

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 18, 1997 AT 7:00 P.M.

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

MEMBERS PRESENT: B. WEATHERFORD, S. LAYMAN, B. KALANQUIN, I. HOHLOCH,
H. BERRY, T. PARKER AND W. WEATHERFORD.

MEMBERS ABSENT: T. MARTINBIANCO.

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 21, 1997, at 6:00 P.M.
Moved by Kalanquin, seconded by B. Weatherford to approve the
above minutes as printed. Motion carried 7-0.
2. Special ZBA Meeting of August 28, 1997, at 7:00 P.M.
Moved by Berry, seconded by Layman to approve the above minutes
as printed. Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

Paul Ockenfels, 4507 Lapeer Rd., asked if there was a city code governing the type of siding a garage must have. T. Strasser said that on variance cases the Zoning Board could stipulate what type of siding they wished to be on the garage that was approved by them. I. Hohloch said in order to keep the integrity of a residential area the Board generally always stipulates what type of siding must be on a garage. T. Parker said there is steel siding which looks like regular vinyl or aluminum siding; he further

stated it was the intent of the Board to keep these garages from looking like pole barns. Discussion on re-opening this case to reconsider the requirements followed. It was agreed Mr. Ockenfels would have to reapply to the Board and there would be a charge the same as the first application.

Pauline Dargel, 6119 Hugh; asked who's responsibility is it to stipulate what type of siding should be put on an accessory structure. Chairman Hohloch said the Board has the ability to stipulate this when it is in the best interest of the city. He also stated that alot of requests for larger accessory structures come before the Board and they are getting a restrictive mindset.

Patsy Smith, 1401 E. Scottwood said the city put in a water line on her street and now the trenches are becoming washed out by the rain. Chairman Hohloch said she should contact R. Riess or J. Major during working hours and they would take care of the problem.

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C. BOARD DISCUSSION:

Chairman Hohloch said he will arrange for a Planning and Zoning workshop that will be at no cost to the City if he can get commitments from the Zoning Board, Planning Commission and Council to attend this workshop. T. Parker spoke on adopting an ordinance governing construction of towers for cell phones, etc. He has a sample taken from the Michigan Zoning and Planning magazine and he feels it would be relatively easy to adopt such an ordinance. Chairman Hohloch asked T. Parker to draft such an ordinance and he would submit it to City Council for their consideration.

D. NEW APPLICATIONS:

1. ZBA #97-63

By: Scott Beutler
5483 Raymond
Burton, MI 48509

Re: 5914528038, Raymond Sub,
Lot 38 Sect. 14 C-2 Zoned

For: (1) To construct a 16' x 24'
addition to the existing garage.
New sq. footage will be 960

sq.ft.

864 sq.ft. allowed by Ord.

Asking

to exceed ordinance by 96 sq.

ft.

(4 Votes required)
(2) Expand the non-conforming
Residential Use in a C-2 Zoning.
(5 Votes required)

S. Beutler said he needs the extra space for storage of personal items and his woodworking tools. There was no one in the audience who wished to speak. T. Strasser said it was not going to exceed ordinance by much and as for request No. 2, this is scattered through-out the city.

I. Hohloch asked if the siding would match the house. Mr. Beutler said it would.

Moved by T. Parker, seconded by B. Weatherford to approve ZBA #97-63 as written. Motion carried 7-0.

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D. NEW APPLICATIONS:

2. ZBA #97-64

By: Robert Groce
3441 Bilsky
Burton, MI 48519

Re: 5921529004 Lot 5 & Part of 6.
Supervisors Plat.
Sect. 21 R-1B Zoned

For: To exceed the height requirement
of 14' by 5'. Asking for 19'.
(4 Votes Required)

Mr. Groce said he needs the garage for personal storage and working on his classic cars. He would like to make an apartment on the second floor sometime in the future. No one in the audience wished to speak.

T. Strasser said it does exceed city code and converting the second floor into an apartment is against the building code.

I. Hohloch asked if he would have to come before the Zoning Board for a variance to convert the top into an apartment. T. Strasser said he would.

S. Layman said she visited the site and spoke with Mrs. Groce who told her

they have children in college and they would like to have extra sleeping space. Discussion on a detached bedroom followed. T. Strasser said this room would have to have water and sewer hook-ups. These kind of apartments

are a headache for the DPW as it is hard to get the homeowner to comply with all city requirements. T. Parker said he feels he will have to vote no on this request.

Moved by Kalanquin, seconded by Layman to approve ZBA #97-64 as written. Motion carried 5-2, Hohloch and Parker voting no.

3. ZBA #97-65

By: Greenley Square #2
3490 Greenley St.
Burton, MI 48529

Re: Lots 1183, 1189, 1216, 1220
Baker Park #1.
Sect. 30, R-1C Zoned.

Care

St.,

For: To construct an Adult Foster
Facility at 16' from Greenley
35' required.
(4 Votes required)

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3. ZBA #97-65 (contd.)

