

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JULY 16, 1992

Meeting called to order at 7:00 P.M. by D. Gooding, Chairman.

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

MEMBERS ABSENT: D. Priest

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

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of June 18, 1992, at 7:00 P.M.

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

B. YEARLY RENEWAL

1. ZBA #92-46

By: Humane Society of Genesee County
3075 Joyce St.
Burton, MI 48529

Re: Part of Lots 47 & 48 of Hemphill-Dort Commercial Sites #2 Sect. 28 M-2 Zoned

For: To permit the "Temporary Use" of a construction trailer as an office for a specified period of time.
Sect. 21.05 Item 2E of Ord. 19.
(4 votes required)

Mary Lee Michael represented the Humane Society, she explained they were beginning a fund raising campaign to make improvements on their building. They have added extra staff and now need more office space. This will be for one year only. The trailer is 65' x 10' and will be hooked up to water & sewer and electricity. They do have insurance on the trailer. If denied, they will have to seek off-site space, this would be very inconvenient.

No one in the audience wished to speak. Strasser asked approximately when the permanent structure would be started, Ms. Michael said within this year. He said this was a very neat and clean operation and the DPW had no problems with this request. Gooding asked if there were building codes on this type of installation. Strasser said yes, they would have to meet specifications.

Moved by Edmonds, supported by Berry to approve ZBA #92-46 as written, with the stipulation that they comply with all DPW requirements. Motion carried 6-0.

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C. NEW APPLICATIONS:

1. ZBA #92-47

By: Beacon Sign Company
19719 Mt. Elliott
Detroit, MI 48234

Re: 1145 N. Belsay Road
Q-97-A Sect. 11
M-1 Zoned

For: To exceed the allowable square
footage for signage by 309 sq. ft.
Existing sign exceeds Ordinance by
189 sq. ft. Proposed Little Caesars
sign is 120 sq. ft.
(4 votes required)

Phillip Schwan spoke for Beacon Sign Co. He explained that this K-Mart has a small "Little Caesars Pizza" within its store. A sign is the only way people will be made aware of this. It will not be a lighted sign and will be 17' x 5' and 6' x 6'. The hardship would be, if denied, that people would not know about it and this would affect business.

No one in the audience wished to speak. Strasser said due to the size and set back of K-Mart that this added sign would not be detrimental to the area. Gooding said he has no problems with approval of this variance request.

Moved by Welliver, supported by DePottey to approve 6-0 as written. Motion carried 6-0.

2. ZBA #92-48

By: Randy Arndt
3176 S. Belsay Road
Burton, MI 48519

Re: Lot 104; Eastgate #6
Sect. 26 R-1B Zoned

For: To construct a 26' x 44' garage,
1144 sq. ft., which is 280 sq. ft.
over allowable 864 sq. ft. Move
existing 8' x 12' shed to rear of
property. Remove 10' x 12' shed
after garage is constructed.
Height at 17'; 14' required by Ord.
(4 votes required)

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2. ZBA #92-48 (contd.)

Randy Arndt explained that he would like a large garage for storage of personal recreational vehicles. He would be building it to blend with the house, it would have a gambrel roof, therefore he needed the height variance.

There was no one in the audience who wished to speak. Strasser said it is excess square footage and therefore he must recommend denial. He said there have been no calls on this request. DePottey said that this was a deep lot and he could see no problem with approval. He would be voting in the affirmative. Berry asked again if this would be for personal storage only. Mr. Arndt said yes.

Moved by DePottey, supported by Edmonds to approve both parts of ZBA #92-48
Motion carried 6-0.

3. ZBA #92-49

By: Tom Prado
1349 Audrey
Burton, MI 48509

Re: Lots 719 & 720 of Lapeer Heights
Sect. 14 R-1B zoned

For: To construct a 24' x 24' garage
within 4' of the main dwelling,
10' allowed by ordinance.
(4 votes required)

Tom Prado explained he wishes to save a large tree in his backyard and therefore he must place his garage closer to the house than ordinance allows. He needs this garage for personal storage space, his vehicles are parked outside now.

There was no one in the audience who wished to speak on this case. Strasser asked about the foundation, he said Mr. Prado must meet all code requirements. He also said he has no problem with approval of this variance. Berry asked about the water run-off from the garage roof. Mr. Prado said he would install eavestroughs and the water would stay on his property.

Moved by Edmonds, supported by Welliver to approve ZBA #92-49 with the stipulation it meet all code requirements. Motion carried 6-0.

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C. NEW APPLICATIONS (CONTD.)

4. ZBA #92-50

By: Bruce Davidson
1086 Forest Avenue
Burton, MI 48509

Re: South 1/2 of Lot 19, Glendale
Acres. Sect. 14 R-1B Zoned.

