

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JULY 19, 1990
7:00 P.M.

This meeting was called to order at 7:07 P.M. By Chairman Gooding.

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

MEMBERS ABSENT: W. DePottey and D. Priest

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 June 21, 1990, 7:00 P.M.

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

B. YEARLY RENEWAL:

1. ZBA # 90-41

By: Fr. Phillip Schweda
Blessed Sacrament Church
6336 Roberta
Burton, MI 48509

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

For: To conduct a Festival on Site.
C-3 Use after Special Approval in
an R-1A zoned area.
(5 votes required)

Fr. Schweda explained this was the 13th Annual Hungarian Festival that has been held at the church. He said they have taken all precautions to meet all City guidelines. He said they have had no complaints from the residents since they moved the Festival to the back of the Church. The church prepares for this festival a year in advance so if this is denied alot of their hard work will have been wasted.

There was no one in the audience who wished to speak. Strasser asked about the dates of the Festival. Fr. Sweda said the 3rd, 4th and 5th of August. Strasser said the DPW have received no complaints about this variance request and they have no objection to this request.

Moved by Edmonds, supported by Hammon to approve ZBA #90-41 as written. Motion carried 5-0.

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NEW APPLICATIONS:

1. ZBA #90-33

By: Isaac Jones
2145 Bergin
Burton, MI 48529

Re: Lot 279 Bendlecrest Sub.
Section 32
R-1C Zoned

For: To build a 8' x 12' Front Porch
"wood" @ 9' from the front property
line. 20' required by Ordinance.
Existing house is 17' from property
line.
(4 votes required)

Mr. Jones explained he wished to replace the present cement front porch with a wooden porch, he would like to have it extend 9' from the front property line. He said there are other porches in the neighborhood that extend into the front yard the same as he wishes to do. If this is denied he would be unable to enjoy his front yard in the summer.

There was no one in the audience who wished to speak on this variance. Strasser said there were no problems with this request. It will not be enclosed and therefore will not obstruct anyone's view.

Board discussion followed. Hammon said that considering the size of his cement porch, he is only asking for a 3 foot extension for his wooden porch.

Moved by Debus, supported by Berry to approve ZBA #90-33 as written. Motion carried 5-0.

2. ZBA #90-34

By: Tom Beardslee
5453 Lapeer Road
Burton, MI 48509

Re: Cardinal Gardens Lot 9
Sect. 14
C-2 Zoned

For: (1) To exceed the allowable Sq. footage
for accessory structures. Asking for
960 sq. feet. 240 sq. feet existing,
Exceeding allowable sq. footage by
336 sq. feet. (2) To expand non-con-
forming residential rights in a C-2
zoned area.
(5 votes required)

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2. ZBA #90-34 (contd.)

Mr. Beardslee explained that he wishes to construct a 24' x 40' pole barn for storage of personal items and some of his painting supplies. He needs storage space for his ladders and scaffolding and he works on his van sometimes. If this is denied he would have to continue to store his equipment outside and it would be subject to theft.

There was no one in the audience who wished to speak. Strasser said that a pole barn 24' x 26' could be built without a variance, also he is uncomfortable with the "business" use.

Berry asked if he would be storing paint thinner and cleaner in the barn. Mr. Beardslee said no, and that house paint is not as highly flammable as automobile paint. Hammon asked if the building would be aluminum. Mr. Beardslee said yes and there are no buildings close by to the proposed location of the barn. Gooding passed the gavel and spoke on approving pole barns because in the future they could be mis-used. Hammon spoke on the zoning, he said the area would eventually go commercial.

Moved by Debus, supported by Hammon to approve ZBA #90-34 as written. Motion carried 5-0.

3. ZBA #90-35

By: Dennis P. Fairman
4459 Rosethorn Circle
Burton, MI 48509

Re: Lot 154 Calvert Park #3
R-1A Zoned
Sect. 3

For: To exceed allowable limit for accessory structures by 372 sq. ft. Also, to encroach 4 feet into front setback on Thorndale Drive.
(4 votes required)

Mr. Fairman explained his plans for adding on the east end of his home. The garage doors will open onto Thorndale and will be 24' x 30', he needs the garage for extra storage space for personal items. If this is denied he must continue to store his vehicles and boat outside in the weather.

There was no one in the audience who wished to speak on this request. Strasser said that he could build a 20' x 24' garage without a variance.

Gooding asked if his present garage was made into living area what would be the excess square footage. Strasser said he would be within the allowable limit. Berry said he could see no problem with this request.

Moved by Berry, supported by Debus to approve ZBA #90-35 as written. Motion carried 5-0.

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4. ZBA #90-36

By: David E. Visser
4091 Richfield Road
Burton, MI 48509

Re: 5053 E. Court
C-2 Zoned
Sect. 11

For: Construction of a Golfdome.
(1) Exceed the height restrictions by
40'. (2) Reduce the side set back from
150' to 20'.
(4 Votes required)

Mr. Visser explained his plans to build a golfdome. He presented pictures and a drawing of the proposed building. He said that no matter where this was constructed in Burton it would exceed height requirements. If this request is denied he would be unable to build the golfdome.

