

CITY OF BURTON  
REGULAR ZONING BOARD OF APPEALS MINUTES  
JUNE 6, 1991  
7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN D. 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 and J. Brown, Clerk's  
Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

Regular meeting of May 2, 1991, at 7:00 P.M.

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

B. APPLICATION TABLED FROM MAY 2, 1991:

1. ZBA #91-25

By: Thomas H. Harris  
2118 E. Bristol Road  
Burton, MI 48529

Re: 4080 Homestead  
Lot 76 Wilson Homestead  
Sect. 31 R-1C Zoned

For: Install 6' cyclone fence because of  
children in apartment building next  
door. Enclose side & rear yard, to r/w  
line, not across front. Ordinance  
requires 5' height maximum.  
(4 votes required).

Mr. Harris explained he already had the fencing and he needed this for security  
reasons. He had some 6' privacy fencing that was stolen from his property by  
the neighborhood children. He said that two business across the street from his  
home have 6' security fences.

There was no one in the audience who wished to speak on this variance.  
Strasser said that in residential areas 5' is the maximum allowed by ordinance.  
He said there were no calls on this variance from the neighbors.

Debus asked if 6' fencing would be allowed in his back yard. Strasser explained  
that it would not. Berry and DePottey concurred that they felt 5' fencing would  
be secure enough. Priest said he was uncomfortable as well with a 6' fence.

Moved by Priest, supported by Berry to deny ZBA #91-25. Roll call vote showed  
that the motion carried 7-0.

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YEARLY RENEWALS:

1. ZBA #91-32

By: Wolohan Lumber Co.  
1096 N. Center Rd.  
Burton, MI 48509

Re: 1096 N. Center Road  
Lots 16, 17 and 18 of  
Supervisor's Plat No. 39  
Sect. 10 M-1 Zoned

For: 1. To conduct C-3 Special Uses in  
an M-1 zoned area. Sect. 16.03  
items 3a & e; outdoor sale and  
display of trees, shrubs, lawn furniture  
storage sheds and other similar items.  
2. Also approval of temporary  
structure "Greenhouse".  
(5 votes required)

Mike Napolitano, Saginaw, represented Wolohan Lumber. He presented a drawing of the proposed outdoor sales. He explained that in order to remain competitive they must have such sale space. They have sufficient parking. If this request is denied it will be a financial hardship.

There was no one in the audience who wished to speak on this variance. Strasser said he would like to see a site plan of where the displays will be located.

Gooding said he noticed that traffic is slowing in front of the outdoor displays as cars shop from the road. Board discussion followed. Berry said when this was approved originally it was with no outdoor sales. DePottey said this was a very nice business but he felt it should be tabled until a site plan was available. Edmonds felt the displays could pose a traffic problem.

Moved by Edmonds, supported by Priest to table ZBA #91-32 until the next regular Zoning Board of Appeals meeting of July 18, 1991. Roll call vote showed motion carried 7-0.

2. ZBA 91-33

By: Tadricks Tax Service  
1110 E. Bristol Rd.  
Burton, MI 48529

Re: 1110 E. Bristol Rd.  
Q-337-2  
Sect. 31 C-2 Zoned

For: To conduct C-3 uses "Assembly  
Hall" within a C-2 zoned building.  
(5 votes required)

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2. ZBA #91-33 (contd.)

Gloria Tadrack, 8309 Butternut Lane, Grand Blanc explained she had a large building that she paid property taxes on and felt that more use could be gotten from it if she were allowed to rent it out as an "assembly hall". She said there was alot of paved parking available, she would have to make some renovations to the building however and before she did this she would like to have permission to use it as such.

In the audience, George Piggott spoke on behalf of his mother, Mrs. William Piggott, 1074 E. Bristol Road, he said they were concerned about the traffic it would generate and the noice and the hours allowed for rental of the hall.

