

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
September 21, 1995 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY Vice Chairman H. Berry.

MEMBERS PRESENT: W. DePottey, H. Berry, T. Hammon, T. Parker.

I. Hohloch entered the meeting at 7:20 P.M.

MEMBERS ABSENT: B. Weatherford, F. Edmonds.

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 17, 1995, at 7:00 P.M. and the Special ZBA Meeting of August 24, 1995 at 7:00 PM.

Moved by Hammon, supported by Parker to approve the above minutes as printed.

Motion carried 4-0.

B. NEW APPLICATIONS:

1. ZBA #95-52

By: Clayton MacAinsh, Sr.
1091 Carlson Dr.
Burton, MI 48509

Re: Lots 12 & 13 Eastern Plains
Sect. 13 R-1B Zoned.

square

structures

24'

For: To exceed the allowable
footage for accessory
by 76 sq. ft. with a 24' x
garage.
(4 votes required)

Mr. McAinsh explained that he needs the storage space for an antique car and other personal items, such as lawn equipment. He will take down a small shed on his property. The new building will not have a driveway to it. It will be wood frame and match his house. He has a small 18' x 22' attached garage on his house. If this is denied, it will be a hardship as he will not be able

to keep these items inside.

There was no one in the audience who wished to speak on this case.
T. Strasser said this is a reasonable request.

Moved by DePottey, supported by Parker to approve ZBA #95-52. Motion
carried
4-0.

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2. ZBA #95-60

By: The Home Depot
1101 Perimeter Dr.
Schaumburg, Il. 60173

Re: 4245 E. Court St. Sect. 10
C-4 Zoned.
Commerce Rd. & East Court St.

For: To exceed the allowable
square
footage for building signage
by 559 sq. ft. 200 sq. ft.
requested. allowed, 759 sq. ft.
see Sect. 5.28 Item g.
(4 Votes Required)

Rosalyn Holderfield represented The Home Depot. She explained that since
the
building was at an angle to the road they would need signage on two sides
of
the building. She presented drawings of the proposed signs.

In the audience, L. Petrella, 1081 Howe Road asked why this had not gone
before
Planning Commission. He felt the signage was not necessary.

T. Strasser examined the pictures and could see no problem since they
were in
proportion to the building.

W. DePottey said he had no problem with this request, it was not
unreasonable.

T. Hammon asked if The Home Depot planned on placing a sign near the road
like
VG's. Ms. Holderfield said yes they were.

Moved by Parker, supported by DePottey to approve ZBA #95-60 as written.
Motion carried 4-0.

I. Hohloch entered the meeting and began to chair the meeting.

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3. ZBA #95-54

By: John & Kristie Dennis
2383 Maplelawn
Burton, MI 48519

Re: Lot 80 of Maplelawn Sub-
Division. Section 24
R-1A Zoned.

For: To operate a Kennel (M-1 Use)
in a Residential R-1A) area;
A maximum of 8 dogs at a time
on site.
(5 Votes Required)

John Dennis explained that he has Beagle dogs and wishes to be able to keep as many as eight (8) on his property at one time. He is not a dog breeder and probably would not have more than one litter a year. He has recently moved from Indiana to Burton. He uses the dogs in field trials, it is a personal use and not commercial.

In the audience, Cory Estes, 2370 Maplelawn, Tim Erber, 2364 Cherylann, Colleen Griffin, 2376 Maplelawn, Shari Sinclair, 2403 Maplelawn, Dale Teed, 2389 Maplelawn, Ronald Attenberger, 2390 Cherylann spoke against approval.

T. Strasser said he had received several telephone calls in the negative on this request.

T. Hammon said he appreciates Mr. Dennis coming before the Board and that he meets Items #1 & 2 but the conditions of Item #3 are not met. W. DePottey said he has had calls in the negative. I. Hohloch said he can appreciate Mr. Dennis's situation but he has had several calls in the negative also.

Moved by Berry, supported by DePottey to deny ZBA #95-54. Motion carried 5-0.

4. ZBA #95-55

By: Theodore Coleman
3278 E. Hemphill
Burton, MI 48529

Re: Lot 50 of Holland Hgts.
Section 28, "Has frontage
on Alpena".
R-1C Zoned.

For: Request permission to allow
6' Privacy fence in front
yard of Alpena. Home faces
Hemphill. See Ord. 19,
Sect. 5.33, Item 2a, b.
(5 Votes required).

