

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 19, 1995 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY Chairman I. Hohloch.

MEMBERS PRESENT: DePottey, Weatherford, Hohloch, Berry, Parker, Hammon
and
Edmonds.

OTHERS PRESENT: City Attorney, R. Hamilton, R. LaDuke, Building
Supervisor.
T. Strasser, Dep. Planning Official, J. Brown, Clerk's
Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of September 21, 1995, at 7:00 P.M.
Moved by Edmonds, seconded by Berry, carried 7-0, to approve the
above
minutes as written.

B. NEW APPLICATION POSTPONED FROM SEPTEMBER 21, 1995:

1. ZBA #95-55	Re: Theodore Coleman 3278 E. Hemphill Burton, MI 48529
	By: Lot 50 of Holland Hgts. Sect. 28, "Has frontage on Alpena" R1C Zoned.
yard Hemphill.	For: Request permission to allow 6' Privacy Fence in Front of Alpena. Home faces See Ord. 19 Sect. 5.33 Item 2 a, b. (4 Votes required)

Theodore Coleman explained that he took out a fence permit in May, 1995
and
put up the fence in August of 1995. At that time neighbors complained to
the City DPW and it was discovered the permit was issued in error. His
property in the rear of his home is the lot on the street in back of his
and
therefore the fencing would be in the front yard of the property on
Alpena.
He said that other fences are allowed in various parts of the city like
he
has. He would lose 20' of his backyard if he has to move this fence.

In the audience, Joan Matelewski, 3261 Alpena; Walter LaMotte, 3270 Alpena;
Lloyd Johnson, 3241 Alpena, William Watkins, 3255 Alpena, Velva LaMotte, 3270 Alpena all spoke against approval of this request.

T. Strasser said our City ordinance states a fence cannot go beyond the front of a house. He explained what Mr. Coleman could put up. Board discussion followed.

Moved by Edmonds, Seconded by DePottey; carried 7-0 to deny ZBA #95-55.

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B. NEW APPLICATION POSTPONED FROM SEPTEMBER 21, 1995:

2. ZBA #95-56	By: Ken Hutcheson 1405 Webber Burton, MI 48529
	Re: Lot 54 Greater Flint Sub. Sect. 31 R-1C Zoned
use zoned 1D	For: To conduct an M-1 special "Dog Kennel" in an R-1C area, See Sect. 17.03 Item to keep 5 dogs.. (5 Votes required)

Ken and Yvonne Hutcheson explained their problem with the dogs. They have five dogs, one is terminally ill and one they intend to dispose of, leaving them in the near future with only 3 dogs. If this is denied, it will be an emotional hardship.

In the audience, Rob and Jim Wheaton, 1401 Webber; Estalla Mata, 1456 Webber; and Larry Stephens, 3049 Vineland; all spoke against approval of this request.

T. Strasser said he has had several telephone calls against this request. City ordinance allows two dogs per household. I. Hohloch asked about obtaining

a kennel license. Board discussion followed, they concurred that 5 or 6 dogs was too much on these small lots.

Moved by Edmonds, Seconded by DePottey; Carried 7-0 to deny ZBA #95-56.

C. NEW APPLICATIONS:

1. ZBA #95-62

By: Michael Downer
G-3408 S. Dort Hwy.
Burton, Mi 48529

Re: 4086 S. Dort Hwy., Lot 33
of "Supervisors Plat No. 25"
Sect. 32 M-1 Zoned.

ft to For: Reduce front setback to 20
allow four parking spaces
and reduce rear setback to 20.20
ft. to allow required building.
35 ft. required.
(4 Votes Required)

Mr. Downer was represented by Randy Fickes, contractor's superintendent. He explained they wished to build an enclosed storage facility, the property behind this lot is non-buildable. If this is denied, it will not be feasible to build.

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C. NEW APPLICATIONS (contd.)

1. ZBA #95-62 (CONTD.)

In the audience, L. Stephens, 3049 Vineland asked if there was ample parking. T. Strasser explained that parking will be adequate. Board discussion followed.

Moved by DePottey, Seconded by Berry, carried 7-0 to approve ZBA #95-62.