Strasser said it would not be detrimental to the neighborhood the driveway exits were sufficient. Board discussion followed, Edmonds asked about a traffic study, Priest asked about a fence around the back yard. Berry said Mr. Tadrack had at one time a variance for an assembly hall but lost it for lack of renewal.

Moved by Debus, supported by Edmonds to approve ZBA #91-33 for a period of one year. Roll call showed motion carried 7-0.

D. NEW APPLICATIONS:

1. ZBA #91-27

By: David Moore  
4421 Sunnymead  
Burton, MI 48519

Re: 4421 Sunnymead  
Lot 32 Meadowcroft Estates  
Sect. 22 R-1B Zoned.

For: To construct an attached garage  
2 feet from the property line of  
Glenvale St. Ordinance requires  
25 foot setback.  
(4 votes required)

David Moore explained that in order to meet the ordinance requirements he would have to place the garage in the middle of the back yard. He wishes to place the garage next to the house so that he may put an addition on the house. If this is denied it would be very inconvenient as they need the extra space.

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

Strasser suggested placing the garage in the back yard. He explained the problem with the driveway. He said there have been no calls from the neighbors.

Board discussion followed on placement of the driveway. Mr. Moore said it would be curved to save a tree on the property.

Moved by DePottey, supported by Hammon to approve ZBA #91-27 as written. Roll call showed motion carried 7-0.

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2. ZBA #91-28

By: Glenn Lawrence  
6104 E. Atherton Rd.  
Burton, MI 48519

Re: 6104 E. Atherton Rd.  
Lot 37 Eastgate #2  
Sect. 25 R-1B Zoned  
(4 votes required)

For: To exceed the allowable square footage  
for accessory structures by 736 sq. ft.  
40' x 40' garage.  
(4 votes required)

Mr. Lawrence explained that he had a 35' Motor Home and three autos that he wished to keep in the garage. It will not be a pole barn, it will be a garage type construction to match the house. If this is denied it will be a hardship as he will not be able to keep his vehicles covered.

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

Strasser said that this request exceeds the ordinance by quite a bit. He feels that the ordinance should be adhered to.

DePottey asked if there were any complaints from the neighbors, Mr. Lawrence no. DePottey and Hammon felt they could vote in favor of this variance. Berry asked about the height and the roofline. Mr. Lawrence said the side walls would be 16'. Strasser said if that is the height of the side walls, the variance request is incorrect. He suggested tabling this request until the next regular meeting so as to correct the request.

Moved by Edmonds, supported by Debus to table ZBA #91-28 until the next regular meeting. Roll call vote showed motion carried 7-0.

3. ZBA #91-29

By: Joan Richmond  
3335 S. Center Rd.  
Burton, MI 48519

Re: 3335 S. Center Rd.  
Part of Lot 12, Schram Acres,  
Sect. 27 C-2 zoned.

For: To expand the non-conforming  
residential use of property with  
an addition of an attached garage  
and breezeway.  
(5 votes required)

Joan Richmond explained that they have two small homes on the property. He son is living in one of them and she and her husband in the other. They wish to put an addition of an attached garage and breezeway. They need the space when their children and grand children visit. If this is denied, they must move.

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

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3. ZBA #91-29 (Contd.)

Strasser said it is a small house and there is no problem with this request.

Moved by Edmonds, supported by Priest to approve ZBA #91-29 as written. A Roll call vote showed motion carried 7-0.

4. ZBA #91-30

By: Joan Richmond  
3335 S. Center Rd.  
Burton, MI 48519

Re: 3331 S. Center Rd.  
Part of Lot 12, Schram Acres,  
Sect. 27 C-2 zoned.

For: To expand the non-conforming  
residential use of property with  
an addition to the existing house  
for an additional bedroom.  
(5 votes required)

Joan Richmond explained that on this home her son needs an extra bedroom. It will be a hardship if this is denied because they need the extra space.

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

Strasser said there was no problem with this request.

Moved by DePottey, supported by Debus to approve ZBA #91-30 as written. A roll call vote showed motion carried 7-0.

