

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JUNE 16, 1994 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN GOODING.

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

MEMBERS ABSENT: T. Hammon.

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 May 19, 1994, at 7:00 P.M.

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

B. POSTPONED FROM MAY 19, 1994 & MAY 26, 1994:

1. ZBA #94-27
By: BGB Pet Supply
1234 N. Center Rd.
Burton, MI 48509

Re: Q-79-1 Section 10,
M-2 Zoned.

For: To store retail
material in the
front setback area.
Section 19.01 Item b.
(5 Votes required)

There was no one to represent this case. Mr. Strasser said they had been
notified of this hearing.

Moved by DePottey, supported by Welliver to table ZBA #94-27 to the end of the
meeting. Motion carried 6-0.

1. ZBA #94-33
By: Christopher Haag
4090 Lapeer Rd.
Burton, MI 48509

Re: Q-181-A Section 15
C-4 Zoned

For: Yearly Renewal for multiple family
use in a C-4 zoned area for a
Fraternity.
(5 Votes required)

Christopher Haag explained that currently they house thirteen (13) students of
U. of M. who's homes are out of this area. This home provides low cost housing
for the students. If this is denied, the students will either have to commute
or pay higher housing cost elsewhere.

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In the audience, P. Dargel, 6119 Hugh St., spoke on placing stipulations on this yearly renewal variance and making it a more extended variance.

T. Strasser said there have been no problems or complaints in the past year with this Fraternity Home. He said it is kept up adequately.

I. Hohloch asked what the difference between a fraternity home and multiple housing in the ordinance was. T. Strasser explained there was a specific section in multiple family for fraternities. He further explained, thirteen is the maximum number of students there can be in a fraternity home. I. Hohloch asked the applicant if a site plan couldn't be submitted for the parking. He would feel more comfortable with approval if the parking problem was addressed. He said he would only vote to table this until a site plan was presented. W. DePottey said there have been a few minor problems but the residents of the fraternity home have always complied with DPW requirements. He can see no problem with renewal of this variance. S. Welliver concurred with W. DePottey. He feels that next year they should request a longer time period on their renewal request. F. Edmonds also concurred with W. Depottey and S. Welliver.

Moved by Edmonds, supported by DePottey to approve ZBA #94-33 for a period of one year. Motion carried 5-1, Hohloch casting the no vote.

2. ZBA #94-38

By: Claude Ash
1155 Adams Road
Burton, MI 48509

Re: Lot 156 Garden Acres
Section 13 R-1B Zoned

For: Yearly renewal for a contractors
storage yard. M-2 use in a
Residentially Zoned Area.
(5 Votes required)

Mr. Ash explained that he has a backhoe and a dump truck parked on his property as in the past nineteen years. He has two lots with about 200 foot frontage. He has never heard a complaint from his neighbors and he always tries to get along with them.

In the audience P. Dargel, 6119 Hugh spoke on granting a permanent variance.

T. Strasser said there have been no complaints with this request.

D. Gooding spoke on granting a permanent variance. He said, if granted, it would go with the property forever.

Moved by Edmonds, supported by Hohloch to approve ZBA #94-38 for a period of one year. Motion carried 6-0.

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C. NEW APPLICATIONS:

1. ZBA #94-35

By: Jeff Gray
5179 Raymond Ave.
Burton, MI 48509

Re: Part of Lot 124 Vodden Little
Farms Sub-division No. 2
Section 19 R-1B zoned.

For: To construct an attached garage
at 6' from the front property,
line of Sunnydale Street. 25 feet
setback required, 6' setback
requested.
(4 Votes required)

Mr. Gray explained he wished to build an attached garage, 24' x 24' for storage of personal items and lawn and garden equipment. He doesn't feel it would look as good if it wasn't attached. If this is denied, he would have to build it in a different spot on his pie shaped lot.

There was no one in the audience who wished to speak. T. Strasser said this was a reasonable request. His garage will face the other street.

F. Edmonds said he feels Mr. Gray really needs a variance to build this garage. He has no problem with approval. I. Hohloch asked if Mr. Gray could build in another spot. Discussion followed.

Moved by Welliver, supported by Berry to approve ZBA #94-35 as written. Motion carried 6-0.

