

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MAY 16, 1996 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY VICE CHAIRMAN BERRY.

MEMBERS PRESENT: L. FOUST, B. WEATHERFORD, W. KALAQUIN, H. BERRY, T. PARKER,
C. CROSS, I. HOHLOCH (entered at 7:10 P.M.)

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

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of April 18, 1996, at 7:00 P.M.
2. Special ZBA Meeting of April 25, 1996, at 7:00 P.M.

Moved by Cross, supported by Parker to approve the above minutes as written.

Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

Donna Glanns, 1475 Ives, presented pictures and a letter on ZBA #96-6. She asked about the difference between a Variance and a Zoning change.

Pauline Dargel, 6119 Hugh, spoke on business's not obtaining variances for outside nursery sales. She feels the City should be consistent in their enforcement.

C. BOARD DISCUSSION:

There was none.

D. YEARLY RENEWALS:

ZBA #96-32

By: Claude Ash
1155 Adams Road
Burton, MI 48509

Re: Lot 156 Garden Acres
Sect. 13 R-1B Zoned

For: Yearly renewal for a Contractors Storage Yard.
M-2 Use in an R-1B Zoned

Area.

(5 Votes required)

Mr. Ash explained that this is the 20th or 21st year he has been getting a variance for storage of his equipment. He no longer has the dump truck.

He is planning on going out of business in about two years.

No one in the audience wished to speak. C. Cross said he lives two blocks away from Mr. Ash and that he is a good neighbor who is always helping someone

out with his equipment. He keeps a neat yard.

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D. YEARLY RENEWALS (contd.)

1. ZBA #96-32(contd.)

W. Kalaquin concurred.

Moved by Berry, supported by Weatherford to approve ZBA #96-32 for a two year

period, until May of 1998. Motion carried 7-0.

2. ZBA #96-33

By: K-Mart Corp.
1145 N. Belsay Rd.
Burton, MI 48509

Re: 59-11-400-002
Sect. 11 C-3 zoned

For: To conduct outdoor sales
of garden plants, nursery
stock and related items.
(5 Votes Required)

Terry Maxson represented K-Mart. He said this is for seasonal sales of nursery plants and products. He would like it for a period from May til October 1, 1996. No one in the audience wished to speak. T. Strasser said

there was no problem with this request. Discussion on the time period requested followed.

Moved by Cross, supported by Weatherford to approve ZBA #96-33 for a period

of time from May 16, 1996 to October 1, 1996. Motion carried 7-0.

3. ZBA #96-38

By: Geraldine Statler
2196 S. Term
Burton, MI 48519

Re: Lot 17 Southeast Acres

Sect. 21 R-1B Zoned

For: For a mobile home on a lot
used as a second dwelling

unit.

Waive Sect. 5.07, 5.14 &

5.36,

Ord. 19.

(5 Votes Required)

Geraldine Statler explained she needs the mobile home for her elderly mother to live in near her. As soon as it is no longer needed she will move it. It cannot be seen from the road. There have been no complaints. No one in the audience wished to speak on this request. Strasser said the property is kept up very nice but when the need ceases it should be removed. Moved by Kalaquin, supported by Berry to approve ZBA #96-6 for a period of one year and as soon as it is not needed, the variance will be revoked. Motion carried 7-0. REGULAR ZONING BOARD OF APPEALS MINUTES
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E. NEW APPLICATION POSTPONED FROM FEBRUARY 16, 1996:

1. ZBA #96-6

By: Larry Noyce/Precision Ceramic
Tile, Inc.
5094 Davison Road
Burton, MI 48509

West

Re: The North 250 feet of the

of

110 feet of the East 440 feet

1/2

the North 396 feet of the W

of the NW 1/4 of Section 11,
T7N-R7E.

office

For: (1) To expand a C-2 Use in an
R-0 District, contractors

"office"

and showroom in an R-0

District.

@ 8'

(2) Construct Parking Places

from the side property line,

20'

from

required.

requested,

required.

(3) Frontsetback variance

Ives, 26' requested, 30'

(4) East side setback 0'

20' required.

(5 Votes required)

Mr. Noyce has requested that this be postponed.

Moved by Parker, supported by Berry to postpone until the next regular meeting of June 20, 1996. Motion carried 7-0.

F. NEW APPLICATIONS:

1. ZBA 96-25

By: Robert Denam (LBR Motors)
3085 S. Dort Highway
Burton, MI 48529

RE: 3085 S. Dort Hwy.
Lots 264, 265, 303 thru 310
of Chambers Sub.
Sect. 28 C-2 Zoned.