2. ZBA #95-64

By: Darlene McNeice
4291 Woodrow
Burton, MI 48529

Re: Lot 27 Fischers Homesites
Sect. 3 R-1B Zoned

the
10'

For: To construct a carport on
East Property Line at 3' -
required.
(4 Votes Required)

Charles McNeice explained his plans to attach a carport to his existing attached garage. If this is denied he will not have the needed storage space.

No one in the audience wished to speak on this request. T. Strasser said if Mr. McNeice keeps it open on three sides there is no problem with this request. Hohloch spoke on having adequate access to the rear of the lot. Edmonds questioned the roofline.

Moved by Berry, seconded by Parker, carried 7-0; to approve ZBA #95-64.

3. ZBA #95-65

By: Susan Marr
1431 Audrey
Burton, MI 48509

Re: Lot 704 Lapeer Heights
Sect. 14 R1B Zoned

garage
required.

For: To construct a detached
a 9' from the house, 10'
(4 Votes Required)

Susan Marr explained that she has no garage. This will be a hardship if it is denied.

No one in the audience wished to speak. T. Strasser said DPW has no problems with this request.

Moved by Edmonds, seconded by Parker, carried 7-0 to approve ZBA #95-65. REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
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4. ZBA #95-66

By: Scott Roberts
6186 Eastmoreland
Burton, MI 48519

Re: Lot 14 Supervisors Plat
Eastmoreland Acres
Sect. 12 R-1A Zoned.

the
attaching
setback,

For: To construct an addition to
rear of the home and
the garage at a 6' side
10' required.
(4 Votes required)

Scott Roberts explained his plans for an addition to his home. There was no one in the audience who wished to speak on this request. T. Strasser said it was a reasonable request. The Board concurred.

Moved by Hammon, seconded by Berry, carried 7-0 to approve ZBA #95-66.

Chairman Hohloch recessed the meeting at 8:00 p.m. and reconvened at 8:10 p.m.

5. ZBA #95-63

By: Waste Mgt. of Michigan, Inc/
dba Valley Rubbish
3309 Associates Dr.
Burton, MI 48529

Re: 3376 Associates Dr,
Lot 12 - 14 Associates
Commercial sites.
Sect. 29 M-1 Zoned.

whether

For: (1) Interpretation of Zoning
Ordinance to determine

it is

current defined use is
permitted in M-1 Zone.
(2) If the Board determines

to

necessary, grant a variance

use

permit the current defined

at the subject property.
(5 Votes Required)

Michelle Reilly, Attorney and George Gallagher, Division President of Valley Rubbish presented their case. They showed a video of their operation.

In the audience, Steve Imarino, Attorney for Main Manufacturing presented their case and showed a video on the conditions at 3376 Associates Drive.

City Attorney Hamilton explained to the Board their responsibility in deciding this case.

P. Dargel, 6119 Hugh asked why this was before the Zoning Board. I. Hohloch and Atty. Hamilton explained.

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5. ZBA #95-63 (Contd.)

In audience Richard Pearson, 3432 Griffith Court
Susan Millard, 3442 Griffith Court
David White, 2155 Whittemore
Judith Mailhot, 3441 Fern
Carolyn Mailhot, 3438 Fern
Wayne Millard, 3442 Griffith Court
Gary Perez, 2173 Boatfield
Jessie Scott, 2188 Scottwood
Maureen Holmes, 2220 Bergin

spoke against allowing this operation to continue.

Lengthy discussion followed.

Moved by DePottey, seconded by Edmonds; carried 7-0 to confirm a rendering of an interpretation of the Zoning Ordinance that would define the "use" as an M-2 Use.

Moved by Hammon, Seconded by Parker, carried 7-0 to postpone Part two (2) of the variance request until the next regular ZBA meeting of 11-9-95.

D. AUDIENCE PARTICIPATION:

P. Dargel, 6119 Hugh asked about "aesthetics" not being a zoning consideration.
I. Hohloch explained.
W. Millard, 3442 Griffith Ct. asked about the date of the next regular meeting.

F. BOARD DISCUSSION:

T. Hammon spoke on alternate members for this Board. He is hoping to have them in place for the next regular meeting.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, November 9, 1995, 7:00 P.M.

Meeting adjourned at 10:33 PM.

Jeanette Brown,
Clerk's Office