

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MARCH 22, 1990
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, Clerks
Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA meeting of February 22, 1990 7:00 P.M.

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

B. YEARLY RENEWALS:

1. ZBA #90-010

By: Russ Caldwell
6252 E. Mt. Morris Road
Mt. Morris, MI 48458

RE: 1173 Packard
Lot 54 of Garden Acres
Section 31
R-1B Zoned

FOR: RM use in R-1B District for an
AFC Home. (Twelve Occupants)
(5 Votes Required)

Mr. Caldwell said this was the third year for such a renewal. He said nothing has changed, he tries to maintain his home very well. If denied, it would be a financial hardship.

No one in the audience wished to speak on this variance. Strasser said there were no problems or complaints with this variance. Berry said Mr. Caldwell kept a real nice home.

Moved by Priest, supported by DePottey to approve ZBA #90-010 for a period of one year. Motion carried 7-0.

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2. ZBA #90-011

BY: Bentley Community Schools Boosters
1150 N. Belsay Road
Burton, Mi 48509

RE: 1150 N. Belsay Road
Q-115
Bentley Senior High School
Section 12
R-1A Zoned

FOR: A C-3 use after Special Approval in
an R-1A Residential District, for a
Carnival. Dates as Follows:
June 21, 22, 23, 24, 1990.
(5 Votes Required)

Stephen Pinter, 1344 Clairwood represented the Bentley Boosters. He said he believes this is the seventh renewal request and this is one of the finest festivals in the area. He said if this was denied it would be a great financial stress as the money from the festival supports the Bentley Athletic Program and also other programs.

No one in the audience wished to speak on this variance. Strasser said there have been no complaints or problems with this variance.

Priest asked if there was going to be a beer tent. Mr. Pinter said there was. Priest said he was not in favor of a beer tent on public school property and would be voting against this variance.

Hammon said he understood the problem of alcoholic beverages but the tent was extremely well monitored, also that the Board was not here for moral or ethical judgement. Priest said he was not morally or ethically against it, just that he feels it's a bad influence on school children to see their parents drinking in the tent. DePottey said he is on the committee for another such festival and the funds which are generated are badly needed for various programs, he would be voting in favor.

Moved by Debus, supported by DePottey to approve ZBA #90-011. A Roll call vote showed motion carried 6-1, Priest voting no.

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2. ZBA #90-012

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

RE: 1227 E. Bristol Road
Section 30
R-1B Zoned

FOR: C-3 use in an R-1B District for
a Festival. Dates as Follows:
May 18, 19, 20, 1990.
(5 Votes Required)

There was no one present to represent this case.

Moved by DePottey, supported by Edmonds to table until the end of this meeting.
Motion carried 7-0.

3. ZBA #90-015

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

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

FOR: To place one (1) mobile office,
double wide (24' x 50') on site
for general office purposes,
located at the Plant #7 facility.
(4 Votes Required)

David Whidden represented AC Rochester. He explained that they would be moving this mobile office off the loading dock and down on the ground adjacent to the mobile unit which was approved the first of the year. He said it was not their intention to keep using these mobile offices, next year alot of the offices would be moving to the Great Lakes Technical Center and they would have more permanent office space at this time. Gooding asked if the unit would be renovated. Mr. Whidden said yes. Discussion on the foundation of these units followed.

No one in the audience wished to speak on this variance request. Strasser said there have been no problems with this variance. He further stated that if approved the inspectors would have to see that it was attached to a full depth foundation.

Board discussion followed. DePottey said he has set many of these in the City of Flint for such uses as temporary school rooms and therefore he feels they must be safe. Berry said he has no problem with this variance as long as they are anchored safely.

Moved by DePottey, supported by Priest to approve this temporary unit for a period of one year with the stipulation that AC Rochester contact the City of Burton DPW regarding the proper foundation on this unit. Motion carried 7-0.

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C. NEW APPLICATIONS:

1. ZBA #90-013

BY: Marshall Barnett
2371 Bradford Street
Flint, MI 48506

Re: 4119 E. Maple Avenue
Q-401-N
Section 34
SE Zoned

FOR: To create three (3) Substandard
lots in an SE zoned area. 150'
of road frontage required, two
(2) lots @ 111' of frontage &
one (1) lot @ 112' of frontage
requested. All lots @ 795' deep.
See schedule of regulations.
(4 Votes Required)

Marshall Barnett explained that they have six acres and they wish to split into three lots. Mike Barnett, helped explain their plans to built two houses on this property.

There was no one in the audience who wished to speak on this variance. Strasser said that the property could be split into two parcels without a variance. He feels the plans for three lots is not a good idea and they should comply with the ordinance. He said there have been no complaints on this request. At present in this area there are 6 parcels which exceed frontage requirements and 7 which are sub-standard.

Board discussion followed. Priest said he could see no problems with this request. Gooding passed the gavel and spoke. He felt this was a self-imposed hardship, he is very uncomfortable about approving this request. DePottey felt this was beneficial to the City as it would increase it's tax base. Edmonds felt that two lots would be an excessive amount of ground to keep up.

Moved by Priest, supported by Debus to approve ZBA #90-013 as written, Roll call vote showed motion carried 7-0.

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2. ZBA #90-014

BY: Larry Jablonoski
6480 Potter Road
Burton, MI 48509

RE: 1118 S. Belsay Road
Lot 43 Raymond Subdivision
Section 14
C-2 Zoned

FOR: To reinstate the nonconforming
residential rights of the property.
"To be used as a single family
house."
(5 Votes Required)

Mr. Jablonoski explained this area is zoned commercial and he would like it to stay that way but he has tried to utilize his property commercially and cannot do it. He therefore would like to use it as a residence so as to recoup some of the expenses he has had with this empty building.

In the audience, Joseph Jablonoski stated that on both sides of this property it is residential, he said probably that is one of the detriments for commercial use. But in the mean time expenses continue on this property.

Strasser said there were no problems with this request.

Debus asked if this would be yearly, Strasser said he recommends that it be permanent.

Moved by DePottey, supported by Edmonds to approve ZBA #90-014 as written.
Motion carried 7-0.

YEARLY RENEWAL TABLED UNTIL THE END OF THIS MEETING.

2. ZBA # 90-012

By: Holy Redeemer Church

There still was no one present to represent this case.

Discussion as to whether this should be acted upon without representation from the church followed. Hammon felt they should make an exception and give approval at this meeting as long as nothing had changed with the festival. Priest stated that he could not vote in favor of this request because of the beer tent. Hammon explained that it was not up to this Board to base their approval or dis-approval on the beer tent, he said this was not a ramification. He felt that the Board had no right to turn this request down. DePottey said that he has been involved with festivals for some years and a beer tent can determine whether a carnival is a success or not. Gooding felt that since the festival caused no trouble or complaints it should be approved.

Moved by Hammon, supported by DePottey to approve ZBA #90-012 as long as there were no deviations from the past festivals. A roll call vote showed motion carried 6-1, Priest voting no.

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D. AUDIENCE PARTICIPATION:

No one wished to speak.

E. BOARD DISCUSSION:

There was none.

The next regularly scheduled Zoning Board of Appeals meeting will be held on Thursday, April 26, 1990 7:00 P.M.

Chairman Gooding adjourned the meeting at 8:20 P.M.

Respectfully submitted by:



Jeanette Brown,
Clerk's Office