For: To conduct a used car sales
lot not in conjunction with
new car sales.
See Ord. 19 Sect. 16.03
Item F.
(5 Votes required)

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F. NEW APPLICATIONS:

1. ZBA #96-25 (CONTD)

Mr. Denam explained that in order to get his Dealer's license from the state of Michigan he must have city approval for a used car lot at this address. He will not be retailing cars, he wholesales newer model cars. They all go to auction or out of the state. No one in the audience wished to speak. T. Strasser asked if Mr. Denam would have any banners or flags out front. He said no, at most there might be one car parked for sale.

Board discussion followed. I Hohloch asked if a one car restriction would

be alright with Mr. Denam, he said yes. C. Cross asked where he parks his vehicles, Mr. Denam explained on the west side. Weatherford asked about another used car lot in this area. Mr. Denam said at the most he has 3 or 4 cars there at one time.

Moved by Parker, supported by Cross to approve ZBA #96-25 with the stipulation that there be 4 cars total parked on this site, only one allowed out front and the variance to be for this applicant only. Motion carried 7-0.

2. ZBA #96-26

By: Thomas H. Keyser
2422 Stockbridge
Burton, MI 48509

Re: Lot 117 Richfield Gardens
Sect. 2 R-1A Zoned

square

structures

requested.

For: To exceed the allowable

footage for accessory

by 295 sq. ft.- 864 sq. ft.
allowed 1,159 sq. ft.

(4 Votes required)

Mr. Keyser explained he has already built the garage. He bought a boat and needed to have someplace to store it. No one in the audience wished to speak. Strasser stated the garage was already built. H. Berry asked if had been brought to DPW's attention through a complaint, Strasser said yes. C. Cross asked if a business would be run out of this garage. Mr. Keyser said no, for personal storage only. T. Parker said it cannot be seen from the street.

Moved by Parker supported by Cross to approve ZBA #96-26 as written.
Motion carried 7-0.

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E. NEW APPLICATIONS:

3. ZBA #96-27

By: Chris Martinbianco
1262 Carlson Dr.
Burton, Mi

Re: 1262 Carlson, Lot 37
Eastern Plains #1
Sect. 13 R-1B Zoned.

(4 Votes Required)

For: To construct an attached
accessory structure at 2'
from the South property
line, 10' required.
(4 Votes required)

Mr. Martinbianco explained he needed a garage. There was no one in the audience who wished to speak. Strasser said it was a small garage, and there was no place else to put it. The DPW has no problem with this request. W. Kalaquin said he could see no problems with this variance.

Moved by Cross, supported by Parker to approve ZBA #96-27 as requested.
Motion carried 7-0.

4. ZBA #96-29

By: Daniel Bowns
4316 Bennett Dr.
Burton, MI 48519

Re: Lot 42 Bennett Acres #1
Sect. 22 R-1A Zoned

square
structures by
32'garage.

For: To exceed the allowable
footage for accessory
456 sq ft with a 24' x
(4 Votes required).

Mr. Bowns said he needs the garage to store his boat, tractor and car. He hopes to expand his living area in his home using his attached garage. In the audience, Michael Brown, 4325 Bennett spoke on the water problem and the driveway. Mr. Bowns said he will correct the driveway and water problems. T. Strasser said this does exceed the ordinance and he questions accessability. C. Cross asked if this would be built with wood construction and finished with vinyl siding? Mr. Bowns said it would match his house. L. Foust asked about the driveway. Board discussion followed

Moved by Cross, supported by Berry to approve ZBA #96-29 as requested.
Motion carried 7-0. REGULAR ZONING BOARD OF APPEALS MEETING AGENDA
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D. NEW APPLICATIONS (contd)

5. ZBA #96-30

By: Joseph Calcagno
4185 Leith
Burton, MI 48509

Re: Lots 21 & 22 Supervisors Plat

Copenhaver Sub.
Sect. 3 R-1B Zoned

For: To exceed the allowable
footage for accessory
by 336 sq. ft. with a 30' x
Pole Barn.
(4 Votes required)

F

square

structures

40'

Mr. Calcagno explained his present garage is in bad shape and he intends to tear it down if he can build a new one. He needs it for personal storage.

No one in the audience wished to speak.. T. Strasser said he had advised Mr. Calcagno about not using metal siding. C. Cross said he could see no problem if the structure was of wood construction with a residential look.

W. Kalaquin concurred.

Moved by Kalaquin, supported by Parker to approve ZBA #96-30 with the stipulation it be of wood construction with vinyl siding. Motion carried 7-0.

