

AMENDED

MINUTES

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MAY 18, 1995 AT 7:00 P.M.

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

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

MEMBERS ABSENT: B. Weatherford, F. Edmonds.

OTHERS PRESENT: J. Major, Director DPW, T. Strasser, Dep. Planning Official,
J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of April 20, 1995, at 7:00 P.M.

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

B. NEW APPLICATIONS:

1. ZBA #95-33
Pallets,

By: Corrugated Packaging &
Inc.,
610 S. Dexter St.

Re: 5350 Davison Rd., Q-89-F
Sect. 11 C-2 Zoned

For: To conduct an M-1 Use in a
C-2 Zoned area.
(5 Votes required)

Bruce Siegel, Realtor representing the owner of this property explained the plans for this property. They will renovate the entire building including a new facade. There will be green belt in front of the building and another near the road. The weeds will be removed in the middle of the parking lot. They intend in the future to build offices in the front of the building. A corrugated packaging company will be operating in the building. They employ 12 to 15 people. One semi will be coming to the building each day and will use the rear entrance off Belsay Road. What is now an eyesore will become an asset to the city.

In the audience, Bud Prottengeier, 5492 N. Sycamore, Chairman of the Brookwood Association read the minutes of their last meeting giving their approval of this project. L. Stephens, 3049 Vineland, spoke on the zoning. P. Dargel, 6119 Hugh, spoke finding a location that was properly zoned.

T. Strasser reviewed the list of requirements, and said the site plan was approved by the Planning Commission. He said this was a positive step, it would remove a blight to the neighborhood. H. Berry spoke for approval. I. Hohloch asked about the I-Beams for the signs and about the signage on the building. Mr. Siegle explained the signage and said there would not be any on the front of the building.

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1. ZBA #95-33 (contd)

I. Hohloch asked if the variance would go with the structure and not the property. T. Strasser said it would. Discussion followed regarding outside storage, security and contacting Al Kessel about the property on the east side.

Moved by Hohloch, supported by Hammon to approve ZBA #95-33 with the following stipulations: The M-1 Use in a C-2 Zoned area will cease when Corrugated Packaging & Pallets no longer occupy the building; the 13 items be adhered to on the attached memo; and also no outside storage. Motion carried 5-0.

B. POSTPONED FROM APRIL 20, 1995:

1. ZBA #95-17

By: Russell I Ballmer
4145 E. Maple Avenue
Burton, MI 48529

Re: Q-401K SE Zoned
Section 34

For: To create two substandard lot
width's of 147' and 20'
respectively, 150' required.
20' width for drive to rear

of

property for a building site.
(4 Votes Required)

Mr. Ballmer explained he had the deed corrected and was ready to proceed with the lot split. He said there is another piece of property nearby with the same characteristics that his will have if this is approved. He has lived there for 23 years and would like to stay there.

In the audience, Joann Whalen, 4166 Manor Dr., asked if Mr. Ballmer was going to store heavy equipment on his property, he said no he would not. L. Stephens 3049 Vineland spoke on lot size.

T. Strasser said there could be problems with approval. He asked Mr. Ballmer if he would be putting in a septic tank. He said yes he would. H. Berry said he was not happy with a 20' drive, he could see problems. Discussion on a lot split followed.

Moved by DePottey, supported by Hammon to approve ZBA #95-17 as written. Roll call showed motion carried 4-1, Berry voting against.

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C. YEARLY RENEWALS:

1. ZBA #95-31	By: Bentley Boosters 1150 N. Belsay Rd. Burton, Mi 48509
	Re: 1150 N. Belsay Rd. Q-115-1 Sect. 12 R-1A Zoned
approval	For: To conduct a yearly Carnival. C-3 Use after Special
& 18,	in an R-1A Zoned Area. Carnival Dates June 15,16,17 1995. (5 Votes Required)

Ralph LaDuke represented the Bentley Boosters. He explained that this year there would not be a beer or casino tent at the festival. They therefore would not need as much security. Signage will stay the same as last year. This festival is the Boosters main fundraiser. There have been no problems

in the past.