Mr. Bertram explained this is an adult foster care facility and they are in great demand. They wish to have larger type bedrooms with private baths. There will be a court yard, it will be very pleasant and nice. No one in the audience wished to speak.

T. Strasser said there have been no calls, it is a very nice establishment and DPW has no problem with approval.

H. Berry asked if they had enough parking spaces. Mr. Burtram said they did have more than enough, there will only be 3 to 4 employees and they won't be there all at the same time. H. Berry asked about the driveway. Mr. Bertram explained it wouldn't be near the corner.

Moved by Parker, seconded by Berry to approve ZBA #97-65 as written. Motion carried 7-0.

4. ZBA #97-66

By: Ronnie Lee Rieman
(Crystal Water Co.)
3288 Alpena Avenue
Burton, MI 48529

Re: 3288 Alpena Avenue
Lots 85 & 86 Holland Heights
Sect. 28 R-1C Zoned.

For: (1) Addition to existing
Commercial
Building to the South (see
attached site plan); South

wall

will be approximately 13

feet

from south property line.

(4 votes required)

(2) Expand the Industrial

Use in

an R-1C Zone.

(5 votes required)

Aulden Nelson represented R. Rieman. He said they have been at this address for the past one hundred years. He detailed why this variance was necessary.

In the audience, P. Dargel, 6119 Hugh, asked if this was near Term St. T. Strasser said it was and the DPW has no problem with approval of this variance.

H. Berry asked if it would go before the Planning Commission if the ZBA

approved this request. T. Strasser said yes. T. Parker said it is a large pole barn but won't adversely affect the adjacent property.

Moved by Parker, seconded by Kalanquin to approve ZBA #97-66, Parts 1 & 2 as written. Motion carried 7-0. REGULAR ZONING BOARD OF APPEALS MINUTES
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D. NEW APPLICATIONS (contd.)

5. ZBA #97-67

By: Joe Wray
2236 E. Buder
Burton, MI 48529

Re: 2236 E. Buder, Lots 433-435
Durant Heights
Sect. 32 R-1C Zoned.

square

structures

24'

For: To exceed the allowable
footage for accessory
by 108 sq. ft with a 24' x
detached garage.
(4 Votes required)

Mr. Wray said he has three lots. This garage will not block anyone's view and the siding and roof will match the house.

No one in the audience wished to speak on this request. T. Strasser said this is not a "monster", DPW has no objections. B. Kalanquin said Mr. Wray

has plenty of room, he does not object. B. Weatherford said the yard is beautiful, he has plenty of room, she will vote for approval.

T. Parker asked if the roofline would exceed that of the house and would it have vinyl siding. Mr. Wray said it would not exceed the height of the house and it would have vinyl siding.

Moved by Layman, seconded by Parker to approve ZBA #97-67 as written. Motion carried 7-0.
said no

6. ZBA #97-68

By: Guy Locke c/o Claude Ash
8032 Rose Lane
Goodrich, Mi 48439

Re: 6041 Bellingham Ct., Lot 3
Myrtle Replat
Sect. 25 R-1B Zoned

For: To create two lots of sub-

each;

standard widths of 63.5'

70' required.
(4 Votes required)

Mr. Ash spoke for this case. He explained the reason for the request. He said it would be an improvement for the neighborhood. He said he is only asking for a difference of 6 feet.

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Corrected 10-2-97

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In the audience, Karen Howe, 6051 Bellingham Ct. said the lots set low and often are flooded by Gilkey Creek. If they build on these lots where will the water go. She also said at the Council meeting they voted for 70 foot lots in a P.U.D. She was not in favor of approval. Pauline Dargel, 6119 Hugh concurred with Mrs. Howe. Mr. Piske, 6054 Bellingham Ct., spoke against approval of this variance.

T. Strasser said the DPW feels the water runoff is an issue, this property could be deemed unbuildable. Discussion followed. the DNR and lending institutions have requirements before a site is approved to build on or lend money on. B. Kalanquin said he thinks the site is too small for two houses. He cannot vote for approval. Mr. Ash said they will be pouring cement under the house and will pay all sewer costs.

Moved by B. Kalanquin, seconded by B. Weatherford to deny ZBA #97-68 as written. Motion carried to deny, 6-1, Hohloch voting no.

7. ZBA #97-69

By: Robert Guiles
4397 Columbine
Burton, MI 48529

Re: Lot 22 Block N Southmere,
2217 Jolson
Sect. 32 R-1C Zoned

For: (1)To construct an accessory structure on a lot without a principle structure.
(2)To exceed the allowable square footage for accessory structure by 432 sq. ft. with a 36' x 36' barn.
(3)To exceed the 14' height req. by 4', average height is 18'.
(5 Votes required)

Mr. Giles explained his lots are next to a retainer pond and he would like to build a garage on this site. He needs it for storage of his classic cars. He will roof it and side it the same as his house. No one in the audience wished to speak on this request. T. Strasser said there could be problems when placing a garage on a lot with no principle structure. He said it is a large structure. T. Parker said he feels it is too large, he will be voting no. I. Hohloch said if approved it should be situated so that a house could be built on the property. He is concerned what can happen in the future. Discussion on combining these lots into one with one tax number. Mr. Giles said he would be willing to do that. Moved by W. Weatherford, supported by S. Layman to approve Part 1 of ZBA 97-69 contingent upon they be combined into one parcel with one tax ID number. Motion carried 6-1, T. Parker voting no.

