

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

This meeting was called to order at 7:00 P.M. by Chairman Gooding.

Members present: W. DePottey, K. Cox, D. Priest, D. Gooding, H. Berry and S. Welliver.

Member absent: F. Edmonds

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

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA meeting of February 20, 1992 at 7:00 P.M.

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

B. TEMPORARY USE:

1. ZBA #92-15

By: AC Rochester Warehouse  
1216 Center Road  
Burton, MI 48509

Re: Q-80, Section 10  
M-1 Zoned

For: To conduct a temporary indoor new car sales room for the following dates: April 8, 9, 10, 11 of 1992. C-3 principal permitted use in an M-1 zoned area. (5 votes required)

Mr. Phalanders Tatum represented AC Rochester. He explained they wished to have a four day car sale in the warehouse. The building is currently vacant and there is plenty of room for this project. There is plenty of parking at this location. There will be four dealers participating. If this is denied, it would be a financial hardship as they already have alot invested in the project. Gooding asked about signs. Mr. Tatum said they would comply with the ordinance.

There was no one in the audience who wished to speak on this variance.

Strasser said the use is appropriate. There were two stipulations if granted: the Fire Chief and the Building Inspector would have to make their approvals.

Priest asked about insurance. Mr. Tatum said they had liability insurance.

Moved by Priest, supported by DePottey to approve ZBA #92-15 as written. Motion carried 6-0.

PAGE 2

YEARLY RENEWALS:

1. ZBA #92-8

By: AC Rochester Div. of G.M.  
1300 N. Dort Hwy.  
Flint, MI 48556

Re: 13 N. Center Road  
Q-69, Section 10  
M-1 Zoned

For: To place (2) mobile offices, double  
wide (24'x50') on site for general  
office purposes, located at Plant #7  
(5 votes required)

Mr. Phalanders Tatum represented AC Rochester. He explained that this would be the third year for this temporary variance. He said they are presently renovating office space and hopefully they would soon have space inside for these offices. If this is denied it would be a hardship as there would be no place for these offices.

There was no one in the audience who wished to speak on this variance.

Strasser said there was no problem with this request, the complex is so large that the trailers are not noticeable. Discussion followed on inspection of these trailers, Strasser said an inspection was not necessary.

Moved by Berry, supported by Welliver to approve ZBA #92-8 for a period of one year. Motion carried 6-0.

2. ZBA #92-10

By: Donald Cheek  
6496 E. Atherton Rd.  
Burton, MI 48519

Re: 6496 E. Atherton Rd.  
West 1/2 of lot 8 of Burton  
Homesites. Section 25. R-1B Zoned  
(5 votes required)

For: To conduct an M-1 use "Glass business"  
in a R-1B Zoned area.  
(5 votes required)

Donald Cheek explained that he has been laid off from Buick and this business is what is supporting his family. He is just getting his business started and he is barely making ends meet. If this is denied it will be a severe financial hardship.

There was no one in the audience who wished to speak.

Strasser said this area is zoned residential and this type of business would be considered light industrial. He has no choice but to recommend denial. He is concerned that if this is approved that the contents of the garage will be emptied and stored out in the yard. He also feels the garbage fee should be higher than for a family dwelling.

PAGE 3

ZBA #92-10 (contd)

Berry asked if his business was conducted on the telephone, Mr. Cheek said yes, there were no customers coming to his house. Berry said he could approve for a period of one year. Cox asked Mr. Cheek if he was planning on looking at another site. Mr. Cheek said he was. Welliver asked Berry if there were any plans on rezoning this area. Mr. Berry said no. Gooding passed the gavel and spoke on this case. He feels that it is difficult to police this type of business. He said he will be voting in the negative on this case.

Moved by Priest, supported by DePottey to approve ZBA #92-10 for a period of one year and with the stipulations that there be no outside storage and there be no advertisement signs. Motion carried 5-1, Gooding casting the one no vote.

