

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
May 20, 1993 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY Chairman Gooding.

MEMBERS PRESENT: W. DePottey, I. Hohloch, D. Gooding, H. Berry, S. Welliver,
F. Edmonds.

MEMBER ABSENT: K. Cox

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 April 15, 1993, at 7:00 P.M.

Moved by DePottey, supported by Edmonds to approve the above minutes as written. Motion carried 6-0.

2. Special ZBA Meeting of April 29, 1993, at 7:00 P.M.

Moved by Edmonds, supported by Welliver to approve the above minutes as written. Motion carried 6-0.

3. YEARLY RENEWALS:

1. ZBA #93-24

By: Russ Caldwell
6252 W. Mt. Morris Rd.
Mt. Morris, MI 48458

Re: 1173 Packard
Lot 54 Garden Acres
Sect. 13 R-1B Zoned

For: To conduct a multiple "Family Use"
in a Single Family zoned area, for
an adult Foster Care Home.
(5 votes required)

Mr. Caldwell said this is the eighth year he has asked for a variance. He said that this is his livelihood plus a home for his elderly residents. Everything is the same. He has added on to this home to make it more comfortable for the residents and he keeps it very neat and clean. If this is denied, it would be a financial hardship and his residents would have to move.

There was no one in the audience who wished to speak on this case. T. Strasser said there have been no complaints and it is a well kept home.

Moved by Edmonds, supported by DePottey to approve ZBA #93-24 for a period of one year. Motion carried 6-0.

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B. YEARLY RENEWALS: (CONTD.)

2. ZBA #93-27

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

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

For: To conduct a yearly Carnival.
C-3 use after special approval
in an R-1A district.
June 18, 19, 20 & 21.
(5 votes required)

John Wilson explained this was the eleventh Festival and everything is basically the same. They will have ample security. The profits go to the school to help finance sports and educational programs. He explained there will be no big signs. If this is denied, it will be a financial hardship on the sports and educational programs.

No one in the audience wished to speak. T. Strasser said the DPW have no problem with this request. Mr. Wilson asked if they could get a three year or no variance for this festival. Chairman Gooding explained that he would have to apply for that next year when he comes in again.

Moved by DePottey, supported by Hohloch to approve ZBA #93-27 as written.
Motion carried 6-0.

3. ZBA #93-31

By: William M. Clark
4067 E. Court Street
Burton, MI 48509

Re: Lot 4 Supt. Plat #39
Sect. 10 C-2 zoned

For: Satellite dishes to remain in same
location in front yard setback.
See Sect. 5.41 Item #2 Ord. #19
(4 votes required)

Ann Davis spoke on behalf of William M. Clark. She explained they would like to keep the satellite dishes where they have been for the last ten years. She said these dishes are their advertisement. She also asked if there was some way they could avoid paying this yearly fee. Chairman Gooding explained she would have to apply next year for a longer variance. It would be a hardship if this were denied as they wouldn't have anything to show their customers.

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3. ZBA #93-31 (Cont.)

No one in the audience wished to speak. T. Strasser said the location of the dishes have not been a problem. They are partially hidden by trees. There have been no complaints.

Moved by Berry, supported by Welliver to approve ZBA #93-31 for a period of one year. Motion carried 6-0.

C. NEW APPLICATIONS:

1. ZBA #93-25

By: Marks Used Cars
2305 Nebraska
Flint, MI 48506

Re: 6010 E. Atherton Rd.
Part of Lot 33 Eastgate #2
Sect. 25 C-1 Zoned

For: To display 5 cars for sale at
above address. C-3 Special
approved use in a C-1 zoned area,
not in conjunction with a new car
sales lot.
(5 votes required)

Mark Kennedy explained he needs this variance to comply with State requirements for his automobile wholesalers license. He will have to display five (5) cars. He is leasing this property, he will not be making any repairs or washing cars, it will be strictly for an office. If this is denied, it will be a financial hardship as he has a family and is just trying to make a living.

In the audience, Ed Schaar, 6060 E. Atherton, Mike Holt, 6037 E. Atherton, Peggy Hardy, 6030 E. Atherton spoke against approval as they were concerned about the added traffic it would generate. They also were concerned about it becoming a bump and paint shop. S. Salim, owner of the property said there wouldn't be anything offensive, like a bump shop. It would be strictly an office.

T. Stasser said this was a heavy use corner, there are many businesses on this corner which generates alot of traffic.

I. Hohloch spoke on elminating too many parking spaces for the party store with this request. DePottey felt that five cars parked on that corner would create problems and hazards for the through traffic. Discussion followed on; a possible traffic light, and the size of the property. D. Gooding spoke on the congestion at the corner. I Hohloch said he could sympathize with the applicant but he wasn't comfortable with the extra cars parked on the corner.

