

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JANUARY 21, 1993 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN GOODING.

MEMBERS PRESENT: W. DePottey, K. Cox, D. Gooding, H. Berry, S. Welliver,
F. Edmonds

MEMBERS ABSENT: I. Hohloch.

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

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of December 17, 1992, at 7:00 P.M.

Moved by Cox, supported by Berry to approve the above minutes as printed.
Motion carried 6-0.

B. YEARLY RENEWALS:

1. ZBA #92-86

By: Judy Clark
1142 Cabot Dr.
Flint, MI 48532

Re: Lot 36 Suburban Homesites
Sect. 15, R-1A Zoned.

For: To conduct an RM "Multiple Family"
use in an R-1A Zoned area,
Boarding House.
(5 Votes Required)

Judy Clark explained that her mother, Mrs. Nelson had this rental property for many years before Burton became a city. This was her mother's source of income. Mrs. Nelson has passed away since this came before the Board last year. J. Clark has tried to sell this property but since it is a three family dwelling, it is hard to find a buyer. She must therefore keep renting it so that they can keep it from falling into dis-repair. She also said she would like a permanent variance if possible. If this is denied, it will be a financial hardship.

In the audience, Dorothy Stoppa, 1357 Howe Road, spoke on the many years of trouble they have had with this rental home. They have had much vandalism and also some thefts that they feel were done by the residents of this home. Brenda Latrielle, 1357 Howe Road, said they have had nothing but trouble from this home. Mr. Matthews, 4282 Lapeer, fears for the safety of his children and also had much trouble with the tenants. Kelly Matthews, 4282 Lapeer road, said that the Police Department is at this home frequently. J. Clark said she was not aware of many of these problems.

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T. Strasser stated that in order for the City Codes to be enforced on this property, someone would have to call the DPW and make them aware of these problems. He reminded the Board that this variance was granted last year with the stipulation that this was for Mrs. Nelson only, and not to be passed on to the next owner.

Board discussion followed. W. DePottey stated that in the past, he approved this request due to the fact that Mrs. Nelson needed it for her livelihood. He said he is not in favor of approval and will be voting in the negative. F. Edmonds, K. Cox, S. Welliver and H. Berry concurred with W. DePottey. D. Gooding, Chairman passed the gavel and spoke. He read from last years minutes which said "this variance shall be null and void" if the property changes hands and the zoning would be R-1A again. He feels the Board's obligation is ended.

Moved by Edmonds, supported by DePottey to deny ZBA #92-86. Roll call showed motion carried 6-0.

C. TO BE RECONSIDERED:

1. ZBA #92-82

By: New Tech Development
3220 Robert T. Longway
Flint, MI 48506

Re: Q-391-2, C-3 Zoned
The W. 16 Rods of E. 32 Rods
of N. 30 rods of the NW 1/4 of
the NE 1/4 of NE 1/4 of Sec 34
T7N-R7E, City of Burton,
Genesee County, MI.
(4354-4360 E. Bristol)
(4366 E. Bristol)

For: To construct an outside storage
area for contractors equipment.
(M-2 Use in a C-3 Zoned area).
(5 Votes required)

There was no one to represent New Tech Development. T. Strasser said he had notified them by certified mail. Board discussion followed. D. Gooding asked T. Strasser if the zoning in the fenced in area would be M-2 Use only. T. Strasser said yes. H. Berry said the Planning Commission gave their approval with one stipulation: the building must be brought up to code and New Tech must provide a performance bond or a letter of credit in the amount of the cost of constructing the screening and storage area according to city specifications.

T. Strasser stated that Genesee County may include this area in a County Drain System.

Moved by Berry, supported by Cox to approve ZBA #92-82 contingent upon DPW and Planning Commission recommendations and must supply a performance bond or a letter of credit in the amount of the cost of improvements of the screening and storage area. Motion carried 6-0.

POSTPONED FROM 12-17-1992

1. ZBA #92-71

By: Janice Lockhart
6089 Nelson Ct.
Burton, MI 48519

Re: Lot 7 of Nelson Replat.
Sect. 25 R-1B Zoned.

For: To permit an M-1 special approved
use in an R-1B zoned area. For a
Dog Kennel. 10 Adult Dogs.
(5 Votes Required)

Mr. Lockhart asked for postponement as there was not a full Board present.
This case will be postponed until our next regular meeting of February 18, 1993.

E. NEW APPLICATIONS:

1. ZBA #93-1

By: Terry King
3335 E. Atherton Rd.
Burton, MI

Re: 3143 Connecticut St..
Lot 81 - City Gardens
Sect. 26 R-1B Zoned

For: To exceed the allowable square
footage for accessory structures
by 624 sq. ft.
(4 Votes Required)

Mr. King asked for postponement until our next regular meeting of February 18, 1993.

F. AUDIENCE PARTICIPATION

Mrs. Hickmott, 6119 Nelson Court asked how many times a case can be postponed. Chairman Gooding said the Board must give the applicant the opportunity to be heard by a full Board. Discussion followed on everyone's concerns about this case being postponed so many times. The Board sympathized with the residents on Nelson Court.

BOARD DISCUSSION:

K. Cox felt the Chairman should have the authority to seek legal counsel on the postponement problem. The Board said they could understand how inconvenient it is for residents to come to the meetings month after month and always have a postponement on the case that affects them. Edmonds asked about having an alternate member. Strasser said the state does not allow it.

H. Berry reviewed a brochure he had received on Seminars that the members could attend if they wished to.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, February 18, 1993, 7:00 P.M.

Meeting adjourned at 8:08 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office