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4. ZBA #95-55 (contd.)

Mr. Coleman asked to have this variance request postponed until the next regular meeting of October 19, 1995.

5. ZBA #95-56

By: Ken Hutcheson
1405 Webber St.
Burton, MI 48529

Re: Lot 54 Greater Flint Sub.
Sect. 31 R-1C Zoned.

For: To conduct an M-1 Special Use
"Dog Kennel" in an R-1C
area, see Sect. 17.03 Item
To keep five (5) dogs.
(5 Votes Required)

Zoned

1D

Mr. Hutcheson requested this variance be postponed until the next regular meeting of October 19, 1995.

6. ZBA #95-58

By: Gary Church
4096 S. Vassar
Burton, MI 48509

Re: 59-36-200-019 Sect. 36
SE Zoned.

For: To split the property with

the

result of having an accessory
structure on a parcel of land
without a principal

structure.

(5 Votes required)

Mr. Church explained that he wishes to build another home on this property and it already has a pole barn on that side and he must split the lot in order to carry out his plans. His brother-in-law, Mr. Richardson spoke for approval and helped Mr. Church explain his plans.

In the audience, Larry Stephens 3049 Vineland said that a similar case came before the Board about a year ago and the house was never built. He feels that a time limit should be imposed if this is approved.

T. Strasser said that these splits have been become problems in the past, there is no assurance that a home will be built. He likes to see a primary structure before a pole barn is allowed.

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B. NEW APPLICATIONS (contd.)

6. ZBA #95-58 (contd.)

T. Hammon said that the Board can't deny just because there has been a problem with another variance in the past.

Moved by Hammon, supported by DePottey to approve ZBA #95-58 contingent upon construction being started within one year from date of approval and completed in two years from date of approval. Motion carried 5-0.

7. ZBA #95-59

By: Lou Iordanou
1330 Birdie Ct.
Linden Mi 48451

Re: 3284 S. Saginaw St.
Lots 38-47 of Baker Park,
Sect. 30 C-2 Zoned,

For: To conduct a Used Car Sales
lot not in conjunction with
new car sales in a C-2 zoned
area, C-3 Special Use in a
C-2 Zoned Area.
(5 Votes Required)

Mr. Iordanou said he is representing his in-laws who would like to sell cars on their property. He said they will adhere to all regulations and requirements. It will be a financial hardship if this is denied.

In the audience, L. Stephens, 3049 Vineland spoke on restrictions for this variance.

T. Strasser asked if there was already a business operating there. Mr. Iordanou said there is a parts store there but feels it will be moving soon. T. Strasser said two business's at one location can present some unique problems. He would like to stress that they must comply with the sign ordinance.

Berry spoke on other car sales in this area. T. Hammon asked if they would have any problem complying with DPW requirements. He said no.

Moved by Hammon, supported by DePottey to approve ZBA #95-59 contingent upon meeting all DPW requirements and the property would revert to C-2 if the present owner sells out. Motion carried 5-0.

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B. NEW APPLICATIONS (contd.)

8. ZBA #95-61
Partnership

By: Laterra Development
1307 N. Belsay
Burton, MI

Re: 59-12-100-004 Sect. 12

M-1 Zoned.

For: To conduct outdoor storage of recreational vehicles.
See Section 17.03 Item 4 #8
(5 Votes Required)

Mr. James Cokley, 5404 S. Sycamore explained he wished to add outdoor storage behind his regular storage units. He said it would be a nice use of the property.

James Schench said if Mr. Cokley maintains his calibre of business with this business he has no objection.

T. Strasser reviewed why he needs the variance. He has in excess of five acres, it is zoned M-1. The DPW has no problems with this request. Mr. Cokley runs a very clean business.

T. Parker asked about drainage. Mr. Cokley explained the drainage is in place, he explained in detail.

Moved by Berry, supported by Hammon to approve ZBA 95-61 contingent upon DPW recommendations. Motion carried 5-0.

C. AUDIENCE PARTICIPATION:

No one wished to speak.

D. BOARD DISCUSSION:

T. Strasser informed the Board that our regular meeting in November will fall during Deer Season. Discussion was held and it was decided to hold the regular meeting on Thursday, November 9, 1995.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, October 19, 1995, 7:00 P.M.

Meeting adjourned 8:33 P.M.

Respectfully submitted by:

Jeanette Brown, Clerk's Office