For: To exceed the allowable square
footage for accessory structures
by 524 sq. ft. Existing square
footage equals 308 sq. ft. Proposed
30' x 36' pole barn equals 1080 sq. ft.
(4 votes required)

Chairman Gooding explained that this request has been withdrawn.

5. ZBA #92-51

By: Vicki Snyder
2334 Cherylann
Burton, MI 48519

Re: Lot 86 of Maplelawn Sub.
Sect. 24 R-1A Zoned

For: To allow a pool in front yard.
Ordinance requires installation
in rear yard.
(5 votes required)

Mrs. Snyder explained they installed an above the ground pool and then were told they must have a variance to do so. She said she is on a corner lot and therefore has no backyard. This area is in back of her house and she considers it her backyard. If this is denied, the pool would have to be removed.

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

Strasser said he had no problem with approval of this request, she is on the end lot and the pool is not bothering anyone. Berry asked if the Planning Commission case would affect this property, Strasser said no.

Moved by Cox, supported by Welliver to approve ZBA #92-51 with the stipulation that the pool be placed as shown in the drawing submitted with the application. Motion carried 6-0.

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C. NEW APPLICATIONS (CONTD.)

6. ZBA #92-52

By: Lavern Cromwell
2245 Morrish
Burton, MI 48519

Re: 2245 Morrish St., Part of Lot 72
Supervisors Plat #12
Sect. 21 R-1B Zoned
(4 Votes required)

For: To construct a 30' x 38' Pole Barn.
To exceed the allowable square footage
for accessory structures by 628 sq. ft.
(4 votes required)

Mr. Cromwell explained that he needs this barn for storage of his recreational vehicles. He presented, to the Board, a petition signed by his neighbors within 300 feet of his house, saying they do not object to his pole barn. There will not be a second story and his lot is large enough so that it shouldn't bother anyone. He also presented a picture of his neighbor's pole barn which is larger than the one he is asking for.

In the audience, Irene Graham, 2250 Morrish St, spoke in favor of approval of this variance.

Strasser said he has no choice but to recommend denial as it exceeds ordinance requirements. Edmonds thanked Mr. Cromwell for bringing in the pictures, He also asked if water drainage would be a problem. Mr. Cromwell said it would all stay on his property. DePottey said he has no objections to this Pole Barn, he feels it will be an improvement. Berry said he was unhappy about the size, he feels we are getting too many large pole barns in the city. Cox concurred with DePottey, he will be voting in the affirmative.

Moved by DePottey, supported by Welliver to approve ZBA #92-52 as written.
Roll call vote showed motion carried 5-1. Berry voting no.

7. ZBA #92-53

By: Brady Lane
2529 Grand Blanc Rd.
Grand Blanc, Mi 48439

Re: 4204 Davison Road
Q-70-B Sect. 10
C-2 Zoned

For: To exceed the allowable square
footage for signage by 700 sq. ft.
200 sq. ft. allowed by Ordinance.
(4 votes required)

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C. NEW APPLICATIONS (CONTD.)

ZBA #92-53

Mr. Lane explained that he is requesting extra signage. He said he has tried to improve the building and plans to do more to remove what was once an eyesore in this neighborhood. He is just asking to use the signage space that was used by the last business which occupied this building. If this is denied, it could possible cause this business to fail.

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

Strasser said this is similar to the K-Mart situation, it seems like a reasonable request. There have been no calls on this case.

DePottey said he feels Mr. Lane is improving this area. As long as there are no flashing light and does not become over-loaded with signs, he does not object to this request. Welliver concurred with DePottey, he thinks this business is an improvement. Berry said this had been before Planning Commission Tuesday, July 14 and was approved unanimously.

Moved by Welliver, supported by DePottey to approve ZBA #92-53 as written. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

In the audience, Gene Lukonen, 4445 E. Bristol Road asked if his variance request was going to be re-considered.

E. BOARD DISCUSSION

T. Strasser said in order to reconsider a variance request, only a member who had voted negatively could move to bring the case back for reconsideration.

Moved by Berry, supported by Edmonds to reconsider the Board's action on ZBA #92-20. Motion carried 6-0.

Discussion followed on what action could be taken this evening on this case. Chairman Gooding called a ten minute recess at 8:30 p.m. Meeting reconvened at 8:40 p.m.

T. Strasser had conferred with the City Attorney and was advised to re-notify the residents within 300' of this property.

Moved by Edmonds, supported by Welliver to schedule ZBA #92-20 on the next Regular ZBA Meeting of August 20, 1992. Motion carried 6-0.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, August 20, 1992, 7:00 P.M.

Meeting adjourned at 8:48 P.M.

Respectfully submitted by: Jeanette Brown, Clerk's Office