In the audience, P. Dargel, 6119 Hugh asked if there was to be a parade. R. LaDuke said so far there has been no parade permit issued.

T. Strasser said there is no problem with approval.

Moved by DePottey, supported by Hohloch to approve ZBA #95-31 as written. Motion carried 5-0.

D. NEW APPLICATIONS:

1. ZBA #95-22

By: William I. Tindall
1028 Carlson
Burton, MI 48509

Re: 1028 Carlson, Lot 32
Eastern Plains Sect. 13
R-1B Zoned.

For: To build a 26' x 40' Garage

and

exceed the allowable square
footage for accessory

structures

by 176 sq. ft.
(4 Votes required)

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1. ZBA#95-22 (contd.)

Mr. Tindall said he needs this garage for personal storage and for space for his hobby. The garage will be wood construction and will match the house, not like a pole barn. If this is denied he will not have space for his hobby.

In the audience L. Stephens, 3049 Vineland spoke on lot size.

T. Strasser said this request is reasonable and there have been no calls. H. Berry asked if Mr. Tindall was making things to sell. He said no, he worked on restoring his classic car.

Moved by DePottey, supported by Hohloch to approve ZBA #95-22 as written. Motion carried 5-0.

2. ZBA #95-23

By: Doug & Laura Halstead

6371 Maple Road
Burton, MI 48519

Re: Section 36 Q-468-C

For: To construct a home with side setbacks of 18'. 20'

required

in an SE zoned area.
(4 Votes required)

Ean Rajala represented this case. He explained the reason this variance was needed. It would be a hardship if this was denied as they would not be able to build this house.

P. Dargel, 6119 Hugh asked the dimensions of the property. T. Strasser said this was a reasonable request. I. Hohloch asked the distances between the neighboring houses.

Moved by Hohloch, supported by Berry to approve ZBA #95-23. Motion carried

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3. ZBA #95-24

By: Sam Salor
2014 S. Center Road
Burton, MI 48519

Re: 2014 S. Center Road, lots 1,2,3 and part of Lot 4
Frost Manor. Sect. 21
C-2 Zoned

sales,

For: Used car sales lot not in conjunction with new car

16.03

C-3 special use in a C-2 Zoned area. See Ord. 19 Sect.

Item 3F.
(5 Votes Required)

There was no one to represent this case.

Moved by DePottey, supported by Hohloch to postpone ZBA #95-24 until the end of the meeting. Motion carried 5-0

4. ZBA #95-25

By: Timothy E. Young

6459 E. Maple Rd.
Burton, MI 48519

Re: Q-470-B Sect. 36
SE Zoned

lots:

and

113'

of

150'

of

For: To create two substandard

Lot 1, 100' of road frontage

.70 acres of land; Lot 2,

of Road frontage and .90 acres

land. Ordinance 19 requires

of road frontage and a minimum

1.0 acres of land.

(4 Votes required)

Mr. Young explained he needs a three bedroom home. He has lived on this property for 28 years and would like to built his new home and then split the lot and sell his older home. If this is denied it will be a financial hardship.

In the audience, L. Stephens asked about the sewers. T. Strasser said this is similar to ZBA #95-23, they may be asking for a variance for side setbacks in the future.

Discussion followed, W.DePottey asked about the 12 acre parcel on the west side. I. Hohloch said the lots to the east are sub-standard, he didn't feel Mr.

Young was out of line with his request.

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4. ZBA #95-25 (CONTD)

Moved by Hohloch, supported by Hammon to approve ZBA #95-25 as written. Motion carried 5-0.

5. ZBA #95-26

By: Lon J. Neuville
1301 Woodslea Dr.
Flint, MI 48507

Re: Q-63-A Sect. 3 C-2 Zoned

4199 Davison Road

lot
car

For: To conduct a used car sales
not in conjunction with new
sales. C-3 special use in a
C-2 Zoned area. Ord. 19
Sect. 16.03 Item 3 F.
(5 Votes required)

Mr. Neuville explained his plans for this property. He intends to clean up the buildings and repaint and make extensive repairs to the property. He runs a first class car business and he feels it will be an asset to the community. The buildings will be for offices only. He may have 10 to 15 cars here at one time. He is strictly a wholesale dealer but occasionally sells a few cars retail.

