

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 16, 2003, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY VICE-CHAIRPERSON STEVE WELCH AT 6:15 P.M.

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

MEMBERS ABSENT: Centilli

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

Mr. Welch led the Board and audience with Pledge of Allegiance.

Approval of the Regular Zoning Board of Appeals Meeting held on September 18, 2003, at 6:00 p.m., and Special Zoning Board of Appeals meeting held on October 9, 2003 at 6:00 p.m., will be scheduled for the next Regular Zoning Board meeting on Thursday, November 20, 2003 at 6:00 p.m.

Mr. Welch indicated to the applicants they could wait for a full Board to have their case heard. Mr. Welch expressed to the audience that it is very rare for the Zoning Board not to have a full Board.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, asked if the applicant to appeal a front yard fence has to pay a fee.

Mr. Strasser replied yes.

Mrs. Dargel said she feels that should have been amended and perhaps still can be added to Ordinance 19. It seems almost backward. She asked that her statement be part of the record.

Beverly Palm, 3294 Shannon Rd., Burton, MI, spoke regarding the front yard fence. She said when her neighbor got her letter she had to come over and pay to have it brought before the Zoning Board. If my neighbor had not done that, I would not have known about this case because I did not get a letter. I understand the only two people that got a letter were the ones living on both sides of the home. Mrs. Palm stated further, what if both of those neighbors did not care if the variance got approved and I did care. I live across the street and this does not seem fair. Mrs. Palm inquired further regarding front yard fences.

Mr. Welch explained they would come in front of the Board if it is over a 6 foot fence.

Laurie Gorbett, 1040 Rinn, Burton, MI, stated she agrees with Mrs. Dargel. She inquired as to why she has to pay a \$50.00 fee because they do not want the fence.

BOARD DISCUSSION:

Mr. Parker re-iterated the applicants rights to have their case heard in front of a full Board.

NEW APPLICATION(S):

1. ZBA #03-52
- BY: Barbara Pettey
3295 Shannon Rd.
Burton, MI
- RE: 3283 Shannon, Lot 105 Killarney Park #3
Section 33, R-1B Zoned.
- FOR: Appeal front yard fence application for
3283 Shannon. (5 Votes Required)

Barbara Pettey, 3295 Shannon Rd., Burton, MI, stated she would like to wait until there is a full Board to have her case heard.

Mr. Welch said it will be post-poned until the next Regular ZBA meeting on November 20, 2003 at 6:00 p.m.

Mr. Parker asked for clarification if residents would be re-notified.

Mr. Strasser stated they would not be re-notified.

2. ZBA #03-54
- BY: Genesys PHO
307 Court St.
Flint, MI 48502
- RE: 3495 S. Center Rd., Lots 2 and 3 Schram Acres
C-2 Zoned
- FOR: Installation of 90 ft. towered antenna; 45 ft. allowed
by ordinance. (4 Votes Required)

Attorney Robert Reid, 307 E. Court St., Flint, MI, said he represents Genesys PHO. The organization is a joint partnership between the Genesys Hospital organization and the Genesys Integrated Group Practice. It has approximately 60 office locations in this area and the County. The location on Center Rd. is the information, MIS, the IS location of information services. All of the doctors offices are involved in electronic coordination in terms of information it takes to run their offices. The tower would provide a more effective means of providing information among and between the doctors office as well as the main office on Court Street. It is the second building off the northeast corner of Center and Bristol Rd. On the northeast corner is an abandoned gas station and the next building to the north is the IS location where we would like to establish the tower. That particular location is low and there is a four to five to maybe 10 ft. elevation deviation between the gas station on the north and the area behind the building on Center Rd., which gives rise to a need to have a tower that will exceed 45 feet. By our technicians, a 90 ft. tower will be needed at that location to effectively communicate with the doctors offices around the County. The ordinance limits the ordinary transmission tower to 45 ft. which will not adequately allow effective communication between the IS location and the various doctors offices as well as central office in downtown Flint.

Mr. Reid in summary stated the tower will be constructed according to the regulations regarding the construction of towers. The Federal Communication Commission does not get involved in towers until they exceed well above the 90 ft. However, there are other regulations that will be followed regarding the construction of the tower. In the particular location behind the building on Center Rd., there will be no on that will be imperiled in terms of an unfortunate situation where a tower would be blown over.

AUDIENCE PARTICIPATION:

Mary Ann Malinich, 4059 E. Bristol Rd., Burton, MI, asked if the tower will interfere with her television reception or her cell phone. She is 300 ft. from the tower.

Mrs. Dargel inquired as to the location on the site.

Beverly Palm, 3294 Shannon Rd., Burton, MI, asked if it is the Shell Gas Station or Speedway that the tower would go behind.

Mr. Strasser said it would be the Shell Gas Station.

Mrs. Palm asked if it would be a lot higher than the radio towers that set off of Bristol Rd. – south.

Mr. Strasser said the radio towers are better than 90 ft.

Atty. Reid introduced the director of the IS office, Mr. VanHorn. The actual location will be behind the building to the east.

Jerry VanHorn stated the antenna will have a 7 ft. base and it will be placed directly behind the building on the east side that will be back towards the woods. Most of the new telephones that are available today operate in the 2.4 gigahurts range. Televisions are below the 2.4. These microwave towers will be generating at a 5.8 gigahurts so it will not interfere with the radio, televisions or cordless telephones.

Mr. Strasser said Mr. Reid pointed out that the property sets a little bit lower than the property to the south which is the Shell gas station. It does exceed the height requirements of 45 feet to a maximum of 90 ft. The Consumers high tension lines which is to the east of this, are in the area of 120 feet. There are other radio towers in the vicinity within a mile or so that exceed 120 feet in height. Our department does not feel it would be a determent and we recommend approval on the variance.

BOARD DISCUSSION:

Mrs. Scott asked if there was currently a tower there now.

Mr. VanHorn said the tower there now was used for the previous business needs when it was Stereo TV Village. That power has no functional capabilities today and it will be taken down and replaced with the new tower. It will be in the same position.

Mr. Parker expressed the intent of the ordinance from 45 ft. is to keep someone from erecting something that is unsightly and because of the property it is situated on, it will be innocuous. He does not have a problem with the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #03-54.
Motion carried, 5-0.

3. ZBA #03-55

BY: Dennis Gorbutt
1040 Rinn
Burton, MI

RE: 1046 Rinn, Lot 50 Rinn Acres
Section 13, R-1A Zoned.

FOR: To deny request for a front yard 4 ft. chainlink fence.
(5 Votes Required)

Dennis Gorbutt, 1040 Rinn, Burton, MI, stated he does not want to proceed without a full Board.

Mr. Welch said his case will be heard at the November 20th ZBA meeting.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, November 20, 2003 at 6:00 p.m.**

Meeting adjourned at 6:48 p.m.

jra