

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
AUGUST 15, 1996 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY VICE CHAIRMAN H. BERRY.

MEMBERS PRESENT: W. WEATHERFORD, B. WEATHERFORD, W. KALANQUIN, S. LAYMAN,
H. BERRY, T. PARKER, C. CROSS.

MEMBERS ABSENT: I. HOHLOCH

OTHERS PRESENT: R. STEWART, BUILDING INSPECTOR; J. BROWN, CLERK'S
OFFICE.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of July 18, 1996, at 7:00 P.M.

Cross moved and Parker seconded a motion to approve the above minutes as printed. Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

P. Dargel, 6119 Hugh asked if on variances that were renewals, if a past history was included with the backup material. R. Stewart said generally the last year's minutes were included.

L. Petrella, 1081 Howe, asked if any of tonight's variances had been postponed. R. Stewart said ZBA #96-46, Al Serra, had been postponed.

C. BOARD DISCUSSION:

R. Stewart asked the Board for a special ZBA meeting on August 22, 1996 at 7:00 PM. The Board said they could attend and set a special meeting for Thursday, August 22, 1996.

T. Parker moved to add ZBA #96-61 to the end of tonight's agenda, supported by W. Weatherford. Discussion followed, C. Cross spoke against the addition and Kalanquin concurred. They have just learned of the addition and have not researched the request. W. Kalanquin suggested it be put on the agenda for the special meeting of 8-22-96. Motion failed, 1 to 6; Parker voting for and W. Weatherford, B. Weatherford, Kalanquin, Berry, and Cross voting against.

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D. POSTPONED FROM JULY 18, 1996:

1. ZBA #96-46

By: Al Serra, (Rep.) THA Architects
& Engineers
6167 S. Saginaw
Grand Blanc, MI

Re: 4274 E. Court Street
59-15-100-018
S.W. Corner of Court & Howe

For: (1) To conduct a used car sales
lot,
sales,
Zoning.
service
a

(2) To operate an automobile
facility not in conjunction with
shopping center. See Ord. 19
Sect. 27.02 Item MM.
(5 Votes Required)

The applicant has asked for a postponement. C. Cross asked that this request be removed for lack of participation. Cross moved and Kalanquin supported a motion to deny ZBA #96-46. Motion carried 7-0.

2. ZBA #96-47

By: Greg Staley
2458 N. Center Rd.
Burton, MI 48509

Re: 59-03-100-004
Sect. 3 R-1B Zoned

For: To operate a Commercial business
out of a residentially zoned
area.

Sewer cleaning business.
(5 Votes required)

Mr. Staley asked about the conditions of a yearly renewal. H. Berry explained the procedure. Mr. Staley said he has been paying personal property taxes for the past 4 to 5 years and therefore thought he was within city requirements. He answered some of the neighbors concerns from the last meeting. He said

his garage would be for personal storage only, not for making mechanical repairs on his trucks.

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2. ZBA #96-47 (contd.)

In the audience, B.Gasper, 2471 Clayward; D. Durga, 2435 Clayward; J. Ulanski, 2448 Clayward and D. Ross, 4064 Manner Dr. and J.Liebman, 4147 Leith St. spoke against approval as they feel this is a residential area and should stay that way. J. Liebman presented a petition against approval.

R. Stewart said that both sides of Center Road in this area are zoned C-2 and will probably be commercial in the near future. DPW has no problem with approval of this variance. Mr. Staley has always complied with DPW requirements. He said there are no toxic chemicals on this site.

W. Kalanquin said he has visited this site and finds it is very neat and clean. He must consider the neighbor's concerns also. Board discussion followed. T. Parker asked about updating the Master Plan. C.Cross said the funds are not available. The Board concurred that in the near future this area will be commercial. Discussion on a buffer zone between Staley's property and the residents on Clayward followed, at present there is about a 500' green belt area between this property. C. Cross asked how many trucks Mr. Staley had, he said he has nine (9).

Moved by Layman, supported by Kalanquin to approve ZBA #96-48 as a Yearly Renewal; for nine (9) trucks only, no trucks parked in front; that the green belt buffer zone be maintained at 650' at the rear of the property, (this includes Consumers Power property); and if the property is sold, the variance shall be revoked, it does not stay with the property. Motion carried 7-0.

3. ZBA #96-48

By: Ralph Tucker
5353 E. Bristol
Burton, MI 48519

Re: 59-26-400-007
Sect. 26 SE Zoned

SE

in

For: Yearly Renewal - M-2 Use in an
area. Contractors Storage Yard
a residentially zoned area.
(5 votes required)

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3. ZBA #96-48 (contd.)