Moved by Hohloch, supported by Berry to deny ZBA #93-25 as written. Roll call showed motion to deny carried unanimously 6-0.

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NEW APPLICATIONS: (contd.)

2. ZBA #93-26

By: Roderick Eashoo
2397 Cherylann
Burton, MI 48509

Re: Lot 29 - Maplelawn Sub
Sect. 24 R-1A Zoned

For: To exceed the allowable square
footage for accessory structures
by 192 sq. ft. with a 22' x 28'
garage.
(4 votes required)

Mr. Eashoo explained that he needed the garage for storage space as he has no basement. He presented a letter from his neighbor to the south who did not object to this request. If this is denied, the hardship will be that his vehicles must sit out in the weather.

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

T. Strasser said this request does exceed the ordinance. Board discussion followed on the permitted size garage Mr. Eashoo could build. S. Welliver felt this was a reasonable request.

Moved by Welliver, supported by Hohloch to approve ZBA #93-26 as written.
Motion carried 6-0.

3. ZBA #93-28

By: Francis Johnson
3472 E. Atherton Rd.
Burton, MI 48519

Re: Lot 30, 31 & 32 of Supv. Plat
Sect. 28, 3030 Clarice.

For: To construct a single family
dwelling (Residential Use) in
a C-2 Zoned Area; Grant non-
conforming Residential Rights.
(5 Votes Required)

Gloria Johnson spoke for this case. She explained that they owned three lots for the past 25 years and would like to build a home on these lots. She further explained that they have received permission from Federal and State agencies. The DNR has given them a permit to build, they must build according to DNR requirements. All they need from the City of Burton is permission to build a home in a C-2 Zoned area. She said her neighbors do not object.

In the audience, John Stapish, 5160 E. Atherton Rd., spoke against approval as this property is in a flood way fringe. Pauline Dargel, 6119 Hugh, asked how is this request different from last month's which was denied?

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3. ZBA #93-28 (contd.)

G. Johnson read from a letter from a Federal department and it stated that there were no problems with a home being build on this property. She also questioned why J. Stapish cared if they built a home there.

T. Strasser reiterated that the DNR has given their permission to build and that it is in a flood way fringe area. D. Gooding explained that this Board was to decide only if they could build a home in a C-2 Zoned area.

D. Gooding asked what could be built in this area. T. Strasser said any number of enterprises, ie; Doctor's Office, any inside sales business. Discussion followed. I. Hohloch asked for clarification on which lot was being built on. T. Strasser explained. The Board members concurred that a home should not be built in this area. H. Berry suggested Mrs. Johnson try to get the zoning changed and then build a home.

Moved by Welliver, supported by Hohloch to deny ZBA #93-28. Roll call showed motion to deny was approved unanimously 6-0.

4. ZBA #93-29

By: Taco Bell - (Agent, Signs by Crannie)
3441 Fenton Rd.
Burton, MI 48529

Re: Lots 4,5,6 & 7 of Burton Gardens,
Sect. 30 C-2 Zoned

For: To allow additional 32 sq. ft.
Pole mounted changeable copy sign.
Exceed allowable sq. footage for
signage by 32 sq. ft.
(4 Votes Required)

Gary Gebhardt represented Crannie signs for Taco Bell. He explained that they wished to clean up the signs and use one bigger sign in front. It will have a 10' ground clearance, it will improve the image of Taco Bell. He said they are asking for less than their neighbors, Burger King and Kentucky Fried Chicken have. If this is denied, it will make it hard for Taco Bell to compete with the other businesses.

In the audience, John Stapish, 5160 E. Atherton Rd., said he thinks this will set a good example for the other businesses. T. Strasser asked Mr. Gebhardt if he had the authority to comply with the requirements of this Board. Mr. Gebhardt said he did. T. Strasser recommended that any variance be granted with the stipulations that there be no banners, flags, or portable signs. S. Welliver asked how this could be enforced; T. Strasser explained they would have more authority to enforce the requirements of the variance if it was stipulated as part of the variance. I. Hohloch asked if this sign would withstand strong winds. Mr. Gebhardt said he is an engineer and he has calculated it will withstand winds up to 96 mph. D. Gooding passed the gavel and spoke. He said if Taco Bell will clean up their signs, he will support this variance request. Edmonds concurred.

Moved by Berry, supported by Welliver to approve ZBA #93-29 with the stipulations that there be no banners, flags and flashing portable signs. Motion carried 6-0.

