

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MAY 17, 1990
7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairman Gooding.

MEMBERS PRESENT: W. DePottey, T. Hammon, D. Priest, D. Gooding, H. Berry,
H. Debus and F. Edmonds

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 19, 1990 7:00 P.M.

Moved by DePottey, supported by Debus to approve the above minutes as written.
Motion carried 7-0.

B. NEW APPLICATION: (Postponed from April 19, 1990)

1. ZBA #90-017

BY: William M. Clark, Jr.
5105 Western
Flint, MI 48507

RE: 4067 E. Court Street
Sky-Eye Satellite
Section 10
C-2 Zoned

FOR: To locate satellite dishes in an
area other than were specified by
Ordinance. See Section 5.41
Item #2, Reference Item #6
"Location in front yard area."
(4 Votes Required)

Mr. Clark explained that he had placed these dishes on the roof but the new landlord had asked that he remove them and place them on the ground. He has reduced the size of one dish that was overlapping onto the property next door. He said if this is denied it will put him out of business.

There was no one in the audience who wished to speak. Strasser again explained that in October of 1985 a variance was granted for two dishes on the roof or in the rear of the building. There is a shortage of parking and he feels that they should not be in the parking lot.

Discussion followed. Berry felt that allowing this might encourage others along this street to ask for similar variances. DePottey and Edmonds concurred that they could see no problem with this variance. Hammon asked about Ordinance 19. He felt that Mr. Clark had met all three of the criteria. Gooding spoke on his concerns and about the parking problem.

Moved by DePottey, supported by Hammon to approve ZBA #90-017 for two dishes on a yearly renewal basis also on the condition that they be moved 2' to the north. Roll call showed motion carried 4 yes - 3 no. Gooding, Berry and Debus casting the no votes.

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C. NEW APPLICATIONS:

1. ZBA #90-019

BY: Kessel Food Stores
4100 Pier North Drive
Flint, MI 48529

RE: 1135 North Belsay Road
Q-97-A1
Section 11
M-1 Zoned

FOR: To construct a temporary structure
"Greenhouse" for the purpose of
outside sales. Vegetable Plants,
Flower's, Seeds etc.
(5 Votes Required)

Paul Burbach represented Kessel's. He explained that he did not know that a variance was needed for this type of temporary greenhouse. He is asking for a time period from April 18th to June 11th.

There was no one in the audience who wished to speak on this. Strasser said that most of the larger super-markets do this. He said the DPW has no problem with this variance, he said however that the DPW would like to see this greenhouse placed on the side of the building for safety purposes. It would be out of the way of traffic in the parking lot and electrical power could be supplied in a safer manner.

Board discussion followed. Chairman Gooding said a sketch of the proposed placement would be helpful. Berry concurred with the DPW that it should be placed to the side of the building. DePottey concurred about the placement but said he feels that they could finish out this year where it is presently located.

Moved by DePottey, supported by Berry to approve ZBA #90-019 with the stipulation that the structure may stay where it is presently located for the remainder of this season and next year it must be placed on the South side of the building. This to be a permanent variance contingent upon meeting all DPW requirements, for a time period from April 1st to June 30th. each year.

Discussion was held on granting a permanent variance, Chairman Gooding said he feels this could present problems for the DPW.

Moved by Priest, supported by Debus to amend the motion to read "yearly renewal". Motion carried 7-0.

The amended motion to read: Approve ZBA #90-019 with the stipulation that the structure may stay where it is presently located for the remainder of this season and next year it must be placed on the South side of the Building. This to be a yearly renewal variance contingent upon meeting all DPW requirements for a time period from April 1st to June 30th each year.
Roll call showed motion carried 7-0.

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2. ZBA #90-020

BY: Kessel Food Stores
4100 Pier North Drive
Flint, MI 48529

RE: 1200 East Bristol Road
Q-336-F-1
Section 31
C-4 Zoned

FOR: To construct a temporary structure
"Greenhouse" for the purpose of
outside sales. Vegetable Plants,
Flower's, Seeds etc.
(5 Votes Required)

Paul Burbach explained this is the same situation as the first variance application. He apologized for not having known that a variance was necessary.

No one in the audience wished to speak. Strasser said the same applies to this request, no problems with it except the structure should be located on the North side of the building.

Moved by Priest, supported by Debus to approve ZBA #90-020 with the stipulation that the structure may stay where it is presently located for the remainder of this year and next year it must be placed on the North side of the building. This to be a yearly renewal variance contingent upon meeting all DPW requirements for a time period of from April 1st to June 30th. Also that all electrical wiring be waterproofed or placed overhead for safety. Motion carried 7-0.

3. ZBA #90-021

BY: Robert C. Thompson, Sr.
5040 Raymond Avenue
Burton, MI 48509

RE: 5040 Raymond Avenue
East 175' of Lot 21 Vodden
Little Farms
Section 14
R-1A Zoned

FOR: Permission to live in Fifth Wheel
on property while finishing house.
(Sewer is in already)
See Section 5.16 Item 7
"The use of a Travel Trailer for
Living Purposes"
(5 Votes Required)

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3. ZBA #90-021(contd.)

Robert Thompson, Jr. spoke for his parents. He explained that they have been refurbishing an old home that was slated for demolition. They now drive between Davison and the home everyday to work on this project. He feels it would be better if they could live on the site in this mobile home because they would be able to protect the property from vandals and thieves and also save the time they spend driving to and from this home.

In the audience Mr. & Mrs. Lloyd Pierce of 1125 S. Genesee spoke in favor of approval of this variance.

