

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MAY 21, 1992 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:10 P.M. BY CHAIRMAN GOODING.

MEMBERS PRESENT: K. Cox, D. Priest, D. Gooding, H. Berry, S. Welliver, and F. Edmonds.

MEMBERS ABSENT: W. DePottey

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 16, 1992, at 7:00 P.M.

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

B. POSTPONED FROM MEETING OF APRIL 16, 1992.

1. ZBA #92-18

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

Re: 1150 N. Belsay Road
Section 12, R-1A Zoned

For: Yearly Carnival, June 18th thru the
21st, 1992. C-3 Use after special
approval in a R-1A District,
Yearly renewal. Q-115-1
(5 Votes required)

John Wilson represented Bentley Boosters and explained that the Festival would be the same as other years except this year they would have volunteer security by the Genesee County Sheriff's Department. He feels this will be better than hiring a security firm. The profits from this Festival help support the schools and various activities. If this is denied, it would be a financial hardship and the students would be the ones deprived of the benefits that this Festival supports.

There was no one in the audience who wished to speak on this case. Strasser said there have been no complaints, the DPW have no problems with approval of this variance. He feels that security will be very adequate.

Berry said he would be voting in the affirmative on this case but in the future he would like to see the alcoholic beverages eliminated from the Festivals. Priest concurred. Edmonds asked about the signs, Mr. Wilson said they only have signs in local businesses and on a billboard.

Moved by Edmonds, supported by Welliver to approve ZBA #92-18 as written.
Motion carried 6-0.

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B. POSTPONED FROM APRIL 16, 1992.(contd.)

2. ZBA #92-19

By: Taylor Antenna Installations
5463 S. Dort Hwy.
Flint, MI 48507

Re: 1040 LaSalle, Lot 98 except the
N 70' ft. of Garden Acres,
Sect. 13, R-1B Zoned.

For: (1) To locate a satellite dish in
side yard, rear yard required by
Ordinance. (2) To exceed the
allowable height by 6'; 15' required,
21' requested. (3) To construct
dish @ 3' from the side property line;
10' required.
(4 votes required)

There was no one to represent this case. Discussion on Postponement followed.

Moved by Priest, supported by Welliver to postpone ZBA #92-19 until the end of
the meeting. Motion carried 6-0.

3. ZBA #92-20

By: Gene Lukonen
4445 E. Bristol Road
Burton, MI 48519

Re: Q-304-1 Sect. 27
R-1A Zoned

For: To operate a tree service from a
residential property. M-2 Heavy
Industrial use in a R-1A zoned area.
Yearly renewal.
(5 Votes required)

G. Lukonen explained that he has just recently purchased this property with the
intention of operating his small tree service from this location. He has a
chipper, and two trucks which he parks here. He also stores wood and sells it
in the winter. He feels the Realtor misled him as he purchased this property
with the intent to operate his business here. He has three acres. If this is
denied, it would be financially devastating, he would have to move.

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

Strasser explained that a part of this property is in a flood plain; the tree
service would be a heavy industrial use in a residential area. There are
tentative plans for thirteen (13) homes to be built around this 3 acre site.
The DPW recommends denial. Strasser said there have been complaints from the
neighbors about the previous owner using the barns for storage.

Cox asked if Mr. Lukonen has spoken with his neighbor Mr. Hummel. Mr. Lukonen
said he has and Mr. Hummel did not know that the previous owner had moved out.

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3. ZBA #92-20 (contd.)

Welliver asked where the firewood would be stacked and how much would there be. Mr. Lukonen said behind the barn behind a privacy fence and about 100 to 200 cords of wood. Berry asked how soon this plat would come into being. Strasser said it could be as soon as this summer. Discussion followed on approving a yearly renewal; taking the barn down; and also postponing this case. Edmonds felt that this case should be postponed so that Mr. Lukonen could have some time to think of what could be done.

Moved by Edmonds, supported by Welliver to postpone ZBA #92-20 for one month, until our next regular meeting of June 18, 1992.

Gooding passed the gavel and spoke, he said he supported the motion, he said the Board needs to look at this case some more.

Motion carried to postpone, 6-0.

4. ZBA #92-26

By: Future Homes
430 S. State Road
Davison, MI 48423

Re: The westerly 5+ Acres of Q-252-A
Section 24, R-1A Zoned.

For: To allow a building site with sub-
standard Road Frontage. 85' required,
20' requested.
(4 votes required)

Gary Sabo explained why the variance was needed. Using an illustration of the property he showed the Board the area that is needed for access to the five (5) acres that is landlocked. If this is denied, it will be a financial hardship as the property will not be able to be developed.

No one in the audience wished to speak on this case.

