

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
NOVEMBER 18, 1999, 6:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Berry, Scott, Parker, Centilli, B. Weatherford, Layman, Kalanquin

MEMBERS ABSENT: None

OTHERS PRESENT: N. Martz, Building Inspector, J. Adams, Clerk's Office.

Moved by Berry, seconded by Layman to approve the Regular Zoning Board of Appeals Meeting on Thursday, October 21, 1999, at 6:00 p.m.
Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION: No Board discussion at this time.

NEW APPLICATION:

- | | |
|---------------|---|
| 1. ZBA #99-66 | BY: David Hoag
6198 Kendall
Burton, MI |
| | RE: 4439 Colby Ct., Lot 95, Pine Creek
R-1B, Section 22 |
| | FOR: To construct a home in the rear setback; 20 ft.
requested, 30 ft. required. (4 Votes) |

David Hoag, 6198 Kendall, Burton, MI, stated there is a 30 ft. setback he is not suppose to build into, and he would like it set back to 20 ft. if he can on Colby Ct.

AUDIENCE PARTICIPATION:

Leona Stephens, 3049 Vineland, Burton, MI, inquired as to the hardship.

Mr. Hoag indicated in order to make the garage useable for two cars the house has to be turned, otherwise the garage would be totally unusable due to the irregular shape of the lot. He can barely get one car in his garage now.

Mr. Martz said the applicant is attempting to build in the rear setback area in an R-1B district. The setback is 30 ft. required. The DPW has no position for or against this particular case.

BOARD DISCUSSION:

Mr. Centilli commented on the irregularity of the lot and stated the applicant is on a cul-de-sac and he is trying to face the house in the circle on Colby Ct. Mr. Centilli said he has no objection to the applicant's request.

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Mr. Parker asked what property is behind the back lot line because this is a new subdivision.

Mr. Hoag said it is an undeveloped lot and there is another street that runs behind it.

Alfred Kloss, 615 West Broad, Linden, MI, stated he is the developer of Pine Creek Subdivision.

Brief discussion followed regarding the map showing the location of the streets and Colby Ct.

Mr. Kloss said there is a house next door to this lot and a house built in the back of the lot. This lot is backing up to a drain or creek, and there is a 40 ft. easement on either side, so there is a big buffer of where this house would be and the house that is in the first phase of Pine Creek.

Mr. Parker inquired as to how far the property line is from where the house sits on this property.

Mr. Kloss indicated 150 ft.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Layman to approve ZBA #99-66.

Motion carried, 7-0.

2. ZBA #99-67

BY: Don Elford
2223 Ridgemoor
Burton, MI

RE: Lot 13, Ridgemoor Condominiums
Sect. 1, R-M Zoned

FOR: To construct an addition to the garage at 7 ft.
from the south property line; 10 ft. required.
(4 Votes)

Don Elford, 2223 Ridgemoor, Burton, MI, said he would like to build a third bay on his garage. He and his wife have two cars, but he has a third car because of his occupation he has to take home, which has a lot of valuable equipment. Mr. Elford presented a drawing to the Board of his home and the proposed addition.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Martz stated that from a building code standpoint it would comply with all the requirements of the building code. However, he is still within the side yard setback area of the zoning district.

BOARD DISCUSSION:

Mr. Kalanquin inquired regarding a firewall.

Mr. Elford stated it would be included.

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Mr. Centilli inquired as to how close he is to the lot south of his property.

Mr. Elford said their property is a pie shaped lot and the home is 11 ft. from his lot line. He spoke to his neighbors before he proposed this.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Parker to approve ZBA #99-67.
Motion carried, 7-0.

3. ZBA #99-69

BY: Samy Meshraky
 4081 S. Belsay Rd.
 Burton, MI

RE: Parcel #59-36-100-037, R-1B Zoned

FOR: To exceed the allowable square footage for
 accessory structures by 75 sq. ft., 2000 sq. ft.
 allowed; 2,075 sq. ft. required. (4 Votes)

Samy Meshraky, 4081 S. Belsay Rd., Burton, MI, indicated in September he requested a variance for a 40 x 64 structure and was turned down. He spoke at length of a misunderstanding with the DPW regarding his old permit he obtained and the stop work order he received.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Martz said there was some lack of communication between two parts of the building department. There are two sheds currently on the property and if in fact this variance is granted by the Board, it is the position of the DPW that they be removed. Otherwise, he will exceed the 2,000 sq. ft. limitation of accessory structures on that parcel by additional square footage beyond the notifications.