In the audience J. Townsend, 2051 Covert, asked for clarification on Mr. Neuville's plans. L. Stephens, 3047 Vineland spoke on zoning.

T. Strasser explained signage and fencing requirements. Mr. Neuville said he had no problem meeting all city requirements. T. Strasser said he would like to have a stipulation in the motion authorizing a \$5000 Bond or a letter of authority to the City to be able to tow non working vehicles from the site of this operation. Board discussion followed.

Moved by Hohloch, supported by Hammon to approve ZBA #95-26 with the stipulations that there be no vehicle repairs on this site, not more than 15 cars for retail sales and a letter authorizing the DPW to be able to tow any non-working vehicles from the site, and that this temporary use shall expire upon this business changing ownership. Motion carried
5-0

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6. ZBA #95-27

By: Charles N. Adkins
6170 Elro St.
Burton, Mi 48509

Re: 6170 Elro, Lot 156
Seely's Sub. #5
Sect. 13

For: To construct within a side

setback a 24' x 24' garage:
Asking for a 5' setback,
10' required.
(4 Votes required)

Mr. Adkins explained that he wished to build an attached garage and he will need a variance to do this. He will put a garage door in the front and in the back of this garage. If this is denied his cars will have to set out in the weather.

There was no one in the audience who wished to speak. T. Strasser said Mr. Young could still get in his back yard on the other side of his home. W. DePottey said he had no problem with this request.

Moved by DePottey, supported by Hammon to approve ZBA #95-27 as written. Motion carried 5-0.

7. ZBA #95-28

By: 3M National Advertising Co.
6405 Hix Rd. North
Westland, Mi 48185-6060

Re: Lot 327 Chambers Sub
Sect. 28 C-2 Zoned

For: To relocate existing 10' x

30'

billboard to lot 327

exclusively.

Presently occupies lots 326 &

327

Chambers Sub. M-1 Light Ind.

Use

in a C-2 Zoned area. Present

sign

has non-conforming rights.
(5 Votes Required)

Laverne Eubanks represented this case. She explained that the power lines were closer to this sign than company restrictions allowed and also it is partially on the adjacent lot. They wish to move this sign and make it more attractive.

In the audience James Fought, 3111 S. Dort Hwy. said it inhibits their business. He said it blocks them from view and customers traveling down Dort Hwy. cannot find them. He presented pictures of their business and the sign and asked that this sign be taken down and not allowed to be put back up.

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7. ZBA #95-28 (contd)

In the audience, L. Stephens, 3047 Vineland, spoke on non-conforming rights.

L. Patrella, 1081 Howe Rd., spoke on public safety.

Board discussion followed. T. Strasser spoke on a monopole type construction.

The Board felt they needed more information on the proposed sign, they would

like a rendering or a picture of a new sign. D. Gooding reviewed the Boards

options. I. Hohloch asked Ms. Eubanks if an engineer could attend another

meeting and answer some of the Boards questions. She felt they would.

Moved by Hohloch, supported by DePottey to postpone ZBA #95-28 until the next regular meeting of June 15, 1995 so that applicable renderings and information could be brought forward. Motion carried 5-0.

8. ZBA #95-29

By: Cathy Airgood
715 Begole
Flint, Mi 48503

Re: 4420 Dublin Lot 70
Killarney Park #2.
Sect 33 R-1B zoned.

For: To construct home at 5' from
the South property line.
10' required by ordinance.
(4 Votes required}

Cathy and Glen Airgood explained that they will be placing a modular home on this property. The lot size is 510' x 85'. She said their neighbors, Mr. & Mrs. A. Russell, 4426 Dublin were present and do not object to this request. The home is 70' long and on one side of the lot there is a steep bank that would prevent them from setting home closer to that side. If this is denied it will be a hardship as they would have

to place the home sideways and that would not look good.

