

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
FEBRUARY 21, 1991, 7:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Chairman Gooding at 7:00 P.M.

Members Present: Gooding, Berry, Priest, Debus, Edmonds, Hammon and DePottey.

Members Absent: None.

Others Present: T. Strasser, Dep. Planning Official and C. Ladd, Deputy Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

Priest moved and DePottey supported the following motion:

Approve and authorize the minutes of the Regular ZBA Meeting of January 17, 1991 at 7:00 P.M., as printed. Motion carried 7-0.

B. YEARLY RENEWALS:

1. ZBA #91-07

BY: Jerry Statler
2196 S. Term Street
Burton, MI 48519

RE: 2196 S. Term Street
Lot 17 Southeast Acres
Section 21
R-1B Zoned

FOR: To waive Section 5.07, 5.14 & 5.36
of Ordinance #19. To allow a mobile
home on lot for a second dwelling
unit on site.
(5 Votes Required)

Geraldine Statler, 2196 S. Term St., said they would like the renewal approved for her elderly mother to reside there. To her knowledge, no complaints have been made regarding the mobile home. If she were to have to move the mobile home, it would be a great deal of expense and a real hardship to her mother.

No one in the audience spoke.

Mr. Strasser said when a unit has been located on a parcel for a number of years, the question comes up as to proof that there is still a need for this variance. We have had no calls or complaints regarding this request.

Mr. Berry said possibly an affidavit should be signed stating Mrs. Statler's mother is still occupying the mobile home.

Moved by Hammon, supported by Debus to approve ZBA #91-07 for one year and this variance is null and void in the event of the death of the applicant's mother. Motion carried 7-0.

2. ZBA #91-10

BY: Holy Redeemer
1227 E. Bristol Rd.
Burton, MI 48519

RE: 1227 E. Bristol Rd.
Q-329-C
Section 30
R-1C Zoned

FOR: Special Approval C-3 use in a
R-1C zoned area.

Mr. Gooding said this case will be heard at next month's meeting.

3. ZBA #91-11

BY: Michael J. Pratt
2201 S. Center Road
Burton, MI 48519

RE: 5318 Lapeer Road
Lot 13-23 Lapeer Heights
Section 14
C-1 Zoned

FOR: A C-3 Special use in a C-1 zoned
area. (For a Fitness Center)
(5 Votes Required)

Mr. Pratt said he is asking for a renewal for his gym. There have been no complaints to his knowledge. If this is not approved, he would be out of work and would have financial troubles. Also, he would have to find a place to store his equipment. Mr. Pratt asked if he could have the variance for longer than a one year period.

There was no audience participation.

Mr. Strasser said DPW has received no complaints and the next time this case comes up for renewal, we can ask for something more than a yearly renewal.

Mr. Hammon said he has heard good things about Mr. Pratt's business and wishes him well.

Moved by Debus, supported by Edmonds to approve ZBA #91-11, as requested for a period of one (1) years. Motion carried 7-0.

4. ZBA #91-12

BY: Kessel Food Market, Inc.
G-4288 W. Pierson Road
Flint, MI

RE: 1135 N. Belsay Road
Q-97-A-1
Section 11
M-1 Zoned

4. ZBA #91-12

FOR: To construct a temporary structure
"Greenhouse for the purpose of out-
side sales. (Vegetable Plants,
Flower Seeds, etc.)
(5 Votes Required)

Mr. Al Lenz, Vice-President/Controller and Mr. Don Auchey, Director of Engineering, explained that each year a temporary structure is constructed to house and protect the annuals and as a sales area. The structure would be put up around the 15th of April and taken down the first part of June. We would also install extension cord for an electrical outlet to operate the cash registers. The size of the structure will be 15x20 and approximately 10 feet high. If this request is denied, we would have a loss from a profit standpoint.

Mr. Auchey said he brought site plans for the board's review.

Mr. Strasser said the extension cords would not be acceptable according to the State Electrical Code.

There was no audience participation.

Mr. Strasser said in previous years the greenhouse took up a large portion of the prime parking area for the patrons. From the electrical and building code aspects, there was a real danger and a great liability involved. Last year's minutes reflect that the greenhouse would have to be placed on the south side as close to the building as possible and this way, it won't be taking up parking spaces and the electrical lines should be put in according to code, which would consist of putting in conduit underground.

