

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
DECEMBER 14, 1995 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN I. HOHLOCH.

MEMBERS PRESENT: C.CROSS, B.WEATHERFORD, W. DEPOTTEY, I. HOHLOCH, H. BERRY,
T. PARKER AND F. EDMONDS.

MEMBERS ABSENT: NONE.

OTHERS PRESENT: T. STRASSER, DEPUTY PLANNING OFFICIAL AND J. BROWN,
CLERK'S
OFFICE.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of November 9, 1995, at 7:00 P.M.

Moved by DePottey, seconded by Weatherford to approve the above minutes as written. Motion carried 7-0.

B. NEW APPLICATION POSTPONED FROM NOVEMBER 9, 1995:

1. ZBA #95-67	Re: Robert Palmateer 3242 Alpena Burton, MI 48529
	By: 2005 Proper Lots 210, 211 & 312 Greater Flint Sub Sect. 32 R-1C Zoned.
square structures 36' allowed,	For: To exceed the allowable Footage for accessory by 144 sq. ft. with a 28' x Pole Barn. 864 sq. ft. 1008 sq. ft. requested. (4 Votes required)

Mr. Palmateer was not present. Moved by DePottey, supported by Cross to table until the end of the meeting. Motion carried 7-0.

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B. NEW APPLICATION POSTPONED FROM NOVEMBER 9, 1995:

2. ZBA #95-70

By: Apex Sign Group, Inc.
for Wallis Motor Lodge East
6200 N. Dort Hwy.
Flint, MI 48505

Re: 1237 S. Center Road
59-15-300-001 C-2 Zoned

For: (1) To exceed the height
requirement with a highrise

sign

by 40 feet. 30 feet

required,

70 feet requested.

footage

(2) To exceed the square

feet,

requirements by 144 square

feet

150 required, 294 square

requested.

(4 Votes required)

Dan Jones from Apex Signs spoke for Arnie Walli. He said he has been
research
ing their sign requirements and feels that they could compromise with a
60'
pole and a 10' sign. In order to acquire the motel franchise they must
be able
to put up a sign that meets the franchise requirements.

In the audience, L. Petrella, 1081 Howe said he has inspected the present
sign
and feels it is high enough to be seen from the expressway. P. Dargel,
6119
Hugh asked for clarification on the sign size and height. L. Stephens,
3049
Vineland said there is no hardship that fills the criteria for a
variance.

T. Strasser spoke on the allowable signage. I. Hohloch said these are
two
separate business's and two names. Discussion on tax parcels followed.
It
was ascertained that this is three separate tax parcels and therefore the
variance as written is not valid. Dan Jones and Arnie Walli decided they
would consult with legal council before continuing.

Moved by Cross, seconded by Parker to postpone ZBA #95-70 until the next
regular meeting of January 18, 1995 or an earlier special meeting.
Motion carried 7-0.

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C. NEW APPLICATIONS:

1. ZBA #95-71
Company

Suite 100

By: Flint Cellular Telephone
("Cellular One")
26935 Northwestern Hwy.,
Southfield, MI 48034

Re: Lot 26 - Hemphill
Dort Commercial Sites #2
Sect. 28 M-2 Zoned

front

setback

For: To allow a 50' West property
line setback, and a 71'
or South property line
for a 155 foot tower.
See Ord. 19 Sect. 5.29
(4 Votes required)

Kim Shierk, attorney and Bill Varrasso spoke on behalf of this request. She presented a drawing and a photograph of the proposed tower. It is located in an industrial district and almost surrounded by vacant land. The hardship would be that they would not have the power necessary for their plans to enhance their telephone service. Mr. Varrasso presented a graph of what is available now and what they hope to produce with a taller tower.

In the audience L. Petrella, 1081 Howe, spoke on determining on where this tower should be placed. L. Stephens, 3049 Vineland asked if this would interfere with television or radio. Ms. Shierk said no.

T. Strasser asked if they sublet their towers. Ms. Shierk said sometimes they do. T. Strasser said this was a reasonable request.

H. Berry said at the Planning Commission meeting Ms. Shierk stated that during disasters or emergencies that they donated their services. Ms. Shierk explained how they do this. H. Berry said the Planning Commission approved their Site Plan on Tuesday, December 12, 1995.

