

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
NOVEMBER 21, 1996 AT 7:00 P.M.

The Meeting was called to order at by Homer Berry, Chairman, at 7:00 P.M.

MEMBERS PRESENT: Berry, Cross, Kalanquin, Layman, Parker, Scott and Weatherford.

MEMBERS ABSENT: Hohloch

OTHERS PRESENT: T. Strasser, Dep. Planning Official and C. Ladd, Deputy Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

Cross moved and Parker seconded the following motion:

Approve and authorize the Minutes of the Regular ZBA Meeting of October 17, 1996 at 7:00 P.M., as printed. Motion carried 6-0.

B. AUDIENCE PARTICIPATION: None.

C. BOARD DISCUSSION:

Mr. Strasser said the house at 4231 S. Center Rd., was destroyed by fire and is being torn down. It is in a R0 zoning district, but the houses on that side of Center Road are all residential. They are asking for board approval to rebuild on this site.

Mr. Cross said he has no problem with them rebuilding at this site.

Moved by Cross, seconded by Perez to approve rebuilding of residential home at 4231 S. Center Rd. Motion carried 6-0.

Mr. Berry said Teine Deal in the Fire Department, is taking pictures for ID badges. All members should call and make an appointment. The phone number is 742-2158.

Mr. Parker said the structure being built at 2045 Belsay Rd., is being sided with steel siding. He said he is requesting that the zoning ordinance is changed so this type of siding cannot be used for structures in residential areas. He would like to have the Legislative Committee look into the possibility of changing the ordinance.

D. NEW APPLICATION POSTPONED FROM OCTOBER 17, 1996:

1. ZBA #96-73

By: Gene Lukonen
4445 E. Bristol Rd.
Burton, MI 48519

Re: 59-27-400-003
R-1A Zoned

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D. NEW APPLICATION POSTPONED FROM OCTOBER 17, 1996 CONTINUED:

1. ZBA #96-73

For: To operate a Tree Service from a
residential property. M-2 Heavy
Industrial Use in an R-1A Zoned

Area.

(5 Votes Required)

Mr. Lukonen explained that he wants to be allowed to park his equipment on the property. He said he is aware that the wood piled up very fast from the jobs he had. He said he has asked Michigan Recycling to come and get rid of the wood, but it will cost about \$4,000.00 for removal. He said he can't afford to do this until next year because his work is seasonal. He explained that he spoke with the Code Enforcement Officer who told him to speak with the Fire Chief and see if he could get a burning permit to burn it. He said he obtained the permit and has burned a lot of the wood and am working on getting it cleaned up. I am taking wood to Michigan Recycling. I don't want it in my yard and would like to save money so I could build a place where I can operate my business.

Audience Participation: No one wished to speak.

Mr. Strasser said the DPW has had a couple of complaints and they know this is an eyesore. This is an environmental problem because of the flood plain. At the very minimum, the area has to be cleaned up and the major concern is to get rid of all the wood.

Mr. Cross asked if the Board had to give a yearly renewal, because he is not in favor of a renewal for a period of one year tonight.

Mr. Kalanquin said he was at the site and it is an eyesore. Therefore, he will not be voting for approval.

Mrs. Layman said she doesn't approve because of the unsanitary conditions and the school being so close and the children playing.

Mrs. Scott said she agreed with Mrs. Layman.

Mr. Parker said according to the history of this property, there has been no yearly variance given since 1993. He said he was informed that the business was going to be closed and sold. He said his concern is the fact that it has been three (3) years since were before this board. He said he would be voting no on the variance request.

Mrs. Layman asked if the DPW checked out the yearly variances.

Mr. Strasser said it is the responsibility of the DPW to notify the people when their yearly renewal is coming before the board. The problem is manpower to do this.

Mr. Cross said ignorance of the law is no excuse.

Moved by Kalanquin, seconded by Layman to deny the variance request to operate a tree service from a residential property. Motion carried to deny 7-0.

