

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 19, 2006, 6:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Chairperson Steve Welch called the meeting to order at 6:05 P.M.

MEMBERS PRESENT: Hynes, Tracy Parker, Welch, Weatherford, Scott, Terry Parker, Grantner.

MEMBERS ABSENT: Bement

OTHERS PRESENT: T. Strasser, DPW Representative and M. Snow, Clerk's Office.

Moved by Mr. Parker, seconded by Mrs. Parker to approve the Regular ZBA Meeting minutes of September 21, 2006 at 6:00 p.m. Motion carried 7-0.

NEW APPLICATIONS:

- | | |
|---------------|---|
| 1. ZBA #06-33 | BY: New Testament Church
3484 S. Belsay Rd.
Burton, MI 48519 |
| | RE: 3484 S. Belsay Rd.
Parcel #59-26-400-018 |
| | FOR: To delete the requirement for sidewalks
under the provisions of Ordinance 19,
Section 5.37, Item 8. (5 votes required) |

Attorney Mike Parillo, 10683 S. Saginaw, Grand Blanc, MI, explained the church would like to erect a pavilion which is quite expensive, and due to the distance and location from the road, a sidewalk may not be beneficial in that area. He said the church is growing and contributes much to the City. He asked the Board to waive the sidewalk requirement.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, Burton, MI, voiced her disagreement with Mr. Parillo's presentation and suggested a provision be made for Bristol Rd. to insert sidewalks at a later date.

Alan Sikes, 4453 Sunnymead, Burton, MI, indicated the lack of sidewalks on Belsay Rd. and said there would be an extraordinary cost for the church if ordered to comply.

Mr. Strasser said Ordinance 5.37 states the requirement of sidewalks and stands by the Ordinance. He explained the church owns the property almost to Sitka, which is two parcels and the sidewalk would be required up to the fire hydrant and the building, on the southern parcel. He said the corner is residential, not commercial and is unlikely to be developed.

BOARD DISCUSSION:

REGULAR ZONING BOARD OF APPEALS MINUTES

OCTOBER 19, 2006 / 6:00 P.M.

PAGE 2

Mr. Welch said the Bristol Rd. area is residential, so probably no more sidewalks would be inserted.

Discussion ensued regarding the two parcels along Bristol Rd., only the southern parcel being paved and the corner lot being rezoned as commercial.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Mr. Parker, seconded by Mrs. Parker to approve ZBA #06-33. Motion failed 6-1. Weatherford-no, Scott-no, Mr. Parker-no, Hynes-no, Grantner-no, Mrs. Parker-no,

2. ZBA #06-37

BY: Robert and Krista Garceau
6099 South Edgeway
Grand Blanc, MI 48439

RE: 6099 Edgeway
59-36-557-024, R-1B zoned.

FOR: 5' setback on east side lot line and 26'
setback on rear lot line to construct a
12'x 16' open deck (6' privacy fence along
parameter of rear yard) (4 votes required)

Robert Garceau, 6099 S. Edgeway, Grand Blanc, MI, said he has a covered deck and would like to add an open deck to it and a 6 ft. fence surrounds the perimeter of the yard for privacy.

AUDIENCE PARTICIPATION: None.

Mr. Strasser reminded the Board of similar requests and said DPW does not oppose the variance. He told Mr. Grantner deck requirements need to be addressed in the future, due to the volume of requests.

BOARD DISCUSSION:

Mr. Parker asked if a concrete patio would be applicable in this situation.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #06-37. Motion carried 7-0.

3. ZBA #06-38

BY: David Hitchcock
608 Chasseur Dr.
Grand Blanc, MI 48439

RE: 1282, 1286 N. Belsay Rd.
59-12-100-006 and 59-12-100-007
M-1 zoned.

FOR: 1. To construct a building at 5' from the
south property line, 20' required.
2. To construct at 15' from the north
property line, 20' required.
(4 votes required)

David Hitchcock, 608 Chasseur Dr., explained he bought two combined lots on Belsay Rd. and the property is narrow for parking. He would like to place the building he is erecting on one side of the property to make room for parking.

AUDIENCE PARTICIPATION:

Robert Harper, 1268 N. Belsay, Burton, MI, requested a 10 ft. setback from the property line and a liner in the retention pond to eliminate seepage into his basement.

Pauline Dargel, 6119 Hugh, Burton, MI, asked if the home in question was for rent.

Mr. Strasser recommended approval and said retention pond issues are a decision for the Planning Commission.

BOARD DISCUSSION:

Mr. Parker welcomed the new business to the City.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Grantner to approve ZBA #06-38. Motion carried 7-0.

