

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
APRIL 16, 1992 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, H. Berry, S. Welliver;
F. Edmonds entered, at 7:25 P.M.

MEMBERS ABSENT: D. Priest

OTHERS PRESENT: J. Major, DPW Director, R. Stewart, Building Inspector,
J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of March 19, 1992, at 7:00 P.M.

Moved by DePottey, supported by Berry to approve the above minutes as printed. Motion carried 5-0.

B. YEARLY RENEWAL:

1. ZBA #92-18

BY: John Wilson
1239 Rinn St.
Burton, MI. 48509

Re: 1150 N. Belsay Road
Section 12, R-1A Zoned

FOR: Yearly Carnival
June 15 thru 18, 1992
C-3 Use after special approval
in a R-1A District, yearly
renewal. Q-115-1
(5 votes required)

J. Wilson was not present, Dennis Austin spoke on his behalf. He requested that ZBA #92-18 be post-poned until May 21, 1992 so that Mr. Wilson could represent this case.

Moved by DePottey, supported by Berry to post-pone ZBA #92-18 until the next regular meeting of May 21, 1992. Motion carried 5-0.

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B. YEARLY RENEWAL: (CONTD.)

2. ZBA #92-20

By: Gene Lukonen
4445 E. Bristol Road
Burton, MI. 48519

Re: Q-304-1 Sect. 27
R-1A Zoned

For: To operate a tree service from
a residential property. M-2
Heavy Industrial use in a R-1A
zoned area. Yearly renewal.
(5 votes required)

G. Lukonen asked that this variance request be post-poned until the next regular meeting of May 21, 1992.

Moved by Berry, supported by Welliver to post-pone ZBA #92-20 until the next regular meeting of May 21, 1992. Motion carried 5-0.

3. ZBA #92-21

By: Napoleon Groleau
4299 Fenton Road
Burton, MI 48529

Re: Lots 4 & 5 Burton Woods Sub.
Section 31 R-1B Zoned

For: Contractors Storage of 1 truck and
one skid loader. Yearly renewal.
(5 votes required)

Mr. Groleau said that he has been coming before this Board for the past several years for the same variance. He said that he does not have a dump truck, he only has a pick-up truck which he uses in his business. He only stores one skid loader at this site. If this is denied, it will be a financial hardship as he will have to rent storage space.

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

R. Stewart said the DPW had no problems with this request. There have been no complaints. Major said basically this variance was for contractor's storage, he couldn't see any problems with this request.

Moved by DePottey, supported by Welliver to approve ZBA #92-21 for a period of one year. Motion carried 5-0.

C. NEW APPLICATIONS:

1. ZBA #92-17

By: Owen Hoskins
3323 Iron St.
Burton, MI 48529

Re: Q-4350-47-B Part of Lot 47 of
Follo Acres
Sect. 28 M-1 Zoned

For: (1) To construct a 6' chainlink
fence on a residentially used
property. (2) To erect barbed
wire on top of said fence.
Ref. Section 5.33 Items Z - C &
item 4.
(4 votes required)

O. Hoskins explained that he would like a higher fence than allowed by Ordinance because he has had alot of vandalism on his property. He has a four (4) acre lot and he wishes to fence the entire parcel with a gate at the driveway.

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

R. Stewart said that Ordinance 19 allows a 5' fence only, barbed wire is not allowed. DPW does not recommend approval of this variance.

Discussion by the Board followed, Welliver spoke on fence heights, Edmonds mentioned Mr. Hoskins about whether a business might go in here. Cox explained to Mr. Hoskins should call the Burton Police if any vandalism continues, he feels that Mr. Hoskins is simply barricading himself in. Berry said he cannot see a hardship and also that the Board may be setting a precedent by approval of this request. He said he would be voting negatively on this case, Welliver, Edmonds and Cox concurred.

Moved by Edmonds, supported by Cox to Deny ZBA #92-17. Motion to deny carried 6-0.

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C. NEW APPLICATIONS: (CONTD.)

2. ZBA #92-19

By: Taylor Antenna Installations
5463 S. Dort Hwy.
Flint, MI 48507

Re: 1040 LaSalle, Lot 98 except the
N 70 ft. of Garden Acres,
Sect. 13, R-1B Zoned.

For: (1) To locate a satellite dish in
side yard, rear yard required by
Ordinance. (2) To exceed the
allowable height by 6'; 15' required,
21' requested. (3) To construct
dish @ 3' from the side property line;
10' required.
(4 votes required)

There was no one to represent Taylor Antenna Installations.
Moved by DePottey, supported by Welliver to table ZBA #92-19 until the end of
the meeting. Motion carried 6-0.

3. ZBA #92-22

By: Railease Associates
29777 Telegraph Road, Suite 2500
Southfield, MI 48034

Re: Grand Trunk Western Rail Road
Right of Way, as per diagram.
Sect. 10 M-1 Zoned.

For: ZBA Approval of Ordinance #19,
Sect. 5.28, Item 4 C. Sections
1 thru 9, "Non accessory free-
standing Signs" off site
advertising.
(4 votes required)

Robert Ellery, 6485 Meadowwood Lane, Grand Blanc spoke on behalf of Railease Associates. He explained their plan to construct and rent advertising space on proposed signs on Grand Trunk Western Rail Road right of way. They would be on a single pole, all steel construction. He said they will comply with all City ordinances.

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

R. Stewart said they meet all requirements of the ordinance. There have been no complaints and no problems with this application.

