

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
APRIL 21, 1994 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:15 P.M. BY CHAIRMAN D. GOODING.

MEMBERS PRESENT: D. Gooding, H. Berry, F. Edmonds, W. DePottey, T. Hammon,
I. Hohloch.

MEMBERS ABSENT: S. Welliver.

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 17, 1994, at 7:00 P.M.

Moved by DePottey, supported by Berry to approve the minutes as
printed. Motion carried 6-0.

B. YEARLY RENEWALS:

1. ZBA #94-21

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

Re: 1150 N. Belsay, Q-115-1
Section 12 R-1A Zoned
Bentley Community School

For: To conduct a yearly carnival.
C-3 Use after special approval in
an R-1A district. Carnival dates
June 16, 17, 18 & 19, 1994.
(5 Votes Required)

Mr. Wilson represented the Bentley Boosters who sponsor this festival. He explained that everything will be the same as in past years. This is the 12th Annual Festival. The proceeds are used to help fund sports and educational programs. Security will be provided again by the Genesee County Sheriff's Deputies. If this is denied, it will be a financial hardship for the students.

No one in the audience wished to speak. T. Strasser said this was a worthwhile project and DPW has received no complaints in past years.

F. Edmonds said the Boosters run a clean operation and he supports their efforts.

Motion by Edmonds, supported by Hohloch to approve ZBA #94-21. Motion carried 6-0.

2. ZBA #94-24

By: Roy Hall
4020 Woodrow
Burton, MI 48509

Re: Lot 111 Greenlawn Plat
Section 3 R-1B Zoned

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For: To operate a landscaping &
grounds maintenance business
from above address. M-1 Light
Industrial use in an R-1B
Single Family zoned area.
(5 Votes required)

Mr. Hall said there has been no change in his business. He has had no problems since he has stored his equipment at this address. There is nothing stored outside and no customers come to this location. If this is denied, it will be a financial hardship as this is his livelihood.

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

T. Strasser said DPW has not received any complaints on this request. The home and yard are well kept, with nothing visible to indicate a landscaping and lawn maintenance business is there.

Moved by DePottey, supported by Hohloch to approve ZBA #94-24 for a period of one year. Motion carried 6-0.

C. NEW APPLICATIONS:

1. ZBA #94-18

By: Ken Lovejoy
5185 Kendall Dr.
Burton, MI 48509

Re: S 1/2 of Lot 78, Vodden
Little Farms #1
Section 14 R-1B Zoned.

For: To build a 24' x 28' detached
garage exceeding 424 sq. ft. for
accessory structures. 864 sq. ft.
allowed, 1,288 sq. ft. requested.
(4 Votes required)

2. ZBA #94-18 (contd.)

Jane Lovejoy represented her husband. She said he wants a garage for storage of a lawnmower and garden equipment. It will be garage type construction. If this is denied it will be a hardship as they have no basement and need the storage space.

There was no one in the audience who wished to speak on this case. T. Strasser said this does exceed the ordinance. However, this is a large corner lot with access to the garage on Sunnydale St. The lot will not be overbuilt.

F. Edmonds said this was a nice neat place, he feels this request is not out of line.

Moved by Edmonds, supported by Berry to approve ZBA #94-18 as written. Motion carried 6-0.

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2. ZBA #94-19

By: Wolohan Lumber Co. (John Deal)
P.O. Box 3235
Saginaw, MI 48605

Re: 1096 N. Center Rd. Supv. Plat #39
Lots 16,17, 18 & of 23. Sect. K

For: Temporary Use Permit to construct
a greenhouse for outside sales.
He would like this" Use" to be
permanent.
(5 Votes Required)

John Deal represented Wolohan Lumber Co. He explained that this greenhouse was approved last year and he would like permanent approval to have this greenhouse every year. It will be from April 1 to October 31, (approximately six (6) months). The size of the structure is 24' x 36'. If this is denied, they will not be a complete home center and cannot be competitive with the other greenhouses in this area.

In the audience, Jim Robinson, Clarkston, said he owns the property north of Wolohan Lumber and water collects on his lot, he feels he gets water run-off from the lumber yard. Discussion followed on the water problem. D. Gooding advised Mr. Robinson to contact the DPW. W. DePottey asked if the greenhouse would add to the water run-off problem? Mr. Deal said, no, the greenhouse was on the southside of the building. Discussion followed on a permanent variance. W. DePottey said that if a permanent variance was granted, the other business's that ask for this type of greenhouse would want a permanent variance too and with a yearly renewal, it gives the Board a handle if some problems arise. F. Edmonds and I. Hohloch concurred. I. Hohloch said he could possibly approve a 2 or 3 year variance.

Moved by Edmonds, supported by DePottey to approve ZBA #94-19 as a yearly renewal for a temporary greenhouse, 24' x 36' for a period of six (6) months beginning in April. Motion carried 6-0.

3. ZBA #94-20

By: Beth Overcashier
3010 Menominee St.
Flint, MI 48507

Re: 5129 Atherton Rd.
Q-243-B Section 23
R-1A Zoned

For: Construct a pole barn 24' x 32'
to store construction material in
prior to constructing the main
dwelling. See Sect. 9.02 Item 4.
(5 Votes required)

B. Overcashier explained that they have plans to build a new home on this property but they need a pole barn to store the building materials in while they are building. They have a purchase agreement on their home and expect to sell it soon. The barn will be for personal storage only. The barn is 400 feet from the front property line and will hardly be seen from the road. If this is

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denied, it will be a hardship because they will not be able to protect their building materials from the weather and possible theft.

