

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
SEPTEMBER 21, 2000, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY WILLIAM KALANQUIN AT 6:00 P.M.

MEMBERS PRESENT: Kalanquin, Scott, Parker, Grantner, Layman

MEMBERS ABSENT: B. Weatherford, Cross

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

Moved by Grantner, seconded by Layman to approve the Second Regular ZBA Meeting of September 7, 2000 at 6:00 p.m. Motion carried, 5-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION:

Mrs. Layman spoke regarding ZBA #00-42, the motion to approve was denied at the ZBA meeting of September 7, 2000 at 6:00 p.m. She said she would like to make a motion for reconsideration.

Mr. Kalanquin indicated the applicant felt he did not have a full Board for his case.

Mr. Parker asked if neighbors had to be re-notified, clarification of the appeal process, and if there was any new evidence or information the Board should see to have it opened for re-consideration.

Mr. Strasser said this case was in front of the Board on September 7th. At the following ZBA meeting, any member that voted in the affirmative has the right to bring the case up for re-consideration. The vote was 4-2, which is the majority and allows the case to be re-heard. The Board can hear it tonight if the applicant agrees to having 5 members present, or it can be post-poned another month until we have a full Board.

Mr. Kalanquin stated to the audience their right for a full Board.

Mr. Parker explained to the audience that there can be a different amount of votes required for each case.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to reconsider ZBA #00-42 for Mr. Odishooe.
Motion carried, 3-2. Parker – no, Grantner – no.

D. YEARLY APPLICATION:

1. ZBA #00-48

BY: Sherry Dykes
4365 Shubert
Burton, MI

RE: 3455 S. Center Rd.

FOR: Temporary use, haunted forest.
Fundraiser.
(5 Votes Required)

Sherry Dykes, 4365 Shubert, Burton, MI, indicated the haunted forest is a fundraiser for mentally and physically impaired boy scouts. The original dates of October 11th through October 31st is incorrect. It will be weekends of October 19th through October 21st, and October 27th through October 31st. It is covered by insurance because it is a Boy Scout function.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the area is zoned commercial, and there is ample parking. He recommends approval.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #00-48 as written.
Motion carried, 5-0.

E. NEW APPLICATIONS:

1. ZBA #00-49
- BY: Patricia Murphy
1248 Wells
Burton, MI
- RE: Lot 775, Baker Park, R-1C Zoned
- FOR: To obtain variance of 18 inches from the west property line; 8 ft. required. For an existing car port. (4 Votes Required)

Karen Murphy, Patricia Murphy's sister-in-law, indicated her sister is in the hospital and she declines to have her case heard and would like to come back next month.

Mr. Parker asked if the residents will be re-notified.

Mr. Strasser indicated they will not be re-notified. The next ZBA meeting will be October 19th at 6:00 p.m.

2. ZBA #00-50
- BY: Joseph Hardacre
6321 Wagner Ave.
Grand Blanc, MI 48439
- RE: Parcel #59-36-400-022
- FOR: To exceed the allowable square footage for accessory structures by 1,754 sq. ft. with a 40 ft. x 60 ft. pole barn. 2,250 sq. ft. allowed; 4,004 sq. ft. requested. (4 Votes Required)

Joseph Hardacre, 6321 Wagner Ave., Burton, MI, said he recently purchased the property and has a lot of equipment he would like to get out of the weather. He contacted his neighbors in the surrounding area and they do not have any problems with his request. He has 10 acres and is 600 ft. from the nearest house.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Mrs. Layman inquired as to the present pole barn.

Mr. Hardacre said it is sort of a stretched out garage, the ceiling is 9 ½ ft. and he has equipment that needs at least a 12 ft. ceiling to get inside.

Mr. Parker said oversized structures are the biggest requests they receive on the ZBA. The past couple of years, we have tried to deal with it the best way we could because we knew the Master Plan was going to be updated. The City Council changed the Zoning Ordinance to allow for larger accessory structures, but this request exceeds the Ordinance by almost double. He cannot support the request.

Mr. Grantner inquired regarding the acreage.

Mr. Hardacre said the property is approximately 9.74 acres.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to deny ZBA #00-50.
Motion carried to deny, 4-1. Grantner – no.

