

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
NOVEMBER 5, 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,
S. Welliver, F. Edmonds.

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Brown, Clerk's
Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of October 15, 1992, at 7:00 P.M.

Moved by Berry, supported by Hohloch to approve the above minutes as written.
Motion carried 7-0.

B. POSTPONED:

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 use.
15 Pigs, 4 cows.
(5 votes required.)

Mr. Chapman explained he wished to raise livestock, he specifically is asking for 15 pigs & 4 cows. He has 44 acres and 5 acres are fenced in. He has standing water at the back of his property and if that is ever drained, he will fence in the back also. He presented pictures of his property and explained his plans to the Board.

In the audience, Al Hindes, 2511 Windywood, Maryann Vaydik, 5383 Lippincott, Mary Chapman, Lippincott, Helen & Alexander Kmiecek, 5398 Lippincott, Dean Clerk, 5384 Lippincott, Mr. Hanks, 1344 Potter, Lyle Bennett, 1191 Glendale spoke approval of this variance. Pauling Dargel, 6119 Hugh, questioned if the applicant was operating a business in a residential area.

Strasser said he has received several phone calls all protesting approval of this request. Chairman Gooding summarized letters from adjacent neighbors who are all against approval. Discussion followed. Berry felt that this was not a proper place to keep animals, he would be voting in the negative. DePottey spoke on lost non-conforming rights. He feels this will affect the health

PAGE 2

1. ZBA #92-64 (contd.)

and welfare of the neighbors. Edmonds asked if Mr. Chapman had legal council with him tonight. Mr. Chapman said no. Edmonds further stated that Mr. Chapman's realtor should have explained that this acreage could not be used for raising livestock. Chairman Gooding passed the gavel and spoke on the proper places for farms. He feels that the hardship here is self-imposed. He will be voting in the negative.

Moved by Edmonds, supported by DePottey to deny ZBA #92-64 as written, motion withdrawn. Moved by Edmonds, supported by Welliver to deny ZBA #92-64 to keep pigs and cows. motion withdrawn. Moved by Edmonds, supported by Welliver to deny ZBA #92-64 to keep any and all livestock. Roll call showed motion carried unanimously, 7-0.

2. ZBA #92-71

By: Janice Lockhart
6089 Nelson Ct.
Burton, MI 48519

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
Dog Kennel. 10 Adult Dogs.
(5 votes required)

Mr. Ron Lockhart explained that he wished to build a dog kennel for ten (10) adult dogs. He raises dogs to sell. They are English Bull dogs and Boston Terriers. He presented a drawing of the proposed kennel. He will have ten (10) pens that are all fenced. He would be willing to put up a privacy fence if the neighbors wish it. He has almost an acre of land. He has been raising dogs and selling them for the past six (6) years. If this is denied, it would be a financial hardship.

In the audience Keith & Margaret Hickmott, 6107 Nelson, William Hickmott, 6119 Nelson, spoke against approval of this variance. They presented a petition signed by the neighbors who are also against approval. Robert Lockhart, 6089 Nelson said the dogs are securely fenced and are not a danger to the neighborhood. He said he talked to each neighbor on both sides of where the kennels would be and they did not object to the plans. Gooding asked if the neighbors were here, Mr. Lockhart said no, he didn't realize it would be necessary.

Strasser explained that a Kennel License would be issued by the County, kennels are listed as industrial use, anything over two (2) adult dogs requires a kennel license. He feels kennels are objectionable. He said he had two calls objecting to the kennels. Gooding read a letter opposing approval of this variance. Cox asked if they had a kennel license at this time. Mr. Lockhart said they did not. He asked about disposal of waste from the dogs. Mr. Lockhart said it is buried. Mr. Cox said he has

PAGE 3

had three calls in the negative. Edmonds asked if a complaint by the City brought the Lockhart's in to seek a variance. Mr. Lockhart said no one complained, they came in to make it all legal. Berry suggested tabling this request until the Lockhart's could get documentation from his neighbors that they do not object to the kennel. Edmonds concurred with Mr. Berry, he would like to have time to check further into this case. Welliver and DePottey also concurred with Berry. Cox felt that it being a residential area the barking could disturb the residents.

Moved by Cox, supported by Hohloch to deny ZBA #92-71.

Discussion followed.

Moved by Edmonds, supported by Welliver to table ZBA #92-71 until the next regular ZBA meeting. Roll call showed motion carried 4 - 3. Cox, Hohloch and Gooding casting the no votes.