In the audience Ken Poma, 5089 E. Court said he is the neighbor immediately east of the proposed building. He just wanted to know how his property would be affected. Mr. Visser explained the drawing to Mr. Poma. Mr. Al Joswiak, 1110 N. Genesee asked if this construction would creat more flooring in the area. Mr. Visser said he has been working closely with the DNR and he feels that this ill not affect the water run-off in any way.

Strasser said there are more positive affects to this variance than negative's. He said this property is not suitable for many other types of uses.

Board discussion followed on the zoning in this area. Hammon asked about Planning Commission's recommendation. Strasser said they voted unanimously for approval.

Moved by Debus, supported by Hammon to approve ZBA #90-36 as written for construction of a Golfdome only. Motion carried 5-0.

5. ZBA #90-37

By: Dave Matejcek
4403 Hedgethorn Cr.
Burton, MI 48509

Re: Lot 203 Calvert Park #4
Sect. 3
R-1A Zoned

For: To exceed the allowable sq. footage for
accessory structures by 180 sq. ft.
Proposed structure is 20' x 24'.
(4 votes required)

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5. ZBA #90-37 (contd.)

Mr. Matejcek explained he needs a 20' x 24' garage for storage of his classic car and other personal items. He explained it would be build with a firewall. It would not exceed the height requirement. If this is denied he would have to pay for storage of his personal items.

There was no one in the audience who wished to speak on this variance. Strasser said there were no complaints from the neighbors on this variance.

Board discussion followed. Gooding said he had some concern about the height of the garage. Hammon said he concurs with Mr. Gooding's concerns but since none of the neighbors were at the meeting he feels that none of them mind the garage being built.

Moved by Edmonds, supported by Debus to approve ZBA #90-37 as written. Motion carried 5-0.

6. ZBA #90-38

By: Horace R. Davis
3210 Kleinpell
Burton, MI 48529

Re: Lot 66 Supervisors Plat, Atherton
Gardens, Sect. 28
M-2 Zoned

For: To expand the non-conforming residential
rights in an M-2 Zoned area. Proposal
to build addition to home & garage. See
Section 6.02 Item 1.
(5 votes required)

Mr. Davis explained that he wishes to add on to his home, although this is zoned M-2 about one half of the street is residential. He needs the extra living space and also needs the garage for storage space. If denied he would not have the extra space he needs.

There was no one in the audience who wished to speak. Strasser said there were no complaints on this variance, he could see no problems with approval.

Moved by Berry, supported by Debus to approve ZBA #90-38 as written. Motion carried 5-0.

7. ZBA #90-39

By: Jean & Mark Morgan
1462 Merle
Burton, MI 48509

Re: Lots 471 & 472 Lapeer Heights
R-1B Zoned
Sect. 14

For: To construct a 24' x 24' garage on a
vacant lot which does not have a main
dwelling. Ord. requires a Main
dwelling on res. lots in order to
construct accessory structures.

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7. ZBA #90-39 (contd.)

Jean Morgan explained they wished to build a garage on the property line dividing her two small 50' lots. They cannot afford to build a home at this time and there plans are to tear down the garage that is presently on this property and relocate the garage on the property. They have tried to sell this property and cannot so they wish to be allowed to build on it as one parcel.

There was no one in the audience who wished to speak on this request. Strasser read from the ordinance which required a main dwelling before construction of an accessory building. He said there have been no complaints from the neighbors.

Lengthy discussion followed on combining this property into one parcel, lot size, street assessment, garage size and approval of this sort of variance.

Moved by Edmonds, supported by Berry to approve ZBA #90-39 as written. Roll call showed motion carried 5-0.

8. ZBA #90-40

By: H. L. Weatherford
1111 Adams Road
Burton, MI 48509

Re: Lot 154 Garden Acres Subdivision
R-1A Zoned
Sect. 13

For: To construct an accessory structure
112 sq. ft. over the allowable limit
of 864 sq. ft. Total Accessory
structure is 976 sq. ft.
(4 votes required)

Mr. Weatherford explained he wishes to build a garage 24' x 24' for storage of his antique car and his lawn & garden equipment. His lot size is 100' x 200'. If this is denied his antique car will have to sit outside.

There was no one in the audience who wished to speak on this variance. Strasser said there have been no complaints, but he could build a 20' x 22' garage without a variance.

Moved by Hammon, supported by Debus to approve ZBA #90-40 as written. Motion carried 5-0.

C. AUDIENCE PARTICIPATION:

Duane Baldwin, 1069 Adams Road asked about combining his property into one parcel. Strasser directed him to the Assessor's Office.

D. BOARD DISCUSSION;

Discussion on getting telephone numbers on the agenda and other Boards decisions on matters relevant to the ZBA agenda followed. Also requiring sketches of proposed changes on variance requests. Gooding spoke on making decisions carefully.

The next regularly scheduled Zoning Board of Appeals meeting will be held on Thursday, August 23, 1990, 7:00 P.M.

MEETING ADJOURNED: 9:20 P.M.

Respectfully submitted by: Jeanette Brown, Clerk's Office.