

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MAY 21, 1998, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY Homer Berry AT 6:00 P.M.

MEMBERS PRESENT: Berry, Parker, Scott, Layman, Kalanquin

MEMBERS ABSENT: B. Weatherford, W. Weatherford, B. Centilli

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

NEW APPLICATIONS:

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| 1. ZBA #98-19 | BY: Ben Vedrody
6386 E. Atherton Rd.
Burton, MI 48519 |
| | RE: 6386 E. Atherton Rd.
Lot 4 Burton Homesites
Section 25, SE Zoned |
| | FOR: Temporary variance to park semi-truck
and trailer on site; M-1 Light Industrial
use in an SE, single family zoned area for
3 years. (5 Votes) |

Motion by Parker, seconded by Kalanquin to move ZBA #98-19 to the end of the meeting due to Mr. Vedrody being absent at start of the meeting.
Motion carried 5-0.

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| 2. ZBA #98-23 | BY: Wayne Cherry
1124 Rinn
Burton, MI |
| | RE: S ½ of Lot 58 and Lot 59 Rinn Acres
Section 13, R-1A zoned. |
| | FOR: To keep one horse on the property until
September 1, 1998. Temporary use.
(5 Votes) |

Wayne Cherry, 1124 Rinn, Burton, MI, stated his daughter has a horse at his brother-in-law's property. The brother-in-law is moving and wants to temporarily keep the horse on his property until September. His property is approximately 1 ½ acre.

AUDIENCE PARTICIPATION: No audience participation.

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Strasser said he received two calls regarding Mr. Cherry's property being too small.

Kalanquin asked where he would keep the horse on the property and if he thought about boarding the horse.

Scott indicated she noticed that there is no shelter there for the horse.

Wayne Cherry indicated he did not want to change the fencing or build a shelter until he finds out if it will be approved. He indicated boarding would be too costly and they do not want to sell the horse.

Mrs. Cherry said her daughter is in the 4-H Club and wants to spend more time with the horse.

Motion by Kalanquin, seconded by Layman to deny ZBA #98-23 as written.
Motion carried 5-0.

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| 3. ZBA #98-21 | BY: Bentley Wesleyan Church
6150 Lapeer Rd.
Burton, MI |
| | RE: Lot 1, Seeley's Sub #1, Sect. 13
R-1B zoned |
| | FOR: To construct a 6 ft. chainlink fence in rear
yard around playground area. 5 ft. maximum
allowed. (4 Votes) |

Roger Sumner, representative for Bentley Wesleyan Church said they would like the fencing for a play area for the children. He said they have had problems with vandalism, obscenities written on play equipment and the fencing will better control the situation.

Strasser indicated the request is reasonable.

Motion by Layman, seconded by Parker to approve ZBA #98-21 as written.
Motion carried 5-0.

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| 4. ZBA #98-22 | BY: Russell Hollenback II
6175 Crabtree Lane
Burton, MI 48519 |
| | RE: Lot 163 Holiday Villa, Sect. 24, R-1B zoned. |
| | FOR: Construct a 24 x 24 garage and exceed the height
limitation by 3 ft. 8 inches. 14 ft. required,
17 ft. 8 inches requested. Gambrel roof. (4 Votes) |

Russell Hollenback II, 6175 Crabtree Lane, Burton, MI said he has a 3 bedroom house with no basement and wants a garage for storage.

AUDIENCE PARTICIPATION: No audience participation.
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Strasser indicated this is a reasonable request.

Parker inquired about the building with blue tarp in his yard.

Russell Hollenback said it would be immediately tore down upon building of new garage.

Motion by Parker, seconded by Scott to approve ZBA #98-22 as written, with stipulation to include vinyl siding and take down the other storage building immediately as promised.

Motion carried 5-0.

5. ZBA #98-24

BY: Carol Sadler
1457 Denies
Burton, MI

RE: Lot 537 of Lapeer Heights, Sect. 14, R-1B zoned.

FOR: To construct a 6 ft. privacy fence in the front yard
area of Waller St., to the R.O.W. Line. (4 Votes)

Timothy Sadler presented a drawing to the Board Members and indicated the fencing will not be an obstruction of view.

AUDIENCE PARTICIPATION:

Ralph Dunning, 1465 Denies, Burton, MI, said he objects to the 6 ft. privacy fence and that it blocks his view.

Strasser indicated it would not hinder motorists and it is a small area he is asking to fence.

Motion by Kalanquin, seconded by Layman to approve ZBA #98-24 as written.

Motion carried 5-0.

6. ZBA #98-25

BY: Pamela McBride
2121 Brady
Burton, MI

RE: Lots 205, 206, 207 Stratmoor, Sect.32
R-1C zoned.

FOR: To exceed the allowable sq. footage for accessory
structures by 696 sq. ft. with a 30 ft. x 40 ft. garage.
(4 Votes)

Dennis McBride, 1471 Friel, Burton, MI, said he is representing his brother who could not be here tonight. The structure will store a pontoon boat and his son's vehicles that he restores.

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AUDIENCE PARTICIPATION:

Ed McBride, 2121 Brady, Burton, MI, stated he is buying the house. The garage will have vinyl siding.

Pauline Dargel, 6119 Hugh St., Burton, MI, asked about the location of the lots.

Strasser said all three lots are joined.

Scott inquired as to the fence line and a firewall.

Parker asked if all three lots were under the same parcel ID tax number and said he thinks 30 x 40 is a big structure and has concerns with someone doing business out of it.

Dennis McBride said it will not be used for business.

Motion by Layman, seconded by Scott to approve ZBA #98-25 as written.
Motion carried 5-0.

