

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
APRIL 15, 1993 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:10 P.M. BY CHAIRMAN D. GOODING.

MEMBERS PRESENT: W. DePottey, K. Cox, D. Gooding, S. Welliver, F. Edmonds,
I. Hohloch entered at 7:30 P.M.

MEMBER ABSENT: H. Berry

OTHERS PRESENT: T. Strasser, Dep. Planning Official, J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of March 18, 1993, at 7:00 P.M.

Moved by Edmonds, supported by Cox to approve the above minutes as written.
Motion carried 5-0.

B. YEARLY RENEWALS:

1. ZBA #93-16

By: Claude Ash
1155 Adams Rd.
Burton, MI 48509

Re: 1155 Adams
Lot 156 Garden Acres
Sec. 13 R1B Zoned.

For: Yearly Renewal for a Contractors
Storage Yard "M-2" Use in a
Residential Area.
(5 votes required)

Mr. Ash explained this was the 18th year he has asked for this variance. He parks a back-hoe and a dump truck here. Nothing has changed and none of his neighbors have complained. If this is denied, it would be a financial hardship as he would have to move.

There was no one in the audience who wished to speak on this case. T. Strasser said there have been no complaints to the city on this. The DPW has no objections.

Moved by Welliver, supported by Edmonds to approve ZBA #93-15 for a period of one year. Motion carried 5-0.

B. YEARLY RENEWALS:(contd.)

2. ZBA #93-16

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

Re: Kessel Food Market
1200 E. Bristol
Burton, MI 48529
Q-336-F-1
Sect. 31 C-4 Zoned

For: Temporary Outside Sales, install
temporary greenhouse structure for
seasonal sale of vegetable plants,
flower seeds, etc.
(5 votes required)

Mike Walker, 3122 Anderson Ct., Clio represented Kessel Food Market. He explained this is the third year they have requested this variance. The temporary structure is 21' x 30' and is used to store seasonal plants. It will be in the same location as last year, as close to the building as possible. If this is denied, the store will be unable to sell these plants.

There was no one in the audience who wished to speak on this case. T. Strasser said there have been no problems with this request, they have always conformed to all requirements.

D. Gooding passed the gavel to S. Welliver and spoke on the applicant living up to the variance requirements. F. Edmonds asked the length of time this sale would run. Mr. Walker said from April 17 to June 12, 1993.

Moved by DePottey, supported by Cox to approve ZBA #93-16 as written. Motion carried 5-0.

3. ZBA #93-17

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

Re: Kessel Food Market
1135 N. Belsay Rd.
Burton, MI 48509

For: Temporary outside Sales, install
temporary greenhouse structure for
seasonal sale of vegetable plants,
flower seeds, etc.
(5 votes required)

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B. YEARLY RENEWALS: (contd.)

3. ZBA #93-17 (contd.)

Mike Walker represented Kessel Food Market. He said all is the same on this as the first request. If denied, it would be a financial hardship as the store would be unable to sell these plants.

No one in the audience wished to speak on this case. T. Strasser said there have been no complaints and they have complied with all requirements.

D. Gooding stated that last year the motion to approve the variance read - "as close to the main building as possible". He feels they have not adhered to this stipulation. Discussion on placement of the structure followed. F. Edmonds said he had inquired and last year a lane was left open so that trucks could make their deliveries to the store. K. Cox explained the Board's concern was for Public Safety. W. DePottey concurred, he suggested they stipulate the structure be "close" to the main store.

Moved by Edmonds, supported by Welliver to approve ZBA #93-17 with the stipulation that the structure be as close as possible on the south side of the building and if there are any problems they should contact T. Strasser in the DPW.

Discussion on the motion followed. T. Strasser asked for a clarification on "close". I. Hohloch said they could include in the motion that the structure be 7 feet from store.

F. Edmonds withdrew his motion, S. Welliver withdrew his support.

Moved by Edmonds, supported by Welliver to approve ZBA #93-17 for a period of one year with the stipulation the structure be seven (7) feet from the main building and if there are any problems they should contact T. Strasser. Motion carried 6-0.

C. NEW APPLICATIONS:

1. ZBA #93-12

By: Loren Dunkel
4295 S. Belsay
Burton, MI 48519

Re: Q-460 Sect. 36
SE Zoned

For: To create two (2) buildable lots
with sub-standard lot frontages
of 91' and 92'. 150' required.
(4 votes required)

There was no one to represent this case. Moved by Edmonds, supported by Welliver to postpone ZBA #93-12 until the end of the meeting. Motion carried 6-0.

