

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JULY 18, 1991
7:00 P.M.

This meeting was called to order at 7:05 P.M. by Chairman D. Gooding.

MEMBERS PRESENT: W. DePottey, T. Hammon, D. Priest, D. Gooding, B. Berry,
H. Debus and F. Edmonds

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

Moved by Edmonds, supported by Debus to approve the following minutes as
written.

1. Regular ZBA meeting of June 6, 1991, at 7:00 P.M.

Motion carried 7-0.

B. YEARLY RENEWALS:

1. ZBA #91-47

By: Father Phillip Schweda
6336 Roberta
Burton, MI 48509

Re: Blessed Sacrament Church
6336 Roberta
Q-129 A & B Sect. 13
R-1A Zoned

For: To conduct a C-3 special use,
"Festival, Carnival" in an
R-1A Zoned area.
(5 Votes required)

Father Schweda explained this will be the 14th annual Hungarian Festival they
have held. It has been moved from the front parking lot to the area in back of
the church and it has worked out very well. He explained the various tents they
will have. If this is denied the only hardship that would occur would be the
denial of this ethnic festival to this area.

There was no one in the audience who wished to speak on this variance. T.
Strasser said there were no problems with this request.

Priest asked if there was going to be a beer tent. Fr. Schweda said yes there
was. Priest then explained he was not against the festival or the church, but
he would be voting against this variance as he does not approve of any
festival having a beer tent. Hammon spoke on the excellent festivals he has
attended there in the past and he feels that the Board should be professional
and not judge this variance by their own personal feelings.

Moved by DePottey, supported by Hammon to approve ZBA #91-47 as written. Roll
call showed motion carried 6-1, Priest casting the no vote.

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C. APPLICATIONS TABLED FROM MEETING OF JUNE 6, 1991.

1. ZBA #91-28

By: Glenn Lawrence
6104 E. Atherton
Burton, MI 48519

Re: 6104 E. Atherton Rd.
Lot 37 Eastgate #2
Sect. 25 R-1B Zoned

For: To exceed the allowable square footage
for accessory structures by 736 sq. ft.
40' x 40' garage. Also to exceed the
height requirements for accessory
structures by 5'4". 14' required,
19'4" requested.
(4 votes required)

Larry Towery represented Glenn Lawrence. He explained that Mr. Lawrence needed a garage big enough to store his 35' motor home and three other vehicles in. His lot is 100' x 218', it will be a regular framed garage, sided like the house and will be attractive. It would be a hardship if this is denied as Mr. Lawrence would not be able to get his vehicles out of the weather.

There was no one in the audience who wished to speak on this variance. Strasser said that within the ordinance he would be able to build a 24' x 36' garage. He said there have been no calls or complaints from the neighbors.

Berry said he was hesitant about the 19' roof, he was not against the variance, just against the height. DePottey said evidently the neighbors didn't care as none were in the audience. He said he didn't have a problem with approval of this variance. Hammond asked Strasser if the DPW explained the three criteria of a variance at the time of application. Strasser said no he did not. Gooding passed the gavel and spoke on his reasons that he would be voting in the negative on this case. Edmonds said he drove out to this site and checked and said it will be hidden from the road. He has no problem with approval of this variance request. Hammon said Mr. Lawrence's neighbors were notified, the request is not unreasonable and he would be voting in the affirmative.

Moved by Hammon, supported by Edmonds to approve ZBA #91-28 as written. Roll call showed motion carried 4 yes to 3 no. Priest, Gooding and Berry casting 1 the no votes.

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2. ZBA #91-32

By: Wolohan Lumber Co.
1096 N. Center Rd.
Burton, MI 48509

Re: 1096 N. Center Road
Lots 16, 17 and 18 of
Supervisor's Plat No. 39
Sect. 10 M-1 Zoned

For: 1. To conduct C-3 Special Uses in an
M-1 zoned area. Sect. 16.03, items
3a & e: outdoor sale and display of
trees, shrubs, lawn furniture, storage
sheds and other similar items.
2. Also approval of temporary structure
"Greenhouse".
(5 votes required)

Mike Napalitano represented Wolohan Lumber. He said that since the last meeting they have moved the barns back from the front of the property. He said they are trying to be in compliance with all requirements. If this is denied the business would not be able to be competitive with other like businesses. Bob Roth, Manager said they do have some security problems since moving the barns back.

There was no one in the audience who wished to speak on this request. Strasser said the site is very impressive since they rearranged it.

Gooding asked if they have infringed on the parking spaces, Strasser said they have not. Gooding asked if Strasser was comfortable with the new set-up, he said yes. Gooding also asked if this would be a yearly renewal. Strasser said no, it would be permanent.

Berry said he only had a problem with the landscaping timbers on display. Mr. Roth explained they try to remove the unsightly ones and take them to the back. Discussion on temporary and permanent variances for temporary greenhouses followed.

