

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
August 19, 1993 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:05 P.M. BY Vice-Chairman H. Berry.

MEMBERS PRESENT: K. Cox, I. Hohloch, W. DePottey, H. Berry, S. Welliver.

MEMBERS ABSENT: D. Gooding, F. Edmonds.

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 15, 1993, at 7:00 P.M.

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

Carol Livasy, applicant for ZBA #93-48 requested that her variance be moved from the number 3 item on the agenda to item #1 on tonight's agenda. She explained she had an appointment and must leave the meeting soon.

Moved by DePottey, supported by Welliver to move ZBA #93-48 to item #1 on tonight's agenda. Motion carried 5-0.

3. ZBA #93-48

By: Carol Livasy
6295 Lapeer Road
Burton, MI 48509

Re: 6295 Lapeer Road
Q-123-J Section 13
R-1B Zoned

For: To conduct a personal service
establishment "beauty shop"
C-1 use in an R-1B residential
area.
(5 Votes Required)

Chairman Berry explained to the applicants that a full Board was not present tonight and anyone wishing to have their variance heard at the next regular meeting of September 16, 1993 may request that it be postponed.

Livasy requested that her variance be heard at the next regular meeting. Chairman Berry postponed ZBA #93-48 until the next regular meeting of September 16, 1993 with no objections from the Board.

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POSTPONED FROM JULY 15, 1993:

1. ZBA #93-43

By: Wal-Mart Stores, Inc.
Randy Hull - BSW International
P.O. Box 21890
Tulsa, Oklahoma 74121-1890

Re: 4250 E. Court St.
E. Court St. and Howe Rd.
Q-173-1 Section 15

For: Wall Sign Variance to exceed the
allowable square footage of wall
signs allowed by Ordinance:
200 sq. ft. allowed, 432.15 sq. ft.
requested.
(4 Votes Required)

T. Strasser explained Wal-Mart Stores wished to have this post-poned indefinitely. Discussion followed.

Moved by Hohloch to postpone ZBA #93-43 until further notice. There was no support.

Moved by Cox, supported by Welliver to postpone ZBA #93-43 until the next regular meeting of September 16, 1993. Motion carried 4-1, DePottey voting no.

C. NEW APPLICATIONS:

1. ZBA #93-46

By: James A. Sargent Insurance Agency
4503 S. Center Road
Burton, MI 48519

Re: 4503 S. Center
Q-401-P3 Section 34
C-1 Zoned

For: To construct a second free
standing accessory sign on site.
Two separate businesses within
one building.
(4 Votes Required)

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1. ZBA #93-46 (Contd.)

Mr. Sargent explained that he only had one sign advertising his business. He would like to put a sign near the street so that anyone driving by his insurance business would see a sign other than the one on the building and be able to find his office.

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

T. Strasser said that two signs are allowed, this was a reasonable request. He suggested the Board make one stipulation, that the sign be taken down when and if Mr. Sargent moves from this building.

W. DePottey asked if Mr. Sargent would have to follow all requirements of the sign ordinance, T. Strasser said he would.

Moved by Welliver, supported by Hohloch to approve ZBA #93-46 with the stipulation that the sign shall be taken down if Mr. Sargent moves his office out of the building. Motion carried 5-0.

2. ZBA #93-47

By: Burton Motors, Inc.
4510 S. Dort Hwy.
Burton, MI 48529

Re: Q-357, Section 32
C-3 Zoned

For: Permanent variance for a Used Car
Lot not in conjunction with new
car sales.
(5 Votes Required)

Guy J. Burns explained he is the owner of this business. He would like a permanent variance as he has been there three years and he must return every year for a renewal. He said he keeps a clean and neat business.

There was no one in the audience who wished to speak on this case. T. Strasser said that his business has been the most stable of all the businesses that have been in that building. Mr. Burns has improved the site and there have been no problems since he has been there.

Discussion followed.

Moved by DePottey, supported by Hohloch to approve ZBA #93-47 with the stipulation that it is for Burton Motors, Inc. only. Discussion on the motion resulted in the following motion:

Moved by Cox, supported by Welliver to amend the motion to state that ZBA #93-47 is approved with the stipulation that it is for a period of five (5) years or as long as Guy J. Burns is the owner of Burton Motors, Inc. whichever comes first. Motion carried 5-0.

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4. ZBA #93-49

By: Charles G. Burnett
4077 Montcalm
Burton, MI 48519

Re: 4077 Montcalm
Lot 17 Martin Sub.
Section 35
R-1B Zoned

For: To exceed the allowable square
footage for accessory structures
by 436 sq. ft. - 864 sq. ft.
allowed, 1200 sq. ft. requested.
(4 Votes Required)

Mr. Burnett explained he bought the property about one year ago. He has cleaned up the site and he needs a pole barn for storing vehicles. He is storing his parent's car also. He collects cars, he has a 65 Chevrolet truck and a new Corvette. Berry asked if he had any contractor's equipment. Mr. Burnett said definitely no.

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

T. Strasser said the DPW felt Mr. Burnett should comply with the ordinance.

I. Hohloch pointed out an error in the excess footage requested as stated in the agenda. It should be "336 sq. ft. requested".

H. Berry asked what the pole barn would be sided with.

Mr. Burnett said it would be white like his house, with a black shingled roof.

W. DePottey said the lot was quite large, 100' x 200', Welliver asked if this was the last lot on the street. Mr. Burnett said it was, he would put it to the back and next to the ditch on the side. It would not bother his neighbors.

Moved by DePottey, supported by Hohloch to approve ZBA #93-49 as printed.
Motion carried 5-0.

E. AUDIENCE PARTICIPATION:

Caryle Petrella and Larry Petrella, 1081 Howe Rd spoke on notification of residents for variance requests and a second attorney opinion on abstention, respectively.

Pauline Dargel, 6119 Hugh spoke on "conflict of interest and Code of Ethics".

F. BOARD DISCUSSION:

K. Cox asked the Clerk's Office to include in the next agenda a reorganization of the Board.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, September 16, 1993, 7:00 P.M.

Meeting adjourned 7:55 P.M.

Respectfully submitted by Jeanette Brown, Clerk's Office.