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E. YEARLY RENEWAL:

1. ZBA #96-82

By: Flint Road Builders Co.
P.O. Box 182
Holly, Mi 48442

Re: 3251 E. Bristol Rd, Lots 10-11
Follo Acres, Sect. 28 M-2

Zoned

operate a

For: To continue ZBA #95-21 to

months,
concrete

"Temporary Use" during winter
times to be designated for a
recycling plant.
(5 Votes Required)

Gary Byce, 3251 E. Bristol Rd., said they are still building berms to surround the property and once this is done, they will be putting in shrubbry. They will be stockpiling on the northwest corner of the property.

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

Mr. Strasser said there were no complaints and DPW has no problem with the request.

Moved by Cross, seconded by Parker to approve ZBA #96-82 to continue ZBA #95-21 to operate a "Temporary Use" during winter months. Motion carried 7-0.

F. NEW APPLICATIONS:

1. ZBA #96-78

By: Cynthia Engelman
7278 N. Genesee
Burton, MI 48509

Re: 4090 Lapeer Rd. 59-15-300-007
Zoned

in
house.

For: To conduct a "multi family use"
a C-4 Zoned Area for a rooming
(5 Votes Required)

Bob Keeley, Keeley Realty, 2224 S. Center Rd., said he is representing Mrs. Engelman. He said the present owners are the Wally family and they are selling the property to Mrs. Engelman. She intends to live there and wants to take on boarders. This is not a State supported home of any kind. All DPW items have been done with the exception of plantings, eavestroughs and paving, because of the weather. The site plan review was approved at the Planning Commission and the parking lot will be put down in the Spring when the weather breaks.

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

Mr. Strasser said this is a very large home and would be conducive to this type of use. When the fraternity was in there, we had many complaints. What Mrs. Engelman is asking for is a good use for this large structure. There are seven (7) bedrooms and it has 2,711 sq. feet.

Mr. Cross said the use will fit the surrounding area very well. He said he would like this to be under a yearly renewal for a period of one year to see how everything works out.

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Mr. Keeley said Mrs. Engelman will be occupying the home herself, not just boarding it out.

Mr. Kalanquin said he reviewed the plans and has no problem with the request.

Mrs. Weatherford had some concern about there only being seven (7) bedrooms and potentially nine (9) boarders.

Moved by Cross, seconded by Weatherford to approve ZBA #96-78 with the stipulation that it is done as a yearly renewal. A roll call vote showed motion failed with Parker, Layman, Kalanquin and Scott voting no.

Moved by Parker, seconded by Kalanquin to approve ZBA #96-78 to conduct a "multi family use" in a C-4 Zoned Area for a rooming house, with no stipulations. Motion carried with Cross and Weatherford voting no.

2. ZBA #96-79

By: Jim Iacovacci
4305 S. Genesee Rd.
Burton, Mi. 48519

Re: 59-35-300-003
SE Zoned

indoor
ft.
by
Required)

For: To construct an 80' x 140'
riding arena to exceed 2,000 sq.
maximum for accessory structures
11,746 sq. ft. (4 Votes

Mr. Iacovacci said he is asking for a variance for an indoor riding arena for his horses. He explained that the arena will be 80'x140' and will sit east and west behind the property and will not interfere with the neighbors. This is just for pleasure riding for his family so they can ride during the inclement weather.

Audience Participation:

R. Moore, 4335 S. Genesee Rd., said he lives directly south of Mr. Iacovacci and is in favor of the accessory structure.

Mr. Strasser said they are keeping the zoning agricultural and though the structure is large, it will be well maintained. DPW recommends approval of the riding arena.

Mrs. Scott asked if he was using steel siding for the structure. She was advised yes.

Mr. Kalanquin asked about the use of the steel siding. Mr. Strasser said it is in the subdivisions where the homes are close together that they would like to get away from steel siding.

