

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
AUGUST 20, 1992 7:00 P.M.

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

MEMBERS PRESENT: W. DePottey, K. Cox, I. Hohloch, D. Gooding, H. Berry,
S. Welliver, and 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 16, 1992, at 7:00 P.M.

Moved by Edmonds, supported by Welliver to approve the above minutes as printed.
Motion carried 7-0.

B. CASE TO BE RECONSIDERED

1. ZBA #92-20

By: Gene Lukonen
4445 E. Bristol Rd.
Burton, MI 48519

Re: 4445 E. Bristol Rd.
Q-304-1 Sect. 27
R-1A Zoned.

For: To operate a Tree Service from a
residential property. M-2 Heavy
Industrial use in a R-1A zoned area.
(5 votes required)

Mr. Lukonen explained that all he wanted to do was park his two trucks, chipper and stump machine on this property when it wasn't on the job. He would keep some firewood for his own personal use. This would be financially devastating to his family if it was denied. He also said that he does not have any nearby neighbors who would be bothered by this operation and he does keep his property neat and clean. There was no one in the audience who wished to speak on this request. Strasser said that since this request has been made, Mr. Lukonen's plat has been removed from the Preliminary Plat. He said DPW recommendation still stands, for denial. There have been no calls or complaints from the neighbors on this request. Berry re-iterated that Mr. Lukonen's lot has been removed from the Preliminary Plat and he would vote affirmatively for approval with the stipulations that the variance be granted as a yearly renewal and that no wood chips or debris be piled in the flood plain. Mr. Hohloch asked T. Strasser if this subdivision plat would encircle Mr. Lukonen, Strasser said no, the lots are on both sides and the same depth as Mr. Lukonen. Edmonds questioned Mr. Lukonen about the wood that would be stored on the property and about the piling of debris in the flood plain.

Moved by Edmonds, supported by DePottey to approve ZBA #95-20 for a period of one year, with the stipulations that two trucks, a chipper and a stump machine only be stored there and no wood chips or debris be piled in the flood plain.
Motion carried 7-0.

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C. NEW APPLICATIONS:

1. ZBA #92-54

By: Marvin Chapman
5376 Lippincott
Burton, MI 48519

Re: 5376 Lippincott
Q-230 Sect. 23
R-1A Zoned.

For: To keep livestock in an R-1A area;
(5 pigs, 3 goats). SE special
approved use.
(5 votes required)

Mr. Chapman briefly explained his request. He said he has 44 acres and a barn and a fenced in area. He would like to keep this livestock more like a hobby than to raise them to sell.

In the audience, Al Hindes, 2511 Windywood; Dean Clark, 5384 Lippincott; Helen Kmiecik, 5398 Lippincott; Perry Miller, 5286 Lippincott; all spoke against approval of this request. Terry Davidson, 5354 Lippincott, spoke for approval.

Mr. Chapman explained that the water lying at the back of his property is not his fault, due to the excessive rains and other problems, water is standing at the back.

Strasser said his department has had some calls objecting to this request, he feels that they must recommend denial. Discussion followed about property boundaries. Berry recalled a pig farm on Bristol Road which became a real mess, he therefore will be voting negatively on this case. DePottey spoke on the animals getting out of their pens and bothering the neighbors. Cox spoke on the City ordinance which prohibits a "piggery" from operating in the City. Hohloch asked if all 44 acres were fenced. Mr. Chapman said it would be when it was completed. Discussion on raising livestock in the City followed. Gooding was concerned with the animals getting out of the fences.

Moved by Berry, supported by Welliver to deny ZBA #92-54 as printed. Roll call showed motion carried unanimously, 7-0, to deny request.

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2. ZBA #92-55

By: Tom Cooney
3321 E. Hemphill Rd.
Burton, MI 48529

Re: 3321 E. Hemphill Rd.
Lots 2,3,4,19 & 20; Block Q,
Southgate Sub. Sect. 28
R-1C Zoned.

For: To exceed the allowable square footage
for accessory structures by 20 sq. ft.
26' x 34' garage proposed.
(4 votes required)

Mr. Cooney explained he needs the garage for storage space for his three vehicles. If this is denied he will not have anyplace to store his personal cars.

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

Strasser asked if a smaller garage would work, Mr. Cooney said he really needed the size he requested. Strasser said that this would be over what ordinance allows. DePottey said Mr. Cooney keeps a very nice and neat home, he would be voting in the affirmative. Cox and Welliver concurred.

Moved by DePottey, supported by Cox to approve ZBA #92-55 as written. Motion carried 7-0.

3. ZBA #92-56

By: Janice Rodammer
4166 Vassar Rd.
Burton, MI 48509

Re: 6433 Wagner
part of lot 15 of Wagner Acres,
Sect. 36 SE Zoned.

For: To allow a substandard lot width of
100'. Ordinance requires 150', and
1 acre. 28,000 sq. ft. proposed,
43,560 sq. ft. required.
(4 votes required)

Janice Rodammer said she was only a representative of Mr. Tom Sturgess who is the owner of this property. Mr. Tom Sturgess was assisted by an interpreter for the hearing impaired. He explained that due to health problems he is asking to be able to sell these lots with a substandard width. If this is denied, it will be a financial hardship, as Mr. Sturgess is unable to work.

There was no one in the audience who wished to speak on this case. Berry said the Planning Commission approved this lot split.

Moved by DePottey, supported by Berry to approve ZBA #92-56 as written. Motion carried 7-0.

