

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JUNE 21, 1990
7:00 P.M.

This meeting was called to order at 7:04 P.M. by Chairman Gooding.

MEMBERS PRESENT: D. Priest, D. Gooding, H. Berry, H. Debus, and F. Edmonds.

MEMBERS ABSENT: W. DePottey and T. Hammon.

OTHERS PRESENT: T. Strasser, Deputy Planning Official and J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA meeting of May 17, 1990 at 7:00 P.M.

Moved by Priest, supported by Berry to approve the above minutes as printed.
Motion carried 5-0.

B. YEARLY RENEWAL:

1. ZBA #90-029

By: Victory Tabernacle
1330 Hemphill Road
Burton, MI 48519

Re: 1330 Hemphill Road
Lots 90-93 Baker Park
Section 30
C-2 Zoned

FOR: To waive Section 9.03 Item 2A,
for a church. Site does not have
two (2) acres of land. To hold
Church services within a building.
(Yearly Renewal for two years)
(5 Votes Required)

Pastor Felton Shoalts spoke in behalf of Victory Tabernacle. He said they are a new ministry and are just getting started. At present the parking lot is adequate for their congregation. They hope to get established and within two years purchase property that will fit their needs. For right now, they are very comfortable and wish to remain in this building for at least the next two years. If this request is denied, it would be a hardship as they would have no place to hold their services.

There was no one in the audience who wished to speak. Strasser said there have been no complaints, the DPW has no problem with this request. Berry said he passes by this building at least twice a week and he feels they keep a very neat and clean area, he sees no problems with approval of this variance.

Moved by Priest, supported by Edmonds to approve ZBA #90-029 for a period of two years. Motion carried 5-0.

PAGE 2

C. NEW APPLICATIONS:

1. ZBA #90-027

BY: Joel E. Murdaugh
4068 Yeager Drive
Burton, MI 48519

RE: 4068 Yeager Drive
Part of Lot 14 Schram Acres
Section 27
C-2 Zoned

FOR: To expand the non-conforming
residential rights in a C-2 zoned
area. Construction of a pool, an
addition to house, and a pole barn.
(5 Votes Required)

Joel Murdaugh explained that he needs more room in his house, he needs storage space and he wishes to build a pool for his family. If this request is denied, he stated that he would have to move.

There was no one in the audience who wished to speak on this request. Strasser said that this request is all within regulation, he sees no problems with this request. Mr. Murdaugh is simply asking to expand his non-conforming rights.

Moved by Debus, supported by Berry to approve ZBA #90-027 as written. Motion carried 5-0.

2. ZBA #90-028

BY: Guy Joseph Burns
334 Orchard
Grand Blanc, MI 48439

Re: 4510 S. Dort Hwy.,
Q-357 Section 32
C-3 Zoned

For: To operate a used car sales lot
not in conjunction with new car
sales. See Section 16.03 Item F.
(5 Votes Required)

Mr. Burns explained he would like to operate his own business of selling used cars. There will be no car repairs made at this site. He feels that this empty building would become something useful instead of a possible hazard by standing empty. If this request is denied it would be a financial hardship as he has put alot of time, effort and money into this project.

There was no one in the audience who wished to speak on this case. Strasser said there were no problems with this request as long as Mr. Burns kept all cars parked on the pavement and as long as he adhered to the sign ordinance. He also stated that at present the dumpster enclosure is an eyesore. Mr. Burns said he would remove this as he has no need for it.

Gooding asked what would happen if this was approved permanently. Strasser explained that another used car business would be able to operate on this corner. Berry said this corner has been a problem for the past few years.

PAGE 3

2. ZBA #90-028 (contd.)

Several business have come before the Planning Commission for Site Plan Review for this corner. He can see no problems if this business is kept in a neat and orderly fashion. The Planning Commission voted unanimously for approval of this site plan. Priest asked again about car repairs on the site. Mr. Burns stressed that there would be no car repairs, he said maybe he might have to change a battery occasionally. Priest stated that he did not feel comfortable granting a permanent variance. Berry suggested that give approval for three years only, as long as Mr. Burns' lease is. Edmonds asked if Mr. Burns would be allowed to add more paving to this corner. Strasser said yes he would. Gooding asked about the set-backs. Strasser explained that they have already been exceeded.

