

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 15, 1994 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN D. GOODING.

MEMBERS PRESENT: D. Gooding, W. DePottey, H. Berry, and Scott Welliver.

MEMBERS ABSENT: I. Hohloch, T. Hammon and F. Edmonds.

OTHERS PRESENT: T. Strasser, Dep. Planning Official, J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of August 18, 1994, at 7:00 P.M.

Moved by Berry, supported by DePottey to approve the above minutes as printed. Motion carried 4-0.

Chairman Gooding advised the applicants in the audience that a full Board was not present this evening and would only be able to consider the requests that needed only 4 votes for approval. Those applicants with requests requiring 4 votes were given the option to have their case postponed until there were at least 5 members present. None of the applicants wished to postpone their requests.

Variance requests requiring 5 votes will have to be considered when at least five members are present.

Moved by Welliver, supported by Berry to post-pone ZBA #94-54, 55, 58 & 59 until the end of the meeting. Motion carried 4-0.

B. NEW APPLICATIONS:

1. ZBA #94-54
Post-poned

By: Tom Rosa
2235 Boatfield
Burton, MI 48529

Re: Q-352-C Section 32
R-1C Zoned.

For: To construct a 30' x 40' garage on
property not having a principal
structure.
(5 Votes required)

2. ZBA #94-55
Post-poned

By: Maxine Youmans
3497 Benmark Pl.
Flint, MI 48506

Re: 2499 E. Maple Rd., Q-350-A
Section 32, R-1C Zoned.

For: To re-instate the non-conforming
Multi-Family use of the property.

PAGE 2

(5 Votes required)

3. ZBA #94-56

By: Ted Taylor
4396 Columbine
Burton, MI 48529

Re: Lots 324, 325, 326 of Stratmoor
Sub. Section 32 R-1C Zoned.

For: To exceed the allowable square footage
for accessory structure by 1,028
sq.ft., with a pool enclosure,
28' x 46' building proposed.
(4 Votes required)

Mr. Taylor explained that he wished to build a pool enclosure so that he may use his pool all year around. It will be wood frame with vinyl siding and singled roof and large windows and doors. It will have 42" footings. His lot is 110' x 160'. If this is denied, he will not be able to use his pool as many months out of the year.

In the audience, Mr. R. Guiles, 4397 Columbine said he has no objections to this request, he feels this will raise property values in the area.

T. Strasser said this structure is different as it will not be used for storage, he has no objection to this request. He said there haven't been any calls in objection to this variance.

Moved by Welliver, supported by DePottey, to approve ZBA #94-56 as written.
Motion carried 4-0.

4. ZBA #94-57

By: Robert Spillane
5086 Raymond
Burton, MI 48509

Re: 5086 Raymond, Lot 97 Vodden Little
Farms #2 Section 14 R-1B Zoned.

For: (1) To exceed the allowable sq.
footage for accessory structures
by 892 sq. ft. with a 30' x 32'
Pole Barn. (2) To exceed the
height requirements by 6", 14'
required, 14'6" requested.
(4 Votes required)

Mr. Spillane explained that he needs the pole barn for personal storage of his motor home and lawn equipment. If this is denied, he will have to continue storing his possessions out in the weather.

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

PAGE 3

T. Strasser said there have been similar requests in the area, the lots are very deep and he can't see any problems with this request. H. Berry asked about the construction and S.Welliver asked about the driveway to the barn.

Moved by DePottey, supported by Berry to approve ZBA #94-57 as written. Motion carried 4-0.

5. ZBA #94-58
Permanent Request

Postponed
October 20, 1994

By: Melba Davidson
5359 Lippincott Blvd.
Burton, MI 48519

Re: Q-230-5 R-1A Zoned
Section 23

For: Permanent request to keep 4 horses,
SE, Permitted Use after Special
Approval in an R-1A Zoned Area.
Sect. 8.03 Item 3 Ord. 19.
(5 Votes required)

6. ZBA #94-59
Permanent Request

Postponed

By: JoAnn Humphries
2395 E. Judd Rd.
Burton, MI 48529

Re: Q-343-H1 Section 37
M-2 Zoned.

