

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JUNE 18, 1992, 7:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Doug Gooding, Chairman, at 7:00 P.M.

MEMBERS PRESENT: Gooding, Berry, Priest, Welliver, Cox and DePottey.

MEMBERS ABSENT: Edmonds.

OTHERS PRESENT: T. Strasser, Dep. Planning Official and C. Ladd, Deputy Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

Priest moved and Welliver supported the following motion:

Approve and authorize the Minutes of the Regular ZBA Meeting of May 21, 1992 at 7:00 P.M., as printed. Motion carried 6-0.

B. POSTPONED FROM MEETING OF MAY 21, 1992:

1. ZBA #92-18

BY: Gene Lukonen
4445 E. Bristol Rd.
Burton, MI 48519

RE: Q-304-1
Section 27
R-1A Zoned

FOR: Operate A Tree Service From A
Residential Property. M-Z Heavy
Industrial Use in a R-1A Zoned Area.
(5 Votes Required)

Mr. Lukonen said he is asking for a variance to park his equipment and store the firewood, about 100 face cord. The equipment would include a stump machine and a wood chipper. He said the equipment could be stored in the garage and he would only have his pickup truck sitting out. Mr. Lukonen then presented pictures of his equipment and the wood he has stacked. At the present time he has approximately 50-60 face cord of wood stacked on his property. He said if he is denied his request, it would be a financial hardship on him and his family as he has everything he owns tied up in the house and business and it is very expensive to store his equipment in another place.

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

Mr. Strasser said the DPW will stand on their recommendation to deny. There is a proposed plat on both sides of this man's home. The area is presently zoned residential and DPW thinks it should remain that way. We had no calls against the proposed use.

Mr. Berry gave a report from the Planning Commission on the preliminary plat approval and said it was approved unanimously, it could create spot zoning. He is against having M-2 in a residential area.

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Mr. Cox asked Mr. Lukonen what type of work he would be doing on the property. Mr. Lukonen said he would only be splitting and stacking the wood. All other work is done on the person's yard. We deliver the wood we split, to others, there isn't anyone who comes to my home to get the wood.

Mr. Cox said he also is opposed to spot zoning because of problems it could create in the future. However, possibly we should look at a temporary zoning for this particular property with the understanding that it is strictly temporary.

Mr. DePottey said he agreed with Mr. Cox, as long as Mr. Lukonen is presently on the property and had the understanding there would not be problem with the type of work he is doing.

Mr. Welliver asked the applicant if he could store his equipment in another location and asked how much time Mr. Lukonen spent on the property splitting and chipping the wood. Mr. Lukonen said it would be quite costly to store his equipment in another location and he has two guys splitting the wood part-time while he is on the job at other locations. He said he would be willing to store the equipment in the barn and the chips are removed from the property because of the flood plain in that area.

Mr. Gooding asked Mr. Strasser why the property was not zoned SE. Mr. Strasser replied probably due to the fact it is close to a school, there is a subdivision across the street and the north portion is in the flood plain.

Mr. Gooding said he is opposed to spot zoning and would be voting no.

Mr. Cox said he thinks Mr. Lukonen is under particular circumstances which are out of his control, and this board needs to take a hard look at this case. He said Mr. Lukonen should be given an opportunity and look for a place to conduct his business elsewhere.

Mr. Welliver said he would be voting for the zoning case, as Mr. Lukonen has improved the area a great deal.

Moved by DePottey, supported by Cox to approve ZBA #92-18 for a period of one (1) year, keeping the wood neatly stacked. Motion failed 4-2, as 5 votes are required for approval.

2. ZBA #92-27

BY: Leverne D. Cromwell
2245 Morrish St.
Burton, MI 48519

RE: Part of Lot 72 Supervisor's Plat #12
Section 21
R-1B Zoned

FOR: Construct a 32x40 pole barn. Sec 21
to exceed allowable square footage
by 796 sq. ft.; 864 sq. ft. allowed
by Ordinance.
(4 Votes Required)

Mr. Crowell said he wanted the pole barn to store his recreational vehicles and lawn equipment to keep them out of the yard and protected from the weather.