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C. NEW APPLICATIONS: (contd.)

5. ZBA #93-30

By: Taco Bell - (Agent, Signs by Crannie)
1176 N. Belsay Rd.
Burton, MI 48509

Re: Lots 5,6,7 of Laurelhurst Acres,
Sect. 12 C-2 Zoned

For: To allow additional signage of 32 sq.
ft. for pole mounted changeable copy
sign. Exceed allowable sq. footage
for signage by 65 sq. ft.
(4 votes required)

Gary Gebhardt, representative of Crannie Signs spoke for Taco Bell. He explained that this is much the same as the previous request. The sign will be a little larger, 8' x 12'. He said they will also remove the banners and flags at this location. The hardship would be the same, they would not be able to compete as well with the other businesses.

There was no one in the audience who wished to speak on this variance. T. Strasser said this site is much cleaner than the Fenton Road location, but he also recommended adding the stipulations to the variance if it is approved. Board discussion followed. I. Hohloch questioned if this would be a variance on a variance. T. Strasser explained.

Moved by Berry, supported by Welliver to approve ZBA #93-30 with the stipulation that there be no flags, banners or flashing portable signs. Motion carried 6-0.

6. ZBA #93-32

By: Brian Zaremba
3033 Hemphill
Burton, MI 48529

Re: Lots 233, 234, 235, 382 &
383 Chambers Sub. Sect. 28
R-1C Zoned.

For: To exceed the allowable square
footage for accessory structures
by 432 sq. ft. with a 28' x 32'
garage.
(4 Votes Required)

Brian Zaremba explained he needs the garage for personal storage. He collects and restores old cars, and he has a truck and a car and lawn equipment which he wishes to get in out of the weather. He at present has a 20' x 20' garage and would like a 28' x 32' garage. It will be constructed to match his house. The hardship would be he wouldn't be able to store his cars indoors out of the weather.

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6. ZBA #93-32 (contd.)

In the audience, C. Schmidt, 3234 Myrton, Phyllis Cone, 3225 Myrton, Dan Hoag, Shaw St., Eileen Jagger, 3236 Myrton, Mary Bencheck, Hemphill spoke against approval. They were concerned that Mr. Zaremba will be generating alot of traffic. They are concerned he will run a bump and paint shop out of his garage. Brian Zaremba assured the residents he will not do the things they are concerned about.

T. Strasser said this request exceeds the ordinance.

W. DePottey said he can understand the resident's concerns, but he restores old cars and knows how Brian Zaremba feels. H. Berry asked if the three lots are on one lot description. Strasser said they were. Board discussion followed. D. Gooding passed the gavel and spoke, he said he could not support such a large building, he will be voting in the negative.

Moved by DePottey, supported by Welliver to approve ZBA #93-32 with the stipulations that the driveway entrance be off Hemphill, for personal use and storage only and no outside storage of cars. Roll call showed motion carried 4-2. Gooding and Berry casting the no votes.

7. ZBA #93-33

By: Robert Dickey
1128 LaSalle
Burton, MI 48509

Re: The N 1/2 of Lot 94 &
S 1/2 of Lot 95 Garden Acres
Sect. 13 R-1B Zoned.

For: To exceed the allowable square
footage for accessory structures
by 597 sq. ft. with a 24' x 32'
Pole Barn.
(4 Votes Required)

Robert Dickey explained he needed the garage for storage of antique cars. His lot is 200 x 100, the garage would be at the end of the property. It will be a hardship if this is denied as he will have no storage space and may have to move.

No one in the audience wished to speak. T. Strasser said this does exceed the ordinance, he could build a 10 x 20 within the ordinance. Discussion followed; Edmonds suggested downsizing this garage. Mr. Dickey wasn't quite sure how large he wished to build or what type of construction he would be using. I. Hohloch explained the difference in construction of a Pole Barn and a garage. F. Edmonds and W. DePottey said they would be voting against this because they didn't know enough about the details. H. Berry concurred.

Moved by Hohloch, supported by Welliver to postpone ZBA #93-33 until the next regular meeting so that Mr. Dickey could furnish the Board with more detail about the size and construction type of the garage. Motion carried 6-0.

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AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, asked who enforces the Board's decisions.
D. Gooding explained that the DPW enforces the decisions.

E. BOARD DISCUSSION:

Discussion on exceeding variances and having T. Strasser include material from past variance requests in the packets on new requests; and allowing building in a flood plain.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, June 17, 7:00 P.M.

Meeting adjourned at 10:00 P.M.

Respectfully Submitted by:

Jeanette Brown, Clerk's Office