3. ZBA #00-51

BY: Michael L. Matthews
4282 Lapeer Rd.
Burton MI 48509

RE: 4282 Lapeer Rd., Lot 35 Suburban Homesites

FOR: 1) To exceed the allowable square footage for accessory structures by 512 sq. ft. with a 28 ft. x 58 ft. garage. 1,512 sq. ft. allowed; 2,024 sq. ft. requested.
2) To exceed the height limitation by 8 inches, 14 ft. allowed; 14 ft. 8 inches requested.
(4 Votes Required)

Michael Matthews, 4282 Lapeer Rd., Burton, MI, indicated he has a very small 20 ft. x 20 ft. garage. He has a motor home and motorcycles, and would like more room.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said this is attached to the existing garage, and it would be only one structure on the property besides the house.

BOARD DISCUSSION:

Mrs. Scott asked if the shed would be removed.

Mr. Matthews replied that it would be removed.

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Mr. Parker inquired as to the sizes in the zoning change on accessory structures, and the standard used for it. He commented that the Zoning Ordinance change was just adopted less than two months ago, and he could not support this request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Parker to deny ZBA #00-51.
Motion carried to deny, 5-0.

4. ZBA #00-52
- BY: Hot Spot Tanning L.L.C. / Connie Burlingame
6016 Lapeer Rd., Burton, MI (work)
1360 Lyle St., Burton, MI (home)
- RE: 5520 Lapeer Rd.
- FOR: To conduct a C-3 special use in a C-1 zoned area for
fitness center. (5 Votes Required)

Connie Burlingame, 1360 Lyle, Burton MI, said she owns Hot Spot Tanning in the Bentley Plaza on Lapeer Road. She would like a fitness and tanning center at the former Home Accent Shop. It is not a workable situation where she is presently located. The air-conditioning is out, the roof leaks, and there is talk of demolishing the building.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser indicated this will also be an item in front of the Planning Commission next month.

BOARD DISCUSSION:

Mr. Parker inquired regarding parking.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #00-52.
Motion carried, 5-0.

5. ZBA #00-53
- BY: Mid State Storage
PO Box 296
Millington, MI 48746
- RE: Parcel #59-32-200-010 / 2395 Judd Rd.
- FOR: 1) To abut residentially zoned property on two
sides. One side allowed by Ordinance, Sect. 17.03
Item 4 Sub-Section 2.
2) Request a 10 ft. rear setback; 35 ft. required.
(4 Votes Required)

Don Kotarski, PO. Box 296, Millington, MI, spoke regarding the site and indicated there is a berm on one side and a residential side.

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AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said they had a similar request before the ZBA a month or two ago. Even though this use abuts two residentially zoned properties, no homes are affected because it would be their back yard, which is large acreage parcels. It is very unlikely it would be developed for residential subdivisions because of the location of it. The rear set back of 10 ft. would not be the building, it would be the access lane to the building. They do not see a problem with the

request. Mr. Strasser commented further that Mr. Kotarski cleaned up the property and it now is an attractive piece of property.

BOARD DISCUSSION:

Mrs. Layman commented that she noticed the property was really cleaned up.

Mr. Parker said the intent of the Ordinance is to buffer the residential area next door. He sees no problem with the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #00-53, parts 1 and 2.
Motion carried, 5-0.

6. ZBA #00-54

BY: Richard Nelson
3461 Saxon

RE: Lots 24 and 25 Miller Hts., Sect. 21, R-1C Zoned.

FOR: To construct an accessory structure in the front setback
of Clarice "between house and street".
(5 Votes Required)

Richard Nelson, 3461 Saxon, Burton, MI, indicated he wants to build a 24 x 24 garage, he got a permit but received a stop work order and does not know why.

Mr. Strasser said there was a mis-understanding. The problem was the placement of the structure and not the size. He is on a corner lot and the side of the home that faces the street is also considered to be a front yard.

Mr. Nelson stated he has \$1,000 into the structure, and there are no problems with the neighbors.

AUDIENCE PARTICIPATION:

Matthew Nelson, 12065 Park Lane Ave., Mt. Morris, MI, said Richard Nelson did not have a clear understanding and he has invested time and money into the structure. The building inspector said the footings looked good and everything is sturdy.

Bob Lapenes, 2443 Clarice, Burton MI, stated he lives across the street and sees no harm with the request.

BOARD DISCUSSION:

Mrs. Layman inquired regarding the angle of the structure.

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Mrs. Scott asked if there is a dead end street there.

Mr. Nelson replied no, the back yard is the Van Y School.

Mr. Parker inquired regarding the setback.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #00-54.

Motion carried, 5-0.

7. ZBA #00-55

BY: Michael Root
1714 N. Cumberland St.
Flint, MI 48506

RE: Lot 92 of Garden Acres, Sect. 13, R-1B Zoned.

