

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JULY 21, 1994 AT 7:00 P.M.

The Meeting was called to order by Doug Gooding, Chairman, at 7:07 P.M.

MEMBERS PRESENT: Berry, DePottey, Edmonds, Gooding, Hammon and Welliver.

MEMBERS ABSENT: Hohloch.

OTHERS PRESENT: R. Stewart, DPW and C. Ladd, Deputy City Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

Moved by Welliver, supported by Edmonds to approve the minutes of the Regular ZBA Meeting of June 16, 1994, at 7:00 P.M., as printed. Motion carried 6-0.

B. YEARLY RENEWALS:

1. ZBA #93-65

By: Tony Truett
3206 S. Center Rd.
Burton, MI 48519

Re: Lot 4 Center Road Acres,
Section 28 C-2 Zoned

For: To operate an M-2 Use in a C-2
Zoned Area for 2 Dump Trucks,
Backhoe and Trailer, Asphalt
Roller, Paver, Spreader Box.
(5 Votes Required)

Mr. Truett was present and said he has tried to keep everything neat and quiet. He said he sits 600 to 700 feet off the road and cannot be seen from the road. He is not aware of any complaints from his neighbors. If his request is not renewed, it would be a financial hardship because of the money invested in the property and he would have to find storage for the equipment elsewhere.

There was no one in the audience who wished to speak.

Mr. Stewart said the DPW would like strict guidelines as to where the equipment is stored. All items have to be inside the building. DPW has had no complaints.

Mr. Berry asked about the fill dirt being hauled in. Mr. Truett said he sometimes brings in sand for jobs he may be doing on the weekends.

Mr. Welliver asked if he left the trucks on the work sites? He was advised yes, as there is a great deal of out of town work.

Mr. Edmonds said a variance was not given for all the listed equipment, only for two dump trucks. He said with the additional area given to the applicant to build, there should be room for all of the equipment to be stored inside and he doesn't think any more expansion needs to be given.

Mr. DePottey said this is not visible from the road and he suggests possibly a privacy fence be constructed. He said he has no problem with the request.

Mr. Welliver asked if he had removed the two structures on the property. Mr. Truett replied he removed one but his boat and an antique car is stored in the other. The structure remaining is in good condition.

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. Hammon asked if the additional equipment had been added since his last approval. Mr. Truett said yes, but he would be willing to put up a fence or plant trees.

Mr. Stewart said he would look at the existing building and determine if it is structurally sound. If it is, Mr. Truett would have to come back and ask for an additional building.

Moved by Hammon, supported by Welliver to approve ZBA #93-65 as written with one structure for a yearly renewal. Motion carried 5-1 with Mr. Edmonds voting no.

2. ZBA #94-44

By: Doug Roberts
6205 Maple Road
Burton, Mi 48519

Re: 6205 Maple Avenue
Q-463-C Section 36

For: To renew existing variances:
(1) To exceed the height limit
for a page wire fence by 5',
10' high requested. (2) To
keep whitetail deer in an SE
zoned area.
(4 Votes Required)

3. ZBA #94-45

By: Doug Roberts
6205 Maple Road
Burton, MI 48519

RE: Q-463A & Q-463B
Section 36 SE Zoned

For: (1) To exceed the height limits
on page wire fence by 5', 10'
high requested. (2) To keep
whitetail deer in an SE Zoned Area.
(4 Votes Required)

Mr. Roberts said three (3) years ago he was approved for a variance for a fence and whitetail deer. He was to come before the ZBA when his DNR Permit was renewed and this has been done, so he is again requesting approval for a three (3) year renewal. His neighbors have no problem with the request. The hardship, if denied, would be the investment he has in the property and it would be a long and difficult task to take the deer out. Mr. Roberts explained that the neighbors asked him if he would be interested in leasing additional property for the deer to run and he agreed to lease the property.

Mr. Gooding asked how many deer he had. Mr. Roberts said approximately 50 to 60 deer.

There was no one in the audience who wished to speak.

Mr. Stewart said DPW recommends approval. No complaints have been received.

Moved by DePottey, supported by Edmonds to approve ZBA #94-44 and #94-45 as written for a period of three (3) years in conjunction with the DNR Permit. Motion carried 5-1 with Mr. Gooding voting no.

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NEW APPLICATIONS:

1. ZBA #94-41

By: Roberta Ewald
3103 Vineland Avenue
Burton, MI 48509

Re: 3113 Vineland Lot 10
Thomas Replat of Lot 7
Burton Homesites.

For: ZBA To review front yard
fence at 3113 Vineland.
(5 Votes Required)

Mr. Stewart said the applicant is cancelling her request regarding the front yard fence.

Donald Raney, 3113 Vineland, asked what the procedure would be for him to get his fence permit. Mr. Stewart replied he would have to go to the Building Department for the permit.

2. ZBA #94-42

By: Phil Davidson
1255 Carman
Burton, MI 48529

Re: Lot 824 of Baker Park
Section 30 R-1C Zoned

For: (1) To exceed the allowable
square footage for Accessory
structures by 384 sq. ft.
(2) To encroach into the rear
setback, 30' required, 5'
requested.
(4 Votes required)

Mr. Davidson, 1255 Carman St., said he owns three (3) lots and would like to add a garage onto the back of the existing garage and he is also requesting to encroach on the rear property line by five (5) feet. This will be on Lot 824. He said he has classic cars which are not driven often and needs to keep them in storage. The cars he drives daily would be parked in the driveway. The addition would not be visible from the street. He said he has woodworking tools and other equipment he would store in the addition in the winter time. He said the hardship would be that the cars have to sit out in the weather he has an investment in the classic cars. He said he also doesn't want to have to park them in the driveway with the cars he drives daily.

