

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
June 17, 1993 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:17 P.M. BY Chairman D. Gooding

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

OTHERS PRESENT: R. Stewart, Building Inspector; J. Brown, Clerk's Office

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of May 20, 1993, at 7:00 P.M.

Moved by DePottey, supported by Berry to approve the above minutes as printed. Motion carried 7-0.

B. POSTPONED FROM MAY 20, 1993:

1. ZBA #93-33

By: Robert Dickey
1128 LaSalle St.

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)

R. Dickey explained that he now had specific plans for his pole barn. He presented photos of what he proposed to build. It would be strictly for personal storage of classic cars and personal items. It will look like a garage and match his house. If this is denied, it will be a financial hardship as he will have to move.

There was no one in the audience who wished to speak on this case. R. Stewart said there have been no complaints from the area residents on this request.

W. DePottey asked about the property line and said this was not an unreasonable request and would be voting in the affirmative on this. H. Berry said he was uncomfortable with the 6' side yard distance. Mr. Dickey said he would line it up with his shed which is at 8'3" from the property line.

Moved by DePottey, supported by Cox to approve ZBA #93-33 with the stipulation that it be no closer than 8'3" from the property line. Motion carried 7-0.

NEW APPLICATIONS:

1. ZBA #93-34

By: Jack Herriman
2324 Meadowcroft

Re: Sect. 22; Q-225-1

For: To exceed height limitation for a pole barn by 2'6", 14' allowed by ordinance, asking for 16' 6" to allow for storage of a motorhome.
(4 Votes Required)

J. Herriman explained that he has 8 acres of property and wishes to build a pole barn that will exceed city height requirements. He wishes to store his lawn equipment, motor home and recreational vehicles in it. He will center the barn in back of his home and none of the surrounding neighbors will be able to see it. It will be built to match his house. If this is denied, Mr. Herriman would have to rent storage space and this would be a great inconvenience.

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

R. Stewart said the only issue on the barn was the height. He added that this barn must have a concrete floor including a rat wall. There have been no calls or complaints against this request.

F. Edmonds said he could see no problem with this request, it seemed reasonable.

H. Berry asked if the building permit would cover the restriction that the barn be for personal storage only. R. Stewart said the zoning requirements would cover this.

Moved by Welliver, supported by Hohlock to approve ZBA #93-34 as written.
Motion carried 7-0.

2. ZBA #93-35

By: Lytle Goforth, Jr.
6073 E. Bristol Rd.

Re: 6073 E. Bristol Rd.
Pole Barn

For: To exceed the height requirement for accessory structures by 8". To exceed the allowable square footage for accessory structures by 64 sq. ft.
(4 Votes Required)

Kevin Dubbs, spoke for his father-in-law, Mr. Goforth. He explained that they will remove two other structures to build this pole barn. It will be used for storage of a motor home and lawn and farm equipment. This property is 100' x 534'. The barn will be painted to match the house. Mr. Goforth is having problems with theft and he hopes to correct this problem by having the barn for personal storage of his possessions. He also needs protection from the weather for his tractor. Chairman Gooding explained that the Board's concern was that if this property sold someone might try to put a business in the barn.

PAGE 3

2. ZBA #93-35 (contd.)

Mr. Dubbs said if this was denied, it would be a hardship as they would still have a theft problem and Mr. Goforth's vehicles would not be protected from the weather.

There was no one in the audience who wished to speak on this case. R. Stewart said there have been no complaints from the neighbors on this request.

H. Berry said this looked like two lots. Mr. Dubbs said they are being combined at the present time. F. Edmonds said he has no problem with this request. DePottey asked about the size barn Mr. Goforth could build. R. Stewart explained.

Moved by Welliver, supported by Cox to approve ZBA #93-35 as written. Motion carried 7-0.

3. ZBA #93-36

By: Norm Hardin
2323 Cherylann

Re: Q-254-B Sect. 24
R-1A Zoned

For: (1) To exceed the height restrictions by 2'4". (2) To construct an accessory structure at 20' in front of the principle structure.
(4 Votes Required)

Mr. Hardin explained that due to a flood plain at the back of his property, he must build at the front and side of his home. He has DNR approval to build this if he keeps it out of the flood plain. This barn will be for personal storage only. If this is denied, he must consider moving.