In the audience, Warren Lingenfelter, who is a neighbor to this property spoke in favor of the pole barn. T. Strasser said from past experience, approvals of these types of barns have sometimes led to business's being run out of them. Discussion followed on this possibility. F. Edmonds said he can understand why they need the barn. W. DePottey concurred.

Moved by DePottey, supported by Hohloch to approve ZBA #94-20 as written. Motion carried 6-0.

4. ZBA #94-22

By: Taco Bell
3103 S. Dort
Burton, MI 48529

Re: Lots 315-318 Chambers Sub.
Section 28 C-2 Zoned

For: To exceed the allowable square
footage for signage by 52 sq. ft.
50 sq. ft. permitted. 102 sq. ft.
total requested.
(4 Votes Required)

Gary Gebhardt, Grand Blanc, represented Taco Bell. He explained that the signage was needed because adjacent business's have larger signs and they feel that if Taco Bell had a larger sign it would help attract customers. Currently they have a temporary reader board. They are asking for a total of 102 sq. feet of new signage. They are staying open 24 hours a day to try to attract more business.

No one in the audience wished to speak on this request. T. Strasser said he has spoken with the manager about the temporary sign and the banners. Discussion followed on the various types of signs and banners they currently have. Mr. Gebhardt said he realizes they are outside the code with the signs and banners they now have.

Chairman Gooding read a letter from Northwest Tire Co. which is adjacent to Taco Bell, giving their approval for the requested sign. DePottey said he felt this was a legitimate request since they are trying to improve their business. He feels obligated to help them.

Moved by DePottey, supported by Edmonds to approve ZBA #94-22 contingent upon removal of the portable reader board and removal of the flags.

Discussion followed on the motion. DePottey withdrew his motion, Edmonds withdrew his support.

Moved by Edmonds, supported by DePottey to approve ZBA #94-22 contingent upon the excessive signs and streamers and banners be removed. Motion carried 6-0.

5. ZBA #94-23

By: Ronald Gocha
6091 Bellingham Ct.
Burton, MI 48519

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Re: Lot 7 Myrtle Replat of Lots
11,12, 13 of Eastgate.
Section 25 R-1B Zoned

For: To exceed the allowable square
footage for accessory structures
by 1104 sq. ft. Proposal is build
a 24' x 32' Pole Barn. 864 sq. ft.
allowed by ordinance.
(4 Votes Required)

Mr. Gocha explained that he needed this pole barn for storage of his boat and a tractor. He has almost one acre of land, if denied the hardship would be that his boat and tractor would have to sit out in the weather.

There was no one in the audience who wished to speak on this request. T. Strasser said this is over ordinance but there have been no complaints on this request.

F. Edmonds asked if the new barn would be totally over ordinance. T. Strasser said yes. Discussion followed. Hohloch asked if he had researched buying adjacent property. Mr. Gocha said he had but none of the neighbors would sell. T. Hammon spoke in favor, he felt the property could support two large buildings.

Moved by Hammon, supported by Hohloch to approve ZBA #94-23 as written. Motion carried 6-0.

Chairman Gooding called a ten minute recess at 8:20 PM. Meeting reconvened at 8:30 P.M.

6. ZBA #94-25

By: Ceso, Inc.
7720 Paragon Road
Dayton, OH 45459

Re: Tom Daly Property
Q 97-D Section 11
M-1 Zoned

For: Request variance to exceed the
area restriction for signage by
85 sq. ft. (135 sq. ft. requested,
50 sq. ft. allowed) (See signs
location plan)
Section 5.28 Item 1F.
(4 votes requested)

David Oakes explained that he has been before this Board for Wal Mart. He is not representing Tom Daly. He said a service road named Daly Farms Road has been deeded to Wal Mart who will deed it to the City of Burton. It is along this road that Mr. Daly is requesting signage equivalent to what was approved for Wal Mart. He has property which he expects to sell and the prospective buyers will need space to advertise their business's. He said the signs will be staggered to prevent clutter.

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In the audience, Larry Petrella, 1081 Howe Rd., asked when the road will become the city's property. T. Strasser did not know at this time. Tom Daly, 1155 N. Belsay explained to the Board the existing situation and when he sells the property he will be able to tell the buyers that there is a sign for that property. T. Strasser said he felt Mr. Daly was using good judgment and felt that this request was not out of line.

F. Edmonds thanked Mr. Oakes for the clear explanation of this request. He said he has no problem with this request, he feels signs are crucial to business. Board discussion followed, W. DePottey and T. Hammon concurred with F. Edmonds.

Moved by Hammon, supported by Edmonds to approve ZBA #94-25 as written. Motion carried 6-0.

E. AUDIENCE PARTICIPATION:

No one wished to speak.

F. BOARD DISCUSSION:

T. Hammon announced to the Board that the Library Building Fund had just received a \$90,000 grant from the State of Michigan. The Library Building Committee were very excited about this as they had been disappointed in other grants they had applied for.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, May 19, 1994, 7:00 P.M.

Meeting adjourned 8:55 P.M.

Respectfully Submitted by:

Jeanette Brown,
Clerk's Office