2. ZBA #94-36

By: David Koester
315 Canter Lane
Holly, MI 48442

Re: 4510 S. Dort Hwy.
Q-357 Section 32

For: To conduct a used car sales
lot not in conjunction with
new car sales. See Ord. 19
Section 16.03 Item F.
C-3 Zoned.
(5 Votes required)

Mr. Koester said this had been a used car sales previously. He wishes to open another one. He explained that he must have this variance approval before he is granted a state sales license. If this is denied, he will have to re-locate and start over again, it will set him back several weeks.

There was no one in the audience who wished to speak. T. Strasser said he has no problems with this request.

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Discussion followed on the previous variance which was granted to the owner. H. Berry said this has been before the Planning Commission and was approved contingent upon ZBA approval.

Moved by Edmonds, supported by Berry to approve ZBA #94-36 with the stipulations the ordinance on signage, banners, flags, etc, be adhered to; and the variance is for as long as David Koester is the owner of this car sales. Motion carried 6-0

3. ZBA #94-37

By: Cary Novak Prieur
7296 Green Valley Dr.
Grand Blanc, MI 48439

Re: 3447 S. Saginaw St.
Q 324-G Section 29

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

Cary Prieur explained she needed this approval to get her wholesale license from the State of Michigan. This is her father's property and she is asking to have no more than three (3) cars on the site at one time. If this is denied, it will be a financial hardship.

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

T. Strasser said he has no problem with approval of this request. H. Berry said this also has been before the Planning Commission and was approved contingent upon ZBA approval.

Moved by Edmonds, supported by Welliver to approve ZBA #94-37 for three (3) autos and all ordinance requirements be adhered to on signage, banners, flags, etc.

Discussion followed on the motion. Hohloch moved, DePottey supported an amendment to the motion, as follows:

Approve ZBA #94-37 with the stipulations the ordinance requirements be adhered to on signage, banners, flags, etc.; and the variance shall apply only as long as Cary Novak Prieur is the owner of the sales lot.

Motion to amend carried 6-0.

Motion to approve carried 6-0.

4. ZBA #94-39

By: Harold Harper
4190 Keene St.
Burton, MI 48519

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Re: Lots 54-55 of Howe Manor,
Section 34 R-1B Zoned.

For: To exceed the allowable square
footage for accessory structures
by 516 sq. ft.
(4 Votes required)

Mr. Harper said he needs the additional space for extra storage room for his possessions and garden equipment. The addition will be wood structure with aluminum siding like his garage. If this is denied, he will have to continue parking his automobiles outside in the weather.

There was no one in the audience who wished to speak. T. Strasser said he had no problem with this request.

Moved by Hohloch, supported by Berry to approve ZBA #94-39 as written. Motion carried 6-0.

POSTPONED FROM BEGINNING OF MEETING:

1. ZBA #94-27 (contd.) By: BGB Pet Supply

There was still no one present to speak for this case.

T. Strasser said the applicant was notified this case would be heard at this meeting. Discussion followed on denial.

Discussion followed. F. Edmonds said he did not wish to deny, he felt they should receive a letter to remind them about this variance. Chairman Gooding felt they have been given more than enough time to come before the Board. He said they still have illegal signage and parking.

Moved by Hohloch, supported by Berry to deny ZBA #94-27. Motion carried 5-1, Edmonds voting no.

E. AUDIENCE PARTICIPATION:

Harold Harper, 4190 Keene asked now that his variance request was approved, what was his next step. T. Strasser said he would send him a copy of the minutes.

P. Dargel, 6119 Hugh, spoke on yearly renewals.

W. DePottey said he has had personal experience with yearly renewal variances and he feels it is the best protection for the neighbors of someone requesting a variance. It gives the City leverage if there are problems with specific variance. Board discussion followed.

F. BOARD DISCUSSION:

There will be a special meeting of the ZBA Tuesday, June 21, 1994 at 7:00 PM.

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

Meeting adjourned at 8:20 PM.

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Respectfully submitted by Jeanette Brown, Clerk's Office

REGULAR ZONING BOARDS OF APPEALS AGENDA ADDITION
JUNE 16, 1994 7:00 P.M.

G. NEW APPLICATION:

1. ZBA #94-40

By: Randy Morris
1670 S. Hill
Milford, MI 48381

Re: Q-290A Sect. 27
RM Zoned, South side of
Atherton, across from
Meadowcroft estates.

For: (1) To construct units at zero feet
front setback, 25 feet required.
(2) To exceed building density, 5.6
units per acre requested. 3.5 units
required.
(3) To exceed the percentage of
common walls. 25% required, up to
100% requested.
(4 Votes required)