

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 18, 2001, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY SUSAN LAYMAN AT 6:00 P.M.

MEMBERS PRESENT: Grantner, Welch, Layman, Scott, Cross, Parker, Weatherford

MEMBERS ABSENT: Kalanquin, Curtis

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

Moved by Grantner, seconded by Cross to approve the Regular Zoning Board of Appeals meeting of September 20, 2001 at 6:00 p.m. Motion carried, 6-0.

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

BOARD DISCUSSION:

Mr. Parker addressed moving the ZBA By-law discussion to the end of the meeting.

Moved by Parker, seconded by Cross to hold discussion of the ZBA by-laws at the end of the meeting. Motion carried, 6-0.

NEW APPLICATIONS:

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| 1. ZBA #01-45 | BY: Don Rosebrough
3381 Greenly
Burton, MI |
| | RE: 2144 Webber, Lot 2 Blk F Southmere
Section 32, R-1C Zoned |
| | FOR: To keep a side yard setback of 16 inches
for a carport; 8 ft. required. (4 Votes Required) |

Don Rosebrough, 3381 Greenly, Burton, MI, presented pictures to the Board and stated he put a carport on the side of the house at 2144 Webber. The hardship is that he does not have a garage at this house, he has tried to sell the home for years and once he put the carport up, a week later the house was sold. He needs ZBA approval. Mr. Rosebrough indicated the owners of the house next door do not take care of their property and that is why he put up the fence. He presented further pictures to the Board of the home and property next door.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said this is a common situation in the south end of the City and we have been confronted with this before on many occasions. We recommend that where the water is coming off the roof, it be guttered so it runs down his driveway instead of onto the neighbors.

Mr. Rosebrough said he planned to put on gutters.

BOARD DISCUSSION:

Mr. Cross inquired regarding a firewall.

Mr. Strasser indicated it is open and not enclosed.

Mr. Cross said he sees many times that these are open, we approve them, and then the next thing they are enclosed. I am wondering if we should require at this time a firewall in case it ever gets covered up.

Mr. Strasser said if it ever got covered up, with a permit it would require a firewall.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Scott to approve ZBA #01-45 with the stipulation it includes eavestroughes.
Motion carried, 6-0.

2. ZBA #01-48

BY: Chris Burgoon
3189 Alpena St.
Burton, MI 48529

RE: Lots 32 & 33 Holland Hts.
Sect. 28, R-1C Zoned

FOR: To build an addition within the setback
off the street of Kleinpell St., 5 ft.
requested; 20 ft. required.
(4 Votes Required)

Chris Burgoon, 3189 Alpena St., Burton, MI, said he would like an addition to the west side of the home, on the street adjoining the Kleinpell location. It would be a 12 ft. addition which will stay 5 ft. inside the fence line adjacent to Kleinpell. The gas line that comes off of Kleinpell will be relocated by Consumers Power pending the approval of this request. Mr. Burgoon stated further, there will be no obstruction of view at the intersection of Alpena and Kleinpell.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the property is a very small lot. The existing deck is already at that setback, and with the placement of the home there would not be a hindrance with the view. We do not see a problem with the request.

BOARD DISCUSSION:

Mr. Parker said in that area on Term St., we gave approval on a similar request. We need to help the citizens of our City because in that area the lots are smaller.

BOARD RECOMMENDATIONS AND/OR APPROVAL:

Moved by Parker, seconded by Cross to approve ZBA #01-48.
Motion carried, 6-0.

Note: Mrs. Weatherford came late to the meeting and sat with the Board for the remainder of the meeting.

3. ZBA #01-49
- BY: Allen Pennington
4278 Springfield
Burton, MI
- RE: Lot 91 Suburban Homesites
- FOR: To exceed the allowable square footage for
accessory structures by 374 sq. ft. with a
30 ft. x 40 ft. pole barn. (4 Votes Required)

Allen Pennington, 4278 Springfield, Burton, MI, said he is requesting a variance to build a pole building in his back yard to store a 22 ft. boat and 30 ft. motor home. Mr. Pennington presented pictures to the Board. He stated he has his mower and lawn equipment in his kids play area because he does not have storage to put it in. He does have a garage but his cars are in it.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the applicant was before the Board in 1999, previous to the City allowing larger square footage accessory structures on the property. At that time, he was looking at exceeding the ordinance by 600 sq. ft. Mr. Strasser stated further that the request is more than what the ordinance allows, but it is up to the Board.