Mr. Gooding asked him if he could get by with a smaller building than what he has proposed. Mr. Cromwell replied he had quite a few items to be stored and would prefer having the larger pole barn. Mr. Cromwell said he has several mowers because he mows his elderly neighbors yards.

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

Mr. Strasser said DPW recommends denial due to the size of the proposed pole barn.

Mr. Gooding asked what would be the allowed size. Mr. Strasser replied a 20x 24 would be allowed. DPW received no call regarding this case.

Mr. Berry said he thinks the 32x40 pole barn is too large for the property.

Mr. Gooding said he objects to the size of the pole barn.

Mr. Cox said he would rather see the items stored inside than outside in the yard.

Moved by DePottey, supported by Cox to approve ZBA #92-27. After a roll call vote, motion failed 3-3.

C. PERMANENT/TEMPORARY PERMITS:

1. ZBA #92-38

BY: Doug Roberts
6205 Maple Rd.
Burton, MI 48519

RE: Q-463, The North 660 ft. thereof.
Section 36, SE Zoned

FOR: To exceed the height limits for a
paige wire fence by 5', 10' high
paige wire fence requested.
(4 Votes Required - Permanent)

Mr. Roberts explained he wants a 10 foot high fence to enclose white tail deer. He has had a problem with the neighbors dogs running the fence and killing the deer. He said his neighbor sold him 2-1/2 acres, with the understanding that he put up a fence along the property. The other neighbors have no problem with the deer and enjoy feeding them. Mr. Roberts said he has lost several deer and he now has 18 adult deer and 16 fawns from the spring.

Mr. Gooding asked what kind of a hardship he would have if this case were denied. Mr. Roberts replied that he would lost a great deal of money and the deer are placed there for enjoyment. He has many people stopping to see the deer and some of them are so tamed they eat out of your hand.

Audience Participation:

Mr. Gayle Saurman, 6259 E. Maple, asked if there is a limit of the deer Mr. Roberts can have. Also, he asked if the deer are causing a dog problem in the area, because he is having problems with dogs.

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Mr. Strasser said DPW recommends approval and they haven't received any calls from the residents. He asked that should the motion be made for approval, to have this request coincide with last year's motion.

Mr. DePottey said after listening to Mr. Roberts, he doesn't want to increase the number of deer, but keep the ones he has safe.

Mr. Saurman asked what the total number of deer Mr. Roberts plans to have. Mr. Roberts replied between 50 and 55.

Discussion was held to act on ZBA #92-38 and ZBA #91-54 with one motion.

2. ZBA #92-38

BY: Doug Roberts
6205 Maple Rd.
Burton, MI 48519

RE: Q-463, The North 660 ft. thereof.
Section 36, SE Zoned

FOR: To allow the keeping of Whitetail
deer in an SE Zoned area.
(5 Votes Required - Temporary)

Moved by Priest, supported by Welliver to approve ZBA #92-38, Items #1 and #2 to coincide with ZBA #91-54. Motion carried 6-0.

D. YEARLY RENEWALS:

1. ZBA #92-43

BY: Vedrody Trucking "Burton Stone Yard"
3140 Kleinpell
Burton, MI 48529

RE: 3255 S. Dort, Lot 378 Chambers Sub
Section 28, C-2 Zoned

FOR: To place "1" one temporary sign to
be used as Offsite advertising at
3255 S. Dort. Waive Section 5.28
Item 4C, Ordinance #19
(5 Votes Required)

Mr. Vedrody explained one year ago he came before the board for a stone yard. He is now asking for a temporary offsite sign to advertise his business because many people don't know where his business is located. The sign would be 4x8 and would be taken in at night. The placement of the signs would be on another business' property and they do not object to the signs being there. The sign would not be lit. With the business being located 50 feet back from Hemphill Road, it has become a financial burden.