Hammon moved, Priest supported the following motion:

Approve ZBA #91-32 (1.) To conduct C-3 Special Uses in an M-1 zoned area. Sect. 16.03, items 3a & e: outdoor sale and display of trees, shrubs, lawn furniture, storage sheds and other similar items. (2.) Also approve on a yearly renewal basis the temporary structure "Greenhouse". Motion carried 7-0.

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D. NEW APPLICATIONS:

1. ZBA #91-40

By: Carol Belford
6213 Darlene
Burton, MI 48519

Re: Lot 67 Maplelawn Sub.
Sect. 24 R-1A Zoned

For: To exceed the allowable square footage
for accessory by 816 sq. ft. Existing =
480 sq. ft. Proposed = 1200 sq. ft.
(4 Votes required.)

George Belford explained that a year ago he had applied for a 30' x 50' garage and was denied. Since that time he has decided to park his motor home outside and build a smaller garage for his classic and antique cars, and lawn equipment. If this is denied, it would be a hardship as he would not have anyplace to store his vehicles.

There was no one in the audience who wished to speak on this variance. Strasser said that the ordinance would allow a 20' x 20' accessory structure. He said there have been no calls on this request.

Edmonds said Mr. Belford deserves to be allowed to build this garage after downsizing it as he did. He said Mr. Belford keeps a real nice place, very well maintained, he said he would be voting in the affirmative on this request.

Moved by Priest, supported by DePottey to approve ZBA #91-40 as written, Motion carried 7-0.

2. ZBA #91-41

By: Rosemary Ellis
1252 Norton St.
Burton, MI 48529

Re: 1252 Norton St.
Lots 721 & 722 Baker Park
Sect. 30 R-1C Zoned

For: To construct a 15' diameter pool
5' from the house and 5' from the
garage. 10' required.
(4 votes required)

Rosemary Ellis explained that her house and garage set at the back of the property and the only place she can put her pool is in front of them. She said it will be fenced and she will lock it when she is gone. The hardship would be that they would not be able to have a pool.

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2. ZBA #91-41 (contd.)

There was no one in the audience who wished to speak on this variance. Strasser said this was one of the few homes in the city that did set to the back of the property making this a unique situation. He said the DPW had no problems with approval of this request.

Discussion on overhead wires followed.

Moved by Hammon, supported by Priest to approve ZBA #91-41 as written. Motion carried 7-0.

Berry moved and the Board supported a motion to recess for ten minutes.

Chairman Gooding reconvened the meeting at 8:25 P.M.

3. ZBA #91-42

By: Jack F. Leach, Jr.
1428 LaSalle St.
Burton, MI 48509

Re: 1428 LaSalle St.
Parts of lot 235 & 236 Seely's Sub #5
Sect. 13 R-1B Zoned.

For: To construct an addition to the house
at 6' from the South property line.
10' is required by ordinance.
(4 Votes Required)

Mr. Leach said his son had been injured in an automobile accident and now needed accommodations for his handicap. He needed a therapy room, handicap accessible bath facilities and a bedroom for a hospital bed. If this is denied, he will have to move.

There was no one in the audience who wished to speak.
Strasser said there were no problems with this request.

Moved by DePottey, supported by Edmonds to approve ZBA #91-42 as written.
Motion carried 7-0.

4. ZBA #91-43

By: Paul A. Adas
2488 Stockbridge Ave.
Burton, MI

Re: 2488 Stockbridge Ave.
Lot 107 Richfield Gardens
Sect. 3 R-1B Zoned.

For: Attach a 16' x 20' garage to the house.
4' from the property line, North side.
10' is required.
(4 votes required)

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4. ZBA #91-43 (contd.)

Mr. Adas explained he just recently purchased the home and soon afterward the neighbors car smashed into his carport and home and destroyed the carport. He now does not have any protection for his car and he wishes to build a garage where the carport was. If he puts the garage in his backyard he must remove a large tree which he wishes to preserve. He has hired a professional contractor and the garage will be a very nice improvement to his home. If this is denied he will have no shelter for his car.

There was no one in the audience who wished to speak. Strasser said there were no problems, it was a reasonable request.

Moved by Edmonds, supported by Debus to approve ZBA #91-43 as written. Motion carried 7-0.

5. ZBA #91-44

By: Betty Walker
5253 E. Atherton Rd.
Burton, MI 48519

Re: 5253 E. Atherton Rd.
Q-242 & Q-244
Sect. 23 R-1A Zoned

For: To exceed the allowable square footage
for signs by 96 sq. ft. Asking for two
8' x 16' signs, one placed on Genesee
Rd. and one on Atherton Rd.
(4 Votes required)

Betty Walker explained she needed signs to advertise when specific produce was available. They will be good looking commercial signs. They will not be lighted. If this is denied, it will be a financial hardship as customers will not know when certain produce is ready to be sold.