Mr. Hammon asked if this would be a problem for Kessel's. Mr. Lenz and Mr. Auchey agreed it would be better to have the structure placed on the south side of the existing building. Mr. Lenz and Mr. Auchey also agreed to put in conduit for the electrical lines.

Mr. Berry asked if they would have a problem with the temporary structure being placed on the North side of the Kessel's building on E. Bristol Rd.

Mr. Auchey agreed this would be a good location.

Moved by Edmonds, supported by Debus to approve variance to construct a temporary structure on the Southeast side of the building and the electrical cords be installed up to code by next year. Motion carried 7-0.

5. ZBA #91-13

BY: Kessel Food Market, Inc.
G-4288 W. Pierson Road
Flint, MI

RE: 1200 E. Bristol Road
Q-336-F-1
Section 31
C-4 Zoned

5. ZBA #91-13
(Continued)

FOR: To construct a temporary structure
"Greenhouse for the purpose of
outside sales. (Vegetable Plants,
Flower Seeds, etc.)
(5 Votes Required)

Mr. Lenz and Mr. Auchey also represented Kessel's for a similar request for the location on E. Bristol Road. The time would be from mid-April to the first part of June. Basically, it is the same as the other request for N. Belsay Road. This particular store will soon be in the process of remodeling for a floral shop. If this request is denied, it would also cause a loss of profits.

There was no one in the audience who spoke.

Mr. Strasser said the DPW requirements are the same as the previous case and we recommend placement of the structure on the northeast corner of the building.

Mr. Berry said last year's minutes reflect that the placement of the structure should be placed on the northeast corner.

Moved by Hammon, supported by DePottey to approve ZBA #91-13 with the building being placed on the northeast corner of the building and the electrical outlet put in to the State Electrical Code by next year. Motion carried 7-0.

C. NEW APPLICATION:

1. ZBA #91-08

BY: Anthony Panigi
2381 Meadowcroft
Burton, MI 48519

RE: 2381 Meadowcroft
Lot 131 Meadowcroft Estates #4
Section 22
R-1B Zoned

FOR: To exceed the allowable square
footage for accessory structures by
164 sq. ft. existing structure =
452 sq. ft. proposed garage = 576
sq. ft. "24'x24'".
(4 Votes Required)

Mr. Panigi said he would like to construct an accessory building to store his boat, snowmobiles, and garden tractors in. They are currently stored outdoors and he would like to get them out of the yard. If his request is denied, he would have to find storage elsewhere for these items. The building would have a 16 foot garage door and would be a traditional structure. He would be building 6 feet from the property line.

There was no audience participation.

Mr. Gooding asked if there would be room to get back to the structure with these items. Mr. Panigi replied there would be enough room.

Mr. Strasser said DPW has no problems with Mr. Panigi's request.

Mr. Berry asked if the building would be built on a concrete slab. Mr. Panigi said yes, there would be footings, etc.

Moved by Priest, supported by DePottey to approve ZBA #91-08 as requested. Motion carried 7-0.

D. AUDIENCE PARTICIPATION:

There was no one in the audience.

E. BOARD DISCUSSION:

Mr. Strasser reported that the Yuille lawsuit has been dropped as of January 18th.

Mr. Hammon said the mobile sign were referred to the Legislative Committee and he will bring any information he receives, back to this board.

Mr. Gooding asked if the District Court, located on Maple and Center Roads, are complying with their variance.

Mr. Hammon said he spoke with Judge Snodgrass, Pat MacDougal and Brenda, the Court Clerk. There needs to be several changes made and the Judge asked me to call several of the County Commissioner's. If the changes aren't taken care of by next meeting, a resolution should be drafted and sent to the County Commissioners.

Mr. Gooding spoke about temporary signs.

Mr. Hammon said when the Board comes across a violation of City Ordinances, it should be taken care of as soon as possible.

Mr. Gooding said there will be a Training Program held on February 26, March 5, 11, 13 and 18. The cost is \$75.00 per person and with a group of five (5) or more, the cost is \$70.00. The session runs from 2:30 p.m. until 9:00 p.m.

Mr. Hammon said he thinks these training sessions are very beneficial to the members and should be attended whenever possible. Also, we might get someone to come to City Hall for the educational seminars.

Meeting adjourned at 8:13 p.m.

Respectfully Submitted,

Cheryl M. Ladd
Deputy City Clerk

CML