

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

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

MEMBERS PRESENT: W. DePottey, T. Hammon, D. Priest, D. Gooding, H. Berry,
H. Debus and F. Edmonds.

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 February 21, 1991 at 7:00 P.M.

Moved by Priest, supported by Edmonds to approve the above minutes as
written. Motion carried 7-0.

B. YEARLY RENEWALS:

1. ZBA #91-10

BY: Holy Redeemer
1227 Bristol Road
Burton, MI 48519

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

FOR: Special approval C-3 use in an
R-1C zoned area.
(Yearly Festival May 17,18 &
19, 1991)
(5 Votes Required)

Carol Popadich represented Holy Redeemer. She explained that everything about
the festival is the same as in past years. The profits from the festival are
used for many activities at the Church and the School, therefore if this is
denied it will be a financial hardship.

No one in the audience wished to speak on this variance request. Strasser
said there were no problems with approval of this variance if they would
adhere to the City sign ordinance. Mrs. Popadich explained the only sign they
had was within the sign ordinance.

Priest asked if there would be a beer tent, Mrs. Popadich said yes. Priest
explained that that would be the reason for his no vote.

1. ZBA #91-10 (contd.)

Moved by Edmonds, supported by DePottey to approve ZBA #91-10 with the stipulation that the city sign ordinance be adhered to. A roll call vote showed motion carried 6-1, Priest casting the no vote.

2. ZBA #91-12

By: Beulah Nelson
4270 Lapeer Road
Burton, MI 48509

RE: 4270 Lapeer Road
Lot 36 - Suburban Homesites
Section 15
R-1A Zoned

FOR: To conduct an RM "Multiple
Family" use in an R-1A zoned area.
(5 Votes Required)

Judy Clark represented her mother, Beulah Nelson. She explained that her mother has had this multiple family home since before Burton was a City, she intends to ask for a permanent variance next year. If this is denied, it will be a financial hardship as this is her mother's livelihood.

There was no one in the audience who wished to speak on this case. Strasser said there have been no problems or complaints and the home is very clean and neat.

Moved by Priest, supported by Hammon to approve ZBA #91-12 for a period of one year with the stipulation that if the property is sold the variance will be null and void and the zoning would be R-1A again. Motion carried 7-0.

3. ZBA #91-14

By: Napoleon Groleau
4299 Fenton Road
Burton, MI 48529

RE: 4299 Fenton Road
Lots 4 & 5 Burton Wood Sub'd.
Section 31
R-1B Zoned

FOR: Contractor's storage of one (1)
truck and one (1) skid loader.
(5 Votes Required)

Mr. Groleau explained that the storage area is in the back of his home and cannot be seen from the road in front of his house. He has ten acres but these will be stored on lots 4 and 5. He has had this variance for three years now. If this is denied it will be a financial hardship as he cannot afford to pay for storage some place else.

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3. ZBA #91-14 (contd.)

In the audience, John and Constance Pines were opposed to this variance until it was explained to them where this equipment would be stored. They then said they did not object as it would not be visible from their back yard. Chairman Gooding read a letter from Mrs. R. Darbee, 1056 E. Judd Road who opposed the storage of equipment behind her property. Mr. & Mrs. Pines then said she would not object to the request now that they understood where the storage would be. Strasser said there have been no formal complaints, he suggested that a code enforcement officer could check this location and if there are any violations they could be corrected. DePottey said he feels Mr. Groleau deserves credit for mowing the ten acres and keeping it in a clean and orderly fashion. Berry said he drove the area and cannot see the equipment from the road.

Moved by Edmonds, supported by Debus to approve ZBA #91-14 for a period of one year and with the stipulation that the code enforcement officer inspect this site. Motion carried 7-0.

4. ZBA #91-15

BY: AC Rochester Division of General
Motors Corp.
1300 N. Dort Hwy.
Flint, MI 48556

RE: 1300 N. Center Road
Q-69
Section 10
M-2 Zoned

FOR: To place on two (2) Mobile Offices,
Double Wide (24' x 50') on site for
general office purposes, located at
the plant #7 facility.
(5 Votes Required)

Dave Whidden represented AC Rochester. He explained that he must renew this variance as the renovations are not moving as fast as planned. They have removed two units already and they still plan on moving these out as soon as the offices are renovated. It would be a financial hardship if this is denied.

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

Strasser said there are no problems with renewal of this variance.

Moved by Priest, supported by Debus to approve ZBA #91-15 as written. Motion carried 7-0.