NEW APPLICATIONS: (contd)

4. ZBA #92-57

By: Robert Rackel
1323 Alberta St.
Burton, MI 48509

Re: 5434 Lapeer Road
Lots 43 & 331 of Lapeer
Heights. Sect. 14
C-1 Zoned.

For: To allow parking spaces within the
front setback area of Cutler St.
(4 votes required).

Mr. Rackel explained the parking situation. He said if this request is denied he would have to build the office building at another location.

There was no one in the audience who wished to speak on this request. Strasser said the request seems reasonable. Mr. Rackel is not asking to park in the Lapeer road setback, only in the Cutler setback. Due to this being a corner lot there are two setbacks. Hohlock asked where the dumpster would be situated. Mr. Rackel explained where it would be and also that the hours for pick-up of the trash would be either before or after working hours.

Moved by Edmonds, supported by Welliver to approve ZBA #92-57 as written.
Motion carried 7-0.

5. ZBA #92-58

By: Harry Dziczek
3066 Coin Street
Burton, MI 48519

Re: 3066 Coin Street
Lot 39 of City Gardens
R-1B Zoned Sect. 26

For: To exceed the allowable square footage
for accessory structures by 460 sq. ft.
with the addition of a 24' x 24' garage.
(4 votes required)

Mr. Dziczek explained he needs the extra storage space for his personal items. He will move a garage he has purchased and attach it to another one already there. If this is denied, it will be a financial hardship as he has already purchased the garage he wishes to move.

In the audience, Al Hatch, 3090 Coin, and Donald Bair, 3038 Coin both spoke for approval of this variance. They said Mr. Dziczek keeps such a nice homesite that it is an asset to the neighborhood.

Strasser said there have been no calls on this case, but the DPW must recommend denial as it would be over ordinance requirements.

5. ZBA #92-58 (contd.)

K. Cox said Mr. Dziczek's property is an asset to the community and he feels it enhances the neighborhood.

Moved by Cox, supported by DePottey to approve ZBA #92-58 as written. Motion carried 7-0.

Chairman Gooding called a ten minute recess at 8:25 P.M.
The meeting reconvened at 8:35 P.M.

6. ZBA #92-59

By: Rev. Jerome Austin
5049 Greenway

Re: 1330 Hemphill
Lots 90-93 Baker Park
Sect. 30 C-2 Zoned

For: To start a church. Waive Sect. 9.03
item 2A for a church, site does not
have 2 acres of land.
(4 votes required)

Reverend Austin explained that he and his group wish to hold church services in this building. It is not a large group and he feels the building and parking is adequate for their needs.

In the audience, Steve Richvalsky, 1146 Schram, Gr. Blanc spoke on his problem with the other tenants using his driveway. He did not object to the church.

Strasser said this building had been used as a church previously and there were no problems with parking, there have been no complaints from the neighbors about this request. Hohlock asked Strasser if there had been any problems with the previous church, Strasser said "no, there were none" Berry said the Planning Commission had approved this as a church. Discussion followed on blocking off Mr. Richvalsky's driveway.

Moved by DePottey, supported by Cox to approve ZBA #92-59 for a period of one year and with the stipulation that Rev. Austin speak with the landlord about the driveway problem. Roll call showed motion carried 6-1, Edmonds voting no.

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C. NEW APPLICATIONS (contd.)

7. ZBA #92-60

By: Ron Given
1044 Adams Rd.
Burton, MI 48509

Re: 1044 Adams
Lot 26 except E 200 ft of Lot 27,
Dumler Acres Sect. 13 R1B Zoned.

For: (1) To allow one horse on site in
an R-1B Zoned area, "SE Special Use".
(2) Total property is 1.5 acres,
5 acres required.
(5 votes required)

Alice Given spoke on behalf of her husband. She explained that her husband wanted to keep a horse so that he could become a member of the Genesee County Sheriffs Posse. She thought they had more than 1.5 acres. She said several neighbors said they did not object to the horse. Her husband would keep the area clean so that there would be no odor.

In the audience, Alfred Pascal, 1026 Adams Rd; Edward Alward, 1032 Adams; Robert Jerisk, 1020 Adams spoke against approval.

Strasser said this was a residential area, the DPW recommends denial. Hohloch felt due to there being no structure to house the horse and such limited space he would be voting in the negative. Welliver concurred.

Moved by Welliver, supported by Cox to deny ZBA #92-60. Roll call showed the motion to deny carried unanimously, 7-0.

8. ZBA #92-61

By: Dean Doucette
PO Box 190051
Burton, MI 48519

Re: 2228 Stonehedge Ct.
Lot 9 of Stonehedge Sect. 24
R-1A Zoned.

For: To construct an attached garage at 8 ft.
from the side lot line, "East side".
10' required by ordinance.
(4 votes required).

Mr. Doucette explained that he wished to enlarge the size of his home and therefore that would put garage closer to the property line than allowed. If this is denied, it would cut down on the amount of storage he would have.

No one in the audience wished to speak.

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8. ZBA #92-61 (contd)

Strasser said the DPW felt the home should be built within Ordinance requirements.

Hohloch asked if the basement was in already. Mr. Doucette said it was. DePottey spoke in favor of approval. Edmonds asked if he would put an access door in the back of his garage, Mr. Doucette said he had not decided yet.

Moved by DePottey, supported by Cox to approve ZBA #92-61 as written. Motion carried 7-0.

D. AUDIENCE PARTICIPATION:

There was no one in the audience at this time.

E. BOARD DISCUSSION:

Discussion on what animals are considered livestock was held.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, September 17, 1992, at 7:00 P.M.

Meeting adjourned 9:13 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office