Mr. Parker said he would like to see lap siding. Mr. Iacovacci's area has a subdivision around it, but his property is still zoned agricultural and the steel siding is okay.

Mr. Cross asked how many acres Mr. Iacavocci had. He was advised 25 acres.

Moved by Cross, seconded by Parker to approve ZBA #96-79 to construct and 80'x140' indoor riding arena to exceed 2,000 sq. ft. maximum for accessory structures by 11,746 sq. feet. Motion carried 7-0.

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F. NEW APPLICATIONS: (contd.)

3. ZBA #96-80

By: Robert & Debbie Kachelski
4455 Rainbow Ln.

Re: 4411 Dublin, Lot #40
Killarney Park #2
Sec. 33 R-1B Zoned

For: To place a modular home 8' from
the south property line, 10'
required.
(4 Votes Required)

Debbie Kachelski said she and her husband want to place a modular home 8 feet from the south property line. They are placing the home on a basement foundation.

Audience Participation:

Paul Wilcenski, Dublin Rd., said he lives two houses south of this property. There is a modular home across the street and it looks like a housetrailer. This is not what the residents in the neighborhood want.

Mrs. Kachelski said the house will be placed even with the other homes and her modular will not look like a housetrailer. The home will have a walk-out basement and is a new home, not used.

George Meinberg, 4373 Dublin Rd., said the place across the street is an eyesore to the neighborhood and not up to the rest of the homes in that area. He said he would like to see a picture of what the home looks like. He said he is concerned about the evaluations of the other homes in the area.

Bobby Vaughn, 4403 Dublin Rd., said he has seen the house and it is nice, nothing like what is across the street. He doesn't have a problem with the home.

Mr. Gratch, 4391 Dublin Rd., said he lives two houses north of this property. The house across the street has no grass and doesn't fit the neighborhood.

Mr. Strasser said he has received two phone calls regarding this issue and the only real opinion they can address is the 8 foot vs. the 10 foot from the property line.

Mr. Parker said the home is 66'8" long, without a garage. He said he has some concerns about how they will have access to the rear property if they are only

8 feet from the property line. He asked Mr. Strasser if there was a problem with a 10' sideyard.

Mr. Strasser said legally, nothing can be done, but practically it would be better to have more than 10 feet on the sideyard.

Discussion was held concerning the the setback area and the possibility of a garage being added to the home sometime in the future.

Moved by Cross, seconded by Parker to approve ZBA #96-80 to place a modular home 8' from the south property line. Motion carried 7-0.

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F. NEW APPLICATIONS: (contd.)

4. ZBA #96-81

By: James N. Davidson
5429 E. Bristol Rd.

Re: Parcel # 59-26-400-014

structure
sq.
Required)

For: To construct an accessory
28' x 44' which will exceed the
allowable square footage of 2000
ft. by 1344 sq. ft. (4 Votes

Mr. Davidson said he recently purchased a new motor home and would like to construct a new pole building to store it in, because it would cost him \$100.00 or more per month for storage.

Mr. Berry asked what kind of siding he planned to use and was advised it would be a painted steel structure and would be painted the same as the color of his other barn.

Mr. Strasser said DPW has no problem with the request.

Moved by Kalanquin, seconded by Cross to approve ZBA #96-81 to construct an accessory structure 28'x44' which will exceed the allowable square footage of

2000 sq. ft. by 1344 sq. ft. with the stipulation that the painted siding match the other barn. Motion carried 7-0.

Mr. Cross left the meeting at 8:05 P.M. due to his work schedule.

5. ZBA #96-83

By: Earl B. Stokes
1484 S. Genesee Rd.

Re: 1484 S. Genesee Rd.
Burton, Mi 48509

residential
than
recom-
dry

For: To allow construction of
garage closer to property line
currently allowed with all
mended requirements (fire wall,
wall, etc.) 2' requested, 10'
required. (4 Votes required)

Mr. Stokes, 1484 S. Genesee Rd., said he is requesting to put an addition on his home that will be closer to the property line than what is allowed by ordinance.