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

Mr. Strasser said Section 5.28 4 of the Zoning Ordinance talks about advertising on billboard. This gentleman is asking to advertise from one piece of property and running his business from another site. DPW recommends denial. We have not received any phone calls.

Mr. Berry said he is opposed to temporary signs and especially those on a trailer with flashing lights. Is there a 60 day permit he could have? Mr. Strasser replied those are no longer issued. Mr. Strasser asked Mr. Vedrody if the sign would be there year around.

Mr. Vedrody said no, just during the summer months as they need more exposure. The sign is on four legs and will be taken back to their location at night. The sign has lights on it, but they will not be used and the sign will only be used during the daytime.

Mr. DePottey said the business is asking for help during the next four months. He has no problem with this request.

Mr. Gooding said the board has allowed off-site signs previously and we would be voting for this variance.

Moved by DePottey, supported by Welliver to approve ZBA #92-43 to approve a temporary sign for a period of four (4) months.

Moved by Priest, supported by Cox to amend the motion that no lights are to be used on sign. Motion carried 5-1 with Mr. Berry voting no.

Motion carried 5-1 to approve a temporary sign for a four (4) month period, with Mr. Berry voting no, due to the use of a temporary sign.

2. ZBA #92-44

BY: Vedrody Trucking "Burton Stone Yard"
3140 Kleinpell
Burton, MI 48529

RE: 3174 E. Atherton Rd.
Lot 9 Supervisor's Plat Atherton
Gardens, Section 28, M-2 Zoned

FOR: To place "1" one temporary sign to
be used as Offsite advertising at
3174 E. Atherton Rd. Waive Section
5.28, Item 4C, Ordinance #19
(5 Votes Required)

Mr. Vedrody said this request is the same as the previous case. He has a letter from Mr. Awad to temporarily park the sign on his property, as Atherton Road is a main source of traffic.

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

Mr. Strasser said the comments are the same as the previous case, just a different location.

Moved by Welliver, supported by Priest to approve a temporary off-site sign for ZBA #92-44 for a four (4) month period, with no lights working on the sign. Motion carried 5-1 with Mr. Berry voting no.

Moved by Priest, supported by Welliver to recess for 10 minutes. Motion carried 6-0 to recess at 8:24 P.M. The Board reconvened at 8:35 P.M.

E. NEW APPLICATIONS:

1. ZBA #92-30

BY: Dotty's Pet Center, Inc.
Bonnie McCord, Owner
1375 E. Bristol Rd.
Burton, MI 48529

RE: Dotty's Pet Center
Baker Park #1, Lots 1277 - 1278 and
1320 thru 1324, Section 31
C-1 Zoned

FOR: Keep signs up on building.
Advertising products carried. Exceed
the allowable square footage for
building signage by 235 sq. feet.
(4 Votes Required)

Bonnie McCord said she is asking to leave the signs presently on her building there, as she did not know they were in violation of the ordinance. She said when she first started her business, it was just a pet center, but after being in business for a period of 16 years, she is now selling many more products and many people don't know she carries products other than pet supplies. If she is not allowed to keep the signs, she could have a loss of sales without the advertising. The signs have been professionally done and will last for a period of five (5) years. Also, a gentleman had a heart attack while driving and went through the front glass of her building.

Mr. Strasser said the signs in the windows are considered part of the signage.

Audience Participation:

Pauline Dargel, 6119 Hugh St., said the signs are bright and attractive and there are other businesses in the City which have signs on their buildings that aren't quite as nice as these and that also do not meet the signage requirements.

Mr. Gayle Saurman, 6259 Maple Rd., said without the signs on the building, he would not have known she carried supplies other than for pets.

Mr. Strasser said DPW recommends approval and that the signs are tastefully done. This case originated from a complaint.

Mr. Berry said they are attractive signs but why are there so many of them. He said he is concerned about other businesses who want to locate in that area and want the same amount of signage.

Mr. Welliver said there are other businesses using this form of advertising and possibly the City Council will have to look at the Ordinance.

Mr. DePottey said he is a small businessman and the signs to help. It is important for the City to start helping the businessmen in the City.