3. ZBA#92-13

Re: Kessel Food Markets, Inc.  
G-4288 W. Pierson Rd.  
Flint, MI 48504

By: 1135 N. Belsay Rd.  
Q-97-A1, Sect. 11, C-3 Zoned

For: Install a temporary floral greenhouse  
for outdoor retail sales.  
(5 votes required)

Mr. Al Lenz represented Kessel Food Markets. He explained that every year in the spring they asked for a variance to erect a temporary structure to protect the annuals and other plants that are for sale. It will be on the south side of the store from approximately April 18th until the 10th of June.

In the audience, Terry Maxim, 10301 Jameson Dr., Clio asked about the location of the structure and the method of supplying electrical power to it. Mr. Lenz said it would be located close to the main building on the south side. He said the power cables would comply with State regulations.

Strasser said there were no problems with approval if the structure was kept close to the market. He said he would send out an inspector to make sure the variance was adhered to.

Moved by Priest, supported by Welliver to approve ZBA #92-13 as requested. Motion carried 6-0.

4. ZBA #92-14

By: Kessel Food Market, Inc.  
G-4288 W. Pierson Rd.  
Flint, MI 48504

Re: 1200 Bristol Rd.  
Q-97-A-1, Sect. 11, C-3 Zoned

For: Install temporary floral greenhouse for  
outdoor retail sales.  
(5 votes required)

PAGE 4

4. ZBA #92-14 (contd.)

Mr. Al Lenz explained this was the same as the last case only the temporary structure would be located on the north side of the building. It was for protection of the spring annuals and plants that are for sale at this time of year. If this is denied it would be a financial hardship and there would be no place for this sale.

There was no one in the audience who wished to speak on this case. Strasser said it was the same as the last case, no problems with approval. He also said there would be an inspection to see that this complied with State and DPW requirements. Berry said he was well satisfied with the improvements made last year, it appeared to him that all the problems had been corrected.

Moved by Welliver, supported by Berry to approve ZBA #92-14 as written. Motion carried 6-0.

D. NEW APPLICATIONS:

1. ZBA #92-9

By: Russ Caldwell  
6252 W. Mt. Morris Road  
Mt. Morris, Mi 48458

Re: 1173 Packard  
Lot 54 of Garden Acres  
Section 13, R-1B Zoned.

For: R M Use in an R-1B district, asking for permanent variance for 12 AFC home occupant load. (5 votes required)

Mr. Caldwell explained he has been coming before the Zoning Board of Appeals for seven years and he runs a good home and keeps it up and pays his taxes on time and he would like to ask for a permanent variance in order to save the yearly application fee. All is the same, if this is denied it would be more of a hardship on the residents, as they are elderly and like living there.

There was no one in the audience who wished to speak on this case.

Strasser concurred that Mr. Caldwell did keep a very neat and clean home, he did not recommend a permanent variance as this would always go with the property even if Mr. Caldwell sold the property. He said there have been no calls on this home.

Gooding asked Strasser if it was possible for the Board to grant less than is requested. Strasser said it was. Berry suggested a variance just for Mr. Caldwell and should he ever sell the property the variance would be terminated. Discussion followed on granting a permanent variance. Cox felt a little leery about approving a permanent variance, he was more inclined to approve on a yearly basis. Welliver asked who would keep track if this property was sold. Mr. Caldwell said no one else could get a license without the State notifying  
erton.

Moved by Priest, supported by Cox to approve ZBA #92-2 for a period of one year. Motion carried 6-0.

REGULAR ZONING BOARD OF APPEALS MINUTES

MARCH 19, 1992 7:00 P.M.