There was no one in the audience who wished to speak on this variance. Strasser said this farm was in a residentially zoned area and the largest sign allowed would be 4' x 8'.

Gooding asked about the duration of the variance, Strasser said it would be permanent. Berry said he can see the necessity for the signs, he has no problem with this request. Hammon said she had a very nice building and he appreciated that she had not simply put up the signs without coming before the Board, he would be voting in the affirmative. Edmonds concurred with Hammon.

Moved by Edmonds, supported by Berry to approve ZBA #91-44 as written. Motion carried 7-0.

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NEW APPLICATIONS (CONTD.)

6. ZBA #91-45

By: Ronald L. Sweers
6165 E. Atherton Road
Burton, MI 48519

Re: 6165 E. Atherton Road
Q-258 Sect. 24
R-1A Zoned

For: Addition to existing building to
store antique cars. To increase the
square footage for accessory structures
by 1162 sq. ft. 2000 sq. ft. allowed,
2780 sq. ft. existing, 3942 sq. ft.
requested.
(4 votes required)

Mr. Sweers explained he wished to add on to an existing structure. He has 20 acres and it will be 250' back from the road. It will be for personal use only, to store his antique cars in. If this is denied, it will merely be an inconvenience.

In the audience the following residents voiced their concerns about his business which he operates at this location:

Marshal Griffin, 2376 Maplelawn
Paul & Sharon Marion, 2458 Maplelawn
Carol Belford, 6213 Darlene
Mike Crane, 2382 Maplelawn

Strasser said Mr. Sweers did have legal non-conforming rights as he was there before we became a City. He said if this addition is approved it can be used only for storage of antique cars. Edmonds said he wasn't comfortable with this request and he would like to take another look at the property. DePottey asked what type of contractor Mr. Sweers was, he said he was a roofing contractor. Board discussion followed.

Moved by Hammon, supported by Berry to deny ZBA #91-45 as written. Roll call showed motion carried 7-0 to deny.

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7. ZBA #91-46

By: Mr. Andrew Turbett
Ellis/Naeyaert/Genheimer Associates
Agent for K Mart Corporation
3290 W. Big Beaver Road, Suite 500
Troy, Mi 48084

Re: 1145 N. Belsay Road
Burton, MI 48509

For: Request variance from sign ordinance to
allow new signage on building (Note -
existing signage will be removed). To
exceed the allowable square footage for
signage by 189 sq. ft. 200 sq. ft.
allowed by ordinance.
(4 Votes required).

Mr. Turbett explained that K-Mart is refurbishing the store and would like to place new signs on the building. He showed pictures of what they will look like. They are doing this in order to stay competitive. It will be a financial hardship if this is denied.

There was no one in the audience who wished to speak. Strasser said the request does exceed the ordinance but the DPW had no problems with it.

Berry asked if the signs would be similar to other remodeled K-Mart stores signs.

Mr. Turbett said yes.

Moved by Priest, supported by Berry to approve ZBA #91-46 as written. Motion carried 7-0.

8. ZBA #91-48

By: Michael T. Root
4105 Davison Road
Burton, MI 48509

Re: 4105 Davison Road
Q-60-63 C-3 Zoned

For: To expand the non-conforming use of the
property, with an addition to the
existing structure for a collision shop.
(5 votes required).

Tamara Root represented this case. She said they wished to add on to their shop. The addition would be about as big as what exists now. She said it was going to be a very nice building when they finished. They will have inside storage of vehicles if this variance is approved. If this is denied, it will be a financial hardship as the footings are already in.

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8. ZBA #91-48 (CONTD.)

In the audience, Gary and Nancy Card, 2098 Delaney and Elaine Schadenberg, 2045 Delaney voiced their concerns on this variance. Gary Card spoke on Burton businesses getting preferential treatment from the City over residents.

Strasser said this variance was simply an expansion of non-conforming rights. Hammon asked about the vote of the Planning Commission on the SPR on this case. Discussion followed.

Moved by Edmonds, supported by Debus to approve ZBA #91-48 as written. Motion carried 7-0.

E. AUDIENCE PARTICIPATION:

No one wished to speak.

F. BOARD DISCUSSION:

Edmonds asked if the Clerk's Office had clarified whether a board member could abstain from voting at any time. J. Brown said she would get the information and enclose it with the minutes of the meeting. Hammon said he had three questions: 1. Could a person abstain from voting; 2. Must that person state a reason for abstaining; 3. Do the Board members have to approve by majority of vote that reason for abstaining?

The next regularly scheduled meeting will be held August 15, 1991, at 7:00 P.M.

Meeting adjourned at 9:45 P.M.

Respectfully submitted by,

Jeanette Brown,
Clerk's Office