

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
APRIL 20, 1995 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY D. GOODING, CHAIRMAN.

MEMBERS PRESENT: W. DEPOTTEY, I. HOHLOCH, D. GOODING, H. BERRY,
B. WEATHERFORD, F. EDMONDS.

MEMBERS ABSENT: T. HAMMON.

OTHERS PRESENT: T. STRASSER, DEPUTY PLANNING OFFICIAL, J. BROWN,
CLERK'S OFFICE.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Special ZBA Meeting of March 21, 1995, at 7:00 P.M.

Moved by Edmonds, supported by Berry to approve the above minutes as written.

Motion carried 6-0.

B. POSTPONED:

1. ZBA #95-5

By: Tiny Tots 'n Tikes
5249 Lapeer Road
Burton, MI 48509

Re: 5249 Lapeer, Lot 2 of Pinecrest

Sub.,

Sect. 14 R-1A Zoned

For: To conduct an R-0 office use in

an

R-1A Zoned Area for a Day Care

Center.

(5 Votes Required)

There was no one to represent this request. Board discussion followed. T. Strasser advised the Board that the applicant is not ready to proceed with this request.

Moved by Berry, supported by Hohloch to postpone ZBA #95-5 indefinitely. Motion carried 6-0.

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B. POSTPONED:

2. ZBA #95-7
Systems

By: Delphi Engine Energy Mgmt.
1300 N. Center Road

Re: Q-69 Sect. 10
M-2 Zoned

Office
for
at

For: Renewal to place one (1) Mobile
Double Wide (24' x 50') on site
general office purposes; located
Eastside of Plant #7 facility.
"Temporary Structure".
(5 Votes required)

David Whidden, Representative for Delphi explained they still need the Double Wide Mobile Office to house their engineers and office staff. There is no other space to house them. There have been no problems and no complaints. There had been two mobile units and they have removed one of them off the premises. If this is denied it will be a hardship as it would create problems on where to locate their employees.

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. I. Hohloch said this is the 4th year for this request, everything seems to be running smoothly.

Moved by Hohloch, supported by DePottey to approve ZBA #95-7 for a period of one year. Motion carried 6-0.

3. ZBA #95-8

By: Ron's Trading Post
1388 Brady St.
Burton, MI 48529

Re: Lot 129 Greater Flint Sub.
Section 31 R-1C Zoned

For: C-2 Use in an R-1C Zoned Area
for the sales of Firearms and
other sporting goods.
(5 Votes Required)

There was no one to represent this request. T. Strasser said he has not had any contact with him. This has been postponed twice. Board Discussion

followed. F. Edmonds asked if this should be postponed again. D. Gooding said procedure is normally after two postponements the request is denied.

Moved by Berry, supported by Hohloch to deny ZBA #95-8. Roll call showed motion carried 6-0.

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C. YEARLY RENEWALS:

1. ZBA #95-13	Re: Holy Redeemer Spring Festival 1227 E. Bristol Road Burton, MI 48529
	By: Q-329-C Sect. 30 R-1C Zoned
19,20,21 approved	For: Annual Spring Festival, May Yearly Renewal. C-3 Special use in an R-1C Zoned Area. (5 Votes Required)

Sue Fox represented Holy Redeemer. She explained this is their yearly festival which is a fund-raiser for education programs for their school. Everything is the same, they have increased security and there will be no portable signs. If this is denied, it will be a financial hardship for the school.

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

T. Strasser said there have been no problems in the past.

Moved by Edmonds, supported by Hohloch to approve ZBA #95-13 as written. Motion carried 6-0.

2. ZBA #95-14	Re: Kessel Food Stores 1135 N. Belsay Burton, MI 48509
	By: 1135 N. Belsay, Q-97-A-1 Sect. 11 C-3 Zoned
	For: Temporary Greenhouse for outside Sales. (21' x 30') (5 Votes Required)

Gary Wesener represented Kessel Food Stores. He explained this is their usual request for a temporary greenhouse with outdoor sales of yard and garden plants. Everything will be the same as last year and they will conform to all DPW requirements. If this is denied, it will be a financial hardship as they will not be competitive with other markets and there will be a loss of revenue for employees wages.

There was no one in the audience who wished to speak. T. Strasser said the DPW had no problem with this request. He asked Mr. Wesener what the length of time would be. Mr. Wesener said approximately from April 23rd to June 1, 1995.

Moved by Hohloch, supported by Berry to approve ZBA #95-14 for a period of time from April 20, thru June 12, 1995. Motion carried 6-0. REGULAR ZONING BOARD OF APPEALS MINUTES
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C. YEARLY RENEWALS:

4. ZBA #95-15

By: Kessel Food Stores
1200 E. Bristol Road
Burton, MI 48529

Re: 1200 E. Bristol, Q-336-F-1
Sect. 31 C-4 Zoned

For: Temporary Greenhouse for outside
Sales. (21' x 30')
(5 Votes Required)

Gary Wesener said all is the same as ZBA #95-14. They would adhere to all DPW Requirements. No one in the audience wished to speak. T. Strasser said there were no problems with this request.