Mr. Berry asked how many feet between the property line and the garage. He was advised 2 feet from the property line.

Mr. Strasser said because of the plan and layout of the home, the request is reasonable.

Moved by Kalanquin, seconded by Scott to approve ZBA #96-83 to allow construction of residential garage 2' from property line with the stipulation that all recommended requirements, such as fire wall, dry wall, etc., be completed. Motion carried 6-0.

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F. NEW APPLICATIONS: (contd.)

6. ZBA #96-84

By: Darrell Cowan
1072 S. Vassar Rd.
Burton, 48509

Re: 1072 S. Vassar Rd.

structure in
Street.

For: To construct an accessory
the front setback area of Court
(4 Votes Required)

Haley Cowan, 1072 S. Vassar Rd., said he is representing her husband. He is asking to build a garage to be used for storage and workshop.

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

Mr. Strasser said DPW has no problem with the request.

Mr. Kalanquin asked how long the cement slab had been there and what type of siding would be used. Mrs. Cowan replied the slab has been there two or three weeks and they would be using vinyl siding.

Moved by Parker, seconded by Kalanquin to approve ZBA #96-84 to construct an accessory structure in the front setback area of Court Street. Motion carried 6-0.

7. ZBA #96-85

By: Kim & Dale Koe
5041 Way St.
Burton, Mi 48509

Re: 59-11-100-122 R-1A Zoned.

encroach on
by the
requirement

For: To construct an addition to the
existing house which will
the 10' separation requirement
zoning ordinance for clear space
between structure 10'
asking for 4' separation.
(4 Votes required)

Mr. & Mrs. Koe, 5041 Way St., they purchased the home last year and now want to make it larger. The problem is the existing house will encroach on the 10' separation requirement for a clear space between the structures. They are requesting a 4' separation instead the required 10'.

Mr. Strasser said DPW has no problem with the request, they have plenty of road frontage to meet the setback area.

Mr. Berry said they would have to fire wall one of the walls and the Koe's said they were aware of this.

Moved by Scott, seconded by Layman to approve ZBA #96-85 to construct an addition to the existing house with a 4' separation for clear space between structures. Motion carried 6-0. REGULAR ZONING BOARD OF APPEALS MINUTES NOVEMBER 21, 1996/7:00 P.M.
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F. NEW APPLICATIONS (contd.)

8. ZBA #96-86

By: Jerry Klinert
2296 Eugene
Burton, MI 48509

Re: South 85 ft of lot 41
Pioneer Acres

footage
sq.ft.

For: To exceed the allowable square
for accessory structures by 126.
with a 24' x 36' Pole Barn.
(4 Votes required)

Mr. Klinert, 2296 Eugene St., said he just bought the house and would like to build a 24'x36' polebarn for storage of his two boats and trucks. He plans to tear down the shed and would have to put up more fencing and tear out the slab. The fencing would be done by Michigan Fence and the building will be steel galvanized with a coded paint system.

Mr. Berry asked about the placement of the peak. Mr. Klinert said it will be the same as the house with shingled roof.

Mr. Strasser said the height meets the ordinance and their request is reasonable. DPW recommends approval.

Mr. Parker said this is in a subdivision, a quiet area, and the neighbors will have to look at something that looks like a barn. He said if Mr. Klinert would use vinyl siding, he would be in favor of the construction.

Mr. Klinert said to use vinyl siding would be too costly.

Audience Participation:

The neighbors on the north and south side of the property had no problem with the pole barn.

Moved by Layman, seconded by Scott to approve ZBA #96-86 for a 24'x36' accessory structure with steel siding as long as color scheme matches the home.
Motion carried 5-1 with Mr. Parker voting no.

Meeting adjourned at 8:23 P.M.

Cheryl M. Ladd, CMC/AE
Deputy City Clerk

CML