5. ZBA #91-31

By: Clyde Kirklin  
3013 S. Genesee Rd.  
Burton, MI 48509

Re: 3013 S. Genesee Rd.  
City Gardens Lot 9  
Sect. 26 R-1B zoned

For: To exceed square footage of accessory  
structures by 66 sq. ft. Asking for  
936 sq. ft; 864 sq. ft. allowed by  
ordinance. Adding to rear of existing  
shed, 16'x 20'. Change to 16' x 32' for  
boat.  
(4 votes required).

Clyde Kirklin explained he wishes to add to the front of his storage building instead of the rear. He will cover it with vinyl siding. He needs the storage for his boat and personal items. If this is denied he must continue to store his boat out in the weather.

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

Strasser said there have been on calls, it is not an unreasonable request.

5. ZBA #91-31 (contd.)

Berry asked if the roofline would stay the same, Mr. Kirklin said it would.

Moved by Hammon, supported by DePottey to approve ZBA#91-31 as written. Roll call vote showed motion carried 7-0.

6. ZBA #91-34

By: Al Debus  
302 E. Atherton  
Flint, MI 48507

Re: 2127 Bristol Road  
Lot 144 Star Subdivision  
Sect. 29, C-2 zoned.

For: To re-instate the non-conforming  
residential status of property.  
see Sect. 6.08 Ord. 19.  
(5 votes required).

Mr. Debus explained that this home had been a rental home and the last rentor has left it in disrepair. He had begun to clean it up and he would like permission to rehab this home for a rental unit again. If this is denied it will be a financial hardship.

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

Crasser explained that this home had been slated for demolition and Mr. Debus had gone before the City Council and asked to be able to rehab this house. He does need permission from the Zoning Board to do this. The DPW feels it should be developed commercially.

Board discussion followed. Priest feels this area will not go commercial for about ten years.

Moved by DePottey, supported by Priest to approve ZBA #91-34 as written. A Roll call vote showed motion carried 6-0. H. Debus abstained due to conflict of interest.

7. ZBA #91-35

By: Hazen Thayer & Robert Petriches  
8040 E. Carpenter  
Flint, MI

Re: Corner of Lapeer Rd. & Potter  
Lots 39, 40 & W 1/2 of Lot 41  
Lapeer Heights, Section 14,  
C-1 zoned.

For: To conduct a C-2 special use in a  
C-1 zoned district. For purpose of  
an automotive repair facility.  
(5 votes required).

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7. ZBA #91-35 (contd.)

Mr. Thayer and Mr. Petriches explained that they had acquired this property and wished to go into business for themselves as auto mechanics. They presented drawings of their plans. It will be a 4 bay repair shop, they will not sell any gasoline. It will be of Pole Barn construction type. If this is denied they will have to find something else to do with this property.

In the audience, Jim Hanks, 1344 Potter, Scott Williver, 5415 Lapeer Rd..(spoke on behalf of many residents in the audience;) Mrs.Skarsten, 1337 Potter Blvd Ted Schram 1415 Potter, Mr. Compton, 1354 Potter spoke against this variance.

Strasser feels this site is not large enough for an auto repair shop. He said if this was approved it would have to go before Site Plan Review. He said this type of business does not fit the zoning.

Berry asked what type of auto repair, Mr. Thayer said it would be general motor repair and some overhaul work, no large trucks. Berry asked about cars that were waiting for parts. Mr. Thayer said they would schedule so as not to have many cars setting around waiting. Hammon asked about the hours. Mr. Thayer thought they would be from 8 a.m. to about 6 p.m. Hammon felt this type of shop could become a nuisance in the neighborhood.

Moved by Hammon, supported by DePottey to deny ZBA #91-35 as written. Roll call vote showed motion carried 7-0.

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

Meeting reconvened at 9:15 P.M.

