

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
AUGUST 17, 1995 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN HOHLOCH.

MEMBERS PRESENT: W. DEPOTTEY, B. WEATHERFORD, T. HAMMON, I. HOHLOCH,
H. BERRY, T. PARKER & F. EDMONDS.

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 27, 1995, at 7:00 P.M.

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

T. Hammon entered at 7:05 p.m.

B. NEW APPLICATIONS:

1. ZBA #95-49

By: Wal-Mart Stores, Inc.
701 South Walton Blvd.
Bentonville, AR 72716

Re: Wal-Mart Store #2273
5323 E. Court Street N.
Burton, MI 48509

For: Request "Special Use" Permit
to allow seasonal outdoor sales
and seasonal sidewalk sales.
C-3 Special Use in a C-2 Zoned
Area.
(5 Votes required)

David Oakes, Engineer for Wal Mart spoke on their behalf. He presented a drawing of Wal-Mart's layout and explained where these sales would be situated. There is a garden area where potting soil, etc. and live plantings will be on sale. There will be an area for play ground equipment and bicycles, etc on sale. If this is denied it will be a hardship as they will not be competitive with other stores in this area.

In the audience, P. Dargel, 6119 Hugh asked if this request had been turned

down by the DPW. Chairman Hohloch explained that variance requests generally are not turned down, only that the zoning is incorrect. It was not a denial.

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A. NEW APPLICATIONS (contd.)

P. Dargel asked if the Wal Mart on the West side of town had these types of sales. D. Oakes said yes.

L. Petrella, 1081 Howe Rd, asked if "seasonal" meant year around. D. Oakes said no, only from approximately April until November, when the season is over for this type of merchandise.

H. Berry asked if they would have outdoor sales such as Wal-Mart in Owosso. D. Oakes introduced Outdoor Sales Manager, Henry Morgan who explained what the sidewalk sales items would consist of. He said it would be special event sales, such as 4th of July items and Labor Day items, etc. L. Petrella asked if this would be a yearly variance, Chairman Hohloch said possibly.

Discussion on week end sales followed. Audience participation was closed.

R. Stewart said the DPW has no problems with this request. He added that the sales area must include a designated fire lane. For a quonset hut they must obtain a building permit the first year only. H. Berry said he would like to see this on a period of one year at first. Discussion on a permanent variance followed. F. Edmonds spoke on the week-end side walk sales. He was not comfortable with this part of the request.

Moved by Edmonds, supported by DePottey to approve for a period of April thru October a "Special Use" permit to allow seasonal outdoor sales only contingent upon meeting all DPW requirements.

Discussion on the motion followed. T. Parker spoke on not living up to what they are asking but allowing their competitors the freedom to conduct such

sales. He felt we should amend the motion to include seasonal sidewalk sales.

T. Hammon concurred.

Moved by T. Parker, supported by Hammon to amend the motion to approve the variance as requested for a period of one year and contingent upon meeting DPW requirements.

Discussion followed. F. Edmonds withdrew his motion, W. DePottey withdrew his support.

Roll call showed Parker's motion carried 6-1, Edmonds casting the no vote.

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2. ZBA #95-50

By: Robert D. Ponsetto
1374 Iva St.
Burton, Mi 48509

Re: 59-11-100-109
Sect. 11 R-1A Zoned

For: To finish constructing a 24'x28' Pole Barn within the minimum setback requirement (18"). Building constructed within 10" of a side property line. See Section 5.15 Item #2 (4 Votes Required)

Mr. Ponsetto explained he misunderstood DPW requirements and began construction within 10" of the property line. He was issued a stop work order and he would like permission from the Board to finish construction. If this is denied, it would be a financial hardship as he would have to move it and that would be expensive. He needs the building for personal storage.

June Doland, 1382 Iva spoke against approval. She said it would be a fire hazard and she thinks it may be built across a county drain. Chris Breece explained that moving the building 6" will not make a difference

with the drain and they will construct a fire wall.

L. Petrella, 1081 Howe Rd., spoke on the requirements for an accessory structure and a main dwelling from the property line. P. Dargel, 6119 Hugh

spoke on whether CHMP was involved with this case. Chairman Hohloch said it was not CHMP, but Delta Engineering. He also explained the drain was 190' away from this structure.

R. Stewart explained this permit was issued by Tom Strasser. He further explained that the building must have a cinder block fire wall, fire proof eave and fire treated shingles.

Discussion followed on the feasibility of moving this building. F. Edmonds

said he visited the site and the structure is at an angle from the property line, it is almost 16' at one end and somewhat less at the other end. He feels it is not unreasonable to grant this request.

T. Hammon was called out of the meeting.

Moved by Edmonds, supported by Weatherford to approve ZBA #95-50 as requested.

Motion carried 5-1, DePottey casting the no vote.

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3. ZBA #95-51

By: Frank DelGreco
371 E. Hemphill
Flint, MI 48507

Re: 6423 E. Bristol
59-25-400-008
Sect. 25 SE Zoned

For: To exceed the allowable
square footage for accessory
structures by 532 sq. ft.
2000 sq. ft. allowed; 2532 sq.
ft. requested.
(4 votes required)

Mr. DelGreco explained he is moving to the Bristol Road address and he needs the garage for personal storage. If this is denied he will have to store the items outside.

R. Stewart said if this is not used commercially the DPW has no problem with this request.

Short discussion followed.

Moved by DePottey, supported by Parker to approve ZBA #95-51 as requested.
Motion carried 6-0.

C. AUDIENCE PARTICIPATION:

P. Dargel, 6119 Hugh said she was not clear on the motion on ZBA #95-50.
I. Hohloch and R. Stewart clarified this for her.

D. BOARD DISCUSSION:

There was none.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, September 21, 1995, 7:00 P.M.

Meeting adjourned 8:13 P.M.

Respectfully submitted by:

Jeanette Brown, Clerk's Office