BOARD DISCUSSION:

Mr. Centilli inquired regarding the size of the two sheds.

Mr. Meshraky said it is 10 x 12 and he has a permit for one of them.

Brief discussion followed regarding the removal of the two sheds and stipulations.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by B. Weatherford to approve ZBA #99-69 with the stipulation that the two sheds be removed before final inspection.

Motion carried, 6-1. Layman – no.

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4. ZBA #99-70

BY: Ted Hu
8285 S. Saginaw St.
Grand Blanc, MI 48439

RE: 3115 Joyce St.
Lot 44, Hemphill Dort Commercial Sites #2
M-2 Zoned

FOR: 1) To construct a building in the west side yard
setback at 19 ft.; 30 ft. required.
2) To allow parking in the front setback of
Joyce St., 30 ft. requested; 50 ft. required.
(4 Votes)

Ted Hu, 8285 S. Saginaw St., Grand Blanc, MI, said he is the architect for Local 25 Iron Workers. They are proposing a 3,000 sq. ft. building. Mr. Hu presented and reviewed a drawing of the proposed structure and site and spoke regarding parking spaces.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Martz said he believes this proposal came before the Planning Commission about three months ago. At the time it went to the Planning Commission, it was reviewed from a building code standpoint as a business use group which is for offices, etc. Mr. Martz spoke regarding available parking for the site and stated the original site plan was not done very well from a safety standpoint or utilization of the building. Therefore, they asked the Iron Workers and architect to re-design the site and this is the proposal that has come back.

BOARD DISCUSSION:

Mr. Parker asked if this would have to go back to the Planning Commission.

Mr. Martz said they may attempt to do an administrative review or send it back to the Planning Commission for reconsideration. The standards that were imposed by the Planning Commission on the initial site plan are still on the proposal this evening. The only difference is the parallel parking that was provided against the railroad track on the east side of the building had been re-orientated to a 90 degree position and several other parking spaces was added to the site. Also, there was a sidewalk added along the east side of the building to provide some safety for people coming out of the meeting hall.

Mr. Parker inquired as to the long-reaching ramifications of a 19 ft. setback on the west side of the building.

Mr. Martz stated that even if the building is classified as an assembly use, there is no firewall requirements until such a time as the building gets within 15 ft. of that property line.

Mr. Parker said they have approved variances to side yard setbacks in a commercial area before, but he thinks they should look down the road to see what could happen if they try to utilize the property next door. He inquired as to what problems they could foresee.

Mr. Martz stated each case that is reviewed stands on its own merits.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Layman to approve ZBA #99-70.
Motion carried, 7-0.

5. ZBA #99-71

BY: Kevin Mannor
3230 Hillwood
Davison, MI 48423

RE: 2279 Ridgemoor Ct.
Lot 28 Ridgemoor

FOR: To exceed the allowable square footage for accessory
structures by 364 sq. ft. with a 24 ft. x 26 ft.
detached garage. (4 Votes)

Kevin Mannor, 3230 Hillwood, Davison, MI, said he wants to build a house with an attached garage and also, an unattached garage. He presented a drawing to the Board to review and stated he has a van with a side lift for his daughter who is in a wheel chair. In order to build the garage that is attached to the house big enough to get two cars in there, it has to be at least a three car garage.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, said she is neither for or against the case. She thought this particular area is referred to as site condominium and single family residents type of condo. She inquired as to an Association approval.

Kim Mannor, 3230 Hillwood, Davison, MI, stated she is Kevin Mannor's wife. This will be the fourth detached garage to go up in that area. In the cul-de-sac they are building in, there are two already in place and this would not be new to the area.

Mr. Mannor said they spoke with Rose and Dick Hamilton about it and they indicated there would not be any problem.

Mr. Martz said the abutting properties have detached garages. He recommends that the applicant obtains approval from the Association prior to starting construction.

BOARD DISCUSSION:

Mr. Centilli indicated he is familiar with the area and almost every house has a large garage. They are bricked and very beautiful and he sees no problem with the request.

Mr. Parker said one of the concerns is if the oversized structures will be used as a business at some point in time down the road. He finds it hard to believe a structure that is moved into a Condo Association would be able to be used as a business.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #99-71.
Motion carried, 6-1. B. Weatherford – no.

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Mr. Kalanquin indicated he next regularly scheduled meeting of the Zoning Board of Appeals will be held on
Thursday, December 16, 1999 at 6:00 P.M.

MEETING ADJOURNED AT 6:53 P.M.

* Please note – the next alternate is Jeff Wright.

jra