For: To keep livestock in an M-2 Zoned
Area. Asking for 2 horses, 3 goats,
3 turkey's, 4 ducks, 4 chickens and
1 goose.
(5 Votes required)

7. ZBA #94-60

By: John Brohn
1012 Glendale
Burton, MI 48509

Re: 1012 Glendale, Lots 81 & 82 of
Glendale Acres. Section 14
R-1A Zoned.

For: To construct a deck at 1' from the
south property line, 6' required.
(4 Votes required)

Mr. Brohn explained he has begun construction of this deck because when he first called the DPW to see what the requirements on this deck would be, he was told he could build within 1' of the property line. Later he was informed that he had to be at 6' from the property line. He would like permission to build 1' from his property line. It will be a hardship if this is denied as he will not be able to build his deck as large as he needs.

PAGE 4

In the audience Joel Halladay, 1044 Glendale spoke against approval. He would like to see 3' required instead of 1'.

T. Strasser explained the controversy surrounding this deck. Deck's are not considered an accessory structure. He said there is a grey area regarding decks. It is still his opinion that Mr. Brohn can build 1' from the property line. D. Gooding said it would be very helpful if a sketch had been provided. Mr. Brohn said he had one. Discussion followed. It is possible that in the future Mr. Brohn may wish to put a roof over the deck. T. Strasser said roofs are part of the principle structure and must adhere to these requirements of 10' side set backs. H. Berry asked if Mr. Brohn could go 3' from the line, he said he already has his posts cemented in. W. DePottey said he can see no problem with approval of this variance. He feels it is not exceedingly big and he thinks the request is fair. After the motion was made, D. Gooding said he will support the motion, but he does not necessarily agree. He feels the Board needs clarification on deck requirements.

7. ZBA #94-60 (contd.)

Moved by Welliver, supported by DePottey to approve ZBA #94-60 with the stipulation this is not to include a roof over the deck in the future. Motion carried 4-0.

8. ZBA #94-61

By: Debbie Jones
2307 Blackthorn Dr.
Burton, MI 48509

Re: Lot 149 of Calvert Park #3
Section 3 R-1A Zoned.

For: To exceed the allowable square
footage for accessory structures
by 76 sq.ft. 864 allowed, 940
sq. ft. requested.
(4 Votes Required)

Mr. Jones explained that he wished to build a 20' x 22' garage. When the cement was poured it was larger than the planned garage, now Mr. Jones would like permission to build the larger garage. If this is denied, the garage will barely be big enough.

No one in the audience wished to speak. T. Strasser said he feels this is a reasonable request. He has not had any calls on this request. H. Berry asked if this was for personal storage. Mr. Jones said yes. W. DePottey said he had no problem with this request.

Moved by Berry, supported by Welliver to approve ZBA #94-61 with the stipulation the garage be for personal storage only. Motion carried 4-0.

Discussion on rescheduling the postponed requests followed. Moved by Welliver, supported by DePottey to postpone ZBA #94-54, 55, & 59 until a Special ZBA

REGULAR ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 15, 1994 7:00 P.M.

PAGE 5

meeting on September 22, 1994 and ZBA #94-58 until the next regular meeting of October 20, 1994.

C. AUDIENCE PARTICIPATION:

Larry Stephens, 3049 Vineland, spoke against re-instating non-conforming rights.

D. BOARD DISCUSSION:

Chairman Gooding asked T. Strasser to please provide sketches, not necessarily to scale, on each variance request. It is almost impossible to visualize without a sketch just what each case involves. T. Strasser said he would.

Chairman Gooding also asked T. Strasser to call him before a meeting if a variance comes before the Board such as ZBA #94-60. There should be some clarification on cases like this one.

H. Berry mentioned a MSP0 seminar being held in Grand Rapids in October. Anyone interested should contact the Clerk's Office.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, October 20, 1994, 7:00 P.M.

Meeting adjourned 8:13 P.M.

Respectfully submitted by:

Jeanette Brown, Clerk's Office