8. ZBA #91-36

By: Wesley L. Toll  
3002 E. Court Street  
Flint, MI

Re: 3325 Kleinpell  
Lot 125, Holland Heights  
Sect. 28, R-1C Zoned

For: To park in the front setback of  
Kleinpell St. 0' requested.  
(4 votes required).

Neil Martz, 9200 S. Saginaw, Grand Blanc represented Wesley L. Toll. He explained that Mr. Toll planned to renovate the building and turn it into a General Motors Job Shop which would employ seven people. The parking lot must be enlarged as required by the ordinance when there is a change of ownership. This is the only way it can meet ordinance requirements. Mr. Martz pointed out that the business across the street from this site has a similar variance for its parking lot.

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

Strasser said this business has non-conforming rights. This variance is the only solution to its parking problems. Gooding asked if this should go before Planning Commission before it comes to the ZBA. Strasser explained that this

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8. ZBA #91-36 (contd.)

was the proper procedure.

Moved by DePottey, supported by Edmonds to approve ZBA #91-36 as written.  
Roll call vote showed motion carried 7-0.

9. ZBA #91-37

By: Norman Washburn/ D & W Awning  
4242 Howe Rd.  
Burton, MI 48519

Re: 4242 Howe Rd.  
Q-399-D  
Sect. 34 SE Zoned.

For: To build within 18" of North  
property line with a carport.  
(4 votes required)

Dave Wood spoke on behalf of Norman Washburn. He explained that this carport was necessary for protection for their automobile from the weather. He explained the way the house is situated on the property.

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

Strasser said there were no problems with this request

Board discussion followed. Strasser asked what type of material the carport would be, Mr. Wood said aluminum.

Moved by Debus, supported by Priest to approve ZBA #91-37 as written. Motion carried 7-0.

10. ZBA #91-38

By: Shirley Hillaker  
3244 S. Center Road  
Burton, MI 48519

Re: 3244 S. Center Road  
The North 82.5' of Lot 1  
Center Road Acres  
Sect. 28 C-2 Zoned

For: To expand the non-conforming  
residential use of the property  
with an addition to the home.  
(5 votes required)

Jim Hillaker explained that they needed two bedrooms and a work room on the main floor. They have a son who is handicapped and needs a bedroom on the main floor. If this is denied they will have to continue to use the living room for sleeping quarters.

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10. ZBA #91-38(contd.)

There was no one in the audience who wished to speak on this variance. Strasser said there were no problems with this variance.

Moved by Priest, supported by Hammon to approve ZBA #91-38 as written. Roll call vote showed motion carried 7-0.

11. ZBA #91-39

By: Oak Ridge Builders, Inc./  
Agent for Mr. & Mrs. Boyd  
5225 Cook Road  
Grand Blanc, MI 48439

Re: 2227 N. Sycamore, Lot 21 Block 4  
Beechwood Estates #1  
Sect. 2 R-1A Zoned

For: To exceed the allowable square  
footage for accessory structures  
by 104 sq. ft. 864 sq. ft. allowed,  
968 sq. ft. requested.  
(4 votes required).

Robert Bellairs, 5225 E. Cook Road, Grand Blanc represented Mr. & Mrs. Boyd. He presented the plans for the proposed home. He explained that the additional sized garage was needed for storage of personal items. He said the plans have been approved by the subdivision homeowners association.

In the audience Tom Lillie, 2171 Sycamore, President of Beechwood Estates said this does not violate their restrictions, they have no problems with the request.

Strasser said there are no problems with this request also. It does however exceed what ordinance allows.

Moved by Hammon, supported by Debus to approve ZBA#91-39 as written. Motion carried 7-0.

E. AUDIENCE PARTICIPATION:

No one in the audience wished to speak.

E. BOARD DISCUSSION:

Chairman Gooding asked the Clerk's Office to get a clarification on abstentions when voting.

The next regularly scheduled meeting will be held July 18, 1991, at 7:00 P.M.

Meeting adjourned at 9:50 P.M.

Respectfully submitted by Jeanette Brown, Clerk's Office