In the audience A. Russell, 4426 Dublin spoke for approval. L. Stephens, 3047 Vineland asked the value of the home.

T. Strasser said it was a reasonable request as long as the neighbors didn't object. Board discussion followed.

Moved by Hohloch, supported by DePottey to approve ZBA #95-29 as written.

Motion carried 5-0.
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9. ZBA #95-29

By: Richard C. Mailhot
3441 Fern Avenue
Burton, MI 48529

Re: 3441 Fern, Lot 228 of
Atherton Homestead,
Sect. 29 R-1C Zoned.

For: To build a 24' x 36' Pole
Barn on my property and
exceed the allowable square
footage for accessory
structures by
480 sq. ft.
(4 votes required)

Mr. Mailhot explained he needed the pole barn for personal storage of three cars, van, trailer and motorcycles. It will be of pole barn construction. It will be a hardship if this is denied as he will not have a place to keep his vehicles out of the weather.

No one in the audience wished to speak. T. Strasser said it does exceed the ordinance but he has had no calls on this request. W. DePottey said this is on the end of a dead end street and it will not adversely affect any neighbors.

Moved by Hammon, supported by Hohloch to approve ZBA #95-30 as written.
Motion carried 5-0.

10. ZBA #95-32

By: Jerry W. Hall
2045 Crestline Dr.
Burton, Mi 48509

Re: Lot 15 B1K 3 Beechwood
Sect. 2 R-1A Zoned.

Estates

square
structures
addition

For: To exceed the allowable
footage for accessory
by 316 sq. ft. with an

x

to the existing garage of 24'

24'.

(4 Votes required)

Mr. Hall said he can downsize this garage to 22' x 22'. He needs it for storage of personal items, collectors cars. He will build it to match his house. If this is denied he will not have storage room for his cars.

No one in the audience wished to speak. T. Strasser said it does exceed ordinance but there have been no calls. Board discussion followed.

Moved by Hammon, supported by Hohloch to approve ZBA #95-32 as written. Motion carried 5-0.

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3. ZBA #95-24

By: Sam Salor

Postponed til the end of the meeting.

For: Used car sales.

Mr. Salor explained he wished to operate a used car sales on the lot next to his convenience store. He has had some cars placed there for sale by friends and members of his family. He would like approval for approximately 7 or 8 cars. There will be no junk cars.

In the audience L. Stephens, 3047 Vineland spoke on changing zoning. Chairman Gooding read a letter from Mr. Mansfield on Lippincott Blvd. urging the Board to deny this request.

T. Strasser said if this is approved he would like to see the owner submit a letter or post a bond to enable the City to tow any inoperable cars from the lot. He also said Mr. Salor's signage on his store is not in compliance with city code. The site is in disrepair and needs maintenance work on the building.

Board discussion followed. I. Hohloch said this type of sales is not conducive to a nice neighborhood, he also said he hasn't seen any site drawing. T. Hammon said curbstoning is illegal in Burton.

Moved by Hohloch, supported by DePottey to deny ZBA #95-24. Roll call showed motion carried 5-0 to deny request.

E. AUDIENCE PARTICIPATION:

JoAnn Whalen, 4166 Manor Drive explained her property is adjacent to property on Maple Road and asked the Board what could be done on the Maple Road property.

P. Dargel, 6119 Hugh spoke on zoning changes.

F. BOARD DISCUSSION:

Chairman D. Gooding related to the Board that he is moving from the City and will no longer be able to be a member of the Board. He thanked the Board for the privilege to serve as Chairman and thanked them for their cooperation in the past ten years. T. Hammon spoke on behalf of the Board and thanked Chairman Gooding for a job well done. Discussion followed on a Special ZBA meeting. It was decided to hold this meeting on Monday, May 22, 1995 at 6:00 P.M.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, June 15, 1995, 7:00 P.M.

Meeting adjourned 10:20 P.M.

Respectfully submitted by: Jeanette Brown, Clerk's Office.