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7. ZBA #97-69 (contd)

Part 2:

Moved by Kalanquin seconded by Layman to approve Part 2 as written. Motion carried 5-2, Parker and Berry voting no.

Moved by Layman, seconded by Kalanquin to approve Part 3 as written. Motion carried 5-2, Parker and Berry voting no.

8. ZBA #97-70

By: Charles Michael
1407 Friel
Burton, MI 48529

Re: Lots 663, 664. Greater Flint
R-1C Zoned Sect. 31

Sub.

ft.

sq.

sq.

For: To exceed the allowable square
for accessory structures by 160
ft. 864 sq. ft. allowed, 1024
ft. requested with a 24' x 24'
garage.

(4 Votes Required)

Mr. Michael said he wishes to keep up his old garage, he has the same problem as the last applicant, he has two lots and two tax bills. The new garage would be for personal storage only. No one in the audience wished to speak. T. Strasser reminded Mr. Michael that if it isn't completed in one year, there would be no occupancy permit. H. Berry asked if he did any car repairs for other people or other businesses. Mr. Michael said no he didn't. W. Weatherford asked about the siding. Mr. Michael said it would vinyl siding.

Moved by Parker, supported by Layman to approve ZBA #97-70 as written. Motion carried 6-1, Hohloch voting no.

9. ZBA #97-71

By: National Marketing Group, Inc.
(Insurance center)
6451 E. Atherton Rd.
Burton, MI 48519

Re: Part of lot 5, Pioneer Acres
Sect. 24 R-1A Zoned.

an
addition
20'

For: To expand the R0 Office Use in
R-1A Zoned area. To build
10' from north property line,
required.
(5 Votes Required)

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9. ZBA #97-71 (contd.)

Steve Matthews, 6451 Atherton Rd., explained they must add on for more office space. They need extra restroom facilities. He feels it will be an improvement to the area.

In the audience, L. Stephens, 3049 Vineland, spoke against approval. She said there is a small residential home behind this property. S. Matthews said he spoke to the neighbors and they do not object to this expansion. They may have to move if they are not allowed to expand.

T. Strasser said the house is very close and there have been problems in similar cases for these nearby homes. He added this must go before Planning Commission if it is approved here. T. Parker spoke on City Council denying

a business on Court St. for a change of zoning. He would like Mr. Matthews to go before Council for approval. I. Hohloch concurred with T. Parker, he said he can see a major problem. He spoke on bringing these businesses into compliance with rezoning. H. Berry was concerned about if allowed to expand and then moved out of the building, he said it would be a very large building.

Moved by Kalanquin, seconded by B. Weatherford to deny ZBA #97-71 entirely.

Motion carried 5-2, Layman and W. Weatherford voting no.

10. ZBA #97-72	By: Millennium Mansion Inc., c/o Tom Sumner PO Box 511 Mt. Morris, MI 48458
200-003	Re: 5350 Davison Road., 59-11- C-2 Zoned.
within a	For: To allow a Temporary Use
Sect.	building. Time to be specified . See Ord. 19, 21.05, Item 2C. (5 Votes required).

Tom Sumner spoke on behalf of Millennium Mansion, Inc. He explained his plans for a Haunted House in this building. There is a small business operating in a small part of the building.

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10. ZBA #97-72 (contd.)

In the audience P. Dargel, 6119 Hugh St. said she had received a telephone call against this variance. She said there was an ad in the paper stating the beginning date was Sept. 17, 1997, which would have been the day before this meeting. There was also a food court and did they have approval from the Genesee County Health Department? Mr. Sumner said they did not open to the

public on the 17th and the food court is operated by a vendor who has Health Department approval.

T. Parker asked about the dates and hours of operation. Mr. Sumner said the dates were from Sept. 18, thru Nov. 2, 1997. Wednesday thru Sunday, from 7:00 p.m. to 12:00 a.m. I. Hohloch asked about alcohol. Mr. Sumner said there would be no alcohol or smoking in the building. T. Parker asked if there would be parking lot security. Mr. Sumner said closer to Halloween there would be parking lot security.

Moved by Parker, seconded by W. Weatherford to approve ZBA #97-72 as written.
Motion carried 6-1, B. Weatherford voting no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, October 16, 1997, 7:00 P.M.

Meeting adjourned at 9:15 P.M.

Jeanette Brown,
Clerk's Office