

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
AUGUST 16, 1990
7:00 P.M

This meeting was called to order by Chairman Gooding at 7:00 P.M.

Members Present: W. DePottey, T. Hammon, D. Gooding, H. Berry, H. Debus and
F. Edmonds

Member 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 July 19, 1990, 7:00 P.M.

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

B. YEARLY RENEWALS:

1. ZBA #90-042

By: Betty Laureto
5158 Lippincott Blvd.
Burton, Mi 48519

Re: 5158 Lippincott Blvd.
Q-234
Section 23
R-1A Zoned

For: M-2 permitted use after Special
Approval in an R-1A Zoned area.
To keep contractors equipment
on site.
(5 Votes Required)

B. Laureto explained she wanted a variance for one year in order to give her
time to sell her deceased husband's equipment. She has 5 acres of ground and
the equipment is parked in the back and she feels it is not unsightly. She has
a dump truck, tractor, bull-dozer and a backhoe. If this request is denied she
would have to rent storage space.

In the audience Kathryn Kaad, 1504 Alcona and Zola Speakes, 1492 Alcona spoke
against approval of this variance.

Strasser said this situation came to the attention of the DPW when a neighbor
called to complain. He said it is in violation of the ordinance.

DePottey asked how often this equipment is used, Mrs. Laureto said about once a
month. He asked if it was being moved around late at night, Mrs. Laureto said
no. Berry asked how far back from the road is it parked, Mrs. Laureto
explained. Edmonds said it appears as if no attempt has been made to sell this
equipment, he doesn't feel comfortable approving this request. Hammon
concurred but suggested allowing Mrs. Laureto one year to dispose of the items.

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1. ZBA #90-042 (contd.)

Debus said he has known the Laureto's for many years and they have always been good neighbors, he feels she deserves approval of the variance. Gooding concurred with Edmonds, he is uncomfortable with approval due to the fact that it is difficult to monitor variances such as this. He said he would be voting in the negative.

Moved by DePottey, supported by Debus to approve ZBA #90-042 for a period of one year with the stipulations that the equipment not be used on a regular basis and only between the hours of 8:00 a.m. to 6:00 p.m. for the dump truck, tractor, bull-dozer and backhoe only. Roll call showed motion failed 4 to 2, Gooding and Edmonds voting no.

2. ZBA #90-043

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

Re: 5353 E. Bristol Road
Q-287-C
Section 26
SE Zoned

For: M-2 use in an SE district.
Contractor's storage yard in a
residentially zoned area.
(5 votes required)

Mr. Tucker explained that he has been there more than nineteen years, before Burton became a City. There have been no changes and no complaints from the neighbors. It would be a financial hardship if this is denied.

No one in the audience wished to speak on this case.

Strasser said this business is "Grandfathered in" as he has been there more years than Burton has been a city. Once the business is sold or moved then this clause will be eliminated. He said Mr. Tucker keeps a neat and clear residence. Mr. DePottey said there is never a mess on his property.

Moved by Berry, supported by Edmonds to approve ZBA #90-043 as written for a period of one year. Motion carried 6-0.

3. ZBA #90-045

By: Wyman DePottey
2426 Fairway Court
Burton, MI 48509

Re: 2426 Fairway Court
Q-2 Section 1
R-1A Zoned

For: Storage of Contractors equipment,
M-2 use in an R-1A zoned area.
(5 votes required)

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3. ZBA #90-045 (contd.)

Mr. DePottey was excused from the Board to present his case. He said he also has been there more years than Burton has been a city. He tries to keep the area very clean and neat. He only has one piece of equipment. It would be a financial hardship if this is denied.

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

Strasser said this is the same situation as Mr. Tucker's. There have been no complaints from the neighbors.

Moved by Debus, supported by Edmonds to approve ZBA #90-045 for a period of one year. Motion carried 5-0.

The meeting was adjourned at 8:40.
The meeting re-convened at 8:45.

C. NEW APPLICATIONS:

1. ZBA #90-037

By: Dave Matejcek
4403 Hedgethorn Circle
Burton, MI 48509

Re: 4403 Hedgethorn Circle
Lot 203 Calvert Park #4
Section 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)

Gooding explained this case was approved at the July 19th meeting but due to an oversight in notification of the neighbors, it must come before the board for approval again.

Donna Matejcek explained their plans again. She said a neighbor called and complained because he had not been notified of this construction. Mr. Matejcek circulated a petition in favor of construction and obtained twenty signatures but the Board still had to re-hear this case.

There was no one in the audience who wished to speak. Strasser explained about the improper notification.

Moved by Debus, supported by DePottey to approve ZBA #90-037 as written. Motion carried 6-0.

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2. ZBA #90-044

By: Erlene Grassel
1129 Adams Road
Burton, MI 48509

Re: 1129 Adams Road
Lot 139, 155 Garden Acres
Section 13
R-1B Zoned

For: To exceed the allowable square
footage for accessory structures by
480 sq. ft. Proposed structure is
24' x 28'.
(4 Votes required)

E. Grassel said they need this garage for extra storage space of lawn and garden equipment, also her husband's hobby is woodworking and he needs room for his tools. The small shed in the back yard will be torn down.

In the audience, Richard Gean, 5144 Raymond, said he can understand her request and he supports it.

Strasser said this exceeds the ordinance, without a variance a 12' x 16' garage is allowable.

Berry asked if the wood working was a business or a hobby, Mrs. Grassel said it was a hobby. DePottey said the yard is well kept and well screened. Berry asked about the height and type of construction. Mr. Grassel said it would be a garage type construction to match the house. Gooding said he would be voting in the negative as he feels a 12' x 16' structure would be adequate.

Moved by Debus, supported by Hammon to approve ZBA #90-044 as written. Roll call showed motion carried 5-1, Gooding voting no.

3. ZBA #90-036

By: Richard F. Gean
5144 Raymond Ave.
Burton, MI 48509

Re: 5144 Raymond Ave.
Lot 103 Vodden Little Farm Sub #2
Section 14 R-1B Zoned

For: To exceed the allowable sq. ft. for
accessory structure by 336 sq. ft.
(4 votes required)

R. Gean explained he wishes to build a 24' x 26' garage for storage of his boat and car. The garage will match his home. He plans to retire here and he would like to keep his car and boat at home as he now must rent storage space. He said there have been no complaints from the neighbors.

There was no one in the audience who wished to speak on this variance. Strasser said that a 14' x 10' garage is allowable without a variance. He said there have been no complaints on this request.

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3. ZBA #90-036(cont.)

DePottey spoke on the functions of this Board. He said the ordinances cannot cover everything. He feels this is a reasonable request. Gooding said he feels that a 14' x 20' garage would be large enough. He cannot see the hardship in this case. DePottey again spoke for approval, Hammon concurred with DePottey. He said it is the Board's duty to make a determination on each case presented. Edmonds concurred with DePottey and Hammon, he said there have been no complaints on this case. Board discussion followed on what constitutes a hardship and placing restrictions on variances.

Moved by DePottey, supported by Hammon to approve ZBA #90-036 as written. Roll call showed motion carried 6-0.

D. AUDIENCE PARTICIPATION

There was no one in the audience.

E. BOARD DISCUSSION

The Board decided to ask the City Attorney for a written response to the question, "Is financial a hardship". They also would like applicants to submit drawings of any proposed new construction. They wish to know about the height, exterior finish, etc.

The next regularly scheduled Zoning Board of Appeals meeting will be held on Thursday, September 20, 1990, 7:00 P.M.

Meeting adjourned 8:57 P.M.

Respectfully submitted,

Jeanette Brown
Clerk's Office