

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 17, 2002, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: None

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

The Board post-poned approval of the Regular Zoning Board of Appeals Meeting held on September 19, 2002 at 6:00 p.m. until the next meeting scheduled for November 21, 2002 at 6:00 p.m.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION:

D. NEW APPLICATIONS:

- | | |
|---------------|---|
| 1. ZBA #02-47 | BY: Naomi Hudson
1506 Denies
Burton, MI |
| | RE: Lots 599 & 600, Lapeer Heights, Sect. 14
R-1A Zoned. |
| | FOR: To park a motor home "recreational vehicle" in the
front yard area "on a driveway". Ordinance 19,
Section 5.16. (4 Votes Required) |

Naomi Hudson, 1506 Denies, Burton, MI, said she received a citation from code enforcement concerning her motor home parked in her driveway. She has owned it since 1981 and it has been parked there since that length of time. It is licensed and insured, she is at a loss as to why after all this time there is a problem. Her husband had to retire from his job due to a muscle disease and the cost to store the motor home elsewhere would cause a financial hardship.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, stated her neighbor had a motor home in his driveway all the years she can remember. It was licensed, insured and on the driveway. This is not a trailer and she asks what is the difference in the neighborhoods.

Mr. Strasser said this was brought to our attention by a complaint and code enforcement issued a citation. Ordinance 5.16 states a recreational vehicle has to be parked in the rear yard or behind the front plain of the home. A motor home is considered to be a recreational vehicle.

BOARD DISCUSSION:

Mr. Parker said these requests have come before the Board in the past. My opinion is the intent of the ordinance is to keep esthetics in the neighborhood. There is a monetary hardship, but I have a recreational vehicle stored in a lot and it is \$200 a year. That is not an extreme amount of money. Mr. Parker stated he is not in favor of this request.

Mrs. Weatherford asked if there has been any changes in the zoning laws regarding motor homes and this is why it came up.

Mr. Strasser said there has not been changes in this area. He re-iterated this was brought to them on a complaint basis.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Weatherford to approve ZBA #02-47.

Motion carried to deny, 7-0. Weatherford – no, Scott – no, Parker – no, Centilli – no, Grantner – no, Welch – no, Curtis – no.

2. ZBA #02-48

BY: Lois J. Borst
2140 Morrish St.
Burton, MI

RE: S. 40 ft. of Lot 26 & Lots 27 & 28
Crago Gardens (77)
R-1C Zoned, Sect. 21

FOR: To keep 3 dogs, 2 allowed by Ordinance 19,
Sect. 17.03, Item d. "Dog Kennel"
(5 Votes Required)

Lois Borst, 2140 Morrish St., Burton, MI, said she has lived there for 33 years and was not aware you are only allowed two dogs. Her neighbors have no complaints. She wants to keep her older dog until he dies. Mrs. Borst stated further that some of her neighbors have 4 to 5 dogs.

AUDIENCE PARTICIPATION:

Julie Borst, 7039 Atherton Rd., Burton, MI, said she is Lois Borst's daughter. She does not understand why someone turned in a complaint. They have documentation the dogs have their shots. Since she was 5 yrs. old they have always had 3 to 4 dogs because her dad was a hunter. One of the dogs is 12 years old and in bad health. He is part of our family.

Mr. Strasser said this came to DPW through a complaint. We have had similar cases before the Board. We do not have a recommendation.

BOARD DISCUSSION:

Mr. Welch asked if the property was fenced in.

Julie Borst responded they have a dog pen and two of the dogs are in it periodically throughout the day.

Mrs. Scott said the Board had a case not too long ago where a resident had five dogs. In keeping with the ordinance, the Board has to be uniform.

Mr. Parker spoke in agreement with Mrs. Scott. He said it is difficult when there is a family pet. The ordinance states in order to have a kennel, you have to be in an M-1 light industrial district. Any time we start allowing things other than residential in a residential neighborhood, we are not doing our duty to uphold the intent of the ordinance. He cannot support this request.

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Mr. Centilli inquired regarding earlier comments of neighbors having up to 4 to 5 dogs.

Lois Borst indicated behind her home a neighbor has three dogs. They are all over the neighborhood.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #02-48.

Motion carried to deny, 7-0. Weatherford – no, Scott – no, Parker – no, Centilli – no, Grantner – no, Welch – no, Curtis – no.

