

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 19, 1991
7:00 P.M.

This meeting was called to order at 7:00 P.M. by Chairman Gooding.

Members Present: W. DePottey, T. Hammon, D. Priest, D. Gooding, H. Berry,
S. Welliver, F. Edmonds.

Others Present: T. Strasser, Deputy Planning Official, J. Brown, Clerk's
Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

1. Regular ZBA meeting of August 15, 1991, at 7:00 P.M.

Moved by Priest, supported by Berry to approve the above minutes as written.
Motion carried 7-0.

B. NEW APPLICATION TABLED FROM AUGUST 15, 1991

1. ZBA #91-49

By: David McLaren
1381 Gram St.
Burton, MI 48529

Re: Part of Lot 176 & 177 of
Greater Flint Sub, Sect. 31.
R-1C Zoned.

For: (1) To allow an 18'x 33' Oval Pool
at 3'6" from side property line and
4'7" from house. 5' & 10' required
respectively. (2) To build a detached
garage 4'6" from pool, 10' required. (3)
To construct a carport 0' from the side
property line, 8' required.
(4 votes required)

Mr. McLaren explained that he originally came before the Board for a variance to build a car port which was already under construction. The Board tabled this case until a Building Inspector could make an inspection. At this time the Building Inspector noticed the pool and said he needed a variance for that also. Mr. McLaren said he wishes to sometime in the near future build a detached garage and will need a variance to do this therefore he wishes for permission to do all three things with this variance. He further explained that he has torn down the carport as it wasn't build to code. He will rebuild this time adhering to DPW requirements. If this is denied it will be a financial hardship.

There was no one in the audience who wished to speak on this case. Strasser said the DPW has had no calls or objections from the nearby residents regarding his variance request.

Board discussion followed. Berry asked if three sides would be open and where the water would run-off to. Mr. McLaren said yes it would be open on three sides and the water would run off into his own yard. DePottey asked about

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ZBA #91-49 (contd.)

clearance for emergency vehicles. Strasser explained that all accessory structures require the same clearance whether it is a pool or storage facility. Priest felt these items should be voted on seperately.

Moved by Edmonds, supported by Berry to approve Item #1 as written. Roll call vote showed motion carried 7-0.

Moved by Berry, supported by DePottey to approve Item #2 as written. Roll Call vote showed motion carried 7-0.

Moved by DePottey, supported by Edmonds to approve Item #3 as written. Roll call vote showed motion carried 7-0.

B. NEW APPLICATIONS:

1. ZBA #91-54

By: Douglas Roberts
6205 Maple Road
Burton, MI 48519

Re: 6205 Maple Road
Q-463-C Section 36
SE Zoned.

For: (1) To exceed the height limits for a chain link fence by 5', 5' allowed by ordinance, 10' high chain link fence requested. (4 votes required)
(2) To allow the keeping of whitetail Deer in an SE zoned area. (5 votes required)

Mr. Roberts explained that he wished to keep the deer for the purpose of breeding and selling some occasionally. He showed a diagram of his property and where he proposes to build a fence and keep the deer. He said the area will not be visible from the road. The fencing that he is using is not highly visible such as chain link would be. His neighbors do not object to this variance.

In the audience, Ron Rowell, 6181 E. Maple; Steven W. Kellar, 6219 Maple; Judy Gleason, 6187 E. Maple all spoke in favor of this request.

Strasser spoke on some of the problems involved in keeping "exotic" animals. He spoke on lowering property values, the number of deer that could actually be kept according to DNR requirements, the height of the fencing and various other topics that might arise in keeping these deer. He said the DPW does not feel it is wise to approve this variance. Gooding asked if this would be a permanent or yearly renewal variance. Strasser said that is up to the Board to make a determination.

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1. ZBA #91-54 (contd.)

Mr. Roberts said the DNR limits the number of deer he would be able to keep, they check the feeders and require a shelter be constructed. He said that deer do not have an odor and make no noise. He is not requesting any yard signs to advertise his deer.

DePottey explained about property taxes not going up, but taxes being paid as Personal Property tax. Edmonds asked if this should go before the Planning Commission instead of the ZBA. Strasser said he spoke with City Attorney Hamilton at length and this is the proper course of action. DePottey also said he has seen the deer enclosure in Davison and he didn't even know it was there. Edmonds asked if this type of fencing sags, DePottey said he doesn't think it would sag if it is maintained. Gooding passed the gavel and spoke, he said he has some concerns about approval of this variance, one of which was the traffic in this area. He feels a little more comfortable with a three year variance rather than a permanent variance.

Moved by Priest, supported by DePottey to approve ZBA #91-54 as written for a period of three (3) years. A roll call vote showed motion carried 7-0.

2. ZBA #91-55

By: JoAnn Humphries
2305 Judd Rd.
Burton, MI 48529

Re: Q-343-H1 Sect. 32
M-2 Zoned.

