

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
AUGUST 15, 1991
7:00 P.M.

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

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

MEMBERS ABSENT: T. Hammon.

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

A. APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

1. Regular ZBA meeting of July 18, 1991, at 7:00 P.M.

Moved by Priest, supported by DePottey to approve the above minutes with the following correction to ZBA #91-32:

Approve ZBA #91-32 as written with the stipulation that the outside display locations are approved according to the Site Plan that was submitted.

Motion carried 6-0.

B. NEW APPLICATIONS:

1. ZBA #91-49

By: David McLaren
1381 Gram
Burton, MI 48529

By: Part of Lot 176 & 177 of
Greater Flint Sub, Sect. 31,
R-1C Zoned.

For: To build a carport on the property
line. 8' setback required by
ordinance. 0' requested.
(4 votes required)

D. McLaren explained he needed the carport to protect his vehicles from the weather. There is only 14' between his house and the fence and he must have a variance to have his carport.

In the audience, Wilma Miles, 1385 Gram, said she lives next door to Mr. McLaren and the carport encroaches on her property. She is also concerned about the water run-off from the roof going on her property. Strasser said there have been no telephone calls against this variance. He also said that the carport is already constructed and without a building permit. Board discussion followed. Berry felt this should be tabled until the Building Inspector has a chance to inspect the site.

Moved by Berry, supported by Debus to table ZBA #91-49 until the next regular meeting of September 19, 1991. Motion carried 6-0.

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B. NEW APPLICATIONS (CONTD.)

2. ZBA #91-50

By: William Caughlin
4201 S. Center Rd.
Burton, MI 48519

Re: 4201 S. Center Road
Q 399-C Sect. 34
R0 Zoned

For: Expand non-conforming residential
rights in an R.O. District. Applicant
wants to build a 19' x 24' pavilion.
(5 votes required).

Mr. & Mrs. Caughlin explained that they wished to construct a roof over their patio. It will be connected to the roof of the house. If this is denied they will not be able to enjoy their patio as much.

There was no one in the audience who wished to speak on this variance request. Strasser said there were no problems with this request. Debus asked if they would need a building permit, Strasser said yes.

Moved by Priest, supported by DePottey to approve ZBA #91-50 as written. Motion carried 6-0.

3. ZBA #91-51

By: Keith Powell
4490 Winters Drive
Flint, MI

Re: 2158 S. Genesee Road
Part of lots 15 & 16. Torino Gardens,
Sect. 22 R-1A Zoned.

For: Allow to have over 2 but no more than
6 dogs. Special approved use in an M-1
zoned area, to be conducted in an R-1A
zoned area - "Dog Kennel".
(5 Votes required).

K. Powell explained that for approximately the past four years he has kept two female German Shepherd's and one male German Shepherd at this address for the purpose of breeding them. Only recently did he become aware that an ordinance prohibits keeping more than two adult dogs at your home. He wishes to receive approval to keep his three German Shepherd's and any pups that are not sold within four months of their birth, but not more than six at one time. He does not board dogs for other people. He presented to the Board a letter and a petition from his neighbors stating that they do not care if he keeps his dogs on this property. If this is denied Mr. Powell will not be able to continue with his hobby of raising pups.

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In the audience, Rhonda Britton, 2141 Amy said she lives to the back of Mr. Powell and that the dogs are not a nuisance or bothersome in any way. Rachelle Bowman, Mr. Powell's fiance said the area is kept very neat and clean and the dogs do not run loose at any time. Strasser said the DPW has no comments.

Debus asked for clarification on zoning, Strasser explained. He also asked if this was to be a permanent variance or a yearly renewal. Strasser said that would be up to the Board to decide. Priest asked if the dogs were kept outside in the cold weather. Mr. Powell explained that the dog house was insulated and heated in the winter time. Edmonds asked if Mr. Powell would be allowed a sign. Strasser said signs are covered by ordinance. Berry felt a yearly renewal basis would be best until it is known if there are any problems with having the dogs there. Discussion followed on the yearly renewal fee. Moved by Edmonds and supported by Depottey to approve ZBA #91-51 for the length of time that Mr. Powell raises pups. Gooding passed the gavel and spoke on his concerns about approving a permanent variance or until such time as Mr. Powell stops breeding dogs. Berry moved and Priest supported a motion to amend the original motion to read: Allow to have over 2 but no more than 6 dogs on a yearly renewal basis. Motion carried 6-0

4. ZBA #91-52

By: Todd Denny
3155 S. Genesee Rd.,
Burton, MI 48509

Re: Lot 18 City Gardens
R-1B Zoned
Sect. 26

For: To exceed the allowable square footage
for accessory structures by 336 sq. ft.
existing sq. footage equals 624 sq.ft.,
proposed sq. footage equals 576 sq. ft.,
24' x 24'.
(4 votes required).