3. ZBA #02-50

BY: Silvanus J. Kipfer
2359 Meadowcroft
Burton, MI

RE: Lot 129 Meadowcroft #4
Sect. 22, R-1B Zoned.
(4 Votes Required)

FOR: To construct an attached garage at 2 ft. from the
south property line; 10 ft. required.
(4 Votes Required)

Silvanus Kipfer, 2359 Meadowcroft, Burton, MI, said he would like to add onto his garage. He works with wood and wants a workshop.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated if approved, there needs to be a one hour fire-rated wall against the house and south property line. Mr. Strasser asked the applicant if the new garage overlaps on any part of the living space.

Mr. Kipfer replied that it would.

Mr. Strasser said that would have to be fire-rated.

BOARD DISCUSSION:

Mr. Welch asked if there is a chimney or fire place there.

Mr. Kipfer said there use to be a wood stove. He wants use of the chimney to heat the garage.

Mrs. Scott asked if the workshop is for his personal use.

Mr. Kipfer responded that it is. He needs the space and the addition would add to the appearance of the property and upgrade the neighborhood.

Mr. Parker asked if he would need an 18 inch set back if a 20 x 36 garage was built in the rear yard area.

Mr. Strasser replied he could build up to 18 inches. It would be detached though from the home.

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Mr. Parker said he cannot support the request because it is encroaching onto the neighbor's property. He sees no hardship and he has plenty of space to have this in the rear yard area. He could still have a 2 ft. yard set back in the rear yard area, put a driveway back to the garage, and it would not encroach onto the neighbor.

Mr. Centilli inquired as to the front set back from the garage.

Mr. Kipfer said he wanted to carry it straight from where it is. He spoke to his neighbor on the south side and he has no problem with it what-so-ever.

Mr. Centilli asked if these variances are usually for a back yard access and to set 2 feet off of the lot line.

Mr. Strasser responded to get behind or next to them, and have open space to the adjoining property.

Mr. Centilli asked if it can set within 18 inches of the lot line if he is behind the house.

Mr. Strasser replied if it is detached.

Mr. Centilli asked Mr. Kipfer if it is possible to have the garage half way back.

Mr. Kipfer said he did not want to run his driveway out that way, it is a lot of cement and yard waste.

Mr. Grantner said he concurs with Mr. Parker and he understands what the applicant wants to do. But he cannot see where the ordinance presents a hardship, there are other options available.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #02-50.

Motion carried to deny, 7-0. Weatherford – no, Scott - no, Parker - no, Centilli – no, Grantner – no,
Welch – no, Curtis – no.

4. ZBA #02-51

BY: Michael W. Horne
2352 S. Term St.
Burton, MI

RE: 2352 S. Term St., Lot 14, Supervisors Plat #2
Sect. 21, R-1C Zoned.

FOR: Variance to allow a 6 ft. privacy fence to extend
approximately 5 ft. past the side of the house on the
front facing the private drive of Sayre Ct., a dead end
street. "Front Yard". (4 Votes Required)

Michael Horne, 2352 S. Term St., Burton, M,I said he would like to put up a fence. It would protrude approximately 5 ft. from the back of his house. It will surround the back yard and keep his children contained to give them an area to play safely. I would not have to worry about them going out onto the street, or anyone having access to them.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the drawing indicates a wood deck. He asked Mr. Horne how high off of the ground is the deck.

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Mr. Horne said it is approximately 3 feet.

Mr. Strasser said in looking at the situation with the wood deck on the rear of the home being 3 ft. off of the ground, if you put a 6 ft. privacy fence next to it you have 3 ft. from the top of the deck to the top of the fence. Kids could fall over the top of the fence. It is like a safety factor situation. To keep a 5 ft. separation between the deck and the fence, the kids are a little bit safer. The request seems reasonable because of the height of the deck.

Mr. Centilli said he is well off the lot line and it is on a dead end street. He sees nothing wrong with the request.

Mr. Parker said he is in agreement and it is a safety issue.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Parker to approve ZBA #02-51.

Motion carried, 7-0.

5. ZBA #02-52

BY: Tom Beardslee
1255 Glendale
Burton, MI

RE: 1255 Glendale
Part of Lot 104 Glendale Acres
Sect. 14, R-1A Zoned.

FOR: To construct a detached garage that exceeds the height
requirements by 1 ft. 6 inches; 14 ft. required,
15 ft. 6 inches requested. (4 Votes Required)

Tom Beardslee, 1255 Glendale, Burton, MI, said he wants to take down an old garage that has been there since the 1950's and build a new one. The old garage is approximately 20 ft. x 24 ft. and I want to put up a 30 ft. x 40 ft. garage. It will match the house, including the pitch. Mr. Beardslee indicated he also purchased a 54 ft. x 30 ft. parcel from his neighbor.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated he will start to require drawings for height requirements. Normally when you get a height variance request it is because someone has a pole barn that is 30 to 36 ft. wide, 12 ft. sidewalls, and even with a 4 12 pitch roof, they are exceeding the height. This is not the case. When you have a higher pitch roof, a 9 12 pitch roof to match the house, you don't get a squatty pole barn type of situation. It does exceed the ordinance and he can lower the pitch and be within the ordinance. It is up to the Board to approve or deny. To my understanding he wants to use the upstairs for a storage area. Mr. Strasser stated further, it is esthetically pleasing when it has a higher pitch roof on it.