Moved by Hohloch, supported by Berry to approve ZBA #95-15 for a period from April 20, thru June 12, 1995. Motion carried 6-0.

D. NEW APPLICATIONS:

1. ZBA #95-11

By: Douglas L. Sedlow, Sr.
1330 S. Genesee Rd.
Burton, MI 48509

Place #1

Re: N. 100 ft. of Lot 20, Witham
Sect. 15 R-1A Zoned.

garage that
ft. of
Garage to
is 675

For: To construct an additional
will exceed the allowable sq.
864 sq. ft. by 435 sq. ft.
be 24' x 26'. Existing sq. ft.
(4 Votes required)

Mr. Sedlow said he needs another garage to store his personal vehicle and his son's vehicle who is now serving in the U.S. Navy. This will be a garage type construction to blend with his house and other garage. If this is denied he will have to store these vehicles outside and they will slowly rust.

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

Strasser said it does exceed the ordinance, he has received no calls on this request. Discussion followed. F. Edmonds asked about the driveway and if the shed was coming down, Mr. Sedlow said no, he also needed that for storage.

Moved by DePottey, supported by Hohloch to approve ZBA #95-11 with the stipulation that Mr. Sedlow comply with all DPW requirements. Motion carried 6-0.

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2. ZBA #95-16

By: Ted Chenault
2461 Briar Creek
Burton, MI 48509

Re: Lot 8 Briar Creek Estates
Sect. 1 R-1A Zoned.

footage
sq. ft

For: To exceed the allowable square
for accessory structures by 145
with a 14' x 16' storage shed.
(4 Votes Required)

Mr. Chenault explained he needs a shed at the back of his lot for lawn mower equipment and bicycles. He may only build it 12' x 14'. If this is denied his equipment will have to sit outside.

No one in the audience wished to speak. T. Strasser said there are no problems with this request. I. Hohloch asked about the side yard setbacks.

Moved by Edmonds, supported by DePottey to approve ZBA #95-16 as written. Motion carried 6-0.

3. ZBA #95-17

By: Russell I. Ballmer
4145 E. Maple Avenue
Burton, MI 48519

Re: Q-401-K SE Zoned
Section 34

For: To create two sub-standard lot
width's of 147' & 20'

respectively

150' required. 20' width for
easement to rear of property for

a

building site.
(4 Votes Required)

Mr. Ballmer explained his request. He has 5 acres with 167' frontage. He would like to split this into two parcels, he would like to build a smaller retirement home at the end of the 20' easement.

No one in the audience wished to speak. T. Strasser said this must go before Planning Commission for approval of the lot split. The DPW is concerned about the 20' easement which would be considered a private road back to his proposed home. I. Hohloch explained that he felt the application was inaccurate. Mr. Ballmer was not, according to the deed, retaining anything more than an easement back to the property on which he proposed to build his home and therefore his property could be considered landlocked. Discussion on postponing this request until Mr. Ballmer could get this straightened out followed.

Moved by Hohlock, supported by DePottey to postpone ZBA #95-17 until the application is corrected. Motion carried 6-0.

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4. ZBA #95-18

By: Michael W. Christopher
2110 E. Judd Road
Burton, MI 48529

West
32

Re: 2110 E. Judd Road, Lot 178 &
half of 179 - Stratmoor. Sect.
R-1C Zoned.

building at

For: To construct an accessory
5' from the house, 10' required.
See Ord. #19 Sect. 5.15 Item

5.

(4 Votes Required)

Mr. Christopher explained he would like to build a 24' x 26' garage with a fire wall at 5' from his house. If he places the garage back it will only give him 18" from his rear lot line and he doesn't feel this is enough room. He will also have an 8'x 24' patio. He will put vinyl siding on the garage. If this is denied, it will be a hardship as he will not have enough room for his truck.

No one in the audience wished to speak. T. Strasser said this was a reasonable request. His backyard is accessible on either side of his home.

Moved by Edmonds, supported by Hohloch to approve ZBA #95-18 as written. Motion carried 6-0.

5. ZBA #95-19

By: Dennis Tabor
1157 Allen St.
Burton, MI 48529

Zoned.

Re: West 1/2 Lot 592 and Lot 593 of
Baker Park Sect. 30 R-1C

(4 Votes Required)

barn

For: To exceed the allowable square
footage for accessory structures
by 336 sq. ft. 30'x 40' Pole
proposed.
(4 Votes Required)

Mr. Tabor explained it will be a garage type structure, which he needs for the storage of three vehicles. It will be wood frame construction with vinyl siding. He has three 45' lots. If this is denied it will be a financial hardship as he now pays for storage of these vehicles.

