

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
FEBRUARY 20, 1992
7:00 P.M.

This meeting was called to order at 7:05 PM by Chairman Gooding.

Members Present: W. DePottey, D. Priest, D. Gooding, H. Berry, S. Welliver and F. Edmonds

Member Absent: K. Cox

Others Present: J. Major, DPW Director; T. Strasser, Deputy Planning Official and J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of December 19, 1991 at 7:00 P.M. (No meeting was held in January, 1992)

Moved by Priest, supported by Welliver to approve the above minutes as written.
Motion carried 6-0.

B. YEARLY RENEWALS:

1. ZBA #92-1

By: Holy Redeemer
1227 E. Bristol Road
Burton, MI 48529

Re: 1227 E. Bristol Road
Q-329-C Section 30
R-1C Zoned

For: Yearly Festival
Dates of May 15 thru 17, 1992
C-3 Special Approval
(5 Votes required)

Mr. Douglas Gingras, 5457 Thrush Drive, Grand Blanc, represented Holy Redeemer Church. He explained that he and his wife were co-chairman of the festival this year. This festival will be the same as previous years, they will have security on duty twenty-four hours a day. Chairman Gooding asked if they would have signs advertising the festival. Mr. Gingras said they would have one 4' x 6' sign in front of the church and that would be all. If this is denied, it would be a financial hardship as all proceeds go to the church school.

There was no one in the audience who wished to speak on this variance request. Strasser said there have been no complaints on this festival and the DPW had no problem with approval of this variance.

Priest asked if there would be a beer tent. Mr. Gingras said there would but there is always security on duty and checking ID's.

Moved by DePottey, supported by Welliver to approve ZBA #92-1 as written.
Motion carried 6-0.

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YEARLY RENEWALS (contd.)

2. ZBA #92-2

By: Blessed Sacrament Church
6336 Roberta Street
Burton, MI 48509

Re: Q-129 A & B Section 13
R-1A Zoned

For: To conduct a C-3 special use
festival - carnival, in a R-1A
zoned area. July 31 thru Aug 2,
1992.
(5 votes required)

Father Phil Schweda spoke on behalf of the church. He said this was the 15th annual Hungarian Festival. He said they have met all city requirements. They will have ample security and there have been no complaints since they moved the festival to the back of the church property. They also will have Paramedics on duty during festival hours. If this is denied it will deprive this area of a cultural event.

There was no one in the audience who wished to speak on this case. Strasser said there have been no complaints and the DPW have no problem with approval.

est asked if there would be a beer tent. Fr. Schweda said yes and they would have security checking ID's. There have been no problems in the past with this tent. Berry asked about the parking lot which has some rough spots in it. Fr. Schweda said they plan to either patch the holes or resurface the parking lot.

Moved by DePottey, supported by Edmonds to approve ZBA #92-2 as written. Motion carried 6-0.

3. ZBA #92-5

By: Claude D. Ash
1155 Adams Road
Burton, MI 48509

Re: Q-4576 Section 13
R-1B Zoned

For: Storage of contractors equip-
ment: backhoe, lowboy trailer and
dump truck.
(5 votes required)

Mr. Ash said this is his 18th year to come before the Board and ask for a variance to part his equipment on his property. He was located at this address before Burton was a city. He is self employed and this is his livelihood. Everything is the same as in past years. If this is denied, it would be a financial hardship because he would have to move.

one in the audience wished to speak. Strasser said there have been no complaints, the site is neat and clean and if it stays on a yearly renewal basis the DPW has no problem with approval.

Moved by Priest, supported by Berry to approve ZBA #92-5 as written. Motion carried 6-0.

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YEARLY RENEWALS (contd)

4. ZBA #92-6

By: Geraldine Statler
2196 S. Term
Burton, MI 48519

Re: Q-7708, Section 21
R-1B Zoned

For: One year extension for a mobile
home used as a second dwelling.
Waive section 5.07 & 5.14
(5 votes required)

Mr. Jerry Statler spoke on behalf of this case. He explained that his mother-in-law, Gwendolyn Edwards resides in the trailer and has been there for the past 7 to 8 years. This is a hardship case, if she was unable to live in the trailer, she would have to move in with one of her children.

There was no one in the audience who wished to speak on this case. Strasser said there have been no complaints but he requested that Mr. Statler provide proof of his mother-in-laws residency in the trailer. Mr. Statler provided a current statement from the Social Security Office.

Gooding suggested that if this is approved, it should be with the stipulation that when the mother-in-law no longer needs the trailer to reside in that the variance be terminated.

Moved by DePottey, supported by Edmonds to approve ZBA #92-6 for a period of one year with the stipulation that the variance be terminated when Gwendolyn Edwards no longer needs the mobile home for her residence. Motion carried 6-0.

