

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
October 15, 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,
and F. Edmonds.

MEMBERS ABSENT: S. Welliver

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 September 17, 1992, at 7:00 P.M.

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

2. Special ZBA Meeting of October 1, 1992 at 6:00 P.M.

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

B. POSTPONED FROM SEPTEMBER 17, 1992:

1. ZBA #92-64

By: Marvin Chapman
5376 Lippincott
Burton, MI 48519

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

For: To keep livestock in an R-1A Zoned
area. SE special approved used.
15 pigs, 4 cows.
(5 votes required)

As a full Board was not present, Mr. Chapman asked for postponement of his request. The Chairman advised him that this case would be acted upon at the next regular meeting on November 5, 1992.

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C. YEARLY RENEWALS:

1. ZBA #92-68

By: Ace Asphalt & Paving
3401 E. Court
Flint, MI

Re: Lot 8 of Bristol Road Industrial
Park. Sect. 33 M-2 Zoned

For: Yearly renewal for an Off site sign,
Located on Carter Lumber Property.
(5 votes required)

Eldon Card, represented Ace Asphalt. He explained that they have a plant off Jimbo Drive and it is off the main thoroughfare. They need a sign on Bristol Road so that customers can find them. It would be a financial hardship if this is denied.

There was no one in the audience who wished to speak on this case. Strasser said there were no problems with renewal of this variance. Berry asked if one multiple sign were built would Ace participate. Mr. Card said they would.

Moved by Edmonds, supported by DePottey to approve ZBA #92-68 for a period of one year. Motion carried 6-0.

2. ZBA #92-69

By: Troy Richardson
1440 N. Belsay
Burton, MI 48509

Re: Lot 40 Supervisors Plat
Eastmoreland Acres
Sect. 12, R-0 Zoned

For: C-1 Use in an R-0 zoned area,
for a Locksmith Service.
Permanent Request.
(5 votes required)

Mr. Richardson explained he had a two year variance to operate his locksmith service out of his home. He merely uses his telephone in his home for the business. No customers come to his home. He keeps a few supplies in his garage and parks his truck at night in his driveway. If this is denied it would be a financial hardship for his family.

No one in the audience wished to speak. Strasser said this has been rezoned from residential to office use. This business is a commercial use. He has received no complaints, it is a clean operation.

Berry said he did not favor a permanent variance as it would stay with the property forever. He could approve for a three year period.

Moved by Berry, supported by Edmonds to approve ZBA #92-69 for a three year period. K. Cox said he felt that a two year variance would give more control for the city should problems arise. Berry withdrew his motion, Edmonds withdrew his support.

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2. ZBA #92-69 (contd.)

Moved by Berry, supported by Edmonds to approve ZBA #92-69 for a period of two (2) years. Motion carried 6-0.

3. ZBA #92-70

By: Randy Dickerson
3321 Leta
Burton, MI 48529

Re: Lot 15 Southgate Sub.
R-1C Zoned Sect. 28

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

Mr. Dickerson explained that at one time this was his family's livelihood. He has since been called back to work for General Motors but would like to keep his business going in case he has another lay-off from G.M. He said he only parks a tank trailer and pick-up truck on his property. He keeps it clean and neat. It would be a financial hardship if this was denied.

In the audience, Gary Krueger, 3333 Leta said he is a neighbor and he has no objections to approval of this variance. There have been no problems with this operation, most of the equipment is kept in the garage.

Strasser explained that some of the equipment is parked in the right-of-way. He also said if any of the material is spilled in the yard it could be an expensive problem and the city might be liable for allowing such a business to operate there. DePottey asked if the material was water based. Mr. Dickerson said it is and clean up is not a problem. DePottey said he would not object to another year's renewal. Mr. Dickerson said he has never had any problems with the neighbors regarding his business. One even lets him park some of his equipment on his property. He said that the business is seasonal and the equipment is only on his property from May til October. Edmonds reminded Mr. Dickerson that when this was approved last year it was stipulated that he should be trying to locate another site to park his equipment on. Hohloch concurred with Edmonds. He said Mr. Dickerson could rent commercial space, he would be voting in the negative. Cox talked with some of the residents on Leta who do not object to this request. He feels it is unsightly to have the trailers parked there. Edmonds suggested if he is moving the equipment soon and it would not be used again until next May, this could be postponed for six months and then a decision by the Board could be made.

Moved by Edmonds, supported by Berry to postpone ZBA #92-70 for a period of six (6) months with the stipulation that the equipment be moved by November 15, 1992. Motion carried 6-0.

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D. NEW APPLICATIONS:

1. ZBA #92-71

By: Janice Lockhart
6089 Nelson Ct.
Burton, MI

Re: Lot 7 of Nelson Replat.
Sect. 25 R-1B Zoned

For: To permit an M-1 special approved
use in an R-1B zoned area. For a
Kennel. 10 adult dogs.
(5 votes required)

Ronald Lockhart requested that this be postponed until the next regular ZBA meeting so that a full board may be present.