4. ZBA #06-39

BY: Matthew Dickson
7382 Mohansic Dr
Bloomfield Hills, MI 48301

RE: 1441 Maple Rd.

59-31-400-096, R-1C zoned.

- FOR: 1. To use a house (to be built less than 1400 sq ft) as an office for a low volume private practice of psychology.
2. To reduce the number of required parking spaces to 6 from 10.
3. To place a sign on or in front of the house with the name of the practice.
(5 votes required)

Matthew Dickson, 7382 Mohansic, Bloomfield Hills, MI, said he would like to erect a ranch style house to suit his psychology practice. He usually sees only one patient per hour and insisted that not many parking spaces are needed for the business.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, reiterated the location and noted there are no signs in the area.

Earl Gilpin, 1419 E. Maple, who lives west of the site, asked for a hill or pine trees to be included on the property for privacy to his home.

Mr. Strasser said the location is on a five-lane highway and he would prefer its appearance to look like a residential house so it may be sold as a home if needed in the future.

BOARD DISCUSSION:

The Board discussed parking being in the rear versus the front of the business and if the variance is approved, whether the use continues with the next owner or not.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Mrs. Parker to approve ZBA #06-39. Motion carried 7-0.

5. ZBA #06-40

BY: Cernet Co., LLC.
8033 Fenton Rd.
Grand Blanc, MI 48439

RE: 2385 Red Arrow
59-29-400-022, M-2 zoned.

REGULAR ZONING BOARD OF APPEALS MINUTES

OCTOBER 19, 2006 / 6:00 P.M.

PAGE 5

- FOR: 1. Outdoor storage of construction materials and equipment and processed materials in M-1 zoning. (5 votes required)
2. Decrease of required setback for outdoor storage from residential zoning from 200 ft. to 50 ft. (4 votes required)

Leanne Panduren, 6211 Taylor, Flint, MI, a representative for John Zito, explained what the company would like to accomplish at the location. She mentioned that at this time there is no height limit to the piles of concrete and debris at the business, but Mr. Zito is willing to deplete the mounds into 25 ft. piles. She requested the outdoor storage space requirement be decreased so the company can store their equipment more efficiently. Mrs. Panduren assured the Board there would be no congestion on Dort Hwy and offered diagrams of the proposal.

AUDIENCE PARTICIPATION:

The following spoke regarding dust, truck traffic, large hills, noise pollution, whether water is required to be sprayed for dust control, notification requirements and the effects these issues have on the residents in the area. Also, mentioned were the benefits of the business to the City and a signed petition in opposition of the variance.

Deborah Egan, 3328 Ogema

Michele Mullin, 2228 Red Arrow

Kevin Pilon, 2254 Red Arrow

Jennifer Morquecho, 2246 Red Arrow

Jeffrey Madden, 2220 Red Arrow

Ellen Carpenter, 2224 Red Arrow

Mrs. Panduren stated the designated storage area is more than 200 ft. away from homes and the mounds are approximately 50 ft. at this time. She acknowledged Mr. Zito's efforts to comply with a rule that is not even in effect yet.

Mr. Strasser gave a background of the situation and said there is no height restraint at this time and no other complaints have been received besides the mounds height. He said the owner is volunteering to deplete the mounds and DPW agrees with the requests received. Mr. Strasser asked for a short recess to speak with Mr. Zito and Mrs. Panduren.

The meeting recessed at 7:25 P.M.

The meeting resumed at 7:29 P.M.

Mrs. Panduren asked the Board to postpone the case to speak with the residents regarding concerns and answer their questions.

BOARD DISCUSSION:

REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 19, 2006 / 6:00 P.M.
PAGE 6

Mr. Parker questioned where the debris and storage piles would be moved and pointed out the voluntary actions of Mr. Zito but also sympathizes with residents.

Mr. Hynes thought when there are multiple piles there will be more equipment working also, which creates more noise, dust, etc.

Mr. Grantner asked if the "mountain" will be made smaller and Mrs. Panduren said the goal is to deplete all the mounds and that is why the company is requesting more space.

Mr. Strasser volunteered to resend notices before for the upcoming meeting.

BOARD RECOMMENDATIONS AND/OR ACTION:

Mr. Welch declared the meeting postponed until further notice.

Mr. Grantner asked where the people would meet.

The Senior Citizens Center, Police Administration building and Farnumwood Church were mentioned for the meeting.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mr. Welch announced the resignation of Mr. Bement.

Mr. Grantner asked if anyone would be absent for the November meeting to call the Clerk's Office.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, November 16, 2006 at 6:00 p.m.**

Meeting adjourned at 7:55 P.M.
mrs