

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
NOVEMBER 20, 1997 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:05 P.M. BY VICE-CHAIRMAN BERRY.

MEMBERS PRESENT: B. Weatherford, S. Layman, B. Kalanquin, W. Weatherford, T. Parker, M. Scott, H. Berry. T. Martinbianco, entered at 7:10 p.m.

MEMBERS ABSENT: I. Hohloch.

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 October 16, 1997, at 7:00 P.M.

T. Parker said the minutes contained an error in ZBA #97-81. "Mr. Parker asked if she intended to have an entrance off Clarice. She said no." It should read: "She said yes".

Moved by Parker, seconded by Kalanquin to approve the above minutes as corrected. Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

P. Dargel, 6119 Hugh, spoke on the Haunted House on Davison Road. She said the banner advertising the house was still up and their variance was for only until November 2, 1997. She asked if the Board stipulated a date when it was to be returned to normal. T. Parker said the Board did not stipulate when it was to be brought back to normal. T. Strasser said someone from the DPW had checked on it that day.

C. BOARD DISCUSSION:

B. Kalanquin congratulated T. Martinbianco on his being returned by the voters to City Council. Mr. Martinbianco thanked Mr. Kalanquin.

Mr. Martinbianco said Mr. Prado, 3483 S. Genesee Rd., who was denied a variance in October for a Used Car Sales license has asked if the Board would reconsider his request. Discussion followed. Mr. Martinbianco said that Circuit Court would be Mr. Prado's next option.

Mr. Parker asked about having an election of new officers on the Zoning Board. Mr. Martinbianco stated that this should be done after City Council reorganizes which will be in about 2 weeks.

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D. NEW APPLICATIONS:

1. ZBA #97-83

By: Gerald M. Tucker
2451 Sandstone Ct.
Davison, MI 48423

Re: 4084 E. Atherton,
Lot 6 Pierson Manor
Sect. 27 C-2 Zoned

For: To use the existing pole barn
as a storage facility for
gutter supplies. M-1 Use in a
C-2 Zoned District.
(5 Votes required)

Mr. Tucker explained he would like to purchase the property at 4089 E. Atherton and use the pole barn for storage of his eavestroughing business. He would be there in the morning and load up his truck with supplies and again at 5 or 6 P.M. to unload supplies. He said no one will know he is there. He wants to keep this area a residential area. The pole barn is 150 feet off the road, he will not bother anyone. He intends to rent the small home on the property.

In the audience P.Dargel, 6119 Hugh asked if there would be any signage. Mr. Tucker said no, he is in the phone book.

L. Stephens, 3049 Vineland, asked if there would be outside storage, is the barn heated and will he work on Sunday's? Mr. Tucker said no to all three questions.

T. Strasser said M-1 Use is for storage, warehousing. He said this is an example of what past Boards have been afraid of happening. Residents' approved for a large pole barn for personal storage and then move. He said this has come "full circle". He said it is a tough decision to make.

Board discussion followed. Mr. Kalanquin asked if customers would be coming to the barn. Mr. Tucker said no, he takes samples to customers. Mr. Parker said he would like to voice his dissension to this request. He feels Mr. Tucker could find other storage space. He is bothered that Mr. Tucker intends to rent the small home. He said he is opposed to this request.

Moved by Kalanquin, supported by W. Weatherford to approve ZBA #97-83 as a temporary two (2) year variance so that they can monitor the use of this pole barn. Roll call showed motion failed, 4 yes, 3 no. Berry, Parker and Layman voting no.

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2. ZBA #97-84

By: Frank Hennessy

1372 N. Genesee
Burton, MI 48509

Re: 59-11-100-019
R-1A Zoned

structures

For: To exceed the allowable square
footage for accessory

by 1,522 sq. ft. with a 24' x
32' addition to the existing
Pole Barn.
(4 Votes required)

Mr. Hennessey said he is retired and needs more personal storage room for his boat and motor home and other recreational vehicles.

No one in the audience wished to speak. Mr. Strasser said this greatly exceeds the ordinance. He said he had received a call from a neighbor that said Mr. Hennessey keeps two semi's on this property. Mr. Hennessey said he only has one which he intends to restore.

Board discussion followed. Mr. Kalanquin said he visited this site and found the present pole barn full of recreational vehicles.

Mrs. Weatherford

said it looks like he has already started building the pole barn. He said

he has but he can move it to his other lot if he needs to. Mr. Parker said

he will be voting no, he must look to the future when Mr. Hennessey no longer needs all of this storage space and sells the property.

Moved by Layman, seconded by Parker to deny ZBA #97-84. Motion carried 7-0.

3. ZBA #97-85

By: Excel Bldg. Co.
Al Maher, Agent
1063 S. State St., Suite 8
Davison, MI 48423

Re: 3255 S. Dort Hwy.,
Lots 376-381 Chambers Sub.
Sect. 28 C-2 Zoned

new

For: (1) To conduct a Used Car Sales
lot not in conjunction with

car sales - Sect. 16.03
Item 3F (5 Votes Required)
(2) To construct a building at
15' from the property line,
30' required.
(4 votes required)

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3. ZBA #97-85 (contd.)

Al Maher, agent for Excel Building Co. handed out drawings of the proposed buildings. He said they would be tearing down the present structure and building a new one and adding to an existing building.

In the audience Eleanor Jagger, 5224 W. Maple, Swartz Creek spoke on having privacy and security after this is built. Her daughter, Kelly Jagger, 3236 Myrton spoke on the same concern, she would like a privacy fence built on the back of their property. Brian Zirembe, 3033 E. Hemphill asked if they were associated with the used car lot across the street, Mr. Maher said no. L. Petrella asked how many cars he will be able to have on this lot. Mr. Strasser said it will be dictated by the size of the property at a Planning Commission meeting.

Mr. Strasser explained this was a two part request. He said the second part must go for Site Plan Review to the Planning Commission. He said if this is approved it could be stipulated in the motion to continue the block wall between the two buildings.

Mr. Parker said he feels this project is good for this corner, it will clean it up. The issue of a privacy fence needs to be addressed. Board discussion followed.

Moved by Parker, seconded by B. Weatherford to approve Part #1 as written. Motion carried 6-1, Layman voting no.

Moved by Parker, seconded by Scott to approve Part #2 with the stipulation a privacy structure be placed between the two buildings for screening of adjacent property by extending the shortest side wall. Motion carried 6-1, Layman voting no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, December 18, 1997, 7:30 P.M.

Meeting adjourned at 8:25 PM.

Jeanette Brown,
Clerk's Office