

CITY OF BURTON
SPECIAL ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 3, 2000, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY WILLIAM KALANQUIN AT 6:00 P.M.

MEMBERS PRESENT: Kalanquin, B. Weatherford, Layman, Scott, Parker, W. Weatherford, Berry

MEMBERS ABSENT: Hammon

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

BOARD DISCUSSION:

Mr. Parker said he handed out to the ZBA members possibly changes to implement regarding the ZBA agenda format.

NEW APPLICATIONS:

1. ZBA #00-7	BY: Washoria Services agent for Nancy Engle 2997 Treat Hwy. Adrian MI 49221
	FOR: Parcel #59-36-100-013 4192 Hazel
	RE: To place a mobile home on site while fire Damaged home is repaired. (5 Votes)

Nancy Engle, 4192 Hazel, Burton, MI, said that due to a fire at her house, she hopes to place a modular home at the site. She was told it would take 3 to 4 months to repair her home. It has been hard staying at a motel, they have to go out to eat. She would like to be able to do her laundry with having a modular and watch their house being repaired. They also have pets.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the Board recently passed a similar request. We ask that if approved, you place stipulations such as a maximum of 6 months or 30 days after occupancy, whichever comes first.

BOARD DISCUSSION:

Mr. Berry inquired as to the size of the mobile home.

Mrs. Engle indicated 40 x 60.

Mr. Parker inquired as to restrictions for the wiring and sewer.

Mr. Strasser said they run a temporary hook-up into the sewer.. They are given a temporary permit from the State for electrical.

Mr. Parker said when he viewed the property there did not seem to be a lot of room in the front yard.

Mrs. Engle said it will be placed on an angle in the front yard, but it would not matter to her if it was in the back yard.

Mr. Parker asked if that would meet DPW requirements.

Mr. Strasser said technically, there are front yard setbacks. It is entirely up to the Board if you want it placed in the front or back.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by W. Weatherford to approve ZBA #00-7, with the stipulation that it is for 6 months or 30 days after occupancy, whichever comes first.

Motion carried, 7-0.

2. ZBA #00-8

BY: Jerry Goss
2431 S. Belsay Rd.
Grand Blanc, MI 48439

FOR: Part of Lot 21, Hill-Lawn Acres
Section 24, R-1A Zoned

RE: To place a home at 4 ft. from the south
property line; 10 ft. required. (4 Votes)

Jerry Goss, 2431 S. Belsay Rd., Burton, MI, said the City was not happy with the modular home going in at an angle, so they are asking for a variance. He has a builder present to explain the situation.

Roger Frechette, from Dakota Enterprises, builder for Mr. Goss, said the house presently at the site is too costly to repair. He recommended buying a modular. They spoke with the DPW and drew up a plan to have 10 ft. off each property line. The front of the house would be at a 45 degree angle. The DPW did not like it because of the fact it did not match the other houses. They recommended it go before the Board for a variance to set 4 ft. off of one property line, and 10 ft. off of the other so they could still use the back yard.

AUDIENCE PARTICIPATION:

Lowell Hodgeson, 2425 S. Belsay, Burton, MI, said he lives on the north side of this property and is quite concerned with the water because his property is low and he will have a lake behind him. He would like Mr. Goss to stay at least 10 ft. from his property line. Mr. Hodgeson spoke further of the drainage problems.

Charlie Phillips, 2437 S. Belsay, Burton, MI, said they are neighbors on the south side and are also concerned with the water problems this could create. They do not have a problem with the house being on an angle, however, they are concerned with the 4 ft.

Mr. Strasser said after looking at it, to create harmony in the neighborhood, they felt it would be better that the house be paralleled to the road similar to the other houses. He cannot guarantee there will not be additional water. Once you dig a basement, you have the right to take that dirt and push it up against the foundation for backfill. We can watch the situation and make sure no additional water is purposely shed onto these other properties.

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BOARD DISCUSSION:

Mr. Weatherford asked why there would be more water.

Mr. Goss replied that Mr. Hodgeson's property is on the north side of him and is low. Mr. Phillips property is higher. He has discussed this with Mr. Hodgeson and told him he will share in any cost to resolve the water problem, he does not want to see anyone flooded out.

Mr. Frechette spoke of measures he will take in helping with the water problem.

Mrs. Weatherford asked Mr. Goss if he has already purchased the modular home.

Mr. Goss responded that he had. The existing house is very bad and there was nothing he could do to fix it. It is an eyesore with the house there now. When he and his wife went out to purchase the modular, he thought they were okay and it could go on a 45 degree angle.

Brief discussion followed regarding the drains.

Mr. Berry inquired to Mr. Phillips as to how many feet his property line is from the house.

Mr. Phillips acknowledged 10 ft. He re-iterated that his main concern is the water.

John Phillips, 2437 S. Belsay, Burton, MI, said the amount of overhang from the modular that there will be towards the fence is his main concern.

Mr. Parker asked when this was first presented to DPW, was there any thought given to turning it sideways.

Mr. Strasser said originally it was brought up he could get 10 ft. on either side and the house could go in, which has been done on several lots. It was decided in our department that it was out of harmony with the neighborhood and they would rather see the home parallel to the road and in line with the others. To do that with this home, would require a 4 ft. variance on the south side. There is a home there presently and an existing water problem already whether that home is there or the modular. Mr. Strasser inquired if there are downspouts and eavestroughs.

Mr. Frechette said it comes from the factory without them, but he can put them up.

Mr. Strasser indicated they could take a dozer and cut swales on either side of the property and head them east or west. The water problem can be dealt with.

Mr. Parker said the water problem is not the Board's concern. We are here to decide whether we want him to encroach on his neighbor by 6 ft. He assumes because he will have a beautiful new home that he may want to put up a garage. In his opinion, it seems it would look better to have a garage on the end of this and turned so it faces east and west, instead of having it go north and south.

Mr. Strasser said this way they would have 10 ft. on the north side. The other way they would have 10 ft. on both sides of the house on a 45 degree angle. If straight, there would be a lot more room on both sides. There have been problems with a modular home on Genesee Road. The people sitting in their house or on their front porch, are looking into the back yard of people on Kendall. This is a similar situation where the house in the front was condemned, and a modular was put in the back lengthwise. Mr. Strasser stated further, they have had nothing but complaints on it.

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Brief discussion following regarding encroachment upon your neighbor, placement of a modular sideways on a property, water and flooding problems.

Mr. Goss said Mr. Frechette already dug the hole at an angle, they knew they could put it in one way or another. Now they are being asked to fit it where it will fit on the property and that is where we need the variance. If he had known there would be this much problem he would have bought something smaller.

Mrs. Layman said we have to look at all sides of this issue. She would not approve it the way it is and it is not fair to the other neighbors.

Mr. Strasser said this situation was not created by the Goss's. They were originally told it would fit in there on a 45 degree angle and they could do that.

Mr. Parker said based on the fact the house is going to set back 20 ft. behind the existing home, he does see that it will be an encroachment problem. If the house was in line with the other two homes, then there may be a bigger problem. It is not the Board's job to think about the water, if there is a water problem, the County will have to be contacted.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by W. Weatherford to approve ZBA #00-8.
Motion carried, 6-1. Layman – no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, February 17, 2000, at 6:00 P.M.**

MEETING ADJOURNED AT 6:47 P.M.

jra