C. NEW APPLICATIONS:

1. ZBA #92-3

By: Roy E. Hall
4020 Woodrow Avenue
Burton, MI 48509

Re: Q-5966 Section 1
R-1B zoned

For: To operate a landscaping & grounds
maintenance from above address.
M-1 light industrial use in an
R-1B single family residential
area.
(5 votes required)

Roy Hall explained that he is just beginning a landscaping business and would like to store a push-type lawnmower, weed whip, an edger and miscellaneous small items in his parents garage. He said at present there is a small trailer stored at the garage. This is his livelihood, it would be a financial hardship if this was denied. There will be no advertising or customers coming to the house. In the audience, Roy Hall's mother spoke in favor of approval of this case. She said there would be nothing stored outside. Bernard Meader, 4033 Woodrow, also spoke in favor of approval of this case.

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○ ZBA #92-3 (contd.)

Strasser explained to the applicant and the Board that this business would be classified as light industrial. He further explained that ZBA #92-5 (Claude D. Ash, contractor) was classified the same but that Mr. Ash had been there before Burton became a city. He feels that as this landscaping business grows, there might be more equipment stored there. He said this is a residential neighborhood and this use does not belong there. He said there have been no complaints from the neighbors.

DePottey said he is a business man himself and with a few stipulations such as, no expansion of equipment stored at this location, he could vote for approval. Berry commended Roy Hall for his effort to go into business and he could approve this request on a yearly basis. Edmonds said the home is kept very neat and also the home on the corner which he is caring for is very neat. He feels Mr. Hall is a remarkable young man to have voluntarily come before the Board with this request. He feels he is an honest young man. Chairman Gooding passed the gavel and said he can understand the efforts put forth by this young man but he asked the Board who would police this location to see if Mr. Hall complied with the stipulations of the variance. Welliver felt that a yearly renewal requirement would be sufficient to keep a check on unauthorized expansion of the business. Edmonds felt it would be sufficiently policed. DePottey said he doesn't think approval would be a risk to the neighborhood.

Moved by Welliver, supported by Berry to approve ZBA #92-3 for a period of one
○ r and that there be no more equipment than a push-lawnmower, weed whip,
ower, edger, rakes, small gas cans and a few miscellaneous small tools stored
in the garage; also that no grass clippings or yard debris be brought in.
Motion carried 6-0.

2. ZBA #92-4

By: Rodney Shock
1468 S. Genevieve
Burton, MI 48509

Re: Q-7694-22 Section 12
Zoned R-1A

For: To construct an attached
garage 5' from the side lot
line. 10' is required by
ordinance.
(4 votes required)

Mr. Shock explained that he wishes to build a 24' x 24' attached two car garage. This would increase the value of his house and also give him the space he needs to park his cars inside. At present Mr. Shock has a 6' x 6' shed in his back yard which he will keep. If this request is denied, he will have to change his plans and build differently.

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ZBA #92-4 (contd)

One in the audience wished to speak on this case. Strasser said there have been no complaints and he feels this is a reasonable request. Gooding asked if he has any water problems on the property. Mr. Shock said he didn't. Berry questioned the distance from his neighbor's house. Priest asked if Mr. Shock knew that the roof water runoff must flow on his own property. Mr. Shock said he did. J. Major suggested that Mr. Shock keep the opposite side of the house, with the 10' clearance, unencumbered. Mr. Shock said he would.

Moved by Berry, supported by Priest to approve ZBA #92-4 as written. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., asked about the method of distribution of the agendas. Strasser explained that City of Burton employees received theirs through departmental delivery, all others received theirs via the U.S. Mail service.

Bernard Meader, 4033 Woodrow, asked who was responsible for the condition of Center Road at the railroad tracks between Court Street and Robt. T. Longway. He said he almost had an accident at the crossing, as the car ahead of him came to an abrupt stop when they saw the road was higher than the railroad tracks. He wishes something could be done about this dangerous situation. J. Major explained this was a Genesee County road. He said that the city would report this condition to the Genesee County Road Department.

Douglas Gingras, 5457 Thrush Drive, Grand Blanc, asked if the Clerk's Office would please mail a copy of tonight's meeting minutes to him. They said they would.

E. BOARD DISCUSSION:

Discussion on Michigan Senate Bill 486 followed. They feel that if this bill is passed, local governmental units will lose all control of regulating Day Care Homes. They felt that the Burton City Council should look at Senate Bill 486 and possibly adopt a resolution such as the City of Swartz Creek did.

Moved by Berry, supported by DePottey, to ask City Council to consider sending to our Michigan Legislators a resolution requesting that Senate Bill 486 be turned down. Motion carried 6-0.

Discussion, by the Board, on attending a seminar sponsored by Michigan Society of Planning Officials in Frankenmuth, March 24, 1992, continued. It was agreed to encourage as many members, as could go on the above date, to fill out a registration form and forward to the Clerk's Office.

The next regularly scheduled meeting will be held March 19, 1992 at 7:00 P.M.

The meeting adjourned at 8:13 P.M.

Respectfully submitted by,

Jeanette Brown, Clerk's Office