FOR: 1) Waive 30 ft. rear setback to 20 ft. setback.
2) Waive 25 ft. front setback to 22 ft.
(4 Votes Required)

Michael Root, 1714 N. Cumberland St., Flint, MI, said he wants to build a home at the end of LaSalle, it is 100 ft. deep and 200 ft. wide.

Mr. Strasser said the site is unusual, he received one call inquiring about the request but they did not have a problem with it.

BOARD DISCUSSION:

Mrs. Layman said she feels the home would be an asset there.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Layman to approve ZBA #00-55.
Motion carried, 5-0.

8. ZBA #00-56

BY: John Hite
2101 McLean St.
Burton, MI 48529

RE: 2101 McLean, Lots 309 and 310 Durant Heights
R-1C Zoned

FOR: Waive 10 ft. separation between dwelling and garage,
wants to build within 3 ft. (4 Votes Required)

John Hite, 2101 McLean St., Burton, MI, said he wants to build an addition on the back of his home and also have it attached to the garage. Mr. Hite showed a drawing of his home to the Board and explained the proposed addition.

AUDIENCE PARTICIPATION: No audience participation.

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Mr. Strasser said he only sees a hindrance to the applicant, it would be required to be fire proofed on the inside. He stated further, that it would not hinder the neighborhood.

BOARD DISCUSSION:

Mr. Parker said the only hardship is on the applicant in that he will have to change the inside of the garage to meet the fire requirements.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #00-56.

Motion carried, 5-0.

9. ZBA #00-57

BY: Gary Woodall
1407 LaSalle
Burton, MI

RE: Lot 242, Seely's Sub. #5, R-1B Zoned.

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

Gary Woodall, 1407 LaSalle, Burton, MI, said he is building a barn for his fifth wheel and snowmobiles. He also will need storage space up top.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said if this building had a 4 12 pitch roof, he would not be here before the Board. He is going with 6 12 pitch which give him additional storage space. They do not have a problem with his request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #00-59.
Motion carried, 5-0.

10. ZBA #00-58

BY: The Lockwood Group
30100 Telegraph Rd., STE 426
Bingham Farms, MI 48025

RE: Parcel #59-22-100-009 and #59-22-100-010
2173 Center Rd., HRM Zoned

FOR: Decrease 2 bedroom units located on 4th floor from
850 sq. ft. required to 800 sq. ft.
(4 Votes Required)

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Carl Skrzynski, Principal of The Lockwood Group, 30100 Telegraph Rd., STE 426, Bingham Farms, MI, said he was previously before the Board requesting the same variance for a proposed three story building. The Housing Authority providing the financing had a problem with the tightness of the site and requested they squeeze the site down to a four story configuration and therefore, giving us more green space. As a result of some unusual configurations, and a drain that exists there, they developed half of their site. There are also restrictions because of the adjacent power lines and the fire department wanted certain things in place. All this kind of constricted the site so they went to the four story configuration.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the 800 sq. ft. units was granted for the 1st, 2nd and 3rd floor. They do not see any problem with the fourth floor granting the same variance.

BOARD DISCUSSION:

Mrs. Layman said same as the last time they were before the Board, she is against this. She knows a lot of people who live in senior centers, and she does not feel they need to cut down on their living quarters.

Mr. Parker said they would be naïve to deny a variance on the fourth floor that was already granted on the first three floors.

Mr. Granter said the applicant is here to clean up a technical glitch.

Mr. Kalanquin inquired regarding this case before the Planning Commission.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #00-58.

Motion denied, 3-2. Layman – no, Scott – no.

Mr. Skrzynski inquired regarding appealing the decision at the next meeting. He also wants to address the variance of the setback the Board granted at the last meeting regarding the fence. It was discussed with the church group to have it 78 ft. from the center line of the road to the rear of the drain.

Mr. Parker said he had made the motion for that fence and his intent was to satisfy the neighbor. If the neighbors are in agreement with the 78 ft., he will make a motion to amend the last action to this.

Walter Bokorovich, 6228 Greenview Dr., Burton, MI, said he wants to re-affirm that the beginning of the fence will be in line with the most easterly part of their sign.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to amend ZBA #00-39 variance condition to 78 ft. from the center line of the road to the rear of the drain for a 4 ft. black wrought iron fence.

Motion carried, 5-0.

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RE-CONSIDER:

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)

Mr. Kalanquin stated to Mr. Odishoee that he has the right to have his case heard now or at the next ZBA meeting.

Mr. Odishoee declined to have his case heard tonight, and requested his case be heard next month.

Mr. Kalanquin stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, October 19, 2000, at 6:00 p.m.**

MEETING ADJOURNED AT 7:13 P.M.

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