BOARD DISCUSSION:

Mr. Curtis said he went and looked at the house. The applicant did do a lot of work on it. It is a two story house and to keep the esthetics of the flow of everything that is going there, if he was to attach it and run a reverse gable, he can understand why he would want to carry 9 12 right on over and do the same thing.

Mr. Centilli said he agrees. He asked Mr. Beardslee if he is planning on having the same type of siding and trim as on the home.

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Mr. Beardslee replied it will match the house.

Mr. Parker said that issue is part of the ordinance now and it is in their packet as a new revision on page 26, #9. Mr. Parker read aloud the revision.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Grantner to approve ZBA #02-52.

Motion carried, 7-0.

6. ZBA #02-53

BY: Karen Kellogg / Dennis Kellogg
3030 S. Center Rd.
Burton, MI

RE: Parcel #59-28-529-041
3030 S. Center Rd.
Part of Lot 47 Supervisors Plat #12
C-2 Zoned.

FOR: 1) To construct a detached structure that exceeds
the height requirement by 1 ft. 9 inches;
14 ft. required, 15 ft. 9 inches requested, and
2) To expand the non-conforming residential use
of the property with said structure.
(4 Votes Required)

Dennis Kellogg, 3030 S. Center Rd., Burton, MI said he has lived there for 10 years. He has three children and their belongings are moving them out of the house. He would like the extra height to build a modular loft at the end of the barn. It will get storage off of the floor so we can use the floor space for a paint shop / workshop. It would be totally for our enjoyment. We eventually want to build a matching garage.

AUDIENCE PARTICIPATON: No audience participation.

Mr. Strasser said the request is on two different items. For the second item, it is zoned commercial being on Center Rd. Any time they want to add an addition it is expanding the non-conforming rights. Approval is up to the Board As far as the first part it s exceeding the height, it is the same comments as the previous case.

BOARD DISCUSSION:

Mr. Centilli said from what he saw in the back yard, the lot drops right off. That is all he is going to be able to build because the rest just slopes right off.

Mr. Grantner inquired regarding the size of the structure.

Mr. Kellogg replied it would be 30 ft. x 48 ft.

Mr. Curtis asked what the pitch is.

Mr. Kellogg said he does not recall but it is a very steep pitch. It is a standard package with 12 ft. sidewalls. It will be exactly the same pitch as the house.

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Mr. Parker asked Mr. Kellogg for clarification that he wants to build a garage too.

Mr. Kellogg responded yes.

Mr. Parker asked if the 30 x 48 comes close to the square foot requirements.

Mr. Strasser asked Mr. Kellogg the size of the property.

Mr. Kellogg indicated 150 by 300 deep.

Mr. Strasser said he is allowed close to 2,000 sq. ft. of accessory building, 1,440 sq. ft. is what he is proposing.

Mr. Centilli inquired as to the placement of the structure.

Mr. Kellogg said there is a pad where the old garage use to be and it will be 10 feet behind that pad. This will make it 38 feet behind the house because there will be a small garage there that we have plans for.

Mr. Centilli said they will be setting quite low there.

Mr. Kellogg said they have brought in a lot of fill to raise it so it will be level with the driveway.

Mr. Curtis commented regarding the two items being requested. He asked what the building will be used for that will exceed the height.

Mr. Kellogg replied it is for storing vehicles that he does not use and clearing out his house.

Mr. Curtis asked for clarification that he wants a 30 x 48 detached garage with 12 ft. sidewalls.

Mr. Kellogg responded that is correct. They are hoping to put their workshops there and make the basement a living space to have some room in the house. To get the height it will make it so we can have the floor space inside the barn too, along with a modular loft which will be free standing on the slab and not supported by the barn. Mr. Kellogg acknowledged he wants to have a 24 x 20 garage at some later time.

Mr. Parker asked if the 48 ft. is going to be north or south, or is it deep.

Mr. Kellogg replied it will be deep.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Scott to approve ZBA #02-53.

Motion carried, 7-0.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, November 21, 2002, at 6:00 p.m.**

Meeting adjourned at 7:07 p.m.

jra