

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 21, 1993 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:05 P.M. BY Vice-Chairman Berry.

MEMBERS PRESENT: I. Hohloch, W. DePottey, K. Cox, H. Berry, S. Welliver.

MEMBERS ABSENT: D. Gooding, 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 September 16, 1993, at 7:00 P.M.

Moved by Welliver, supported by Hohloch to approve the above minutes as printed. Motion carried 5-0.

B. POSTPONED FROM SEPTEMBER 16, 1993

1. ZBA #93-54

By: Brian & Lorre Burkley
5239 Mill Wheel Dr.
Grand Blanc, Mi 48439

Re: 2267 Howe Road, Lot 32
Supervisor's Plat: Harvest
Acres. Sect. 22 R-1A Zoned.

For: To allow an 8' side setback on
the South property line.
10' required by Ordinance.
(4 Votes Required)

T. Strasser said the applicant has asked for an indefinite postponement as they are exploring other alternatives.

Moved by Hohloch, supported by Welliver to postpone ZBA #93-54 indefinitely. Motion carried 5-0.

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C. NEW APPLICATIONS:

1. ZBA #93-57

By: Marvin Chapman
5376 Lippincott
Burton, MI 48519

RE: Q-230 Sect. 23
R-1A Zoned

For: To raise horses in a residential
area, "R-1A". Permitted Use after
Special Approval in an SE Zoned area.
(5 Votes Required)

Mr. Chapman said he is asking for a variance to keep horses on his property.

Chairman Berry said he had five statements sent to him from neighboring property owners who are absolutely opposed to allowing any farm animals here.

In the audience Helen and Alexander Kmiecik, 5398 E. Lippincott, spoke against approval of this variance. They do not like the smells coming from this property when there are farm animals kept there.

T. Strasser said the DPW have no comments, we have been through this twice in the past.

I. Hohloch said that Mr. Chapman has been denied on all previous applications. He asked if Mr. Chapman has any animals on the property at present. Mr. Chapman said he does not. DePottey commented on the number of horses that could be brought in since Mr. Chapman has not stated how many he wants. K. Cox asked how many horses Mr. Chapman would like. Mr. Chapman said as many as he is allowed, he didn't know yet. Discussion followed on previous owners, the Board's responsibility to consider "Special Use" and the hardship in this application.

Moved by Welliver, supported by DePottey to deny ZBA #93-57. Motion carried 5-0.

2. ZBA #93-58

By: Jack Lee Rhoads, Jr.
2300 Connell St.
Burton, MI 48529

Re: 3460 S. Saginaw, Lots 841-848,
Baker Park #1 Sect. 30
C-2 Zoned

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

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2. ZBA #92-48 (CONTD.)

Mr. Rhoads said he was a wholesaler of used cars, this would not be a retail sales lot. He would not have more than 5 or 6 cars parked outside at a time. He has indoor parking for about eight cars. There will not be any signs, or banners or streamers advertising this business. He said they have improved this property, they have cleaned it up.

In the audience, M. Naughton, 1500 James said he came to this meeting because he did not know what type of business this was to be. He thought it would be retail sales. He does not object to a wholesale lot. Charles Byrd represented South Flint Tabernacle Church. He said that the previous owners of this property had given the church permission to use this lot for parking during their services. He opposes approval of this variance. Laurie Rhoads said that the church has been using their property for parking and they do not object. They wished to be good neighbors. They need the variance because if this is denied they will not have a good place to store their cars.

T. Strasser said with all due respect to the church, he didn't see how Mr. Rhoads could be precluded from using his property for his business. An owner is entitled to earn a living from his property. Discussion on limiting the number of cars Mr. Rhoads could park there and the Church's parking problem. Mr. DePottey felt that Mr. Rhoads has been cooperating with the church and therefore he will be voting for approval. Mr. Berry said he understands the church plans to move in the near future.

Moved by Hohloch, supported by DePottey to approve ZBA #93-58 with the stipulation that this be for wholesale cars only and for a period of one year. Discussion on the motion followed. K. Cox said he would be more comfortable if the number of cars to be stored there were limited. He asked Mr. Rhoads if he could live with the limit of six (6) cars parked outside. Mr. Rhoads indicated he could.

