square footage than what is allowed. It is zoned residential and in residential zoning a special use permit use which is the church, is only allowed 32 square feet of signage. If this site was zoned commercial they would be allowed 150 sq. feet of signage. Where the proposed sign is going to be placed and taking into fact that directly across the street to the south is commercial property and to the east also, we don't feel this sign will be out of place or obnoxious looking to the community, so we recommend approval.

Mr. Centilli expressed he has been to the site and this sign is setting in the middle of a lot of acreage.

Mrs. Weatherford inquired regarding the sign being lighted and moving.

Mr. Voorheis said it is an internally lit standard sign and it is not obnoxious. It is a plain face and will not be moving. The setback is so far off the corner it will really look like a postage stamp out there. The lot is 1,000 ft. x 600 ft. and in a clear open field.

Mr. Parker said Mr. Voorheis indicated the other two signs are going to come down. He asked if they should state that in the motion.

Mr. Strasser said they will have 80 square ft. of signage so if the other two signs are still there, they are not going to put this one up.

Mr. Parker inquired further as to the type of motion.

Mr. Voorheis said he prefers to put the new sign up and that same day take the other two down so the church is not without any kind of sign. He has time to set the base and have the concrete harden. It is to my benefit to let me take those down on the same day I put the other one up. Mr. Voorheis stated further he has been building and installing signs in Burton for 30 years and the City has never had a problem with me yet.

Mr. Curtis asked Mr. Strasser if the base needs to be inspected.

Mr. Strasser replied yes.

Brief discussion was held regarding the wording of the motion. It was decided no stipulations was needed.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Weatherford to approve ZBA #03-49.

Motion carried, 7-0.

4. ZBA #03-50

BY: Linda Spurlock
1327 Kenneth
Burton, MI

RE: 1327 Kenneth

FOR: To construct a 5 ft. chain link fence in the front yard;
4 ft. required by ordinance.
(4 Votes Required)

Linda Spurlock, 1327 Kenneth, Burton, MI, stated she lives close to Grand Traverse. She has six grandchildren and one has Downs Syndrome and he can clear the top of a 4 ft. fence. Those are the reasons I want to have a decent size fence is for my grandchildren. Ms. Spurlock stated she is a corrections officer with the sheriff's department. There was a house at the corner from me that was a drug activity house. An inmate after I got back to work one day said to her that she almost ran him over when she pulled in at her home. It was 11:00 at night. This is not the first time it has happened, so there are safety issues as well.

AUDIENCE PARTICIPATION:

John Neil, 1331 Kenneth St., Burton, MI, said he is Linda's next door neighbor. She is not asking for a stockade fence and he does not object to her request.

Mr. Strasser said the neighbors do not have a problem with the request, and DPW recommends approval.

BOARD DISCUSSION:

Mr. Centilli indicated half of the surrounding homes have fences.

Mr. Parker asked for clarification that a fence in a front yard can only go up to the front plane of the house.

Mr. Strasser said you can go beyond the front plane of a house out to the front property line with a 4 ft. fence just by notifying the adjacent property owners. If they don't have a problem with it, we issue a permit. This applicant is asking to put a 5 ft. chain link fence. That is not allowed by ordinance.

Mr. Parker said he drove by it does not seem like there is much front yard anyway. It seems like it would be unsightly for the rest of the neighborhood to have a 5 ft. chain link fence in the front yard. I think the intent of ordinance is to keep the city looking nice. He cannot support it.

Ms. Spurlock said she has lived there for 11 years and she is trying to protect her property. She can't see where having a 5 ft. fence would look bad.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Parker to approve ZBA #03-50.
Motion carried, 5-2. Scott – no, Parker – no.

5. ZBA #03-51

BY: Cory Lewis Estes
2370 Mapelawn Dr.
Burton, MI

RE: 2370 Mapelawn Dr., Lot 96
Mapelawn Subdivision

FOR: To build an attached garage 3 ft. from the north side of
the property line; 10 ft. required.
(4 Votes Required)

Cory Estes, 2370 Mapelawn Dr., Burton, MI, stated he has been trying to figure how to put a garage on this for about 5 years. It is a very odd rough design. To build one right next to it would be tearing the whole roof off and starting over. I have 25 1/2 ft. between my house and the property line. I figured a 22 ft. garage would be the most I could hope for.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he suggests if approved, the applicant be required to have a garage door on the back of the garage so he can gain access to his back yard.

BOARD DISCUSSION:

Mrs. Scott asked for clarification regarding the structure.

Mr. Estes said it is to be one structure behind the original structure.

Mr. Centilli said the drawing was in reverse.

Mr. Parker said the subdivision was built way before we had 10 ft. setbacks. When driving through that area there is not much setback in that whole subdivision. In trying to keep with the intent of the ordinance, it would be to deny it, but when you look at the rest of the subdivision it seems like you are creating a hardship on this gentleman just because he wants to do something different than what was done to the rest of the subdivision. I struggled with the thought that the addition could be moved to the south so it is behind the house, and then have the driveway and garage come in from a different way. I am sure he has struggled with those questions too. Mr. Parker stated further he appreciates the DPW recommending to have a garage door in the back, but it still seems like it is not a good thing to have only 3 feet on one side and 5 ft. on the other, especially as close as these houses are to the lot lines already. He cannot support the request.

Mr. Centilli said he put foundations in this subdivision in 1957. He believes over half of the homes in this subdivision are crowded on the lot lines. He has no objections to the request at all.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Weatherford to approve ZBA #03-51 with the stipulation there is a rear 9 ft. garage door at the back of the new garage. Motion carried, 6-1. Parker – no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, October 16, 2003 at 6:00 p.m.**

Meeting adjourned at 6:37 p.m.

jra