PAGE 5

2. ZBA #92-11

By: Bob Moss Volkswagen, Inc.  
4499 Davison Road  
Burton, MI 48509

Re: Q-66-C, Section 3, C-2 Zoned

For: To construct an additional free standing sign on the premises. Two signs exist on premises. 130 sq. ft. of additional signage proposed. (5 votes required)

Jeff Moss explained they have just acquired a third car franchise and they needed another sign. He passed pictures of the signs already standing and the new proposed sign drawn in, to the Board. If this is denied he is not quite sure what would happen, he has no contingency plan.

There was no one in the audience who wished to speak on this case. Strasser said there had been no calls on this variance. He suggested mounting the Subaru sign with another sign. Mr. Moss said he had checked with a sign company and found this would not work.

Priest asked how quickly Mr. Moss needed an decision on this case as he was uncertain whether this would contribute to a sign pollution problem in this area. DePottey said he feels this area could become cluttered with signs if careful consideration was not given. Welliver suggested removing the "Used Cars" sign and then putting up the Subaru sign according to the picture.

Moved by Welliver, supported by DePottey to approve ZBA #92-11 with the stipulation that the "Used Cars" sign be removed and the Subaru sign be erected according to the picture presented. Motion carried 6-0.

3. ZBA #92-12

By: Richard Wiktorowski  
3354 S. Grand Traverse  
Burton, MI 48529

Re: Q-1327  
Lots 551 & 552 of Baker Park  
Section 30 C-2 Zoned

- For: 1. To construct an addition within 2' of an accessory structure.  
(4 votes required)
2. To expand the non-conforming residential rights on the property.  
(5 votes required)

Mr. Wiktorowski explained that he needed the addition to his home because his Mother and Sister may be coming to live with him. Actually the overhang on the garage is the reason that the addition would be so close. He said he would put a fire wall in the addition if necessary. If this is denied it would be a hardship because he would not have the room he needed.

There was no one in the audience who wished to speak.

Strasser said he checked with a building inspector and was told that a fire wall was not needed.

PAGE 6

3. ZBA #92-12 (contd.)

Berry commented that the commercial use of this property was not growing, he could see no reason for denial of this request. Discussion followed.

Moved by Berry, supported by Welliver to approve Item #1 of the request as written. Motion carried 6-0.

Moved by DePottey, supported by Priest to approve Item #2 of the request as written. Motion carried 6-0.

4. ZBA #92-16

By: Steve and Bernice Foust  
1484 Allen Street  
Burton, MI 48529

Re: Lot 152, 153 of Baker Park  
Section 30 R-1C Zoned

For: To construct an addition at 6' from  
the front property line. 20' setback  
required. (4 votes required).

Mr. Foust explained that his wife and he planned on adopting a child and they would need the extra space. If this was denied they would have to move.

There was no one in the audience who wished to speak on this variance. Strasser said this request would put the house closest to the front property line on the entire street. He noted that the owner was unable to add on any other way. This is a corner lot and the alley runs next to his house. If this house was in the middle of the block, he would recommend denial but since he lives next to the alley he could see no big problem with this request. He has received no calls on this case. Gooding said that if another request was made by someone on this street, it would have to be looked at differently.

Moved by DePottey, supported by Cox to approve ZBA #92-16 as written. Motion carried 6-0.

F. AUDIENCE PARTICIPATION

Pauline Dargel, 6119 Hugh spoke on an Adult Foster Care Home at 6201 Woodmoor Dr. She asked if the City was aware of this home. Strasser and Major said the City had not been notified of this home by the State. They said they would check into this situation. Howard Klink, 6156 Hugh, and Denise Barron, 6184 Woodmoor also spoke on this same home.

G. BOARD DISCUSSION

Strasser asked the Board for their recommendation regarding a home that is built near the back property line and having no back yard when they request a variance to construct something in front of the home or to either side. After discussion, the members felt that each case should be reviewed by the Board and a decision reached on each individual case.

The next regularly scheduled meeting will be held April 16, 1992 at 7:00 P.M.  
Meeting adjourned at 8:55 PM

Respectfully submitted by: Jeanette Brown, Clerk's Office