5. ZBA #91-16

BY: Bentley School (Athletic Boosters)
1150 N. Belsay Road
Burton, MI 48519

RE: 1150 N. Belsay Road
Q-114
Section 12
R-1A Zoned

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5. ZBA #91-16

FOR: Yearly Carnival (C-3 use after
Special Approval in R-1A District)
(June 20-23, 1991)
(5 Votes Required)

John Wilson represented Bentley Athletic Boosters. He explained the festival raises money for many activities in the school and also for scholarships for the students. It would be a financial hardship if this were denied.

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

Strasser said there have been no complaints, but again they must adhere to the city sign ordinance.

Priest asked if there would be a beer tent. Mr. Wilson said yes but it was carefully run. They also have much security. Berry said he also is opposed to the sale of alcoholic beverages on public property but since the State of Michigan has granted them a license to do this he shall be voting in the affirmative. Hammon said he has never seen any problems at either Bentley's Festival Beer Tent or at Holy Redeemer either. He feels this Board has no jurisdiction over a festival beer tent.

Moved by Edmonds, supported by Debus to approve ZBA #91-16 with the stipulation that they adhere to the city sign ordinance. Motion carried 6-1, Priest voting no.

6. ZBA #91-18

BY: Russell Caldwell
6252 W. Mt. Morris Road
Mt. Morris, MI 48458

RE: 1173 Packard
Lot 54 of Garden Acres
Section 13
R-1B Zoned

FOR: RM use in an R-1B district for
twelve (12) occupants.
(5 Votes Required)

Mr. Caldwell explained he has had this home for the elderly for the past five and a half years. All of the occupants need special care. He maintains the home in a neat and clean fashion. If this is denied it would be a hardship on the elderly people living there because they are very happy there.

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

Strasser said it is very clean house and neat area. He has received one call from a neighbor who states that the home is an asset to the city. DePottay said Mr. Caldwell does well in everything he does, he highly recommends approval of this variance. Berry reminded Mr. Caldwell he might ask for a permanent variance next time this comes up for renewal.

Moved by Priest, supported by Edmonds to approve ZBA #91-18 for a period of one year. Motion carried 7-0.

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C. NEW APPLICATIONS:

1. ZBA #91-13

BY: Robert VanAuken
4246 Davison Road
Burton, MI 48509

RE: 4246 Davison Road
Q-73
Section 10
C-2 Zoned

FOR: To expand non-conforming
residential in C-2 zoning. Adding
a 12x16 porch after removing a
10x14 porch.
(5 Votes Required)

Mr. Van Auken said his present porch is rotting and falling off. It needs to be replaced. He bought the house a year ago and did not realize he couldn't repair is porch without a variance. If this is denied it will be a real hardship because the roof is leaking and some of the water leaks into his house.

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

Strasser said there were no problems with this request.

Moved by Berry, supported by DePottey to approve ZBA #91-13 as written. Motion carried 7-0.

2. ZBA #91-17

BY: LeRoy McReynolds
3154 S. Term Street
Burton, MI 48529

RE: 3154 S. Term St.
Lot 7 of Southgate
Section 28
R-1B Zoned

FOR: Waive 10' requirement from home
to accessory structure (garage).
Requesting 3'.
(4 Votes Required)

Mr. McReynolds explained that he needs more space on his first floor. He needs another bedroom, a bathroom and a utility room. If this is denied it will be a hardship as he and his wife are not able to go up and down the stairs as easily as they have in the past.

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

Strasser asked Mr. McReynolds if he had access to his back yard. Mr. McReynolds said he has a wide door in the back of his garage. Strasser said there haven't been any complaints on this request. Discussion on the breezeway followed.

Moved by Priest, supported by Debus to approve ZBA #91-17 as written. Motion carried 7-0.

D. AUDIENCE PARTICIPATION:

Carol Popadich stated that the beer tent at the festival was a major concern of theirs also. They have raised the prices to discourage too much drinking, they have increased security and all who enter will have their ID checked.

E. BOARD DISCUSSION:

Chairman Gooding read into the record a letter from National Amusements, Inc. in support of Bentley's Festival variance request.

Strasser stated that K-Mart Corporation has requested a special ZBA meeting to consider a "temporary structure" which they have already begun to set up. The Board decided on Thursday, March 28th at 7:00 P.M. for the special meeting.

Chairman Gooding said that for the months of April, May, June and July he would be unable to attend any ZBA meeting that is held on the third Thursday. The Board resolved to hold the next four meetings on the first Thursday of every month.

Discussion on a Zoning Board and Planning Commission Workshop followed. Strasser will try to set up a workshop that most of the members will be able to attend.

Board discussion on temporary signs followed.

The next regularly scheduled meeting will be held April 4, 1991, at 7:00 P.M.

Meeting adjourned at 8:35 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office