Mr. Tucker reviewed the problems he has been having with a neighbor. He said this is the only neighbor he has ever had problems with. He now has his property for sale. He has been at this location for about 26 years, before Burton was a city.

In the audience John DeJohn, Davison Twp. spoke on oil dumping and street sweepings, he said he has the DNR coming out to examine Mr. Tucker's property.

P. Dargel, 6119 Hugh, compared this request with one on Adams Road by Claude

Ash, they both have been there since before Burton became a City.

H. Berry read from a letter from the DNR stating that Mr. Tucker was not in

violation on his property. T. Parker said Mr. Tucker is zoned so that he could

be doing alot more than he is doing. C. Cross asked about his personal property

taxes, Mr. Tucker said he would pay them in the next couple weeks.

Moved by Parker, seconded by Cross to approve ZBA #96-48 for a period of one

year, with the stipulation that the taxes be paid by September 1, 1996.

Motion carried 7-0.

4. ZBA #96-50

By: Future Homes, Inc.
430 S. State
Davison, MI 48423

Re: Unit 122 & 123, Hidden Trails
Phase II Sect. 24 R-1B Zoned

For: (1) Lot 122, Lot Frontage of 70'
required, 67.77' requested.
(2) Lot 123, Lot Frontage of 70'
required; 68.1' requested.
(4 Votes Required)

W. Hohloch represented this case. Due to a storm drain it is necessary to

downsize the frontages a small amount on each one. He presented blue

prints of the proposed lots. They are in compliance on everything but this one

item.

No one in the audience wished to speak.

R. Stewart said the DPW has no problems with approval.

Moved by Kalanquin, supported by B. Weatherford to approve ZBA #96-50, Items #1 & #2 as written. Motion carried 7-0.

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E. TEMPORARY USE:

1. ZBA #96-57	By: Patrick Baird 4134 S. Center Rd. Burton, MI 48529
	Re: Lot 18 Supervisors Plat #41 Sect. 33 R-0 Zoned.
residence	For: (1) To install a secondary
from	while house is being repaired
occupancy	fire damage. Modular unit to be removed immediately after
in a	on house is issued.
requirements.	(2) To rebuild a new structure R-0 area as per zoning (5 Votes required)

Mr. Baird said he no longer needs Item #1 of his request. He would like Item #2 as he wishes to tear down the present damaged home and rebuild.

There was no one in the audience who wished to speak. R. Stewart explained the DPW has no problems with approval of this request. He further explained this is a commercial area and therefore needs a variance. W. Kalanquin asked how extensive was the damage, Mr. Baird said about \$40,000 or one half of the homes value. C. Cross said this was all residential and he could see no problem.

Moved by B. Weatherford, seconded by W. Weatherford to approve ZBA #96-57 Item 2 only as written. Motion carried 7-0.

E. NEW APPLICATIONS:

1. ZBA #96-55	By: Scott Meyers
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2460 N. Genesee Rd.

Re: Lot 182 of Richfield Gardens
Sect. 2 R-1A Zoned.

footage
sq.ft.

For: To exceed the allowable sq.
for accessory structures by 288
with a 24' x 24' addition to the
existing garage.
(4 Votes required).

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1. ZBA #96-55 (contd)

Mr. Meyers said he added on to his garage because he needs the personal storage room. He does not run a business there. He is having problems with the DNR.

In the audience, Mr. Rich, 2501 N. Genesee said he feels Mr. Baird is using the garage for car repair and bumping & painting as he is always selling cars in his yard. W. Nincheski, 2429 N. Genesee said he has the same concerns as Mr. Rich. This is a residential neighborhood and Mr. Baird has a yard full of vehicles for sale. He is also concerned about the garage catching on fire and fire trucks would not be able to reach the garage between the houses. He asked if the Flood Board has met about this garage yet. R. Stewart explained that it will meet after the DNR gives its approval. Mr. Nimcheski said he wouldn't object so much if he did not sell so many cars.

R. Stewart said there is no bumping and painting going on there but he is selling cars. If approved the Board should make stipulations, as he can foresee problems with enforcement of code if there are no restrictions.

C. Cross said he has had many complaints. It is in a flood plain and he often has a yard full of vehicles. S. Layman asked if this is not approved will he have to tear down the addition. R. Stewart said yes.

Moved by Cross, seconded by Kalanquin to deny ZBA #96-55 as written.
Motion
carried 7-0.

2. ZBA #96-56

By: Kenneth Scheid

4048 Montcalm
Burton, MI 48509

Re: Lot 21 Martin Sub.
Sect. 35 R-1B zoned

carport
rear
allowable
ft.
be
sq. ft.

