

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MAY 17, 2012, 5:00 P.M., COUNCIL CHAMBERS
www.burtonmi.gov

Chairman Steve Welch called the Meeting to order at 5:06 p.m.

MEMBERS PRESENT: Welch, Walls, Hynes, Rapacz, Haskins, Parker and Weatherford.

MEMBERS ABSENT: Terry Parker.

OTHERS PRESENT: A. Frost, Deputy Planning Official and M. Snow, Clerk's Office.

Walls moved and Weatherford seconded to approve the Regular ZBA Meeting minutes of May 17, 2012 at 5:00 p.m. Motion carried 6-0. Tracy Parker was not present for the vote.

Walls moved and Hynes seconded to postpone ZBA #12-16. Motion carried 6-0.

NEW APPLICATIONS:

1. ZBA #12-11

BY: Maxie Fairchild Jr.
6489 Atherton Rd.
Burton, MI 48519

RE: 4047 S. Dort Hwy.
Parcel #59-33-503-005
C-2 Zoned

FOR: 1. To conduct used car sales not in
conjunction with new car sales.
2. To conduct a C-3 use in a C-2 zone.
(5 voters required)

Maxie Fairchild, 6489 Atherton, had nothing more to add.

AUDIENCE PARTICIPATION: None.

Ms. Frost said the property already has a similar use and recommended approval.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Haskins seconded to approve ZBA #12-11. Motion carried 6-0.

2. ZBA #12-12

BY: James Metcalf & Ted Samzone
3347 Bristol Rd.
Burton, MI 48529

RE: 1146 E. Hemphill
Parcel #59-30-577-052
C-2 Zone

FOR: To conduct an M-1, Light Industrial use in a
C-2, General Business zone for wood
assembly. (5 votes required)

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James Metcalf, 3347 Bristol Rd., said they assemble wood engine stands for the scrap industry.

AUDIENCE PARTICIPATION: None.

Ms. Frost said the use would not create a hardship since the business would be enclosed in the building. She recommended approval.

BOARD DISCUSSION:

Mr. Walls asked if assembly would be done inside as well as storage.

Ms. Frost said outside storage is not permitted according to the Ordinance.

BOARD RECOMMENDATIONS AND/OR ACTION:

Haskins moved and Weatherford seconded to approve ZBA #12-12. Motion carried 6-0.

3. ZBA #12-13

BY: Jeanyne Johnson
3454 Atherton Rd.
Burton, MI 48529

RE: 3454 Atherton Rd.
Parcel #59-28-529-008
R-O Zone

FOR: 1. To expand the non-conforming rights to
construct an addition and a deck in a R-O
Zoning. (5 votes required)
2. To have a side setback that will be 8 ft.,
20 ft. required. (4 votes required)
3. To have a front setback that will be
5 ft., 30 ft. required (Corner Lot)
(4 votes required)

Jeanyne Johnson, 3454 E. Atherton Rd., would like to build an addition to acquire more space.

AUDIENCE PARTICIPATION: None.

Ms. Frost said pertaining to the first request, the house is in an R-O zoning, it is a single family home and the intention is to improve the home, which we encourage. She recommended approval. As far as both of the setback variances go Ms. Johnson is not expanding beyond what her house is. She recommended approval on both requests.

BOARD DISCUSSION:

Mr. Walls questioned the work Ms. Johnson does in the home.

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Ms. Johnson said she works for Hewlett Packard out of her home.

BOARD RECOMMENDATIONS AND/OR ACTION:

Haskins moved and Hynes seconded to approve ZBA #12-13 requests #1, #2 and #3.

Motion carried 6-0.

4. ZBA #12-14

BY: Gerald Couture
1409 Kenneth,
Burton, MI 48529

RE: 1409 Kenneth
Parcel #59-30-578-189
R-1C Zone

FOR: 1. To construct an addition and porch that
will be 9 ft. from the front property line,
20 ft. required.
2. To construct an enclosed carport that will
exceed allowable square footage by
218 sq. ft., 22 sq. ft. left for construction.
(4 votes required)

Gerald Couture, 1409 Kenneth, would like to add to the front of the home to make the living room larger and wheelchair accessible. There would be a concrete wheelchair ramp on the front porch and he would like to put an all steel, removable structure outdoors for storage.

AUDIENCE PARTICIPATION:

Mr. Welch read a letter of opposition from Marie Bourdage, 1425 Kenneth.

Ms. Frost said the extension would be no closer to the other houses when looking toward the west. When looking east it will be up a little more extended. She recommended approval. Regarding the carport, there is already an existing temporary canopy that has been there for several years so if that can be replaced it will look better. She recommended approval.

BOARD DISCUSSION:

Mr. Walls referenced the number of buildings there are and how many cars permitted.

Ms. Frost said it is limited on square footage, not on the number of buildings. She said if the vehicles are within a structure, no one comes around opening garages to see how many vehicles are in there. It is only the ones parked outside that are an issue.

Mr. Walls says he has a problem with adding another garage.