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C. NEW APPLICATIONS (contd.)

2. ZBA #93-18

By: Francis Johnson
3472 E. Atherton Road
Burton, MI 48519

Re: Lot 30 & 31 Supt. Plan #12
Sec. 28, 3030 Clarice

For: To construct a single family
dwelling (Residential Use) in
a C-2 Zoned area, grant non-
conforming" Residential Rights".
(5 votes required)

Francis Johnson's son, Jay Johnson represented this case. He explained that his father has owned this property for quite some time and he would like to build a house on it. If this is denied, it will be a financial hardship.

In the audience, Dian Johnson, 3068 Clarice, spoke against approval of this variance. She outlined the events of when FEMA bought out the homeowners due to these homes being in a flood plain. John Stapish, 5061 E. Atherton, also spoke against approval of this request.

T. Strasser said this property was in a flood plain area. He explained the stipulations of the building permit, they will be unable to add fill dirt to this property. He then said the issue is not that the property is in a flood plain, but whether to allow residential use on a commercially zoned lot.

Discussion followed. I. Hohloch asked T. Strasser if there was a map in the DPW of the "buy-out" area by FEMA. T. Strasser said there was. Hohloch felt this should be tabled until more information was available on the flooding problem. S. Welliver concurred with I. Hohloch. K. Cox said he would feel more comfortable if he had more information on this request. D. Gooding reiterated that the board was simply making the decision if Mr. Johnson could be granted non-conforming residential rights. I. Hohloch felt that since this was a corner lot that a commercial business could build there. He stated he was inclined to vote in the negative. W. DePottey concurred with Mr. Hohloch.

Moved by Welliver, supported by Hohloch to deny ZBA #93-18. Motion carried 6-0.

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3. ZBA #93-20

By: Tamra Bates
2075 S. Term
Burton, MI 48519

Re: N 1/2 of Lot 36 of South-East Acres,
R-1B Zoned Sect. 21

For: To exceed the allowable square footage
for accessory structures by 384 sq. ft.
with a garage addition of 20' x 24'.
(4 votes required)

Tamra Bates explained she needs more garage space for storage of personal items. She has no basement. She has a janitorial business but all equipment is stored in her van. If this is denied, it will be a hardship as she will probably be cited periodically by the city for outside storage of her personal items.

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

T. Strasser said there have been no calls against this request, but it does exceed the ordinance.

I. Hohloch said this was not an unreasonable request, he would be voting in the affirmative. S. Welliver asked Ms. Bates what was the size of her lot. She said just a little short of an acre. K. Cox asked if she was operating a business out of her garage, she said no, all of her supplies were in her van.

Moved by Welliver, supported by Hohloch to approve ZBA #93-20 as written.
Motion carried 6-0.

4. ZBA #93-19

By: Charles K. Martin, III
4348 Springfield St.
Burton, MI 48519

Re: 4348 Springfield St.
Lot 82 Suburban Homesites,
Sect 15 R-1A

For: Wishes to build garage 8' from
house. 10' required by
ordinance.
(4 votes required)

Mr. Martin explained that if he built this garage at 10' he would be exactly 18" from the property line. He said if this is denied it would be a hardship as he would have to build his garage in his backyard.

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

. Strasser said this was a reasonable request, he would have a garage door in the back wall of his garage also. I. Hohloch asked if both sheds in the drawing were his. Mr. Martin said yes. I. Hohloch said this was a reasonable request and he would be voting in the affirmative.

Moved by Edmonds, supported by DePottey to approve ZBA #93-19. Motion carried 6-0.

C. NEW APPLICATIONS (contd.)

5. ZBA #93-21

By: Timothy K. Gilbert
6337 Brian Circle Lane
Burton, MI 48509

Re: 6337 Brian Circle Lane
Lot 35 Brookwood Est. #1
Sect. 1 R-1A Zoned

For: (1) To exceed the allowable square
footage for accessory structures by
86 sq. ft.
(2) To construct an attached garage
7' from the east property line.
(4 votes required)

Mr. Gilbert explained his plans to turn his present garage into a family room and build another garage. The new garage would be in front of his house. If he is denied this request he would have to build his garage half in front of his living room picture window.

No one in the audience wished to speak on this request.

f. Strasser said he had a couple of calls in opposition. He further explained that it is allowable as it is attached and it will be behind the front set-back area. He said it seems like a reasonable request, new-builts are often built this way. I. Hohloch asked about the sewer line, DePottey answered it would be adequate space if ever needed. Welliver concurred that it seemed reasonable.

Moved by Cox, supported by Hohloch to approve ZBA #93-21 Part 1 as written. Motion carried 6-0.

