

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
DECEMBER 17, 1992 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:05 P.M. BY CHAIRMAN GOODING.

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

MEMBERS ABSENT: 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 5, 1992, at 7:00 P.M.

Moved by Mr. DePottey, supported by Mr. Cox to approve the above minutes as written. Motion carried 6-0.

2. Special ZBA Meeting of December 1, 1992, at 7:00 P.M.

Moved by Berry, supported by Welliver to approve the above minutes as written with the stipulation that discussion on the motion to approve ZBA #92-82 will be held. Motion carried 6-0.

POSTPONED FROM NOVEMBER 5, 1992.

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. Hohloch suggested that the applicant, Mr. Lockhart advise the Board if they had spoken with their neighbors regarding this variance request. Mr. Lockhart asked the Board for postponement as a full Board was not present. Mr. DePottey said he had no objections to a postponement but he had spoken with the residents on Nelson Ct. and he now had some concerns about approval of a dog kennel. Mr. Berry said he had visited the property and talked with several of the neighbors and now was opposed to a dog kennel. Mr. Cox advised the applicant not to proceed with construction of the kennel until after a decision by the Board. Mr. Lockhart said he wouldn't.

Moved by DePottey, supported by Hohloch to postpone ZBA #92-71 until the next regular meeting of January 21, 1993. Roll call showed motion carried 6-0.

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C. NEW APPLICATIONS:

1. ZBA #92-83

By: Steve Bennett
4153 S. Saginaw St.
Burton, MI 48529

Re: Lots 38, 39 & 40 of Durant Heights.
Sect. 32 C-2 Zoned.

For: (1) To allow a new building on site
and create a deficient parking
situation. 29 spaces required, 14
spaces provided.
(2) To expand the non-conforming
commercial use with a retail storage
building.
(4 votes required).

Mr. Bennett explained that he had acquired this property from his father and he needed a storage facility for some equipment and supplies for his business. He had been before the Planning Commission in 1987 and again last week for this proposed building. He said parking was a problem but they had off site parking at the old Action Auto store. If this is denied, he will be without badly needed storage room.

In the audience, Daniel Truckee, 2043 E. Buder said he had no objection to approval of this variance. Jerylynn Bennett, co-applicant, said they have tried to keep a clean area because their neighbors have always been so good to them. They would like to keep their property neater looking by building a storage facility to house their equipment and some supplies.

Strasser said the DPW had no objection to the building.

Mr. Berry said Mr. Lockhart has been before Planning Commission and had their approval. Mr. DePottey remembered when Mr. Lockhart's father came before the board and asked to build a storage facility and then converted it into another apartment. Discussion on parking, type of construction of the new building and sewer hook-up followed. Mr. Hohloch questioned the reason for having a sewer line into the new building. Mr. Lockhart said he had considered putting a shower in the building as he needed someplace he could clean up after he finished a job. He assured the Board that this building would never become another apartment. Mr. DePottey felt it should be stated in the motion that the building was for storage only. Strasser explained this was not necessary as the variance request was for a retail storage building.

Moved by Welliver, supported by Cox to approve ZBA #92-83. Roll call showed motion carried 6-0.

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2. ZBA #92-84

By: Tom Olmsted
3407 S. Genesee Rd.
Burton, Mi 48519

Re: 2422 N. Belsay Road
Q-6-10 Sect. 1 R-1A Zoned

For: (1) To allow a sub-standard lot
width of 60'; 85 required.
(2) To permit an accessory structure
on the property without a principle
dwelling.
(Part 1 - 4 votes required
Part 2 - 5 votes required.)

Mr. Olmsted explained that his father had passed away and his wishes were that this property be split among his children. In order to do this, this variance was necessary. He said nothing new would be built on the property.

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

T. Strasser said Mr. Olmsted has been before the Planning Commission for a lot split. He said the DPW had no problem with this request. Discussion on the sub-standard lot followed. Mr. Hohloch spoke on the ingress, egress situation. Mr. Gooding said if they were to build a house they would need another variance. T. Strasser said it was possible to build within all of the required set-backs. Mr. DePottey said he could see no problem with approval. Mr. Hohloch said, regarding part 2 of the variance, that the garage would have to dealt with, T. Strasser said that a house could not be build with a detached structure in front, possibly the garage could be torn down.

Moved by Hohloch, supported by DePottey to approve ZBA #92-84, Part 1. Motion carried 6-0.

Moved by Welliver, supported by Berry to approve ZBA #92-84, Part 2. Motion carried 6-0.

3. ZBA #92-85

By: Richard Strohkirh,
c/o Premier Land Co., Ltd.
P.O. Box 88
Flint, MI 48501

Re: 3033 S. Dort Hwy., Lots 287 & 288
Chambers Sub. Sect. 28 C-2 Zoned

For: To relocate a non-accessory bill board
sign onto said property. Waive
restrictions of Ord. 19, Section 5.28,
items 3 & 4.
(5 Votes required).

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#92-85 (contd.)

Strohkirh said he has the opportunity to purchase this property but first must have permission to move the bill board in order to add on to the present building. He plans to open an Ace Hardware store.

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

T. Strasser said the DPW would like to see a new sign replacing the old style bill board. Discussion on replacement of this sign followed. Welliver asked about the cost of a new sign and the revenue that it would generate. Mr. Gannett explained that a new sign could run as much as \$40,000 and the revenue generated could vary from year to year. They did not wish to replace the sign at this time, only move the existing sign. Mr. DePottey said he would like to see a new sign, but being cost conscious, he didn't have a problem with moving the old sign. He didn't feel it would hurt "old" Dort Hwy which is full of old signs. He has no objections to approval of this variance.

Moved by Cox, supported by Hohloch to approve ZBA #92-85 as written. Roll call showed motion carried 6-0.

D. AUDIENCE PARTICIPATION:

Helen Kmiecik, 5398 Lippincott, spoke on ZBA #92-64. She would like the City to remove the animals that Mr. Chapman is keeping illegally.

Discussion followed, the Board assured Mrs. Kmiecik that everything is being done as quickly as possible.

E. BOARD DISCUSSION:

Discussion followed on the Special ZBA meeting of December 1, 1992.

Moved by DePottey, supported by Welliver to reconsider at the next regular ZBA meeting of January 21, 1993, the action taken at the Special ZBA meeting of December 1, 1992.

Roll call showed motion carried 3-2. Hohloch and Welliver casting the no votes.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, January 21, 1993, 7:00 P.M.

Meeting adjourned 9:07 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office