

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
NOVEMBER 21, 2002, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: None

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

Moved by Parker, seconded by Weatherford to approve the Regular Zoning Board of Appeals Meeting held on September 19, 2002 at 6:00 p.m., and the Regular Zoning Board of Appeals Meeting held on October 17, 2002, at 6:00 p.m. Motion carried, 7-0.

AUDIENCE PARTICIPATION:

Robert Horton, 1263 S. Belsay Rd., Burton, MI, spoke concerning flooding and yard clean up work at Bethel Church of God located directly behind his house.

Pauline Dargel, 6119 Hugh St., Burton, MI, asked if the ZBA was advised of any legal action concerning Safety Kleen located at Maple and Dort Hwy.

Mr. Curtis said he has no knowledge of any legal action.

BOARD DISCUSSION:

Mr. Welch inquired as to the status of Council re-visiting the sign ordinance.

Mr. Strasser replied Attorney Richard Hamilton is presently drafting an ordinance for electronic message signs. The Planning Commission held a workshop today and came up with some ideas for revisions to the Zoning Ordinance concerning those particular signs. They are still working on it.

Mr. Curtis spoke regarding the recent MML zoning seminar that several of the members attended. He indicated there was very useful information and it brought them up to speed on various issues. There is an upcoming Advanced ZBA seminar presented by MML scheduled for December 11th. If any Board member would like to attend they can contact Julie Adams in the Clerk's Office.

Mrs. Scott expressed her appreciation of being able to attend the seminar and stated it was very helpful.

NEW APPLICATIONS:

Temporary Use:

1. ZBA #02-58

BY: Brian D. Tuck
6049 Eldon Rd. / PO Box 696
Mt. Morris, MI

RE: 3308 E. Atherton Rd.
Lots 1 & 2 Blk B Southgate Sub.
Sect. 28, C-1 Zoned

FOR: To conduct a C-3 use "outdoor sales for
Christmas trees" in a C-1 zoned area.
(5 Votes Required)

Mr. Curtis stated the applicant decided to pull his variance request.

2. ZBA #02-54

BY: Robert A. Spring
8083 Morrish Rd.
Swartz Creek, MI 48473

RE: 1462 Buder St., Lot 17 of Webber Place
Sect. 31, R-1C Zoned

FOR: To extend into the front set back area with a
porch overhang, 20 ft. required; 16 ft. requested.
(4 Votes Required)

Robert Spring, 8083 Morrish Rd., Swartz Creek, MI, said he is doing improvements to the house at 1462 Buder. The porch has deteriorated leaving the water to run off the roof and onto the porch. He would like to screen in the porch, the roof would extend out and it would have eaves. Mr. Spring stated further that this will tie into the design of the home.

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

Mr. Strasser stated if he did not have the overhang over the top of the porch, he would not be required to have a variance. Because there is a roof over the porch it is considered to be part of the structure which is required to be a setback area. The small amount of overhang that would project into the front setback area, we don't feel would be a detriment.

BOARD DISCUSSION: No Board discussion was held.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Weatherford to approve ZBA #02-54.
Motion carried, 7-0.

3. ZBA #02-55

BY: Michael Herriman
4364 Lapeer
Burton, MI

RE: Lots 27 and 28, Suburban Homesites
Sect. 15, R-1A Zoned.

FOR: To exceed the height requirements by 2 ft.,
16 ft. requested; 14 ft. required for an
accessory building. (4 Votes Required)

Michael Herriman, 4364 Lapeer Rd., Burton, MI, indicated he would like a two car garage. The old brick wall on the garage had deteriorated and it has become a dangerous situation. The 8 ft. clearance for the garage door requires a 10 ft. wall so I can park a conversion van inside it. The 10 12 pitch will match the design of the house.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser stated height variances are becoming more and more common before the ZBA. Part of the reason being that on accessory structures, you are getting away from a flatter roof and going with a higher pitch. It gives additional storage room and the added pitch blends more with the home. The applicant is not asking for more square footage, he is asking to put a higher pitch on the roof. Mr. Strasser said DPW does not have a problem with the request.

BOARD DISCUSSION:

Mr. Curtis said it is a unique situation because it is to flow with the aesthetics of the existing home. If it was tied into a breezeway, it would be part of that.

Mr. Parker said we would be doing a disservice to the applicant if we said he could not have 2 ft. and it changes the pitch of the roof because of the way the house is designed. I think we want to have someone put an addition on their house that matches what is there. As far as the height requirement, I would be hesitant to pull that out of the ordinance. Although we are seeing more of these because of accessory structures, I would still like to see it in there to have a handle on it and they would still have to come before ZBA.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Parker to approve ZBA #02-55.
Motion carried, 7-0.

4. ZBA #02-56

BY: Jon & Toni Stoyak
4302 Pratt Ave.
Grand Blanc, MI 48439

RE: Split of S. 231 ft. of Lot 14, Wagner Acres
Sect. 36, SE Zoned.

FOR: To split a property and create two non-conforming
lots of 110 ft. and 121 ft. respectively; 150 ft. lot
widths required by ordinance. (4 Votes Required)

Jon Stoyak, 4302 Pratt Ave., Grand Blanc, MI, said they are requesting a variance to split a property. They are doing this for neighbors that had a tragedy. The husband and wife went on a motorcycle trip and got in an accident. The husband was killed and the wife lost her leg. They live just down the street from us. The son and daughter moved back home to help their mother and they have been trying to buy property around here to be by her. There are only two places in that whole area that can get a variance to do this and I told them I would try and do it.