C. NEW APPLICATIONS:

1. ZBA #92-73

By: Kathy Truett
3206 S. Center Road
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
1199 square feet with a proposed
40' x 60' pole barn.
(2) To operate a M-2 use in a C-2
zoned area. To keep dump trucks on
site.
(1) 4 Votes required.
(2) 5 Votes required.

Tony Truett explained he needs the barn for storage of two trucks, and a lawn tractor. He has two other accessory structures that he intends to take down if he gets approval of this variance. The pole barn will be 300 feet from the road. He presented pictures of the site. He feels this will not bother the neighbors, he has five (5) acres of land. It will be a financial hardship if this is denied.

There was no one in the audience who wished to speak. Strasser explained that this was postponed in order to correct the application. It is in two parts, (1) is for the pole barn, which with the removal of the other two accessory structures will make the square footage close to what the ordinance calls for. (2) is for storage of dump trucks, which to him is objectionable. He has had no complaints from the neighbors.

PAGE 4

1. ZBA #92-73 (contd.)

Hohloch asked if Mr. Truett made his own repairs to his trucks. Mr. Truett said only minor repairs, major repairs were sent out. Berry said he has spoken with Mr. Truett's neighbor and he did not object to this request. Berry said he didn't feel two trucks were out of line.

Moved by DePottey, supported by Welliver to approve ZBA #92-73 part one (1) with the stipulation that the two accessory buildings be taken down within six (6) months of completion of the new pole barn. Motion carried 7-0.

Moved by DePottey, supported by Hohloch to approve ZBA #92-73 part two (2) for two (2) dump trucks with the stipulation that it be a yearly renewal. Motion carried 7-0.

2. ZBA #92-77

By: State Farm Ins., Keith Byard
1022 N. Genesee Rd.
Burton, MI 48509

Re: Lot 15 Cypress Gardens
Sect. 11, R-O Zoned.

For: To construct a second accessory sign
on the property for an Insurance
Agent. 32 sq. ft. sign proposed.
(4 Votes required)

Keith Byard explained that he recently opened an insurance office and he is not listed in the telephone book yet and he has no sign to advertise his business. He recently purchased a sign and would like to put it up in front of his office. He explained this is an L shaped building. Gooding asked if the sign would be lighted, Mr. Byard said it would. Gooding asked if it would obstruct traffic, Mr. Byard explained how it would be placed and it would not block the view for any traffic pulling out into the street.

There was no one in the audience who wished to speak. Hohloch asked about a multiple business sign, discussion on this type of sign followed. Gooding passed the gavel and spoke on the potential for signage clutter. Edmonds asked if the DPW had any suggestions. Strasser said they preferred a sign which left room for other signs.

Moved by Hohloch, supported by Berry to approve ZBA #92-77 with the stipulation that a multi-tenant sign is constructed and the 32 sq. ft. sign is removed.

Discussion on the motion followed, Hohloch withdrew his motion and Berry withdrew his support.

Moved by Cox, supported by Hohloch to approve ZBA #92-77 as written. Roll call showed motion carried 7-0.

PAGE 5

C. NEW APPLICATIONS (contd.)

4. ZBA #92-78

By: South Flint Tabernacle
3450 S. Saginaw St.
Burton, MI 48529

Re: 1363 Maple Q-342-81A
Sect 31 R-1C Zoned

For: (1) To exceed the allowable height
in the R-1C Zoned Area. 35' req'd.
90' requested.
(2) To construct parking area within
the 2' of the side property line
"West side" 8' required.
(4 Votes Required)

Mr. Stephens, architect spoke on behalf of the Tabernacle. He presented drawings and explained the proposed plans. He said actually on the height variance, 50' is allowed therefore that would be only 40' over ordinance. He explained that HMR allows a 2' setback, they would lose an entire row of parking if this variance is denied.

There was no one in the audience who wished to speak. Strasser said he has no problem with approval except the DPW would like the latitude to require a privacy fence if the headlights on automobiles become a problem for the neighbors in the future.

Motion by Edmonds, supported by Berry to approve ZBA #92-78 part one (1).
Amended motion by Edmonds, supported by Welliver to approve ZBA #92-78, both parts as written. Roll call showed motion carried 7-0.

5. ZBA #92-79

By: Tom Burns
4162 Lapeer Road
Burton, MI 48509

Re: Lot 31, exc. E 250'
Lot 32 exc. S 15' of E 250'
of Cardinal Gardens, Sect. 14
C-2 & R-0 Zoned "Behind 1184 S.
Belsay".

For: To construct a self storage facility
in a C-2 & R-0 Zoned. M-1 Light
Industrial Use.
(5 Votes required)

PAGE 6

Mr. Burns explained that he has held this property for a long time and now he must develop it due to his age and his wife's health. It would be a financial hardship if this is denied. He wishes to construct a storage facility.