BOARD DISCUSSION:

Mr. Parker said the applicant was before this Board on May 20, 1999, asking for a 30 ft. x 30 ft. building which was denied because it exceeded the ordinance. Mr. Parker addressed the new zoning ordinance law the City enacted on August 23, 2000. He feels this request still exceeds the ordinance and he will not support it.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Parker to approve ZBA #01-49.
Motion carried to deny, 7-0. Scott – no, Parker – no, Cross – no, Grantner – no, Welch – no, Weatherford – no,
Layman – no.

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4. ZBA #01-50
- BY: Dee Sturk / A.J. Johnson
3442 N. Linden Rd.
Flint, MI

RE: 2005 Ready, Lot 431, Greater Flint Sub
Section 31, R-1C Zoned.

FOR: To rebuild fire damaged home at 9 ft. from the
Forey St. R.O.W., 20 ft. required, 22 ft. from the
rear setback; 30 ft. required. (4 Votes Required)

Tim Sturk, 6212 W. Dodge Rd., Clio, MI, said he is speaking on behalf of his mother, Dee Sturk. Her home burned in a fire and we are requesting to allow her to put the house back to the original spot it was at. The paperwork indicates 9 ft. from the road which is incorrect, it is actually 17 ft. from the road. He has blueprints if anyone from the Board would like to see them. Mr. Sturk said his mother has been there since 1969 and wants to stay in Burton.

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

Mr. Strasser said they had a similar request two cases ago regarding the side setback. In this case it is still a front yard because it faces the street. The edge of the house would be 17 ft. from the street, but the Board deals with property lines and not actual pavement. In this case it would be a 9 ft. front setback from Furey St. and by the ordinance, 20 ft. would be required. The front of their home faces Ready, so their back yard is deficient by 8 ft. That was the original footprint of the house, but once the footings have been removed, we have to start over again. Mr. Strasser said they do not have a problem with the request.

BOARD DISCUSSION:

Mr. Cross said he has been out to the house before it burned, and he does not have a problem with the request.

Mrs. Weatherford inquired as to the lot size.

Mr. Sturk indicated it is a corner lot, 55 x 100.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Cross, seconded by Weatherford to approve ZBA #01-50.
Motion carried, 7-0.

BOARD DISCUSSION / ZBA BY-LAWS:

Mr. Parker briefly spoke regarding the changes the Board wanted made. He hand carried them to Mr. Hamilton's office last week and have not heard back from him.

Mr. Cross said he forwarded a copy to all of City Council, and before the meeting started, Attorney Hamilton and I met. He has a problem calling them by-laws because of the State Zoning Enabling Act, you cannot call them by-laws. It would have to be Board guidelines or something else. Mr. Hamilton will look into the wording further, and he asks that we hold off until he finishes reviewing them.

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Mr. Parker said he went to an MML zoning seminar put on by Steve Langworthy of Langworthy & Associates. He spoke of by-laws, by that name, for Zoning Board of Appeals and for Planning Commissions, and that is the word he used. He questions why Mr. Langworthy would say this is in use by other municipalities in our State, and Mr. Hamilton says it cannot be called that.

Mr. Cross re-iterated Mr. Hamilton wants time to look it over. He did express to him that the Board has been waiting some time now for his review.

There was brief discussion regarding the cancellation of November 15th Reg. ZBA meeting and a different date scheduled for December's meeting.

Mrs. Layman adjourned the meeting at 6:30 p.m.

jra

**** Please note:** The **November 15th Regular ZBA meeting at 6:00 p.m. is cancelled.** The next Regular ZBA meeting will be held on **December 6, 2001, at 6:00 p.m.**