Moved by Cox, supported by Hohloch to amend the motion to read: Approve ZBA #93-58 with the stipulations that it be for wholesale cars only, for a period of one year and a limit of six (6) cars may be parked outside. Motion carried 5-0.

3. ZBA #93-59

By: Debra Lunkas
1029 Pawnee
Burton, MI 48509

Re: Lot 39 - Maple Court Sub. #1
Sect. 10, R-1A Zoned.

For: To construct a 22' x 22' garage,
exceeding the allowable square
footage by 192 sq. ft. 864 sq. ft.
allowed, 1,056 sq. ft. requested.
(4 Votes Required)

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C. NEW APPLICATIONS (contd.)

3. ZBA #93-59 (contd)

Mrs. Lunkas said her husband passed away and left her with two classic cars which she would like to store in this garage out of the weather. She said her neighbors are not opposed to this garage. It will be good looking, not a pole barn but a garage.

There was no one in the audience who wished to speak on this variance.

R. Strasser said this does exceed the ordinance.

DePottey asked what type of cars these were. Mrs. Lunkas said a 1974 Corvette and a 1978 Trans Am.

Moved by Welliver, supported by Cox to approve ZBA #93-59 as written. Motion carried 5-0.

4. ZBA #93-60

By: Joseph F. Wright
4363 Bennett Drive
Burton, MI 48519

Re: 4363 Bennett Dr., Lots 35 and the
East 1/2 of Lot 36 of Bennett Acres #2
Section 22.

For: To build a pole barn 30' x 40' and
exceed the allowable square footage
by 960 sq. ft. 864 sq. ft. allowed,
1,824 requested. R-1A Zoned.
(4 Votes Required)

Mr. Wright said that he needs the pole barn for his personal storage of recreational vehicles and lawn equipment. His lot is 99' wide by 300' deep.

There was no one in the audience who wished to speak.

T. Strasser said this does exceed the ordinance.

H. Berry asked if Mr. Wright would consider a smaller barn. Mr. Wright said he would not have enough room for all of his equipment. Mr. Wright said he has talked with his neighbors and they do not object. I. Hohloch asked where the items are stored now. Mr. Wright said outside. S. Welliver asked if this would be used for any type of business. Mr. Wright said no; for personal storage only, there would be no driveway to the barn and only wired for a light.

Moved by Hohloch, supported by Welliver to approve ZBA #93-60 as written. Motion carried. 5-0.

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5. ZBA #93-61

By: Perry Drugs
5400 Perry Dr.
Pontiac, MI 48343-6021

Re: Lots 1-4 & 275-286
Chambers Sub.,
Sect. 28 C-2 Zoned
3009 S. Dort Hwy.

For: (1) To construct a new
building at a 10' setback
off Myrton St., 30' required.
(2) To allow 78 parking spaces
for the development, 102 spaces
required by ordinance.
(4 Votes Required)

Paul Goldman, Construction Engineer and Gary Stein, Realtor represented Perry Drugs. They said they would be upgrading this corner. The pizza shop and the small market on the corner will be torn down. They explained that according to their calculations 78 parking spaces would be sufficient. They have conducted studies on the number of customers a store would have at their busiest time and determined that 78 spaces would be adequate. They explained that the "Tool House" would stay where it is and therefore they must build closer to the rear setback.

In the audience P. Dargel, 6119 Hugh asked if they would be closing one of the other two Perry Drug Stores in Burton. Mr. Goldman said that the store in Mid-American Plaza would be closing. They were actually just moving across the street.

T. Strasser explained that our ordinance requires 102 spaces, and he has no problem with the set-back. He said Perry Drugs will build a green belt area and will clean up this corner.

I. Hohloch asked for clarification on the number of spaces needed and asked if the Tool House was remaining where it is. Mr. Goldman explained how they formulated the 78 parking spaces and explained the plans for the Tool House. I. Hohloch asked about the deliveries and the dumpster. Mr. Stein explained that they only had one large truck deliver once a week and bread, etc would be delivered daily in small trucks. The dumpster would be emptied weekly as the store now recycles much of their waste. Discussion on Myrton Street in the spring followed.

Moved by Cox, supported by DePottey to approve ZBA #93-61, parts 1 and 2 as written. Motion carried 5-0.