In the audience, Vernon Wurtz, 1119 S. Belsay, D. Schmitt, 5409 Raymond Linda Chalut, 1174 S. Belsay, Darline Montgomery, 5410 Raymond, Mrs. Monroe, 5466 Raymond, Lyle Bennett, Daniel Sanders, 5459 Raymond, Daniel Summers, 5458 Raymond, David White, 5453 Raymond spoke against approval of this variance due to flooding problems. Pauline Dargel, 6119 Hugh spoke on a lot split which was denied by the Planning Commission.

Strasser explained that the Planning Commission voted denial for rezoning of this property. They felt there would be a 95% water runoff from this property if construction was allowed. He said if this was approved, there would have to be a drainage study. He has had several calls opposing approval.

Edmonds thanked the residents for coming to the meeting. Hohloch said the audience is a big factor in determining such cases. He said this was not an applicable use in a residential area. Berry re-iterated that the Planning Commission has denied this lot split.

Motion by Edmonds, supported by Hohloch to deny ZBA #92-79. Roll call showed motion carried 7-0.

5. ZBA #92-80

By: William Newell
6183 Surrey Lane
Burton, MI 48519

Re: Lot 82 Holiday Villa
Sec. 24 R-1B Zoned.

For: To add onto an accessory structure
(garage) to encroach with the 10'
setback area req. by ordinance.
0' clearance requested.
(4 Votes required)

Mr. Newell explained that he wished to add on to his garage in front for a little extra protection from the weather. He did not know he would need approval to do this. He is on a limited income and this would be a financial hardship if it was denied.

There was no one in the audience who wished to speak on this case. Strasser said it is up close to the house, and it does require a building permit.

Moved by DePottey, supported by Welliver to approve ZBA #92-80 with the stipulation that the sides not be closed in and that it meet all DPW requirements.

Roll call showed motion carried unanimously, 7-0.

PAGE 7

6. ZBA #92-81

By: Don Bertram
2181 Kenneth St.
Burton, MI 48529

Re: 1345 Connell, Lots 1183 thru 1189 and
1216 thru 1220 Baker Park #1 Sect. 30
R-1C Zoned.

For: To conduct an RM use "multiple family"
in an R-1C zoned area for a convalescent
home to house a maximum of twenty (20)
persons.
(5 votes required)

Mr. Bertram explained that this had been a church that was for sale. He would like to be able to convert it into an adult foster care home. He feels it would be a benefit to the city as it would be added to the tax rolls. He had this same type of home in another location and it is very well maintained and he has had no problems with any of the residents.

In the audience, Dian Jones, 1381 Kenneth, said she was concerned about security. Mr. Bertram said there will be proper security, she asked what age group this would be, Mr. Bertram said from 50 years up. Larry Jones, 1381 Kenneth, said he was concerned it might become a mental facility. Mr. Bertram said it wouldn't. Betty Mosley, 2164 Kenneth spoke for approval, she said she lives near Mr. Bertram's other home and it is an asset to the neighborhood. She has never seen or heard of any trouble at the home.

Strasser said that Mr. Bertram must follow DPW and State requirements. and it must go before Planning Commission for site Plan Review. He said it does fit the neighborhood. He has not had any calls on this request.

Mr. DePottey said the City has had good luck with these types of homes. He mentioned making this a yearly renewal. Welliver asked about spot zoning. He felt this home would be an improvement to the neighborhood. Cox asked if the State could close the home if condicions were not correct. Mr. Bertram said yes.

Moved by Welliver, supported by Cox to approve ZBA #92-81 for a period of one year. Discussion on the motion followed. Mr. Bertram said he was investing about \$100,000 in this home and he couldn't very well risk that much money if this was to be a yearly renewal.

Welliver withdrew his motion, Cox withdrew his support.

Motion by Edmonds, supported by Welliver to approve ZBA 92-81 as written with the stipulation that this go before Planning Commission for Site Plan Review. Roll call showed motion carried 7-0.

PAGE 8

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh spoke on Adult Foster Care Homes and types of hardships.

Ron Lockhart, 6089 Nelson spoke on presenting his case to his neighbors.

E. BOARD DISCUSSION:

Chairman Gooding asked T. Strasser if he had any information on how many times an applicant can apply. Strasser said he had consulted the City Attorney and it was determined that each individual Board sets their own policy.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, December 17, 1992, 7:00 P.M.

Meeting adjourned at 11:00 P.M.

Respectfully Submitted by:

Jeanette Brown, Clerk's Office