

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
September 16, 1993 AT 7:00 P.M.

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

MEMBERS PRESENT: I. Hohloch, K. Cox, D. Gooding, H. Berry, S. Welliver,
F. Edmonds.

MEMBER ABSENT: W. DePottey.

OTHERS PRESENT: T. Strasser, Dep. Planning Official, J. Brown, Clerk's
Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of August 19, 1993, at 7:00 P.M.

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

B. POSTPONED FROM AUGUST 19, 1993.

1. ZBA #93-43

By: Wal-Mart Stores, Inc.
Randy Hull - BSW International
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)

Mr. D. Oakes, engineer for Wal Mart represented this case. He presented drawings of the proposed signs. He explained that there would be signs on the front of the building only. Two "SAM" signs, an exit and an entrance sign and a tire area sign. These will all be facing Court Street. The store will be build about 700 feet from the street. The signs will not appear large. The hardship is, the size of the building is not considered, if this was a mall type building with many businesses there would be more, large signs than they are requesting.

In the audience, L. Petrella and C. Petrella of 1081 Howe Road spoke against approval.

T. Strasser stated that this situation is similar to another building in Burton. He said there is no problem with this request for the size of the building.

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ZBA #93-43 (contd.)

Board discussion followed. D. Gooding asked about the guidelines on lighting. T. Strasser explained that commercial lighting cannot be directed at a residential area. F. Edmonds asked about the sizes of the signs. He said he had no problem with this request. Mr. Oakes explained the sizes of the signs. S. Welliver asked how far from the street the building would be. Mr. Oakes said in excess of 700 feet. I. Hohloch asked if it would be identical to Corunna Road, Mr. Oakes said yes, Mr. Hohloch said this would be an unobtrusive sign for a building in excess of 400 feet. K. Cox said the Board has always taken a hard look at signage requests.

Moved by Welliver, supported by Hohloch to approve ZBA #93-43 as requested.
Motion carried 6-0.

2. 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)

C. Livasy explained she wished to tear down the garage she now has and build a larger 24' x 28' garage. She wishes to use part of the garage for a small hair salon. She feels it will greatly improve the property. She said there are other businesses within 2 tenths of a mile from her home. She presented a sketch of the proposed garage.

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

T. Strasser said the other businesses in the area are zoned Commercial. He said this area is solid residential. The DPW recommends denial. D. Gooding asked if she would have to go before Planning Commission. T. Strasser said she would and the building would have to be constructed as a commercial building. H. Berry noted that a neighbor came to the ZBA meeting in August and spoke against approval of this request. He also spoke about a similar request that came to the ZBA on Davison Road and after being post-poned several times the Board finally denied the request. I. Hohloch questioned how many chairs she would have and would she be adding to the business later. He said he was inclined to vote against this request. Mrs. Livasy said there would be only one chair and she would expand her business in the future. K. Cox asked if she was currently in operation. She said no. S. Welliver asked how large her clientel was. She said about 65 people on a rotation basis.

Moved by Edmonds, supported by Hohloch to deny ZBA #93-48. Motion carried 6-0.

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C. NEW APPLICATIONS:

1. ZBA #93-50

By: Richard Dewey
5489 Raymond
Burton, MI 48509

Re: Lot 39 - Raymond Sub.,
Sect. 14 C-2 Zoned.

For (1) To construct an addition to
the house at 6' from the detached
garage. 10' required.
(2) To expand the non-conforming
Residential Rights.
(4 Votes Required)

Mr. Dewey explained that his family needs more room and he would like to build
an 28' x 24' addition on his home.

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

T. Strasser said what he is asking for is reasonable. There have been on calls
from his neighbors. A brief discussion by the Board followed.

Moved by Edmonds, supported by Welliver to approve ZBA #93-50, items 1 and 2.
Motion carried 6-0.

2. ZBA #93-51

By: Darwin Lawrence
6219 Atherton Rd.
Burton, MI 48519

Re: Lot 9 Maplelawn Sub.
Sect. 24 R-1A Zoned

For: To exceed the allowable square
footage for Accessory structures
by 196 sq. ft. with a 24' x 24'
garage.
(4 Votes Required)

Mr. Lawrence explained he needed a 24 x 24 garage for storage of some RV
equipment and lawnmowers, etc. It will be vinyl sided with a shingle roof.
It will definitely be for personal storage only.

There was no one in the audience who wished to speak on this variance.
T. Strasser said this request does exceed the ordinance. D. Gooding read
into the record a letter from Jim Begley, a neighbor who opposes this
request. H. Berry asked about the height. S. Welliver asked if Mr. Lawrence
was a contractor. He said he was not. Mr. Edmonds questioned if there
was room enough for the driveway. Mr. Lawrence said yes there was.

Moved by Welliver, supported by Hohloch to approve ZBA #93-51 as written.
Motion carried 6-0.