Moved by DePottey, seconded by Berry to approve ZBA #95-71 as written.

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2. ZBA #95-72

By: Eldon C. Skaggs
2237 E. Kenneth St.
Burton, MI 48529

Re: 2237 Kenneth St.
Part of Lot 230 Atherton
Homestead #2
Sect. 29 R-1C zoned.

garage
feet

For: To construct a detached
at 7 feet from the home. 10
required.
(4 Votes Required)

There was no one present to speak for this variance request. T. Strasser
said
they had been notified.

Moved by DePottey, seconded by Cross to table until the end of the
meeting.
Motion carried 7-0.

3. ZBA #95-73

By: Ben Vedrody
6386 Atherton rd.
Burton, MI 48519

Re: Lot #4 Burton Homesites
Sect. 25 SE Zoned.

single

For: To park one (1) Semi Truck &
trailer on site, M-1 Light
industrial use in an SE
family zoned area.
(5 votes required)

Mr. Vedrody explained that the truck is his occupation. He cannot afford
to
rent parking space. He has ten (10) acres and does not use it as a
transfer
yard. He has sold nine of his trucks and only has this one left.

In the audience L. Stephens, 3049 Vineland said there are two trucks and
one

trailer on the site. He then read a prepared statement about zoning changes.
Lorraine Walker, 6398 Atherton, Leslie Hurlburt, 6377 Atherton and G. Campbell, 6372 Atherton said they had no problems with this request. They said Mr. Vedrody was a very good neighbor and never caused any problems.

Phillip Kinsel, 2218 Ridgemoor, Wayne Fischer, 3048 S.Eugene, Russ Cornack, 3032 Eugene, Charles Marshall, 3057 Eugene, L. Petrella, 1081 Howe, P. Dargel, 6119 Hugh all spoke against approval of this request.

T. Strasser said the variance is not changing the zoning merely the "use" on this property which can be regulated and restricted by the Board. He said there had been a complaint after which a violation was issued.
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ZBA #95-73 (contd)
Board discussion followed. F. Edmonds asked if there had been any problems in the past, T. Strasser said he had had some calls. DePottey spoke on having consideration for the neighbors. C. Cross said he pled his case very well but he would be voting in the negative.

Moved by Edmonds, seconded by DePottey to approve ZBA #95-73 for a period of one year and with the stipulation that it be for one semi truck and trailer on site. Motion carried 5-2, Cross and Berry casting the no votes.

D. POSTPONED FROM BEGINNING OF MEETING:

1. ZBA #95-67

By: Robert Palmateer

Mr. Palmateer explained this is a rental home and he wishes to build a garage for storage of the renters vehicles and his travel trailer. If this is denied his vehicles will continue to deteriorate.

In the audience, Carol Hamilton, 1505 Proper, said there have been many problems with these renters. They are repairing cars in the yard and have numerous junk cars on the property. She is against approval.
L. Stephens, 3049 Vineland asked about the roof covering.
T. Strasser said this is over ordinance and Mr. Palmateer could build a 24' x

36" garage without a variance.

Lengthy Board discussion followed. C. Cross asked how high the side walls would be. Parker was concerned because Mr. Palmateer does not live on the site. Hohloch said he feels approval might be promoting auto work.

Moved by Parker, seconded by Cross to deny ZBA #95-67. Motion carried 7-0.

2. ZBA #95-72

By: Eldon C. Skaggs

There was no one to present this case. Moved by Parker, seconded by Cross to postpone ZBA #95-72 until the next regular meeting of January 18, 1995. Motion carried 7-0.

D. AUDIENCE PARTICIPATION:

W. Fischer, 3048 S. Eugene, P Kinsel, 2218 Ridgemoore spoke on the problems at 6383 E. Atherton. P. Dargel, 6119 Hugh spoke on Board terms, and the criteria for variances, L. Stephens 3047 Vineland spoke on Board approvals.

F. BOARD DISCUSSION:

Chairman Hohloch welcomed C. Cross to the Zoning Board. Discussion on various decisions the Board renders.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, January 18, 1995, 7:00 P.M.

Meeting adjourned at 9:25 P.M.

Jeanette Brown, Clerk's Office