Moved by DePottey, supported by Welliver to approve ZBA #93-21 Part 2 as written. Motion carried 6-0.

6. ZBA #93-22

By: Terry King
3143 Connecticut
Burton, MI 48519

Re: Lot 81 City Gardens,
Sect 25 R-1B Zoned.

For: To exceed the allowable square footage
for accessory structures by 720 sq. ft.
with a 24' x 36' garage.
(4 votes required)

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6. ZBA #93-22 (contd.)

Mr. King explained he needs more storage space. It will be located at the rear of his property. His neighbors have extra garages. It will be for personal storage only. If this is denied, he will not have any place to get his boat and equipment out of the weather.

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

T. Strasser said this did exceed the ordinance. There haven't been calls or complaints on this variance.

Moved by Cox, supported by Welliver to approve ZBA #93-22 as written. Motion carried 6-0.

7. ZBA #93-23

By: James A. Jacobs
4182 Dillon Road
Flushing, MI 48433

Re: 1198 N. Belsay Rd., Lots 3, 4 and parts
of 5,6,7 Laurel Hurst Acres. Sect. 12
C-2 Zoned.

For: To allow a second "free standing"
accessory sign.
(4 votes required)

Mr. Jacobs explained that this sign was for the Genesys Physical Medicine Center. It is needed to direct patients to the Genesys building. He feels the sign will be an asset to the area.

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

T. Strasser said the DPW can understand this request, the signs are not large and are very professionally done.

Discussion by the Board followed. D. Gooding asked when the buildings were built and about a "common" sign. W. DePottey and F. Edmonds spoke on trying to persuade tenants in these types of buildings to comply with the ordinance and share a "common" sign. S. Welliver asked if this property was built to the maximum. T. Strasser said there was one more site to build on. I. Hohloch asked if a sign could be condemned. T. Strasser explained it would be difficult to do.

Moved by DePottey, supported by Cox to approve ZBA #93-23 as written.
Discussion on the motion followed. I. Hohloch felt the motion should be amended.

Moved by Hohloch, supported by Welliver to amend the motion to: approve ZBA #93-23 with the stipulation if the opportunity arises at any point in time that all tenants shall participate in a single "common" sign.

Discussion on this motion followed. D. Gooding and W. DePottey agreed that the tenants could not be made to join in on one sign. They both will be voting negatively on this motion.

Roll call showed motion to amend original motion failed, 4-2, DePottey, no; K. Cox, no; I. Hohloch, yes; D. Gooding, no; S. Welliver, yes; F. Edmonds, no.

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7. ZBA #93-23 (CONTD.)

Roll call showed original motion carried 6-0.

C. NEW APPLICATIONS (contd.)

8. ZBA #93-24

By: Peter Bomireto
(Frank Jablinsky)
3091 E. Bristol Rd.
Burton, MI 48529

Re: Q-319-A Sect. 28
M-2 Zoned

For: To construct a drive-thru canopy
at about 0' setback on the west
side of the property.
30' required.
(4 votes required)

Frank Jablinsky represented this case. He explained that they needed a covered area to service the company vehicles. He said he has talked to his neighbors, Quality Door & Lumber and they have no objections to this request. If this is denied, it will be a hardship as they will not have a place to service their vehicles.

No one in the audience wished to speak on this case.

T. Strasser said the DPW have no problem with this request. Gooding questioned; what if after approval, walls and a roof were constructed? T. Strasser said it would be the DPW's enforcement problem. I. Hohloch asked about water run off. Mr. Jablinsky said they would put up large eavestrough and direct the water to a catch basin.

Moved by DePottey, supported by Cox to approve ZBA #93-24 as written.

Discussion on the motion followed, the Board concurred that it was possible that at some time this might be enclosed and should be stipulated in the motion to prevent this.

Moved by Welliver, supported by DePottey to amend the motion to stipulate that the drive-thru canopy be open on three sides. Motion carried 6-0.

The amended motion is as follows: to approve ZBA #93-24 with the stipulation that the drive-thru canopy be open on three sides. Motion carried 6-0.

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1. ZBA #93-12 (contd.)
(Tabled from beginning of meeting)

There was still no one to represent this case. Discussion on tabling until the next regular meeting followed.

Moved by Cox, supported by Edmonds to table until the next regular meeting of May 20, 1993, 7:00 P.M. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

No one spoke.

F. BOARD DISCUSSION:

There was a short discussion on temporary signs.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, May 20, 1993, 7:00 P.M.

Meeting adjourned at 9:27 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office