Moved by Edmonds, supported by Priest to approve ZBA #90-028 for a period of three years contingent upon meeting all Planning Commission and DPW requirements. Motion carried 5-0.

3. ZBA #90-030

By: Ruth Ann Sweet
5270 Bristol Road
Burton, MI 48519

Re: 5270 Bristol Road
Q-419
Section 35
SE Zoned

For: To place a modular home 10' off
the east property and 4' off the
West property line. Ordinance
requires 20'.
(4 Votes Required)

Ruth Sweet asked that her son, Robert Sweet speak in her behalf. Mr. Sweet explained that at present his mother was living in a home which badly needed to be torn down and replaced by a new home. They felt the best possible way to do this for her was to move in a modular home. The only quality home they could find that they felt met her needs would result in requiring a variance. Ruth Sweet presented drawings of her plans. If this request is denied she would have to continue living in the delapidated home.

In the audience, Harold Escue, 5282 E. Bristol Road said he only objects to the length of this home, he feels she could find a more suitable home for this site. Marcia Wheat, 3231 Christner, explained that this specific home was of better quality than other homes they looked at. She feels the other homes would cheapen the neighborhood.

Strasser said that had he known the present home has a 4' setback off the west property line he would not have requested it in the variance as Ruth Sweet therefore has non-conforming rights to do the same with her new home. He said the DPW has no problems with this request.

PAGE 4

3. ZBA #90-030 (contd)

Edmonds asked if the present garage wouldn't detract from the new home. Mr. Sweet said he would be re-siding the garage to make it more pleasing to look at. Discussion followed regarding the setbacks.

Moved by Edmonds, supported by Debus to approve ZBA #90-030 as written. Motion carried 5-0.

4. ZBA #90-031

By: Patrick Kopasz
4445 E. Bristol Road
Burton, MI 48519

Re: 4445 E. Bristol Road
Q-304-1
Section 27
R-1A Zoned

For: To construct a 50' x 80' pole barn
(4000' sq. ft.) in a R-1A zoned
area 2000' sq. ft allowed.
Structure to exceed allowable
footage by 2000'.
(4 Votes Required)

Mr. Kopasz explained he just recently purchased this property and he wishes to tear down the old barn and build a new one. He will use it for storage of "liquidated" goods. The old barn would cost more to repair than it would cost to build a new one. He realizes he cannot hold auctions on this property anymore. If this is denied it will be a financial hardship for him.

There was no one in the audience who wished to speak on this case. Strasser said they had received complaints from nearby residents because they feel Mr. Kopasz is running a business out of his barn. This is a residential area and should not be used for business purposes.

Berry stated that the Board has denied large barns in the past. Debus asked for clarification on what designates R-1A and Suburban Estates. He felt that Mr. Kopasz should be allowed to build a smaller pole barn.

Moved by Priest, supported by Berry to deny ZBA #90-031. Roll call showed motion carried 4-1, Debus voting no.

PAGE 5

5. ZBA #90-032

By: Wigen, Tincknell, Meyer & Assoc.
1647 S. Washington Avenue
Saginaw, Mi 48601

Re: Good Shepherd Lutheran Church
5496 Lippincott Blvd.
Q-229-11
Section 23
R-1B Zoned

For: To reduce the side yard setback
along Lippincott Blvd. to 21'-9"
in lieu of 25'-0".
(4 Votes Required)

Kim Stevens represented this case. She presented drawing of the proposed addition which makes this request necessary. She explained the architects plans for construction of the building. She said there would be no safety problem on this corner. If this is denied it will mean more design work.

Chairman Gooding stated that Florence Ireland of Lippincott Blvd. called to say she had no objections to this request. Strasser said the DPW had no problems with this request also. He said it had been approved by the Planning Commission, it would be a nice building.

Moved by Priest, supported by Edmonds to approve ZBA #90-032 as written.
Motion carried 5-0.

D. AUDIENCE PARTICIPATION:

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

E. BOARD DISCUSSION:

Chairman Gooding asked Strasser about the follow-up on a variance request.

The next regularly scheduled Zoning Board of Appeals meeting will be held on Thursday, July 19, 1997 at 7:00 P.M.

Meeting Adjourned at 8:24 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office