7. ZBA #98-26

BY: Jerry R. Clark
2102 E. Bristol Rd.
Burton, MI 48529

RE: 3034 Bristol Rd., Lots 18 and 19 of
Way Acres, Sect. 33, Zoned C-2

FOR: To allow a C-3 special use in a C-2 zoned area,
for a mobile home sales lot. (5 Votes)

Michael Jablonski, an Attorney representing Jerry Clark, 2102 E. Bristol Rd., Burton, MI, stated Mr. Clark recently retained him as his Council of Attorney. He has reviewed our ordinances and rules and Mr. Clark owes an apology to the Zoning Board for having trailers parked on this lot and should have handled things differently. Mr. Clark is a resident of the City of Burton, got into the Manufactured Home business three years ago, and is operating it successfully. Mr. Jablonski stated further Mr. Clark is the second leading sales person for Hart Manufactured Homes. He has a two year lease which commenced in March of 1997 and is scheduled to terminate in March of 1999. In the last couple of months, he and his landlord got into a dispute. The landlord sent him a letter telling him he has to vacate the premises by May 1, 1998. In looking at the lease agreement which Mr. Clark misinterpreted, he in fact does have a valid two year lease agreement through March of 1999 at his present location. He has negotiated to purchase the property at the corner of Bristol and Dort.

Mr. Jablonski stated that in March of next year, Mr. Clark is out of business at that location due to the problems with his landlord. He needs to get those manufactured homes off that property and put them where they belong on the sales office site, which he is willing to do immediately. He is in need of a location and has built up a business at the location on Bristol Rd. If he can move to the Bristol and Dort location, he will be displaying homes up in the \$125,000 range. He has the backing of the manufacturer and they will participate in the development of the property.

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Mr. Jablonski stated the building and the corner of the property has been dormant for quite some time and the sale value of the property at Dort and Bristol Road is in excess of \$500,000, the restoration site plan approval is in excess

of \$150,000. The manufactured homes are in excess of hundreds of thousands of dollars and there would be a major business on that corner.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI asked if they have dimensions to compare the current location to the new location.

Mr. Clark said 250 x 200 by the radio station and 200 x 320 for the new location.

Berry said the lease ends in March of 1999 and if it is approved as written, the variance would go with the property unless there is a stipulation made as to a time limit. He said there should not be any homes on the corner as to not obstruct the view on Bristol and Dort. He also mentioned that flags/pennants are against City ordinance.

Mr. Jablonski said they will take all that into consideration for the site plan, they are concerned with public safety and will adhere to any requirements as far as landscaping and to protect the corner turn.

Strasser said the units should not be on the site and suggested removing them. It is zoned C-2 which is general commercial that is indoor retail. It does not allow outdoor usage, storage or outdoor display. The property is paved beyond the right-of-way line and is already occupying a non-conforming set-back. If you decide to allow this use as is, the units can be moved to the edges of the asphalt because it is already existing a non-conforming set-back. Strasser said you cannot approve some type of set-back without looking at a plan. He suggested to leave an open-ended type of approval to see a plan, the set-backs and what will be on the corner. Flags, banners, pennants, temporary signs, etc., are not allowed. Strasser stated further that it should go before the Planning Commission which is required by City ordinance also. This property is on the corner and is extremely visible from all sides and no modular sales lot is located on a corner.

Jablonski said he reviewed those direct items with Mr. Clark and if this Board deems it necessary to have a condition upon an acceptable site plan to take in consideration of set-backs and corner, they do not have a problem with that. Mr. Clark wants a nice location and to be a good business person.

Strasser said the business should not operate until all approvals are in place.

Kalanquin indicated he wants to see some plans in writing.

Berry said it can only be tentatively approved until your lease runs out, and if approved as written, the variance goes with the property.

Discussion followed in length on the zoning of the property and Mr. Clark going before the Planning Commission.

Motion by Kalanquin, seconded by Parker to table ZBA #98-26 until Mr. Clark goes before the Planning Commission and then back to the next scheduled Regular Zoning Board of Appeals Meeting or a special meeting. Motion carried 5-0.

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(REVISED)

8. ZBA #98-27

BY: Angela Jones
1445 Kenneth
Burton, MI

RE: Lots 1137 and 1138, Baker Park #1, Sect. 30
R-1C zoned.

FOR: To construct a 6 ft. privacy fence in the front
setback area of Morrison, house is on a corner lot.
(4 Votes)

Angela Jones, 1445 Kenneth, Burton, MI, stated they would like to construct a privacy fence in the back yard, she has children and is afraid they will run out into the road. She also indicated they have had a lot of things stolen from their yard.

AUDIENCE PARTICIPATION: No audience participation.

Strasser said it is a reasonable request.

Berry asked about the type of privacy fence.

Motion by Parker, seconded by Layman to approve ZBA #98-27 with stipulation the fencing is taken care of.
Motion carried 5-0.

1. ZBA #98-19

BY: Ben Vedrody
6386 E. Atherton Rd.
Burton, MI 48519

RE: 6386 E. Atherton Rd.
Lot 4 Burton Homesites
Section 25, SE Zoned

FOR: Temporary variance to park semi-truck
and trailer on site; M-1 Light Industrial
use in an SE, single family zoned area for
3 years. (5 Votes)

Mr. Berry asked if Mr. Vedrody was present in the audience for ZBA #98-19. Mr Vedrody was not present.

Motion by Kalanquin, seconded by Layman to table ZBA #98-19 until the next scheduled meeting due to Mr. Vedrody's absence.

The following areas were discussed in length: The number of times an applicant can fail to appear for his case and a new Zoning Board chairperson and alternate.

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The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, June 18, 1998 at 6:00 P.M.

MEETING ADJOURNED AT 7:25 P.M.

Julie R. Adams
Clerk's Office