There was no one in the audience who wished to speak on this case. R. Stewart said this was a unique situation due to the flood plain, he explained about the wetlands in the back of this property. F. Edmonds asked if this would affect Mr. Hardin's property. R. Stewart said no.

Moved by Cox, supported by Welliver to approve ZBA #93-36, Items 1 and 2 as written. Motion carried 7-0.

1. NEW APPLICATIONS (contd.)

4. ZBA #93-37

By: Wal-Mart Stores, Inc.
701 S. Walter Blvd.
Bentonville, AR 72716

Re: Sam's Club
4250 E. Court St.
Q-173-1 Sect. 15
C-4 Zoned

For: (1) To exceed the square footage
for signage by 66 sq. ft.
(2) To exceed the height
restrictions for signs by 30'
at Freeway only.
60' requested.
(4 Votes Required)

David Oakes, Dayton, Ohio, an engineer for Wal-Mart on this project presented a drawing of the proposed Sam's Warehouse. He explained that this has been before the Planning Commission and has Site Plan Review approval. He explained about the two signs, their location and their size. The Court Street sign is within city ordinance but the proposed sign on I-69, they would like to build bigger and taller. He said that Sam's tries to make all of their signs uniform through-out the country. If this is denied it would be a hardship as Sam's would not be able to have all of their signs similar.

In the audience L. Petrella, 1081 Howe; G. Ecker, 1095 Howe, J. Woodard, 1067 Howe, William Calloway, 4295 E. Court; Dennis Vaughter, 4275 E. Court spoke against approval of this variance. P. Dargel, 1619 Hugh, questioned frontage on Court Street and allowable signage.

R. Stewart clarified the variance request for the Board and the audience. He said that signs are a problem but all businesses needed them.

I. Hohloch asked to be excused from discussion and voting on this case as he feels it would be a conflict of interest since he has a contract with this company.

Board discussion followed for approximately one hour. K. Cox asked about the grade of I69 in relation to the warehouse, he felt that Sam's shouldn't be penalized due to the number of signs going up along inter-states and thoroughfares. S. Welliver asked about the size of these signs, and concurred with K. Cox. F. Edmonds didn't feel a sign was necessary at that height. W. DePottey concurred with F. Edmonds.

Moved by Cox, supported by Welliver to approve Item #1 of ZBA #93-37. Chairman Gooding passed the gavel and spoke. He said he was opposed to this request as he could not see a hardship.

Roll call showed motion failed: 3 yes, 3 no. Cox, yes; DePottey, no;
J. Gooding, no; Berry, yes; Welliver, yes; Edmonds, no.

PAGE 5

4. ZBA #93-37 (contd.)

Moved by Cox, supported by Berry to deny item #2 of ZBA #93-37. Roll call showed motion carried 6-0.

5. ZBA #93-38

By: Taco Bell "Michigan Fence Co.",
agent.
3441 Fenton Rd.

Re: 3441 Fenton Road

For: To replace existing 6' Privacy
Fence on the East Property line
with a 8' Privacy Fence. 6'
height maximum by Ordinance.
(4 Votes Required)

There was no one to represent this case.

Moved by DePottey, supported by Welliver to post-pone ZBA #93-38 until the next regular meeting of July 22, 1993. Motion carried 7-0.

E. AUDIENCE PARTICIPATION:

D. Dargel, 6119 Hugh, spoke on stipulations on variances.

L. Petrella, 1081 Howe, thanked the Board for their insight. He asked if he would be notified if Sam's were to re-apply for these signs.

F. BOARD DISCUSSION:

F. Edmonds asked if Chairman Gooding would share his comments earlier instead of waiting til the end of discussion on a variance. Chairman Gooding explained that as chairman he was unable to speak until after a motion was made. F. Edmonds questioned this and said he would research and look for clarification on this before the next meeting.

S. Welliver said he has not been receiving his Zoning magazine as of this date. This would be checked on.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, July 22, 1993, 7:00 P.M.

Meeting adjourned 9:15 P.M.

Respectfully submitted by

Jeanette Brown

Jeanette Brown, Clerk's Office