

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 17, 1991
7:00 P.M.

Meeting was called to order at 7:12 P.M. by Chairman Gooding.

Members present: T. Hammon, D. Priest, D. Gooding, H. Berry, S. Welliver.

Members absent: W. DePottey, F. Edmonds.

Others present: J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA meeting of September 19, 1991, at 7:00 P.M.

Moved by Priest, supported by Berry to approve the above minutes as written.
Motion carried 5-0.

B. YEARLY RENEWAL TABLED FROM SEPTEMBER 19, 1991:

1. ZBA #91-63

By: Wyman DePottey
2425 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)

Joanne DePottey explained that they have lived at this address and have parked their equipment behind the house in a vacant field for the past twenty-four (24) years. The owner of the property has given his permission for them to do this. The neighbors do not object. If this request is denied it will be a financial hardship as they would have to move.

There was no one in the audience who wished to speak on this variance. Berry asked about the concerns of liability expressed by the owner last month. Mrs. DePottey said she has since sent an insurance certificate to the owner and he was satisfied.

Moved by Priest, supported by Berry to approve ZBA #91-63 for a period of one year. Motion carried 5-0.

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C. NEW APPLICATIONS:

1. ZBA #91-64

By: Apple Manufactured Homes
9192 N. Saginaw St.
Mt. Morris, MI

Re: Q-356-6
4396 S. Dort Hwy.
Section 32
C-2 Zoned

For: To conduct an M-1 use "Mobile Home"
Sales Lot on a C-2 zoned parcel of
property.
(5 votes required)

Wayne Ritter represented this case. He explained that a variance is necessary due to the zoning. He has landscaped and decorated and updated the property. If this request is denied, Mr. Ritter would have to close up the business and lay off his people.

There was no one in the audience who wished to speak on this variance. Berry stated that this property has been used as a mobile home sales for many years. He has no objections to approval of this variance. Hammon asked Mr. Ritter if it would be inconvenient for him to request a postponement of this variance as he has some questions he would like to discuss with the DPW.

Mr. Ritter said he would have no problem with postponement of this case until the next regular meeting on November 21, 1991.

ZBA #91-65

By: Thomas R and Deborah L. Cook
3169 E. Hemphill Road
Burton, MI 48529

Re: Sect. 28 M-2 Zoned
Lot 64 Supervisor's Plat of
Atherton Gardens located at
3230 Kleinpell St.

For: To grant a variance to allow
applicant to have two families
occupy a dwelling.
(5 votes required)

Attorney Lindon Lattie represented Mr. & Mrs. Cook. He explained that this is the second request for a variance by the Cook's. The first request was for a three (3) family dwelling. That request was denied and since that time they have reconsidered and would like to make a duplex out of this home. It is constructed at present for two families. She explained that it has been inspected by the State Electrical Code officer and Burton's Randy Stewart. She said they are bringing this home up to code. Mr. Lattie presented the Board with a petition signed by the Cook's neighbors that do not object to this home.

In the audience, James Gavorek, 3230 Kleinpell, said he at present is renting half of the duplex. He spoke on the problems he is having with the home. He doesn't feel this is a good location for a duplex. He spoke against approval.

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2. ZBA #91-65 (contd)

Board discussion followed. Hammon asked if a building permit had been issued. Mrs. Cook explained they had a permit to make the needed improvements. Welliver asked if she had any blueprints of the proposed duplex. Mrs. Cook said they did not but she explained the floor plan and their plans to improve the home. Berry said he would be voting in the affirmative as this property cannot be used for any other purpose. Hammon concurred. Gooding passed the gavel and spoke on Mr. Lattie's comments about bringing a lawsuit against our city if this was denied. Mr. Lattie asked for permission to speak, he said he could understand Mr. Gooding's position, he further stated that the Cook's did not wish to bring suite against the city.

Motion by Priest, supported by Hammon to approve ZBA #91-65 with the stipulation that the dwelling meet our city and state codes. Motion carried 5-0.

3. ZBA #91-66

By: Paul Raymond
4090 Lapeer Road
Burton, MI 48509

Re: Q-181-A Sect. 15
C-4 Zoned

For: Permanent request for a multiple
family use in a C-4 zoned area
for a Fraternity
(5 votes required)

Paul Raymond said he would like to have this postponed until the next regular meeting.

Moved by Berry, supported by Hammon to table ZBA #91-64 and #91-66 until the next regular meeting of November 21, 1991. Motion carried 5-0.

D. AUDIENCE PARTICIPATION:

Arnie Wally, 4160 W. Pierson spoke on ZBA #91-66, discussion followed on permanent variances versus yearly renewals and also on changes in zoning for this property.

E. BOARD DISCUSSION:

Discussion followed on a letter of complaint and also on "new application for variance" forms.

The next regularly scheduled meeting will be held November 21, 1991 at 7:00 P.M.

Meeting adjourned at 8:20 P.M.

Respectfully submitted by J. Brown, Clerk's Office