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

Mr. Strasser stated in the subdivision there are several lots similar to this, they are non-conforming, they are smaller than 150 ft. frontage which is required by the SE zoning. There is sanitary sewer and part of the SE zoning requirements of 150 ft. wide lot was because the origination of that did not include sanitary sewer and they had to have septic tanks. Seeing that these things are in place and there are similar lots identical to this, we do not have a problem with the request. Mr. Strasser stated further, if it goes through this Board, it will have to go before the Planning Commission for a lot split. For the vacant lot that is split, they will have to pay all of the costs for sanitary sewer, hook up and all other costs incurred.

BOARD DISCUSSION:

Mr. Parker said it is his understanding that SE will no longer exist.

Mr. Granter said we have two zoning classifications that are not used for developmental purposes. The SE is to describe a condition that exists, the other is R-1C. Neither of these classifications is used for developmental new projects. We are going to look at all of our zoning classifications, that is one of the things that came out of the Master Plan and we are finally getting around to fine tuning it.

Brief discussion followed concerning the SE classification, lot size and sanitary sewers.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #02-56 with the stipulation it meets DPW recommendations.
Motion carried, 7-0.

5. ZBA #02-57

BY: Wojciech R. Kowal
2209 Whittemore
Burton, MI

RE: 2209 Whittemore Ave.
Lot 512, Bendlecrest, Sect. 32
R-1C Zoned.

FOR: To extend into the front set back area with a porch
overhang, 13 ft. requested; 20 ft. required.
(4 Votes Required)

Wojciech R. Kowal, 2209 Whittemore, Burton, MI, spoke regarding his variance request.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said his comments are the same as the similar earlier request. DPW does not have a problem with the variance request.

BOARD DISCUSSION:

Mr. Parker asked if he would need a variance if the porch was just being replaced in the same area.

Mr. Strasser said if it was the exact duplicate then it would not need a variance.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #02-57.
Motion carried, 7-0.

6. ZBA #02-59

BY: Ted & Linda Hammon
3240 Eastgate
Burton, MI

RE: Lots 88 and 89, Supervisors Plat, Sect. 21
R-O Zoned.

FOR: 1) To place a home in the R-O restricted office area,
2) To allow side setbacks of 10 ft., 20 ft. required by
R-O zoning.
(5 Votes Required)

Linda Hammon, 3240 Eastgate, Burton, MI, stated they would like to build a single family home on a street that is all single family residents.

AUDIENCE PARTICIPATION:

Jerry Miller, 2340 Primrose Ct., Burton, MI, said he lives adjacent to the property. He inquired regarding the placement of the home, size, and if it will be a modular home.

Alice Gethicker, 3485 Loder Ct., Burton, MI, stated this is a dead end street and there is a lot of traffic that goes through there. She asked if the area is commercial.

Mr. Curtis replied it is restricted office.

Mrs. Dargel inquired as to the location of the property.

Mr. Curtis said it is on Center Rd., just north of Atherton Rd. on the west side. Mr. Parker indicated Smith Financial Services is located on that road.

Mrs. Dargel stated that on October 21st, Council had two zoning cases. One was an R-M, requesting a change to single family residential. They came before the Planning Commission and went through the steps of a zoning change. She was surprised to see this variance request brought through in this manner rather than the zoning change most people would ask for.

Mr. Strasser addressed Mr. Miller's questions. He said as far as the placement of a home on that property, you would have to look at the second request. The home would have to be at least 10 ft. from each side of the property. You are looking at a home somewhat centered on the property. The size of it would have to be a minimum of 1,000 sq. ft. living space. The home can be a stick built or modular, we cannot differentiate between the two.

Mr. Curtis commented regarding modular BOCA code requirements.

Mr. Strasser spoke concerning the single family residential area. He said it is not likely someone will build an office at the end of Loder Ct. Probably the best use for that property is a single family home. We do not see any problem with the request.

Mr. Parker stated that after being on this Board for several years, there has been a lot of commercial activity and there is a lot of single family homes in a commercial area. He would rather see something go into an empty piece of property that brings revenue to the City.

Mr. Curtis said what he learned in their recent ZBA seminar is exactly what is before them tonight. There are predominantly single family homes there, and there is R-O zoning. It allows you to make a complete transition one way or the other and make it all uniform. By approving this and putting a single family home there would be the best use for this property.

Mr. Centilli asked if the lots are 500 ft. to 600 ft. back from the road.

Mr. Strasser replied yes.

Mr. Centilli asked Mrs. Hammon what type of home will be built on it.

Mrs. Hammon indicated she did not know what type of home but it will have all the City regulations.

Mr. Centilli said it is kind of a blighted area and he commends them for wanting to build a home there. He sees no problem with the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Weatherford to approve ZBA #02-59.
Motion carried, 7-0.

BOARD DISCUSSION:

Mr. Parker said the first application was pulled, but he drove by that property and they are set up to sell Christmas trees.

Other Zoning Board members acknowledged they also seen the property and there are stands and lights set up to sell Christmas trees.

Mr. Strasser said there is a stop work order. He has an architect now and he has a lot of work to do to the building. He has a field correction notice to the building and the site. Mr. Strasser asked if the trees were there.

Mr. Parker said the trees were not but everything else is in place.

Mr. Welch stated that as little as two hours ago it was all set up when he drove by.

The Board discussed changing the next regular ZBA meeting on December 19th to Thursday, December 5th due to the upcoming Christmas holiday.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to schedule the next Regular Zoning Board of Appeals Meeting for Thursday, December 5, 2002 at 6:00 p.m. Motion carried, 7-0.

Meeting adjourned at 6:55 p.m.

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Please Note: The Zoning Board meeting re-scheduled for December 5, 2002 at 6:00 p.m. has been cancelled. The next meeting will be held on **Thursday, January 16, 2003 at 6:00 p.m.**