For: To keep livestock and other animals in an M-2 zoned area. Two (2) Peacocks, three (3) Goats, three (3) turkey's, four (4) ducks, four (4) chickens in possession now. Also asking for one(1), horse and one (1) Fallow Deer.
(5 votes required)

J. Humphries explained that they have ten acres which has a couple of different zonings, the back of the property is zoned industrial and the front is zoned residential. Therefore she needs a variance to keep the animals she has. She would like to add one horse and a deer. She will be fencing in approximately two (2) acres to keep them in.

There was no one in the audience who wished to speak on this variance. Strasser said he has had one complaint about the peacocks screaming at night. Mrs. Humphries said she would be willing to give up the peacocks. Berry said his concern was that the property does not become overrun with animals. Priest said he was concerned about the horse, there can be a bad odor from horses.

Moved by Edmonds, supported by Hammon to approve ZBA #91-55 as written except for deleting the two (2) peacocks forever.

Discussion followed: Gooding passed and gavel, he said he was uncomfortable with this variance if it was made permanent, he would like to see a yearly renewal. Edmonds withdrew his motion, Hammon withdrew his support.

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ZBA #91-55 (contd.)

Moved by Edmonds, supported by DePottey to approve ZBA #91-55 as written except deleting the two (2) peacocks permanently and restricting the variance to a period of three years.

A roll call vote showed motion carried 5-2. Priest and Berry casting the two no votes.

3. ZBA #91-56

By: Sally Bergstrom
4311 Fenton Rd.
Burton, MI 48529

Re: Lot 6, Burton Woods, Sect. 31.
R-1B Zoned

For: To exceed the allowable square footage
for accessory structures by 496 sq. ft.
Proposed Pole Barn is 24' x 40'.
(4 Votes Required)

Mrs. Bergstrom explained that they needed the pole barn for the extra storage. They have an antique boat and they have a truck to pull it with that needs protection from the weather.

There was no one in the audience who wished to speak on this variance. Strasser said the only comment he had was this did exceed what the ordinance allows.

DePottey said from the pictures that it looked like they had a large lot. He said he would have no objections to this pole barn.

Moved by DePottey, supported by Edmonds to approve ZBA #91-56 adding "for personal storage only". Roll call vote showed motion carried 7-0.

4. ZBA #91-57

By: Patricia Baumbach Aitken
4222 Springfield
Burton, MI 48519

Re: Lot 97 Suburban Homesites,
Sect. 15 R-1A Zoned

For: To exceed the allowable square footage
for accessory structures by 242 sq. ft.
Total square footage equals 1106 sq. ft.
(4 votes required)

Mrs. Aitken explained that originally they did not know they could get a variance and keep the garage after the new garage was built. They now are asking to keep the original garage as they can use the extra storage space. It will be for personal items only.

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ZBA #91-57 (contd.)

If this is denied it will be a financial hardship.

Strasser explained that when Mrs. Aitken signed for a building permit she knew she had to remove the original garage. The DPW feels the permit should be enforced 100%.

Berry asked where the access to this barn was, Mrs. Aitken explained. Hammon said he had no problem with this request, he felt it was just a matter of schematic's.

Moved by Hammon, supported by Welliver to approve ZBA #91-57 as written. Roll call vote showed motion carried 6-1. Berry casting the one no vote.

Chairman Gooding recessed the meeting at 8:40 P.M. for ten minutes.
Meeting was re-convened at 8:50 P.M.

5. ZBA #91-58

By: Harold Adams
4354 Howe Rd.
Burton, MI 48519

Re: Q-398-G Sect. 34
SE Zoned

For: To construct an attached garage 13' from
the south property line. 20' required.
(4 Votes required).

Mr. Adams explained he wished to construct a 24' x 26 attached garage.
He feels his house will look better if it is attached.

In the audience Richard Cunningham, 4364 Howe Road spoke for the variance. He feels the addition will definitely update and modernize the house.

Strasser said there were no problems with this request.

Moved by Priest, supported by Hammon to approve ZBA #91-58 as written. Roll call showed motion carried 7-0.

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ZBA #91-59

By: Dr. Charles High, Ph.D.
Life Design Center
Box 443,
Davison, MI 48423

Re: 1350 Belsay Road, Lot 47 of
Supervisor's plat of Eastmorland Acres.

For: (1) To convert a single family home
into a counselor's office. RO,
"Restricted office" use in an R-1A
"Single Family Residential" zoned area.
(2) To construct a sign in the front
yard, size to be determined.
(5 votes required)

Dr. High explained that he wished to establish an office at this site for counseling. He said they soon hope to have four such offices established. He said this would be a "quiet" business, he wished to be a good neighbor. At present they are located in Davison. If this is not approved it will be a financial hardship and they would have to re-locate, possibly in Grand Blanc.