Berry said in the past he has been opposed to sign boards, and has been trying to eliminate excessive signage. He asked if approval would bring problems for the city. He also said this would be before the Planning Commission at their next meeting. Major explained that actually this was not a variance request, merely a Public Hearing for this proposal. He also said they do meet all requirements. DePottey spoke on the benefit of the signs to area businesses.

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3. ZBA #92-22 (contd.)

Gooding asked if this would be a permanent variance. R. Stewart said yes. Major explained that this would be granted as it is when a business requests signage space on a building. Stewart said the DPW had reviewed the signs and they were very modern, very good looking. Gooding passed the gavel and spoke, he said he can support this request. He said the Planning Commission will do more investigating on this project.

Moved by Welliver, supported by DePottey to approve ZBA #92-22 as written.
Motion carried 6-0.

4. ZBA #92-23

By: Railease Associates
29777 Telegraph Road, Suite 2500
Southfield, MI. 48034

Re: Grand Trunk Western Rail Road
Right of Way. As per diagram.
Sect. 11 M-1 Zoned.

For: ZBA approval of Ordinance #19
Section 5.28 Item 4C. Sections
1 thru 9, "Non accessory free-
standing Signs" off site
advertising.
(4 votes required)

ert Ellery explained that this request was the same as the last one, only in a different location.

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

R. Stewart said the DPW recommends approval.

Moved by Edmonds, Supported by DePottey to approve ZBA #92-23 as written.
Motion carried 6-0.

5. ZBA #92-24

By: Railease Associates
29777 Telegraph Road, Suite 2500
Southfield, MI 48034

Re: Grand Trunk Western Rail Road
Right of Way. As per Diagram.
Sect. 11 M-1 Zoned.

For: ZBA approval of Ordinance #19
Section 5.28 Item 4 C.
Sections 1 thru 9. "Non-
Accessory Freestanding Signs" Off
site advertising.
(4 votes required)

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5. ZBA #92-24 (contd)

Mr. Ellery explained this request is the same as the last two, just a different location. He said his company is not sure they will use this space, but would like permission to do so if they decide to put a sign there.

No one in the audience wished to speak.

R. Stewart said DPW recommends approval. He added that if this sign is not constructed, Grand Trunk would lose the approval to build it.

Moved by DePottey, supported by Welliver to approve ZBA #92-24 as written.
Motion carried 6-0.

6. ZBA #92-25

By: Harry Tallent
2155 Cherrywood
Burton, MI 48519

Re: Lot 104 of Dexel Park #1
Sect. 22 R-1B Zoned.

For: To exceed the allowable square footage
for accessory structures by 896 sq. ft.
Addition to existing garage is 16' x 40'
or 640 sq. ft.
(4 votes required)

Tallent explained he wished to add a 16' x 40' addition on his garage. It would be a "car-port" type construction, there would be no cement floor and three sides would remain open. He has a car and trailer he wishes to store there. If this is denied, it will be more of an inconvenience than anything. He simply needs to get his vehicles out of the weather.

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

R. Stewart said that at this time the DPW had no recommendation. There have been some complaints about Mr. Tallent building trailers there. Mr. Tallent said he has never built a trailer on his property, right now he is replanking a trailer floor, but that is all. Discussion followed on not allowing any second floor rooms being built in the roof.

Moved by Edmonds, supported by Welliver to approve ZBA#92-25 with the stipulations that the "car-port" remain open on three sides and that no second story be enclosed. Motion carried 6-0.

7. ZBA #92-26

By: Future Homes
430 S. State Road
Davison, MI 48423

Re: The westerly 5+ Acres of Q-252-A
Section 24, R-1A Zoned.

For: To allow a building site with sub-
standard Road Frontage. 85' required,
20' requested.
(4 votes required)

There was no one present to represent this case.

In the audience Nancy Fritz, 2293 Eugene asked about the 20' frontage.
R. Stewart and J. Major explained the proposed plans from a drawing they
had. She said she was not opposed to the request, she just wanted to know
what they intended to do. She did not object to their plans.

J. Major said that he was sure that Future Homes still wanted this variance, he
felt that something must have come up at the last minute that prevented a
representative from being at the meeting.

Moved by Edmonds, supported by Berry to post-pone ZBA #92-26 until the next
regular Zoning Board of Appeals meeting of May 21, 1992. Motion carried 6-0.

D. NEW APPLICATION TABLED

1. ZBA #92-19

By: Taylor Antenna Installations

No one was present to represent this request. Discussion on post-ponement
followed.

In the audience a neighbor spoke against approval of this variance. The Board
assured him that should he not be able to attend the next meeting, they would
consider his objections.

Moved by Edmonds, supported by DePottey to post-pone ZBA #92-19 until the next
regular meeting of May 21, 1992. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

No one wished to speak.

E. BOARD DISCUSSION:

Discussion on a lumber company and a bump shop that are in violation of their yearly variance followed. R. Stewart said the DPW has already instituted action on one of the businesses and they will investigate the other. Cox asked about the cars at the bump shop on the corner of Jefferson & Center Road, Stewart said it was going to Court. Welliver asked if there was any action on the Adult Foster Care home. Major said he sent a letter to the State and so far there had been no response.

The next regularly scheduled meeting will be held May 21, 1992 at 7:00 P.M.
Meeting adjourned at 8:55 P.M.

Respectfully Submitted by:

Jeanette Brown,
Clerk's Office