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C. NEW APPLICATIONS (contd.)

3. ZBA #93-52

By: William Malinich
4059 E. Bristol Rd.
Burton, MI 48519

Re: Sect. 27: East 372' of
Lot #1 Schram Acres.

For: To construct a pole barn,
32' x 50' which will exceed
the allowable square footage
of 2,000 sq. ft by 486 sq. ft.
Total of all accessory structures
is 2,486 sq. ft.
(4 Votes Required)

Mr. Malinich stated that he needed this extra space to store his collection of antique tractors. He has approximately an acre and a half. It will have 10' side walls and be for personal storage only. It will be a hardship if this is denied as he will not be able to keep his collection out of the weather. There was no one in the audience who wished to speak on this case.

T. Strasser said this does exceed what the ordinance allows. He asked what the two small buildings in the back were used for. Mr. Malinich said he keeps pheasants, peacocks and chickens. F. Edmonds said it appears as the total sq. ft by which Mr. Malinich will be exceeding the ordinance is incorrect, T. Strasser concurred, he will not be exceeding by as much as first thought. Discussion followed. It was also determined that Mr. Malinich is not in a flood plain.

Moved by Cox, supported by Welliver to approve ZBA #93-52 as requested.
Motion carried 6-0.

4. ZBA #93-53

By: Kenneth Scheid
4048 Montcalm
Burton, MI 48519

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

For: To exceed the allowable square
footage for accessory structures
by 256 sq. ft. with a 16' x 28'
storage bldg.
(4 Votes required)

Mr. Scheid said he needs storage space for his motorcycles and snow-mobiles. He is not putting electricity to it and it will be at the back of his property. He explained the construction type. It will be a hardship if this denied as he will not have any storage space.

In the audience, Riva Swisher, 4038 Montcalm said she does not object, but she would like to know what will become of the two small sheds he now has.

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She also asked where he would be placing this new garage. Mr. Schied explained where it would be built. Mrs. Swisher again stated she has no objections.

T. Strasser said this does exceed the ordinance.

Board discussion followed.

Moved by Welliver, supported by Cox to approve ZBA #93-53.
Motion carried 6-0.

5. ZBA #93-54

By: Brian & Lorre Burkley
5329 Mill Wheel Dr.
Grand Blanc, MI 48439

Re: 2267 Howe Road, Lot 32
Supervisor's Plat: Harvest
Acres. Sect. 22 R-1A Zoned.

For: To allow an 8' side setback on
the South property line.
10' required by Ordinance.
(4 Votes Required)

Mr. W. McKenna, attorney, represented the applicants.
He said he has been negotiating with the neighbors of this property to purchase a two foot strip of their property and therefore he is requesting a postponement. Perhaps he may be able to withdraw application if negotiations are successful.

Russ Kinney, 2275 Howe Road, was in the audience, he concurred that he may sell 2 feet to Mr. Burkley.

Moved by Cox, supported by Hohloch to postpone ZBA #93-54 until the next regular meeting. Motion carried 6-0.

6. ZBA #93-55

By: American Wood Interiors
3420 S. Dort Hwy.
Burton, MI 48529

Re: Q-319H Sect. 29 C-2 Zoned.

For: To conduct an M-1 "light industrial"
use in a C-2 Zoned area: For a Wood
working shop.
(5 Votes Required)

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6. ZBA #93-55 (cont)

Linda LaGest explained she and five employees produce commercial wood work. She has a four year lease on this building and she would like to use the building to produce wood work. There would be no customers coming to the shop and she delivers the product to the customers. It would be a hardship if this is denied as she would have to relocate and then would be unable to fulfill her current contracts.

There was no one in the audience who wished to speak. T. Strasser said the building is built to industrial standards, prior uses have been much heavier. Her business would be no detriment to the area. The DPW recommends approval.

H. Berry said this was before Planning Commission and was approved unanimously. K. Cox asked how long she has been at this location, and stated that he would be more comfortable if the variance was granted for a period of 3 to 4 years. Ms. LaGest said she has been there three weeks.

Moved by Cox, supported by Welliver to approve ZBA #93-55 for a period of four (4) years for American Wood Interiors. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

No one wished to speak.

E. BOARD DISCUSSION:

Chairman Gooding complemented the Board on the meeting tonight. He felt the questions and discussion were very good. He also thanked T. Strasser for the sketches he provided on each variance application.

K. Cox asked about the trucking firm on Davison Road and how long they had to pave their parking lot. T. Strasser said they had one year. K. Cox said the residents are complaining about Davison Road becoming slick after a rain when the trucks track mud out on the road.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, October 21, 1993, 7:00 P.M.

Meeting adjourned 8:40 P.M.

Respectfully submitted by:

Jeanette Brown, Clerk's Office