Strasser said there were no problems with this request as long as the five acre parcel was used for one house only. Gooding asked if there were any complaints from the neighbors. Strasser said a neighbor had called to ask what was going on with this property. Cox asked if there would be any problems with fire protection? Strasser said no.

Moved by Priest, supported by Berry to approve ZBA #92-26 with the stipulation that only one house be constructed on this five acre parcel. Motion carried 6-0.

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YEARLY RENEWALS:

1. ZBA #92-29

By: Wolohan Lumber Co.
P.O. Box 3235
Saginaw, MI 48605

Re: 1096. N. Center Road, Lots 16, 17 & 18
Supervisor's Plat #39 Section 10
M-1 Zoned
Burton, MI 48509

For: Variance to construct a temporary
"Greenhouse" for the purpose of
outside sales.
(5 Votes Required)

John Deal, 1740 Linden Rd., Saginaw, explained this is a renewal from last year. He used a drawing to illustrate where the greenhouse would be. It is for seasonal sales and would be a financial hardship if denied.

No one in the audience wished to speak on this case.

Strasser said there were no problems with this request. He wished to commend Wolohan's for their cooperation in placement of outdoor displays. They have informed to all of DPW requirements.

Moved by Edmonds, supported by Priest to approve ZBA #92-29. Motion carried 6-0.

D. NEW APPLICATIONS:

1. ZBA #92-27

By: Laverne D. Cromwell
2245 Morrish Street
Burton, MI 48519

Re: 2245 Morrish St.
Part of Lot 72, Supervisor's Plat
#12. Sect. 21 R-1B Zoned

For: To construct 32' x 40' polebarn
To exceed allowable square footage
by 796 sq. ft.; 864 sq. ft. allowed
by Ordinance.
(4 Votes Required)

Mr. Cromwell explained that he needs the extra storage space for his personal recreational vehicles and lawn equipment. At present he is storing some of his vehicles in steel sheds that are almost ready to fall apart. He hopes to take these down when his pole barn is finished. If this is denied, it will be a hardship as his vehicles will have to sit out in the weather.

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1. ZBA #92-27 (contd.)

No one in the audience wished to speak on this case.

Strasser said the DPW has no comment on this case.

Gooding asked what Mr. Cromwell's lot size was, he said he wasn't sure.

Board discussion followed on the size of the garage that is presently there; also fire-protection access, and possibly tabling this until the next regular meeting.

Moved by Edmonds, supported by Berry to postpone ZBA #92-27 until the next regular meeting of June 18, 1992 in order to obtain more information and the lot size of this property. Motion carried 6-0.

2. ZBA #92-28

By: Martin H. Olson
1408 Denies
Burton, MI 48509

Re: Lot 583 of Lapeer Heights,
Sect. 14
R-1B Zoned

For: (1) To exceed the allowable square
footage for accessory structures by
238 sq. ft. (2) To construct an
accessory structure @ 6' from the
principal dwelling, 10' required.
(4 Votes required)

Mr. Olson explained he wished to move his driveway and build a new garage. His lot size is 100' x 100'. He would keep the other garage for a workshop and storage. If this is denied, he then will have to take the old garage down.

In the audience, George Burt, 1428 Merle, spoke in favor of approval of this case. He, at one time had a similar problem, he feels it will be an asset to the neighborhood. He recommended the Board approve this case.

Strasser said this exceeds the ordinance, he said there have been no calls, he feels the request seems justified. Welliver asked about a fire wall, Strasser explained.

Moved by Priest, supported by Cox to approve ZBA #92-28 as written. Motion carried 6-0.

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Chairman Gooding recessed this meeting, for ten (10) minutes, at 8:35 PM.

He re-convened the meeting at 8:45 PM.

D. NEW APPLICATIONS (contd.)

3. ZBA #92-30

By: Bonnie McCord
1375 E. Bristol Road
Burton, MI 48529

Re: Dottys Pet Center, Inc.
1375 E. Bristol Road
Baker Park #1 Lots 1277-1278 &
1320-1324 Sect. 31 C-1 Zoned

For: To keep signs up on the building,
advertising products they carry.
Exceed the allowable square footage
for building signage by 235 square
feet.
(4 votes required)

There was no one to represent this case. Discussion on postponement followed.
Berry spoke on the signage at Dottys Pet Center.

Moved by Edmonds, supported by Welliver to postpone until the next regular
ZBA meeting of June 18, 1992. Motion carried 5-1, Berry voting no.

4. ZBA #92-31

By: James Grennay
6221 Surrey Lane
Burton, MI 48519

Re: Lot 77 of Holiday Villa
Sect. 24 R-1B Zoned

For: To construct an attached garage at
6' from the east property line.
10' required.
(4 Votes required)

Mr. Grennay said he wishes to build an attached garage for his two cars.
He explained he has a pool in his backyard and in order to leave room for
the pool he must build the garage closer to the lot line. He also wishes
to save a silver maple tree. He will put a garage door in the back wall
of the garage to give access to his backyard.