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Mr. Welch said it would be to replace the existing tent carport not to add another one.

BOARD RECOMMENDATIONS AND/OR ACTION:

Haskins moved and Weatherford seconded to approve ZBA #12-15 with the stipulation that the new carport is to replace any type of tent structures. Motion carried 7-0.

5. ZBA #12-15

BY: Hsiu Li Sun & Michael Breczinski
5005 Lapeer Rd.
Burton, MI 48509

RE: Vacant Lot on Center Road
Parcel #59-03-100-003
C-2 Zone

FOR: 1. To conduct a temporary Flea Market
Fridays thru Sundays.
(5 votes required)
2. To have a temporary sign that will
advertise the Flea Market.
(4 votes required)

Deborah Butler, 3140 S. Center, who is representing Mr. and Mrs. Breczinski said they bought a property on Center Rd., with a house and 9 nine acres for the purpose of opening a flea market.

AUDIENCE PARTICIPATION:

Larry McDonough 1385 Mallard Dr., was concerned about parking on such a busy road like Center.

Ms. Frost said there is a cut out in the road where a driveway was. They will be graveling 10 spaces. She said it is a commercial zoning and recommended giving them until the end of September or 1 year to see what happens and maybe act on it next year for a more permanent use.

Mr. Hynes had a concern with having only 10 spaces.

Mr. Haskins suggested parking on the grass. If there is a good turnout he may even pave the lot.

Ms. Frost said parking on the grass is not permitted by ordinance. She said the applicant is willing to bring in more gravel if necessary.

Mr. Hynes said he would like to see a minimum of 20 spaces for parking and for the flea market to end by Labor Day 2012.

BOARD RECOMMENDATIONS AND/OR ACTION:

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Walls moved and Parker seconded to approve ZBA #12-15 for 1 season from Memorial Day weekend through Labor Day weekend with a minimum of 20 gravel parking spots.
Motion carried 7-0.

Postponed until June 17, 2012.

6. ZBA #12-16

BY: Green Pine Condo Association
2486 Green Pine Dr. #6
Burton, MI 48519

RE: 4215 Atherton Rd.
Parcel #59-22-651-001 thru 59-22-651-015

FOR: To remove portions of the required 6 ft.
wood protective screened fence and replace
with trees and/or 4 ft. chain link fence.
(5 votes required)

7. ZBA #12-17

BY: Christine Collette – Collette's
Vintage & Antique Mall
5350 Davison Rd.
Burton, MI 48509

RE: 5350 Davison Rd.
Parcel #59-11-200-011
C-2 Zone

FOR: 1. To conduct a temporary outdoor Flea
Market & Farmers Market on the
weekends and Wednesdays.
(5 votes required)

Christine Collette, 5350 Davison Rd., said she has a shop in Davison and Holly and has been an outdoor vendor for many years. There are many vendors who would like a farm market, which would be in the front of the store and regular market vendors would be on the asphalt on the east side of the building. She said all proceeds from the sales goes to non-profit organizations.

AUDIENCE PARTICIPATION:

The following residents were in support of the variance.

Jennifer Carey, 616 E. Chelsea, Davison, MI.

James Aseltine, 5326 Stimson Dr., Davison, MI.

Mark Ruebke, 7376 Cornwell, Davison, MI.

Michelle Sullivan, 1481 N. Irish, Davison, MI.

Diane Hart, 2810 Gibson St., Flint MI.

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Larry McDonough, 1385 Mallard Dr., lives next door and has a concern with the outhouses. He would prefer them on another side of the building and away from the development.

Robert Goodell, 1386 Mallard Dr., said there are at least 12 parcels that need to be sold and feels that no one is going to want to move behind a flea market. He said the assisted living development at least has a fence and berm but there is nothing by the flea market for privacy.

Ms. Collette said the outhouses can be moved to accommodate and she tries to be attentive to neighbors. She said the market would be open from May through October.

Ms. Frost questioned the outhouses and said it is a clean business. She recommended granting a 1-year variance to see how everything goes.

Mr. Hynes said the property is clean and well kept. He asked about a food license.

Ms. Collette said there would be no out of State produce.

Mr. Walls asked what the hours would be.

Ms. Collette replied the market would be open every Wednesday and weekend from 8:00 a.m. to 4:00 p.m.

BOARD RECOMMENDATIONS AND/OR ACTION:

Haskins moved and Walls seconded to approve ZBA #12-17 with the stipulation this is a temporary variance through October 2012 and to be re-evaluated before reopening the following year. Motion carried 7-0.

AUDIENCE PARTICIPATION:

Barbara Purdy, 2436 Howe, who is also representing neighbors residing at 2416 Howe and 2426 Howe stressed they are all against the Green Pine Condos making changes to the fence regulations. They want the rules to remain the same primarily by keeping the 6 ft. wood fencing.

Mr. Welch suggested having the neighbors express their concerns on paper and submit them by the next Zoning meeting.

BOARD DISCUSSION: None.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, June 21, 2012 at 5:00 p.m.**

Meeting adjourned at 6:05 p.m.

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