Strasser said the house had been slated for demolition and the Thompson's are doing a nice job on this home. He feels there should be a time limit for the completion of this project.

Board discussion followed. Priest asked about the sewer and electricity and the placement of this mobile home. Gooding agreed the home had been an eyesore but he had reservations about granting this type of variance.

Moved by Berry supported by DePottey to approve ZBA #90-021 for a period of six months, thru November 30, 1990. Roll call showed motion carried 7-0.

4. ZBA #90-022

BY: Patrick Dowdall
4489 Rosethorn Circle
Burton, MI 48509

Re: 4489 Rosethorn Circle
Lot 157 Calvert Park 3
Section 3
R-1A

For: To construct an addition to the
existing home @ 6' 6" from the
side property line. 10' required
by ordinance.
(4 Votes Required)

Mr. Dowdall explained that his property is pie shaped and therefore a variance is necessary for his addition. If this is denied the addition would not be as attractive as now planned. He said the adjoining property may be sold at some time and he has requested from the owner that he be allowed to purchase if it is sold.

In the audience Mrs. Susan Dowall spoke in favor of approval of this variance.

Strasser said this request truly meets all three criteria for a variance. He said there have been no complaints.

Moved by Priest, supported by Berry to approve ZBA #90-022 as written. Motion carried 7-0.

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5. ZBA #90-023

BY: George Belford
6213 Darlene
Burton, MI 48509

RE: 6213 Darlene
Lot 66 & 67 Maplelawn Sub'd.
Section 24
R-1A

FOR: To exceed the square footage
requirements for accessory
structures by 1,136 sq. ft.
See Section 5.15 Item 8. To
exceed the height limitations on
structures by 1, ' 15' requested.
(4 Votes Required)

Mr. Belford explained that he needs the garage for storage of his classic cars, his motor home and his snowmobiles. He will not use it commercially. If this is denied he must sell and move.

In the audience Carol Belford spoke in favor of this variance.

Strasser said the size of this structure is larger than what is usually seen in a residential area.

Mr. Belford said he spoke to his neighbor and they have no objections to this size garage. Berry asked about the location of the garage and distance to the property lines. Debus asked if it would be firewalled? Strasser explained this would not be necessary. DePottey asked if this was a double lot, Mr. Belford said it was. DePottey said it seemed to be a nice building and felt it would add to the neighborhood. Hammon and Edmonds concurred. Gooding said it was a well maintained home but he felt a 30' x 50' was too large in a residential area.

Moved by Hammon, supported by DePottey to approve ZBA #90-023 as written. Roll call showed the motion failed, 4 no's, 3 yes. DePottey, yes; Hammon, yes; Priest, no; Gooding, no; Berry, no; Debus, no; Edmonds, yes.

6. ZBA #90-024

BY: James Woodruff
3495 Fern Street
Burton, MI 48529

RE: 3495 Fern Street
Q-737
Part of Lot 226 Atherton
Homestead #2
Section 24
R-1C Zoned

FOR: To construct an accessory structure
@ 6' from house. 10' required by
Ordinance. See Section 5.15 Item 5.
(4 Votes Required)

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6. ZBA #90-024 (contd.)

Mr. Woodruff explained that the garage including the overhang on the garage would place it 6'6" from the home. This is the only place he can build his garage.

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

Strasser said this variance request also fits all three criteria. The DPW has no problems with this request.

Discussion followed on lot size and placement of this garage.

Moved by Berry, supported by Debus to approve ZBA #90-024 as written. Motion carried 7-0.

7. ZBA #90-025

BY: Ralph P. Wojtowicz & Todd Somsy
940 Van Road
Holly, Michigan

RE: 4497 Fenton Road
(Per SPR #90-022)
Section 31
C-4 Zoned

For: Side Lot variance on parcel from
20 ft. to 11 ft. because of
irregular shape of parcel and to
use as per Site Plan approval.
(4 Votes Required)

Mr. Wojtowicz explained that he had been before the Planning Commission for a Site Plan Review and it had been approved unanimously. He explained his plans.

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

Strasser said this was a reasonable request and there have been no complaints on this variance.

Berry explained that the Planning Commission voted for approval. Discussion followed.

Moved by Priest, supported by Debus to approve ZBA #90-025 as written. Motion carried 7-0.

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8. ZBA #90-026

BY: Bert Hopp
5404 East Court Street South
Burton, MI 48519

RE: 5404 East Court South
Part of Lot 48 Cardinal Gardens
Q-2870-A
Section 14
C-2 Zoned

FOR: To expand the non-conforming
residential use of the property.
Proposal to build a 24x60 pole
barn. See Section 6.02
(5 Votes Required)

Mr. Hopp explained that his property is zoned commercial and therefore he needs a variance to build a pole barn. He has 1.5 acres. He does not intend to use this for business purposes. He needs the storage space.

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

Strasser explained that Mr. Hopp does have a hardship because of being zoned commercial. Berry asked if this property sold could the pole barn be used commercially. Strasser said no as the only access to the barn would be from residential streets and commercial traffic is not allowed on these streets.

Moved by DePottey, supported by Edmonds to approve ZBA #90-026 as written.
Motion carried 7-0.

D. AUDIENCE PARTICIPATION:

No one wished to speak.

E. BOARD DISCUSSION:

A short discussion was held on the size of pole barns.

The next regularly scheduled Zoning Board of Appeals meeting will be held on Thursday, June 21, 1990 7:00 P.M.

Chairman Gooding adjourned the meeting at 9:00 P.M.

Respectfully submitted by:

Jeanette A. Brown,
Clerk's Office