For: (1) To construct a 12' x 27'
on existing garage.
(2) To construct a 24' gazebo in
area. (Carport will exceed
sq. feet 864 sq.ft. by 468 sq.
with gazebo added. Sq. ft. will
exceeded by an additional 452
(4 Votes Required)

Mr. Scheid said he needs the carport to protect his trailers and snowmobile from the weather. He intends to build the gazebo sometime in the future but would like approval now. Discussion followed on a rat wall.

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2. ZBA #96-56 (contd.)

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

R. Stewart said Mr. Schied has a very clean and neat home. The DPW has no problems with this request.

C. Cross said Mr. Scheid has a nice big yard, he has no problems with approval. T. Parker asked if there was any time limit on when construction of the gazebo must begin. R. Stewart said no as long as he stays with the dimensions of 24' x 24'.

Moved by Cross, seconded by Parker to approve Items 1 & 2 of ZBA#96-56. Motion carried 7-0.

3. ZBA #96-58

By: Lon Neuville/Best Car Company
4199 Davison Rd.
Burton, MI 48509

Re: 59-03-300-062
C-2 Zoned

with

For: (1) To fence in car storage area

6' chainlink fence.

barbed

(2) To install 3 strands of

wire on top of 6' fence.

(5 Votes required)

Mr. Neuville explained he has been doing business here for about one and a half years now. He ships most of his cars out of the state. The rear area is not

fenced in and he feels it would cut down on vandalism if he could fence it in.

He has had windows broken and a car was stolen. He presented a quote from

Genesee Fence Company. The fence will be at least 30' from the street.

In the audience P. Dargel, 6119 Hugh asked if his taxes were up to date. He

said they were. L. Stephens, 3049 Vineland said he sympathizes with Mr. Neuville.

R. Stewart said this is not unreasonable, the city has no problems with this

request. He has cleaned up this area nicely. Discussion on granting this

type of variance in the past, followed.

Moved by Parker, seconded by Cross to approve ZBA #96-58 as written.

Motion

carried 7-0.

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4. ZBA #96-59

By: Curtis E. Lilly
4119 E. Maple Ave.
Burton, MI 48519

Re: 59-34-300-040
SE Zoned

For: To create a building lot with
sub standard road. Frontage
150' required, asking for 20

feet.

(4 votes required)

Mr. Lilly explained this is a deep lot and his son is planning on building a home on the north side of the property at the back of the property. He now needs a driveway back to the home site. There are several parcels like this one along Maple Road. In the audience, P. Dargel, 6119 Hugh, questioned the "sub-standard road". R. Stewart explained "sub-standard". This will go to Planning Commission for a lot split.

C. Cross asked if there is a limit on the lot splits they can have. R. Stewart said yes, and he would check on this tomorrow. Discussion followed.

Moved by Cross, seconded by Layman to approve ZBA #96-59 as written. Motion carried 7-0.

5. ZBA #96-60

By: David D. MacDonald
8431 S. Vassar Rd.
Grand Blanc, MI 48439

Re: 5350 Davison Rd.
59-11-200-003

business,
For: To operate a die cutting
M-1 Use inside the building of a
C-2 Area.
(5 Votes Required)

Mr. MacDonald said he operates a die cutting business in a portion of this building.

In the audience L. Stephens, 3047 Vineland said this has been before the Board in January of 1996, and why was it here again? R. Stewart said he would check into it on Friday and possibly refund Mr. MacDonald's fee. Moved by Parker, seconded by Kalanquin to withdraw this from the agenda.

Motion carried 7-0.
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There will be a special meeting of the Zoning Board of Appeals on Thursday, August 22, 1996 at 7:00 P.M.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, September 19, 1996, 7:00 P.M.

Meeting adjourned at 9:40 P.M.

Submitted by:

Jeanette Brown, Clerk's Office

ADDITION TO TOZONING BOARD OF APPEALS AGENDA
AUGUST 15, 1996 7:00 P.M.

F. NEW APPLICATION:

1. ZBA #96-61
Construction

18 &
Eastmoreland

the
front

square
structures by
requested,

By: Gary Fielder/Twining

6150 Eastmoreland
Burton, MI 48519

Re: 6150 Eastmoreland, Part of Lots

19 Supervisor's Plat

Acres. Sect. 12 R-1A Zoned

For: (1) To construct an addition to
attached garage at 12' from the

property line, 30' required.
(2) To exceed the allowable

footage for accessory

10 sq. ft., 874 sq. ft.

864 sq. ft. allowed.

(4 Votes required)