

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
DECEMBER 16, 1993 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN D. GOODING.

MEMBERS PRESENT: W. DePottey, I. Hohloch, T. Hammon, D. Gooding, H. Berry
S. Welliver, 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 November 4, 1993, at 7:00 P.M.

Moved by Edmonds, supported by Welliver to approve the above minutes as printed. Motion carried 7-0.

B. YEARLY RENEWAL POSTPONED FROM NOVEMBER 4, 1993.

1. ZBA #93-63

By: Gene Lukonen
4445 E. Bristol Rd.
Burton, MI 48519

Re: Q-304-1 Section 27
R-1A Zoned.

For: To operate a tree
service from a
residential prop-
erty. M-2 Heavy
Industrial use in an
R-1A Zoned area.
(5 Votes required)

No one was present to represent this case.

Moved by DePottey, supported by Hohloch, to table this case until the end of the meeting. Motion carried 7-0.

C. YEARLY RENEWALS:

1. ZBA #93-65

By: Tony Truett
3206 S. Center Rd.
Burton, MI 48519

Re: Lot 4 Center Road Acres,
Section 28 C-2 Zoned.

For: To operate an M-2 Use in a
C-2 Zoned area.
For two (2) Dump Trucks.
(5 Votes required)

There was no one present to represent this case.

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Moved by Welliver, supported by Edmonds to table this case until the end of the meeting. Motion carried 7-0.

D. NEW APPLICATIONS POSTPONED:

1. ZBA #93-64

By: Robert Palmateer
3241 Berent
Burton, MI 48529

Re: Lot 105 - Holland Heights
Section 28 R-1C Zoned.

For: To exceed the allowable square
footage for accessory structures
by 312 sq. ft. Proposed Pole Barn
would be 1,156 sq. ft.
(4 votes required)

Mr. Palmateer explained he needs the barn for storage of his personal Recreational Vehicles. This barn is on a lot adjacent to the lot his home is on. It will be a hardship if this is denied as he does not have any storage at present.

There was no one in the audience who wished to speak on this case. T. Strasser said the DPW's position is that residents should stay within the ordinance requirements. Mr. Palmateer would be able to build a 24' x 36' garage within the ordinance. He also stated that his office had received a call from residents that were concerned that Mr. Palmateer would be storing his heating business equipment in this barn.

D. Gooding recalled at the last meeting there were two residents who objected to this request. He said they were concerned Mr. Palmateer might use scrap lumber. Mr. Palmateer said the lumber in his yard are the roof trusses and are not scrap lumber. He also stated that he would not store any supplies for his business in the barn. I. Hohloch asked if Mr. Palmateer could get his mobile home into a twelve foot door if he built within ordinance requirements. Mr. Palmateer said yes, he could. Board discussion followed.

Moved by Edmonds, supported by Welliver to deny ZBA #93-64, motion carried to deny; 6 yes, 1 no, Hammon casting the one no vote.

E. NEW APPLICATIONS:

1. ZBA #93-66

By: Charles Burnett
3202 S. Grand Traverse
Flint, MI 48507

Re: 4077 Montcalm
Lot 17 Martin Subdivision
Section 35 R-1B Zoned.

For: To exceed the previously approved

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variance by 240 sq. ft. Existing approval is for a 1200 sq. ft. pole barn. Now asking for a 30' x 48', 1440 sq. ft. Pole Barn.
(4 Votes Required)

Mr. Burnett explained that he will be moving into this home on Montcalm. He has cleaned up the property and there are no homes close to where he has placed his barn. He had been before the Board for permission to build a Pole Barn and he received it, but the lumber yard salespeople told him he could build a larger barn for the same price of the smaller barn. This is why he built a larger barn. He is sorry he went beyond the limits set by the Board but now he needs their approval in order to keep his barn this size.

No one in the audience wished to speak. T. Strasser repeated that it was larger than was approved. Board discussion followed. D. Gooding asked if Mr. Burnett had considered the consequences? He said he was sorry and would be grateful if the Board would approve this for him. I. Hohloch felt that this case could return to haunt the Board in the future. W. DePottey concurred, but he said a pole barn does clean up yards. T. Hammon said it was a nice structure, he felt that Mr. Burnett deserved a second chance. He said Mr. Burnett was out there by himself, no neighbors close by, and he will vote for approval, but warned other applicants should take a close look at this case. Board discussion followed. H. Gooding passed the gavel and spoke to the Board: he told the Board, the applicant has put himself in a bad spot and for the Board to not feel that they were in the bad spot.

Moved by Hammon, supported by DePottey to approve ZBA #93-66 as written. Roll call showed the motion carried 4 Yes; to 3 No: Edmonds, Hohloch, and Gooding voting "No".

B. YEARLY RENEWAL POSTPONED

1. ZBA #93-63

By: Gene Lukonen

Mrs. Lukonen represented her husband. She said they wish to continue to operate their tree service out of their home. Everything is the same. It would be a financial hardship if they could not operate out of their home as this is their livelihood.

There was no one in the audience who wished to speak. T. Strasser had no comments, as long as they keep the flood plain clear. D. Gooding asked about the equipment. Mrs. Lukonen said it was the same. F. Edmonds said it looks like a good operation. Board discussion followed. The barn has been removed which has greatly improved the property. All concurred that the flood plain should be kept clear.

Moved by Edmonds, supported by Hohloch to approve ZBA #93-63 for a period of one year with the stipulation that the flood plain be kept clear. Motion carried 7-0.

2. ZBA #93-65

By: Tony Truett

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Mr. Truett explained that he now has a backhoe and a trailer in addition to his two dump trucks he wishes to park here. Chairman Gooding explained that the Board can grant less than is requested but not more than is on the application. T. Strasser explained that perhaps Mr. Truett could postpone this request until he has had a chance to modify it. There was no one in the audience who wished to speak. Mr. Truett said he would like to have this postponed until he can amend his request.

Moved by Hohloch, supported by Berry to postpone ZBA #93-65 until the next regular meeting so that Mr. Truett may amend his request. Motion carried 7-0.

E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, spoke on "home occupations" and Mayor's recommendations.

F. BOARD DISCUSSION:

A short discussion on recommendations to the Board followed. All concurred that they always consider each case and make their own decisions.

Discussion on restructuring the Board followed. Moved by Edmonds, Supported by DePottey to continue with the present Chairman and Vice-Chairman, D. Gooding and H. Berry, respectively. Motion carried 7-0.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, January 13, 1994, 7:00 P.M.

Meeting adjourned at 8:05 P.M.

Respectfully Submitted by:

Jeanette Brown, Clerk's Office