No one in the audience wished to speak. T. Strasser said it does exceed the ordinance. He had one telephone call in opposition to this request. REGULAR ZONING BOARD OF APPEALS MINUTES
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D. NEW APPLICATIONS (contd.)

5. ZBA #95-19 (contd.)

H. Berry asked about the size of his property and if this would be for personal storage only. Mr. Tabor said it would.

I. Hohloch asked if this was one parcel only. Mr. Tabor said it was. F. Edmonds asked about the garage doors. He said he had no problem with approval of this request.

Moved by Edmonds, supported by Hohlock to approve ZBA #95-19 as written. Motion carried 6-0.

6. ZBA #95-20

By: Matthew J. Bearup
1247 S. Genesee Rd.
Burton, Mi 48519

Re: 1247 S. Genesee Rd., S 1/2 Lot
Vodden Little Farms
Sect. 14 R-1A Zoned

home
16"
For: Variance to build onto back of
with patio enclosure to within
of accessory structure. Waiving
10' set back requirement.
(4 Votes Required)

Robert Babcock, builder, represented this case. He explained that Mr. Bearup wished to add on to the back of his home. It will be a glass and screen and

aluminum type addition. It will be 10' x 16'. The eaves on the corner of the addition will be 16" from his garage eaves. No one in the audience wished to speak on this request.

T. Strasser said the request seems reasonable but he does not have the benefit of a drawing. I. Hohloch said Mr. Bearup has a reputable builder but he is disappointed that a drawing was not made available to the Board. Discussion followed on postponing this case until an adequate drawing is presented to the Board.

Moved by Hohloch, supported by DePottey to postpone ZBA #95-20 until an adequate drawing is made available to the Board. Motion carried 6-0.

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7. ZBA #95-21	By: Flint Road Builders Co. 3251 E. Bristol Road Burton, MI 48529
	Re: 3251 E. Bristol Road Lots 10-11 Follo Acres, Sect. 28 M-2 Zoned.
during	For: To operate a "Temporary Use"
recycling	the winter months, times to be designated, for a concrete plant. See Ord. 19 Sect. 21.05 Item e. (5 Votes Required)

Robert Bammert, manager of Flint Road Builders explained they have been in business for the past 37 years. They remove alot of concrete and must now transport it to two different locations to have it crushed for reuse in road building. They wish to bring in a crusher in the months when they are not working on other construction jobs and crush their own concrete. If this is denied it will be a financial hardship and they must continue to pay others to do the crushing and then they must buy it back from them when

they need it for jobs.

In the audience, Jerry Goss, 4095 Bristolwood, Flint, MI said he was speaking on behalf of the Eagle's club and was concerned about the dust. Mr. Bammert

said this would be in the winter months and the dust is kept to the minimum.

J. Bishop, 3266 E. Bristol also was concerned about the dust. Scott McKay of

Flint Road Builders said they must get an Air Quality permit from DNR and he

thought their restrictions were quite stringent. He said they would water

the concrete down if necessary.

I. Hohloch questioned Mr. Bammert on the material, crusher and the permit and

then said he had no problem with this request. W. DePottey concurred.

More discussion followed.

Moved by Edmonds, supported by Hohloch to approve ZBA #95-21 as a "Yearly Renewal" variance and allow crushing for a period of 60 days as agreed to by the DPW. Motion carried 6-0.

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E. AUDIENCE PARTICIPATION:

Matthew J. Bearup, 1247 S. Genesee Rd. said that he and R. Babcock have sketched a drawing of his lot and proposed addition and would like the Board to reconsider their decision to postpone this case. He said he does not wish to wait a month to begin construction as he is very crowded at this time in his home and needs the extra room as soon as possible.

Moved by Hohloch, supported by DePottey to reconsider ZBA #95-20. Motion carried 6-0.

Mr. Bearup presented and explained his proposed addition. There will be 28" from the house addition to the garage. I. Hohloch said this appeared adequate since it was not infringing on the neighbors.

Moved by Hohloch, supported by DePottey to approve ZBA #95-20 as written. Motion carried 6-0.

Pauline Dargel, 6119 Hugh St. spoke on a firearms dealer on Belsay Road.

F. BOARD DISCUSSION:

F. Edmonds asked about city liability on a particular variance in case of fire.

I. Hohloch asked about a city inventory of empty buildings.

Discussion on requiring adequate drawings for each variance as needed followed.

Moved by Hohloch, supported by DePottey to require an adequate site drawing on future variance requests. Motion carried 6-0.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, May 18, 1995, at 7:00 P.M.

Meeting adjourned 9:10 P.M.

Respectfully submitted by:

Jeanette Brown, Clerk's Office