6. ZBA #96-31

By: Gary Adkins
1470 Iva
Burton, MI 48509

Re: 59-11-100-100
Sect. 11 R-1A zoned

For: To exceed the allowable
footage for accessory
by 540 sq. ft. with an
24' x 26' garage.
(4 Votes Required)

square

structures

attached

Mr. Adkins said he wishes to build a two car garage attached to his home. No one in the audience wished to speak. Strasser said this exceeds the ordinance, but if approved should match the house. Mr. Adkins said it

would.

Moved by Cross, supported by Kalaquin to approve ZBA #96-31 as requested.
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D. NEW APPLICATIONS: (contd.)

7. ZBA #96-35

By: Gerald Schwartzkopf
113 S. Glassford St.
Capac, MI 48014

Re: 2201 S. Center Road
Burton, MI 48519
59-22-100-011
Sect. 22 C-2 Zoned

For: Special Use of C-3. Namely
a "self-serve" car wash in
a Zoned C-2 Area.
(5 Votes required)

Mr. Schwartzkopf presented a rendering of his proposed car wash. It will have 3 automatic bays and 5 in back self-serve bays. He feels it will be an improvement to the community. In the audience, Donna Glanns, 1435 Ives, said if it was open 24 hours a day, it should have an attendant there 24 hours also. Dr. Harold User, Center Road said he plans to build soon next door and he said this business should be well lighted. L. Petrella, Howe Road asked the size of the property and which way the building would be placed. T. Strasser explained that this request was for a Special Use of C-3. He said this has been before Planning Commission and asked Mr. Berry to give a report. Mr. Berry said Planning Commission had given their approval. Lengthy Board discussion followed.

Moved by Parker, supported by Kalaquin to approve ZBA #96-35 as written.
Motion carried 7-0.

8. ZBA #96-36

By: Rick Andrews
2391 Christner
Burton, MI 48519

Re: 2391 Christner - Lot 9 Term
Sect. 21 R-1B Zoned

Sub.

limit
336
Barn.

For: To exceed the 864 sq. ft.
for accessory structures by
sq. ft. for a 30' x 40' Pole
(4 Votes required)

Mr. Andrews explained he needs the pole barn for personal storage. He will tear down the existing garage. No one in the audience wished to speak on this case. T. Strasser said this does exceed the ordinance and is a sub-division area. C. Cross said he spoke with a neighbor and he has no problem with this variance if the construction is garage type. Mr. Andrews said he would not use metal siding, it would match his house. Moved by Parker, supported by Cross to approve ZBA #96-36 with the stipulation that it have 10' walls and vinyl siding. Motion carried 7-0.
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9. ZBA #96-37

By: Stephen Garsteck
2248 S. Genesee Rd.
Burton, MI 48509

Re: 2248 S. Genesee Road
East 266 ft. of Lot 22,
Gardens. Sect. 22 R-1A

Torino
Zoned.

For: To exceed the allowable
footage for accessory
by 696 sq. ft. with a 26' x
accessory structure.
(4 Votes required)

square
structures
36'

Mr. Garsteck explained he needs this garage to store two vans, his lawn equipment and trailer. No one in the audience wished to speak. T. Strasser said it does exceed the ordinance, and if approved he would prefer a garage type appearance. L. Foust asked about employees parking at Mr. Garsteck's

home. Mr. Garsteck explained not always, and if the Board desired he would have them park at his place of business. Board discussion followed.

Moved by Kalaquin, supported by Cross to approve ZBA #96-37 as written. Motion carried 6-1, Foust voting no.

10. ZBA #96-37

By: Matt Zayac
1366 Cutler
Burton, MI 48509

Re: Lot 340 Lapeer Heights
Sect. 14 R-1B Zoned

For: (1) To construct an
accessory structure at 8' from the
principle structure.
(2) To exceed the height
restrictions by 4', 14'
required 18' requested.
(4 Votes required)

Mr. Zayac said he needs the barn for storage of personal items. He needs 12' walls so he can get his camper inside. No one in the audience wished to speak on this request. T. Strasser said this is a justifiable request since the County drains run across Mr. Zayac's back yard. His neighbor does not have a problem with this request. C. Cross said he visited this site and Mr. Zayac needs this variance. T. Parker said if it has vinyl siding he sees no problem with approval.

Moved by Parker, supported by Cross to approve ZBA #96-37. Motion carried 7-0. REGULAR ZONING BOARD OF APPEALS MEETING AGENDA
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The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, June 20, 1996, 7:00 P.M.

Meeting adjourned at 8:45 PM

Submitted by:

Jeanette Brown,
Clerk's Office