Mr. Gooding said the signs should be placed where they are allowed. The Ordinance should be reviewed to make the enforcement easier to control.

Moved by Cox, supported by DePottey to approve ZBA #92-30 with the stipulation Mrs. McCord have a five (5) year variance on the signs. Motion carried 4-2 with Berry and Welliver voting no.

E. NEW APPLICATIONS CONTINUED:

2. ZBA #92-35

BY: Leonard R. Hammermeister
4333 Lapeer Rd.
Burton, MI 48509

RE: Lot 19 Suburban Homesite
Section 15
R-1A Zoned

FOR: To construct a 30'x34' Pole Barn;
618 sq. ft. over the allowed 864
sq. ft. allowed by Ordinance.
Existing shed to be removed.
(4 Votes Required)

Mr. Hammermeister said he wants to build a pole barn with a 10 foot ceiling for storage and personal use. He has a snowmobile, lawn tractor, small boat, 1964 GTO and tools to store.

Mr. Gooding asked Mr. Hammermeister if he would be conducting a business and was told no. It would strictly be used for storage.

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

Mr. Strasser said there are other structures like this in the neighborhood and DPW recommends approval. They have received no calls concerning the request.

Mr. Berry asked if this structure would landlock any property and was told no.

Moved by Welliver, supported by Berry to approve ZBA #92-35 as requested.
Motion carried 6-0.

3. ZBA #91-36

BY: Vicky Brock
4441 Robindale
Burton, MI 48519

RE: 4449 Robindale
Lot #109 Meadowcroft Estates #3
Section 22
R-1B Zoned

FOR: To deny the request for a front yard
fence at 4449 Robindale. 4 foot
chainlink fence has been requested
by the homeowner. See Ord. #19,
Sect. 5.33, Item 2 A & B.
(Majority Vote)

Mr. Strasser said this board has never had a case such as this before. The requesting applicant filled out the proper forms and the notices were sent to the neighbors on either side and across the street. If there are no objections within a 14 day period, a permit is issued. If the notice is objected to, they have the right to come before this board for your approval or denial of the permit. There has been a protest made for the fence for Mr. Richard Fortner. Mrs. Vicky Brock is here to ask you to turn down the permit.

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Mr. Strasser said there are four (4) different types of decorative fences.

Mrs. Vicky Brock, 4441 Robindale, said she is asking the Board to deny the permit at 4449 Robindale. She thinks a fence will decrease her property value and there are no other front yard fences in the neighborhood on Robindale. Mrs. Brock said several of the neighbors are against this and would like to be heard tonight.

Mr. Richard Fortner said the reason he is requesting a fence is to keep the neighborhood children off his property. He said he checked with the DPW several times and was told he could have a fence. Mr. Fortner said he was issued the permit and then given a stop work order.

The following residents spoke against the permit for a fence for Mr. Fortner:

Vicky and Martin Brock, 4441 Robindale
Beth Therrian, 4434 Robindale
Monica and Dennis Gerald, 4457 Robindale
Carolyn Palmer, 4412 Robindale
Richard Ash, 4471 Sunnymead
Casandra Miller, 4473 Robindale

Mr. Strasser said this case was started out incorrectly and a stop work order was given. Mr. Strasser said the Board has the written comments from the DPW.

Mr. Cox said this request should not be denied because other neighborhoods have rusty, unkept fences. There are many properties in the Burton area with fences.

Mr. Berry said he isn't in favor of front yard fences, but he has no problem with the fence going to the lot line.

Mr. DePottey said he thinks the neighborhood should have some control, within reason and will be voting for the denial.

Mr. Gooding said he also would be voting to support the denial.

Moved by DePottey, supported by Welliver to approve denial for ZBA #92-36.
Motion to deny was carried 4-2.

