

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 17, 1992 AT 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.

MEMBERS ABSENT: 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 August 20, 1992, at 7:00 P.M.

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

2. Special ZBA Meeting of September 3, 1992, at 6:00 P.M.

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

TEMPORARY USE:

1. ZBA #92-65

By: AC Rochester Warehouse
1216 N. Center
Burton, MI 48509

Re: Q-80, Sect. 10
M-1 Zoned

For: To conduct a temporary indoor
new car sales room for the
following dates: Oct. 14 thru
Oct. 20, 1992. C-3 Principal
permitted use in an M-1 Zoned area.
(5 votes required)

Gordon Taylor, Grand Blanc, represented AC Rochester. He explained that they wished to have another sale like the one last April. It was very successful. The only sign they will have will be on the Flint side of the street. If this is denied it will be a hardship for the dealerships.

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

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ZBA #92-65 (contd.)

Strasser said there were no complaints on this request and there were no problems, traffic or otherwise. He added that the Fire Chief must inspect the showroom before the sale begins.

Welliver said he had attended the last sale, it was good and successful. He felt it was good for the community.

Moved by Berry, supported by Welliver to approve ZBA #92-65 as printed.
Motion carried 6-0

C. YEARLY RENEWALS:

W. DePottey asked to be excused from the Board.

1. ZBA #92-67

By: Wyman DePottey
2426 Fairway Court
Burton, MI 48509

Re: Q-2 Sect. 1
R-1A Zoned

For: Storage of contractors equipment
M-2 Use in an R-1A Zoned area.
Truck, Trailer and Backhoe.
Yearly Renewal.
(5 Votes required)

W. DePottey explained that he has parked his equipment on the property behind his for the past 23 years. There have been no problems or complaints. If this were denied, he would have to sell and move someplace where he could park his equipment on his property. He has lived there since before we became a city.

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

Strasser said there have been no complaints or problems. It is an acceptable request. Hohloch asked if Mr. DePottey still has permission from the neighbor's. He said he did.

Moved by Welliver, supported by Hohloch to approve ZBA #92-67 for one year.
Motion carried 5-0.

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NEW APPLICATIONS:

1. ZBA #92-64

By: Marvin Chapman
5376 Lippincott Blvd.
Burton, Mi 48519

RE: Q-230 Sect. 23
R-1A Zoned

For: To keep livestock in an R-1A Zoned
area. SE Special Approved Use.
15 pigs, 4 cows.
(5 Votes Required)

M. Chapman requested that this case be postponed until the next regular meeting of October 15, 1992., since a full board was not present tonight.

Moved by DePottey, supported by Cos to postpone ZBA #92-64 until the next regular meeting. Motion carried 6-0.

2. ZBA #92-62

By: Daniel E. & Delores M. McAvoy
3338 S. Grand Traverse
Burton, MI 48529

Re: Lots 554 & 555 of Baker Park
3338 S. Grand Traverse
Sect. 30 C-2 Zoned

For: (1) To exceed 864 sq. ft. of
accessory structure to a total
of 912 sq. ft. for additional
garage space. (2) To allow
expansion of residential non-
conforming rights in a C-2 district.
(1) (4 Votes required)
(2) (5 Votes required)

Daniel McAvoy explained that his brother wished to add more garage space so that he would have more room to work on a automobile he is restoring. He said the neighbors do not object to this request. If this is denied, it will be a hardship as there will not be the extra garage space that is needed.

There was no one in the audience who wished to speak on this case. Strasser said there have been no complaints, it does exceed ordinance requirements but it is still a reasonable request. Item #2 is necessary because this is a residence in a commercially zoned area.

Berry asked about the firewood. D. McAvoy said it is for their own personal use to heat with, they do not sell firewood. Hohloch said it seems excessive in size. Berry asked about the size of their property. D. McAvoy said he sn't sure but they have 3 lots. Welliver felt this was a reasonable request.

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2. ZBA #92-62 (contd.)

Moved by Welliver, supported by Cox to approve ZBA #92-62, Part 1. Motion carried 6-0.

Moved by Berry, supported by Welliver to approve ZBA #92-62, Part 2. Motion carried 6-0.

3. ZBA #92-66

By: Ron Sweers
6165 E. Atherton
Burton, MI 48519

Re: Q-258 Sect. 24
R-1A Zoned

For: To increase the square footage for
accessory structures by 1,162 sq. ft.
2,780 sq. ft. existing, 3,942 sq. ft.
requested.
(4 Votes required)

Ron Sweers said that his attorney Hiram Grossman, Flint, would speak in his behalf. Mr. Grossman explained that Mr. Sweers wished to expand his storage space to make room for his materials and tools of his business. He said he keeps a neat and clean area and does not bother his neighbors. If this is denied it will be a financial hardship.

In the audience, Pauline Dargel, 6119 Hugh St., asked if this was a business. Strasser said he had just understood the same thing. At this time Strasser requested a five minute recess.

Moved by Hohloch, supported by Welliver to recess for five minutes. Motion carried 6-0.

This meeting was reconvened at 7:43 P.M.

Strasser explained that the application is incorrect. There has been a misunderstanding and if this is for Mr. Sweers business storage, the application must be corrected and there must be re-notification of neighbors.

Mr. Grossman explained that they did not change the use of the storage facility, it was used for storage and it still is. If this is postponed, it will be a hardship as the construction season will be ending soon.

Gooding explained that the Board had no choice but to wait until the application was corrected before hearing this case.

Strasser said that Mr. Sweers would have make a new application on this request.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh; asked if there is a set policy on how many times a postponement can be requested. Strasser said no, we have never had to have such a policy.

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Helen & Alexander Kmiecik spoke on the problems they are having with the animals getting loose and coming on to their property. They also spoke on the flooding problems they are having. Chairman Gooding suggested they attend a Council meeting and speak on these problems during Audience participation.

Dean Clark, 5384 Lippincott; spoke on the problems he is having with his neighbor. He is dumping debris at the back of his property and has knocked down some trees on Mr. Clark's property.

F. BOARD DISCUSSION:

Strasser said he had spoken with the City Attorney and has some answers for the Board to questions they had.

1. Can anyone apply for a variance?

Yes, if they have an interest in the property.

2. How many times can a person bring a case before the Board?

If the application does not change, you must wait 1 year.

If the application is different, it is considered a new request and therefore a person can come as often as he wishes.

erry spoke on a sign problem. Cox asked what the procedure was when a variance was denied. Strasser explained. Discussion followed on enforcement procedures.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, October 15, 1992, 7:00 P.M.

Meeting adjourned 8:10 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office