Pauline Dargel, 6119 Hugh spoke against approval of this variance and presented petitions against this variance to Chairman Gooding.

y Curtin, 1371 N. Belsay and Charles Brannam, 1360 N. Belsay spoke for approval of this request. Mark Geraghty, current owner also spoke for approval.

Dr. High said he does want to be a good neighbor and doesn't want to get into a fight over this request.

Strasser felt this case should go through the proper channels, Planning Commission and then City Council.

Board discussion followed on the correct procedure in handling this request. All rezoning must appear before the Planning Commission and then go before City Council. Strasser estimated that it would be the middle of December before this would be approved if it went the proper route.

Moved by Hammon, supported by DePottey to deny ZBA #91-59. Roll call showed motion to deny carried, 7-0.

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7. ZBA #91-60

By: Harold Foley
3275 E. Maple Rd.
Burton, MI 48529

RE: Lot 129 Killarney Park #3
Sect. 33 R-1B Zoned.

For: To exceed the allowable square footage
for accessory structures by 556 sq. ft.
proposed structure is 12' x 30'.
(4 votes required)

Mr. Foley explained he needed additional storage space. He is planning to add on his present garage. He needs the storage space for his boat and truck. If this is denied he will have to park them outside.

There was no one in the audience who wished to speak on this case.
Strasser said this also exceeds the ordinance.

Moved by Priest, supported by Hammon to approve ZBA #91-60 as written. Roll call showed motion carried 7-0.

8. ZBA #91-61

By: Rebecca Dickerson
3321 Leta St.
Burton, MI 48529

Re: Lot 15, Block G,
Southgate Sub. R-1C Zoned.

For: To conduct an asphalt sealcoating
business, "M-2 use" in an R-1C
zoned area. Equipment stored on site.
(5 Votes required).

Mrs. Dickerson explained that her husband was self employed, this was their livelihood. It was seasonal and when he was not working with this equipment it was stored in their garage. She said they have not had any complaints from the neighbors. If this is denied it will be devastating, it would put them out of business.

In the audience, William Simerson, 3331 Burroughs;, Mr. Rybicki, 3314 Burroughs; Mr. Clontz, 3355 Burroughs; Mr. Rinker, 3348 Burroughs all spoke against approving this variance.

Strasser said this was an industrial use, he didn't feel the equipment should be there.

Hammon said when the neighbors come in a group to protest it is a clear indication that the Board should consider their wishes. He feels approval for a one year period to give the Dickerson's a chance to find some place else to store their equipment is all the Board should allow. DePottey concurred with Hammon.

Moved by Hammon, supported by Edmonds to approve ZBA #91-61 for a period of one year in order for the Dickerson's to find another site to park their equipment. Roll call showed motion carried 7-0.

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ZBA #91-62

By: Brannam Realty
1360 N. Belsay Road
Burton, MI 48509

Re: Lot 48 Supervisors Plat of
Eastmoreland Acres. Sect. 12
R-1A Zoned.

For: To construct a 4' x 8' sign in the
front yard of a residentially zoned
property.
(5 Votes required)

Mr. Charles Brannam explained that a year and a half ago he was granted a variance to operate a Realty office at this address and he said that clients cannot find them because he doesn't have a large enough sign. He feels he is losing customers because they can't find him.

Pauline Dargel, 6119 Hugh, spoke against approval of this variance. She presented a petition against this variance.
Ray Curtin, 1371 N. Belsay spoke for approval of this variance.

Strasser explained the events which have brought Mr. Brannam before this Board. He said there have been no calls about this variance request.

Board discussion followed: Edmonds and DePottey could see no reason why this should not be approved. Berry suggested this should have been brought up at Site Plan Review. Hammon concurred with Edmonds and DePottey, he would be voting in the affirmative on this case.

Moved by Edmonds, supported by DePottey to approve ZBA #91-62 as written. Roll call showed motion carried 7-0.

C. YEARLY RENEWAL:

10. ZBA #91-63

By: Wyman DePottey
2426 Fairway Ct.
Burton, MI 48509

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

For: Storage of contractors equipment, M-2
Use in an R-1A District. (Truck,
Trailer and backhoe).
(5 votes required)

T. Strasser said that Mr. DePottey wished to have this postponed until the next regular meeting.

Moved by Priest, supported by Berry to table ZBA #91-63 until the next regular ZBA meeting of October 17, 1991. Motion carried 7-0.

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AUDIENCE PARTICIPATION:

No one in the audience wished to speak.

E. BOARD DISCUSSION:

Discussion on Items #1 and #8 followed. It was stated that the applicants should so state on their applications if a temporary or permanent variance is desired. Chairman Gooding suggested that in the future two monthly meetings could be held in order to shorten the meeting length.

The next regularly scheduled meeting will be held October 17, 1991, at 7:00 P.M.

Meeting adjourned at 10:43 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office