There was no one in the audience who wished to speak.

Mr. Stewart said the DPW recommends denial. The expansion of the garage would make it tight if there was a fire. After seeing the site, it looks like he is operating a bump and paint shop and if he is, this could create a problem for the Code Enforcement Officer. DPW has received no complaints.

Mr. Berry said when he was at the site, he saw six (6) cars in the driveway. He asked Mr. Davidson if they were all his. Mr. Davidson said two of them belonged to relatives.

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Mr. Davidson said he would like to put the wood shed on Lot 822 and will destroy the metal shed, as it isn't in good condition.

Mr. DePottey asked Mr. Davidson if he worked on other people's cars. Mr. Davidson said only his family members. Mr. DePottey said he doesn't have a problem as long as he isn't painting other people's cars.

Mr. Welliver said he has a unique situation with three (3) parcel of property and he wasn't certain as to how he would be voting.

Mr. Hammon asked him if this is denied, would you move the building to the next lot? Mr. Davidson said probably, but the neighbors don't want him to block their view if he doesn't have to.

Mr. Edmonds asked if all three parcels are separate or are they combined. He was advised they were combined.

Mr. Gooding said he would be voting no, as he would be supporting the DPW recommendation and the applicant would be blocking the view of the neighbors.

Moved by DePottey, supported by Hammon to approve ZBA #94-42 with the stipulation to tear down both buildings. Roll Call Vote: DePottey, yes; Hammon, yes; Gooding, no; Berry, no; Welliver, no and Edmonds, no. Motion failed 2-4.

ZBA #94-43

By: Sharon A. Kiras
2068 Williamson
Burton, MI 48529

Re: Section 32 Durant Heights,
Lot 177 R-1C Zoned.

For: To construct a carport within
1' of property line 8' required
by ordinance three sides of
carport to remain open.
(4 Votes required)

William McGee, 2068 Williamson, said he was representing Mrs. Kiras, as she was at work. He explained that they have no trees in the yard and the sap from the neighbors trees falls on their cars. They would like to buy a new car, but unless they can get a variance approved for a carport, they won't buy the car. Mr. McGee said the hardship would be the sap ruining a new vehicle and having to drive the old one he presently has.

Mr. Gooding asked what would be done with the water off the carport. Mr. McGee said the eavestrough would be put to the back of the house.

There was no one in the audience who wished to speak.

Mr. Stewart said DPW has no problems with the request and has had no complaints.

Moved by Edmonds, supported by Welliver to approve ZBA #94-43. Motion carried 6-0.

C. NEW APPLICATIONS CONTINUED:

4. ZBA #94-46

By: R & R Development,
Randy Morris
1670 S. Hill
Milford, MI 48381

Re: Q-290A Section 27
RM Zoned, South side of
Atherton, across from
Meadowcroft Estates.

For: To construct units at 7.5'
from front setback, 25'
required.
(4 Votes Required)

Randy Morris, 1670 S. Hill Rd., Milford, MI, said this is the second time before the Board. He explained a revised plan was given to the DPW and the new plans shows there is 75 feet from building to building.

Audience Participation:

John Seeland, 4370 E. Atherton Rd., said he is concerned about the water in the retention ponds and isn't happy with this. He asked to see a copy of the revised drawing.

Mr. Morris explained that there would be detention ponds, not retention ponds. The detention ponds stay dry and only fill with the 100 year floods. This is the best use for the development. There will be a 60 foot right-of-way, owned by the City from the center of the Atherton Road back into the developed ditch. The main road into the development would be dedicated to the City.

Mr. Stewart said the difference being, that detention ponds would hold the water until the water could flow through the drains. The County has a stipulation as to how much water can be detained and it will be released slowly. It is called a Metered System.

Mr. Hammon asked when the project would be started.

Mr. Morris said they are ready to start construction if they get the ZBA approval tonight. They plan to have the project completed of the 82 units, if sales are good, in a two (2) or three (3) year period.

Mr. Gooding said he appreciated Mr. Morris working with the Board in making the changes in the project.

Moved by Welliver, supported by Berry to approve ZBA #94-46 as requested. Motion carried 6-0.

E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., asked if a business could build and use all of their lot. She was advised it depended on the type of business and the location.

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F. BOARD DISCUSSION:

Mr. Edmonds said he has some concerns about giving a variance for more than what the applicant requested.

Mr. Stewart asked for clarification of whether or not Mr. Truett could keep the existing building for one year, if it is structurally sound. What happens with the building at the end of the year.

Mr. DePottey said by it being a yearly renewal, the Board has some control over the situation.

Mr. Hammon said if a check is made and the building is sound, bring it back next year when the renewal comes up.

Mr. Gooding asked about the front yard fences coming before the ZBA. Mr. Stewart explained the front yard fence process to the board.

Discussion was held concerning violation of outside storage at 84 Lumber on Belsay Road.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, August 18, 1994, 7:00 P.M.

Meeting adjourned 8:40 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML