

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
SEPTEMBER 20, 2012, 5:00 P.M., COUNCIL CHAMBERS
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Chairman Steve Welch called the Meeting to order at 5:00 p.m.

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

MEMBERS ABSENT: Haskins.

OTHERS PRESENT: A. Abbey, Deputy Planning Official, Mayor P. Zelenko and M. Snow, Clerk's Office.

Walls moved and Hynes seconded to approve the Regular ZBA Meeting Minutes of August 16, 2012 at 5:00 p.m. Motion carried 6-0.

Mr. Welch advised the applicants the Board is one member short and they can postpone the case.

NEW APPLICATIONS:

1. ZBA #12-21

BY: Lorence Holzel
6087 Davison Rd.
Burton, MI. 48509

RE: 6087 Davison Rd.
Parcel #59-01-651-006
R-1A Zoned

FOR: To construct a deck that will be 20 ft.
from the rear property line, 35 ft. required.
(4 votes required)

BOARD DISCUSSION:

Mr. Welch said this is the second time the applicant postponed and asked what the options are.

Mrs. Abbey said she would be speaking with Attorney Austin about this. She is unsure at what point the City forces them to tear the deck down since they keep postponing.

BOARD RECOMMENDATIONS AND/OR ACTION:

Mr. Parker moved and Walls seconded to postpone ZBA #12-21. Motion carried 6-0.

2. ZBA #12-23

BY: Fraternal Order of Eagles #3814
3317 Bristol Rd.
Burton, MI 48529

RE: 3317 Bristol Rd.
Parcel #59-28-576-049
M-2 Zoned

FOR: To conduct a C-3 Special Use in an
M-2 General Industrial Zone for an
outdoor flea market. (5 votes required)

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Don Cromwell, 2214 Morrish, showed the Board a drawing of the proposed flea market setup.

AUDIENCE PARTICIPATION:

Russell Rioux, 3337 E. Bristol, who lives next door, said he has no issues with the request.

Mrs. Abbey said this is their first time having a flea market and suggested granting it on a one year basis to see how it goes.

BOARD DISCUSSION:

Mr. Rapacz said he would not want the applicant to have to pay a fee again for re-approval.

Mrs. Abbey said the variance would go through September of 2013.

Mr. Hynes asked about food licenses.

Mrs. Abbey said that is handled through the County Health Department.

Mr. Parker asked who the vendors would be.

Mr. Cromwell said they would consist of people selling vegetables, crafts, etc. They would be bringing their own tables and tents.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Mr. Parker seconded to approve ZBA #12-23 based on a 1-year stipulation. Motion carried 6-0.

3. ZBA #12-24

BY: Brian & Nancy Rousseau
4284 Meadows Ave.
Grand Blanc, MI 48439

RE: 4284 Meadows Ave.
Parcel #59-35-552-037
R-1A Zoned

FOR: To construct a deck that will be 29.85 ft.
from the rear property line, 35 ft. required.
(4 votes required)

Nancy Rousseau, 4284 Meadows Ave., said they would like a bigger deck, which will enhance the home. She said their activities would not affect their neighbors since they back up to woods.

Mrs. Abbey said typically she would not recommend approval but seeing as the home backs up to a field she was in favor of the variance.

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AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mr. Rapacz asked if a precedence is set if the variance is approved.

Mrs. Abbey replied that every case is unique.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Hynes seconded to approve ZBA #12-24. Motion carried 6-0.

4. ZBA #12-25

BY: Bubba O'Malley's
1076 S. Belsay Rd.
Burton, MI 48509

RE: 1076 S. Belsay Rd.
Parcel #59-14-526-035
C-2 Zoned

FOR: 1. To conduct an outdoor recreational use
for a beer tent on October 6th, 2012 in
conjunction with Bubba's Extreme Dash.
2. To allow future outdoor recreational
events to be approved administratively.
(5 votes required)

John Fick, 1076 S. Belsay, said they would like to have this function in conjunction with a fundraiser for the Davison Optimist Club. He would like an entertainment beer tent for the same day, as well as a 5 mile run.

AUDIENCE PARTICIPATION:

Wendy Bennett, 1071 Glendale, said her house is directly behind Bubba's and is concerned with noise. She said since the trees were cut down there has been a berm, which helped deaden the sound. She is also concerned about additional events all the time.

Mrs. Abbey said if there is a concern, Ms. Bennett can always talk to the police that will be at Bubba's when there are events. She asked if the course would be taken down after the event.

Mr. Fink said he would be taking it down.

Mrs. Abbey recommended approval on the first issue and recommended denial for the second issue indicating she will speak with the attorney to find a solution to concerns the City has. Mr. Walls asked if Bubba's could give a yearly event schedule to make it easier for approval.
BOARD DISCUSSION: None.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Mrs. Parker seconded to approve ZBA #12-25 part #1. Motion carried 6-0.

Walls moved and Hynes seconded to approve ZBA #12-25 part #2. Motion carried to deny 6-0.

5. ZBA #12-26

BY: Catherine Shelton
6020 Nelson Ct.
Burton, MI 48519

RE: 6020 Nelson Ct
Parcel #59-25-555-013
R-1B Zoned

FOR: To construct an attached garage that will be
4 ft. from the side property line, 10 ft.
required. (4 votes required)

Catherine Shelton, 6020 Nelson Ct., said she would like to build a garage.

Mrs. Abbey recommended approval.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mr. Walls asked what size the garage would be.

Ms. Shelton said it would be a garage and a half.

BOARD RECOMMENDATIONS AND/OR ACTION:

Mr. Parker moved and Rapacz seconded to approve ZBA #12-26. Motion carried 7-0. Mrs. Weatherford was present for this vote.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mr. Welch said there are 2 applicants for the alternate position so far and a new alternate would be picked the first Council meeting in October.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, October 18, 2012 at 5:00 p.m.**

Meeting adjourned at 5:35 p.m.

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