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

Passer said the DPW has no concerns about this case, Mr. Grennay keeps
very neat and clean home and yard.

Moved by Edmonds, supported by Priest to approve ZB #92-31 as written. Motion
carried 6-0.

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5. ZBA #92-32

By: John Missitti
4196 Woodrow Avenue
Burton, MI 48509

Re: Sec. 3. East 30' of Lots 45 & 79;
46 & 78 of Greenlawn Sub. R-1B Zoned

For: To construct a garage and family room
within 2' of side lot line. 10'
required by ordinance.
(4 Votes required)

Strasser asked that this variance be postponed. He explained that it had not been processed properly and therefore could not be acted upon.

Moved by Welliver, supported by Cox to postpone ZBA #92-32 until there is more information available and it goes through the proper procedure. Motion carried 6-0.

6. ZBA #92-33

By: Bennie Wells
3413 S. Center Rd.
Burton, MI 48519

Re: Lot 7 Schram Acres
Section 27 C-2 Zoned

For: (1) To expand the non-
conforming residential rights
with the construction of a 32'
x 48' Pole Barn (5 Votes Req.)
(2) To exceed the height
requirement by 6".
(4 Votes required)

Mr. Wells explained that he wanted the Pole Barn for storage of his Motor home and also to use it as a workshop. He plans on having 10' sidewalls as he needs a 9' door. This is for personal storage only. If this is denied he simply won't have the storage room or his workshop.

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

Strasser said there were no problems with this request, it is far back off the road and he has 9 acres of property.

Berry asked if this was part of Bundschuh's, Mr. Wells said no, he explained where his property was located.

Moved by Berry, supported by Welliver to approve Item #1 of ZBA #92-33 as written, Motion carried 6-0.

Moved by Priest, supported by Berry to approve Item #2 of ZBA #92-33 as written, Motion carried 6-0.

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7. ZBA #92-34

By: Loren Dunkel
4295 S. Belsay Rd.
Burton, MI 48519

Re: Q-460 Sect. 36
SE Zoned

For: To downsize two (2) lots of non-
conforming size to 117' frontage;
Ordinance requires 150'.
(4 Votes required)

Mr. Dunkel explained that he was permitted a lot split last October, now he wishes to downsize these lots to allow for a road for access to 77 acres which lie behind these two lots. If this is denied it would be a hardship as the acreage would not have the access that is desirable.

No one in the audience wished to speak on this request.

Strasser said this request is reasonable. He also said Mr. Dunkel's long range planning is very good. Strasser requested that if this is approved, included in the motion should be "two lots to be down-sized to 117' each per lot split #9129 and that the DPW be furnished with a corrected legal description."

Edmonds asked if this had been before the Planning Commission, Strasser explained the procedure on this lot split. Berry commended Mr. Dunkel for leaving a roadway. Some Discussion followed.

Moved by Welliver, supported by Berry to approve ZB #92-34 to down-size two lots of non-conforming size to 117' frontage with reference back to Planning Commission Lot Split #9129 and also asking for a corrected legal description. Motion carried 6-0.

ZBA #92-19
(Postponed from the beginning
of the meeting.)

By: Taylor Antenna Installations
Re: 1040 LaSalle, (Lot 98, etc.)

There was no one to represent this case.

In the audience, Richard Hamel, 1039 Kettering spoke against approval of this variance. He said there are other options where this antenna could be put up without a variance. He said if this was allowed he would be looking right at it from his back porch.

Strasser said this was brought to the attention of the DPW through a complaint, he explained that the home on this lot is built at the back and there is no back yard, but the antenna could be put up on the other side of the property with no variance required. Discussion followed on the antenna pole which is already installed on the property. Until the pole is used for something, the DPW cannot much about the pole where it is.

Moved by Edmonds, supported by Welliver to deny ZBA #92-19 as written. Motion carried 6-0.

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E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, spoke on the Group Home which was brought to the attention of the DPW through the efforts of neighbors of this home. She stated, the DPW has been very considerate in sharing the information they have on this home with the neighbors and advising what is going on with this home. She said the DPW is very responsive.

F. BOARD DISCUSSION:

K. Cox thanked Mr. Gooding for his expert chairmanship. Berry explained his vote on a specific case. Edmonds spoke on notification of postponement of cases. Strasser clarified his position. Gooding spoke on a bump shop and a lumber company, Strasser said they have been issued violation notices. Gooding spoke on variance stipulations being enforced, he said he may be able to get a form that another municipality uses in their efforts to enforce variance requirements.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, June 18, 1992, 7:00 P.M.

Meeting adjourned 9:45 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office