4. ZBA #92-39

BY: Thomas Kubik
6141 E. Atherton Rd.
Burton, MI 48519

RE: Lot 1 of Maplelawn Subdivision
Section 28, R-1A Zoned

FOR: To construct a 30'x40' Pole Barn
which exceed the Ordinance by 336
sq. ft.; 864 sq. ft. allowed by
Ordinance. Existing 10'x10' shed
to be removed. (4 Votes Required)

Mr. Kubik said he wants to construct a pole barn to store his motor home, trailer and cars. The existing barn has a bad roof and will be torn down. The pole barn will be a shingled roof with metal sides and will be placed in the back of the property.

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

Mr. Strasser said DPW recommends approval of the pole barn.

Moved by DePottey, supported by Priest to approve ZBA #92-39 as requested.
Motion carried 6-0.

5. ZBA #92-40

BY: Brian W. Dotson
4481 Robindale
Burton, MI 48519

RE: Lot 113 Meadowcroft Estates
100'x200' lot size
Section 22, R-1B Zoned

FOR: 28'x32' garage for storage of 26'
travel trailer, lawn tractor and
mowers, miscellaneous items, etc.;
Will replace 20'x22' existing
storage shed. (4 Votes Required)

Mr. Dotson said he wants to build a 28'x32' garage for storage of his travel trailer, classic car and other miscellaneous items. He said behind his property is 33 acres of field. He thinks the garage will increase the value of his home and will be a shingled roof with trim the same as his house.

Audience Participation:

Martin Brock, 4441 Robindale, said he has no objections to the request.

Mark Therrian, 4434 Robindale, said everything this man has is top-notched and it will only improve the neighborhood.

Mr. Strasser said there are no pole barns in the subdivision at this time. This building will look like a garage. There is a possibility that the location of the building is located on his neighbors property. Therefore, Mr. Dotson may want to get his rear property line surveyed because he can't build on someone else's property.

Moved by Priest, supported by Cox to approve ZBA #92-40, as requested. Motion carried 6-0.

6. ZBA #92-41

BY: Ralph Glomski
2387 Shadycroft Dr.
Burton, MI 48519

RE: Lot 63 Meadowcroft Estates #3
Section 22, R-1B Zoned

FOR: Construct an accessory structure
20'x24' - 56 sq. feet over the
allowed sq. ft. of 864 sq. ft.
Remove existing 12'x12' shed in
rear yard. (4 Votes Required)

Mr. Glomski said he wants to build a 20x24 garage and it will be a garage package. He will store his utility trailer and various other items in there.

Mr. Strasser said this will be like a conventional garage. DPW recommends approval of the request.

Moved by Cox, supported by Welliver to approve ZBA #92-41 as requested. Motion carried 6-0.

7. ZBA #92-42

BY: Fehmi Awad
3158 E. Atherton Rd.
Burton, MI 48529

RE: Lots 5, 6 & 7 of Supervisor's Plat
of Atherton Gardens
Section 28, M-2 Zoned

FOR: To expand non-conforming residential
rights in a M-2 Industrial Area with
a 24'x30' addition to the home.
(5 Votes Required)

Mr. Awad said the house presently there had two bedrooms and no closet space. He would like to make an addition so he has more room.

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

Mr. Strasser said DPW recommends approval.

Moved by Priest, supported by Berry to approve ZBA #92-42 as requested. Motion carried 6-0.

F. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., said the fences have always been a controversial issue in the City. She also spoke concerning ZBA #92-18. She said many of the people in the audience would like to have seen Mr. Lukonen receive his variance.

Mr. Gayle Saurman, 6259 E. Maple, said he was disappointed in many of the Board's decisions tonight, and especially concerning ZBA #92-18, where the man's livelihood was taken away. He has improved that property 100% and wasn't even given a chance to prove himself.

G. BOARD DISCUSSION:

Mr. Gooding said the Board cannot continue to have 10 or more cases and have such long meetings.

Discussion was held concerning the case load for the ZBA meetings.

Mr. Welliver said the sign issue should be addressed by the Council.

Mr. Gooding announced the next regular meeting will be held on Thursday, July 16, 1992 at 7:00 P.M.

Meeting adjourned at 10:35 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC
Deputy City Clerk
cml