Mr. Denny explained that his home does not have a basement and he needs the addition to the garage for extra storage space. He has four cars, a snow mobile, riding lawn mower and a boat. If this is denied he will have to pay someone to store his extra vehicles.

There was no one in the audience who wished to speak on this variance. Strasser said he is exceeding the ordinance, he would be allowed to build a 10' x 24' garage. He has not had any calls in opposition to this variance. Gooding asked about the lot size, Mr. Denny said it was 320' x 135'. Berry recommended that it be stated in the motion, if approved, that this would be for personal use only. DePottey said he would be voting in the affirmative as Mr. Denny has a large lot. Gooding asked if it would be matching construction. Mr. Denny then asked if he could build a higher roof and use the added height for extra storage. The Board advised him that he would be informed of all this when he applied for a building permit.

Moved by Priest, supported by Berry to approve ZBA #91-52 with the stipulation that it be used for personal storage only, no contractor's supplies or equipment. Motion carried 6-0.

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B. NEW APPLICATIONS (CONTD.)

4. ZBA #91-53

By: Thomas R & Deborah L Cook
3169 E. Hemphill Rd.
Burton, Mi 48519

Re: 3230 Kleinpell St.
Lot 64 Supervisor's Plat of
Atherton Gardens.

For: RM - Multi-family use in an M-2
zoned area "General Industrial".
(5 votes required).

Lindon Lattie, 8161 S. Saginaw Street, represented Mr. & Mrs. Cook. He explained that his clients wished to convert this home into a three family dwelling with plans to use it for Mrs. Cook's parents should they ever become unable to care for themselves. The third unit would be used for a nurse/helper. He further stated that the property is 100' x 180' and zoned for heavy industry. It had been used as a two family unit at the time of the Cook's purchase of the property.

In the audience Pauline Dargel, 6119 Hugh asked where the property was located and how this came to the attention of this Board. Mr. Cook explained. Strasser said this is an M-2 zoned area, the house has single-unit non-conforming rights. He said the assessor advises that the taxes are assessed on a single family unit. Strasser asked the Cook's to their knowledge how long was this used as a two (2) family dwelling. Mrs. Cook said about four (4) years. Strasser said the conversion to a two family unit was illegal. If this is approved, the ordinance would have to be adhered to and at least 6 parking spaces would be required. Board discussion followed on sewer hook ups, bath and kitchen facilities. DePottey asked if they were immediately planning to move Mrs. Cook's parents in or just planning to rent to three families for now, they said just to three (3) renters. Gooding passed the gavel and spoke, he said he felt the hardship was self imposed, and that the units were simply their desire for rental units. He said he understood their concern for their parents but he would be voting in the negative. Edmonds asked when Mrs. Cook's father would retire and if he worked for GM? Mrs. Cook said he would be retiring this year and he did work for GM. Edmonds was skeptical that her parents would need such nursing care. Berry said he would have no problem with a two family rental unit but didn't feel comfortable with a 3 family unit. Edmonds concurred, he felt uncomfortable with a 3 unit rental. DePottey thought that perhaps this should go before the Planning Commission before coming to the ZBA.

Moved by Edmonds, supported by DePottey to deny ZBA #91-53, roll call showed motion carried 6-0.

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C. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh spoke on a variance which had been approved by the ZBA which now had a sign in the yard and she felt this was illegal. Discussion followed. T. Strasser said he would research this case for possible action by the DPW.

D. BOARD DISCUSSION:

Chairman Gooding reviewed the new applications for variance. Discussion followed. He also reviewed the memo from the Clerk regarding abstentions from voting on motions.

The next regularly scheduled meeting will be held September 19, 1991, at 7:00 P.M.

Meeting adjourned at 9:30 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office