2. ZBA #92-73

By: Kathy Truett
3206 S. Center,
Burton, MI

Re: Lot 4 - Center Road Acres
Section 28 C-2 Zoned

For: (1) To exceed the allowable square
footage for accessory structures by
1,199 sq. ft. with a proposed 40' x 60'
Pole Barn. (2) To expand the non-
conforming residential rights of the
property.
(4 votes required - Part 1)
(5 votes required - Part 2)

K. Truett explained that they needed the Pole Barn to park three dump trucks in. She explained they purchased this property so that they could have space to build a pole barn for their trucks. Strasser explained C-2 zoning to Mrs. Truett. He said that the Board could not act on this request as the application is not correct for what Mrs. Truett wants to do. She will have to re-apply and this will be scheduled on the agenda for the next regular ZBA meeting.

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3. ZBA #92-74

By: James Mills, Jr.
2039 Parkwood
Burton, MI 48529

RE: Lots 142-143 of Bendlecrest Sub.
Sect. 32, R-1C zoned

For: To construct a modular home within the
front & rear setbacks of the property.
20' front required, 16' requested.
30' rear required, 8' requested.
(4 votes required)

Mr. Mills explained that his home burned and he is replacing it with this new modular home. The property adjoining his on the side and back are commercial parking lots and therefore it will not be a problem to build in the setback areas.

No one in the audience wished to speak. Strasser said the existing house was closer to the property line than this one will be. He said the request is not out of line. Berry said he feels there is plenty of open space and he favors approval.

Moved by Edmonds, supported by DePottey to approve ZBA #92-74 as written.
Motion carried 6-0.

4. ZBA #92-75

By: Keith M. Seymour
6455 Milano
Burton, MI

Re: Lot 5 Stonehedge Condominium.
Sect. 24 R-1A Zoned

For: To construct an attached garage
at 7' from the side property line.
10' required. "West side".
(4 votes required)

Mr. Seymour explained that his home is one of the first to go in this sub-division. He needs the garage for storage of his children's bicycles and his vehicles. He feels this request will not bother anyone.

No one in the audience wished to speak. Strasser explained this is a site-condominium, it is not a plated sub-division. He said there are alternatives to placement of this garage. He favors staying within the ordinance. He said there have been no calls or complaints on this request. DePottey spoke for approval. He feels the 3' difference will not be noticeable. Berry said he was uncomfortable with approval, others may request similar variances. Edmonds concurred. K. Cox said that the area west of this property is designated wetlands and can never be built on, he feels the request may be reasonable. He will be voting in the affirmative.

Moved by DePottey, supported by Cox to approve ZBA #92-75 as written.

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D. NEW APPLICATIONS (contd.)

Chairman Gooding passed the gavel and spoke, he said he was uncomfortable with this request, he fears setting a precedent. DePottey felt that it would not be "pinching" the neighbor.

Roll call vote showed motion to approve carried, four (4) yes to two (2) no. Berry and Edmonds casting the no votes.

5. ZBA #92-76

By: John Boyd
8144 S. Harrison
Littleton, Co. 80122

Re: Speedway Station,
1258 E. Bristol Road
Burton, MI 48529
Sect. 31 C-2 Zoned

For: Installation of a logo/price sign
164 sq. ft. In area on existing
(unused) poles at the station. Total
height is 67', 30' allowed by
ordinance.
(4 votes required)

John Boyd and Gary Gebhardt explained that in order for the sign to be seen from the expressway, it must be that height.
The size of the sign is within code, the height requires the variance.
The sign would be hidden by trees at 30 feet. It would be a financial hardship if this is denied.

There was no one in the audience who wished to speak on this variance.
Strasser said that this is a physical hardship because of the trees. He said the lighting should be on the sign, not on the ground. He felt this was a reasonable request.

Berry stated that Michigan National Bank has a sign at the same height. Discussion followed. Berry asked about what is figured into the total signage allowed, Strasser explained. Gooding said he felt uncomfortable with the request, but at the same time it has merit. Hohloch said he has no problem with the sign, visibility is crucial.

Moved by Hohloch, supported by Edmonds to approve ZBA #92-76 with the condition they present an illumination pattern for approval by the DPW. Motion carried 6-0.

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E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, asked how many adjournments may be requested by an applicant. Chairman Gooding asked T. Strasser to research this for the Board. She also asked who established the procedure for requesting an adjournment by the applicant. Chairman Gooding explained that this directive came from the city attorney.

F. BOARD DISCUSSION:

Discussion on acting on cases that only require four (4) votes followed.

The Board discussed the November 19, 1992 meeting. It was agreed that due to the hunting season, it should be changed. Strasser said the other possible date would November 5, 1992. Contingent upon approval from the absent Board member, the next regular ZBA meeting will be held on Thursday, November 5, 1992 at 7:00 P.M.

Meeting adjourned at 9:15 P.M.

Respectfully submitted by:

J. Brown, Clerk's Office