CITY OF BURTON
RERULAR ZONING BOARD OF APPEALS MINUTES
DECEMBER 19, 1991
7:00 P.M.

This meeting was called to order at 7:00 P.M. by Chairman D. Gooding.

MEMBERS PRESENT: W. DePottey, K. Cox, D. Priest, D. Gooding, H. Berry, S. Welliver, F. Edmonds.

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

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of November 21, 1991, at 7:00 P.M.

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

B. YEARLY RENEWALS POSTPONED FROM NOVEMBER 21, 1991:

1. ZBA #91-64

By: Apple Manufactured Homes
9192 N. Saginaw Rd.
Mt. Morris, Mi.

Re: 4396 S. Dort Hwy.
Q-356-6 Section 32
C-2 Zoned

For: To conduct an M-1 use "Mobile Home Sales Lot" on a C-2 zoned parcel. (5 votes required)

Gary Ashley, 4497 Sunnymead, is the property owner. He explained this site has been a mobile home sales for twenty years. The zoning has never been changed for mobile home sales and therefore he needs a variance. This property has been vacant for the past year. He feels the sales will enhance this area. It will be a financial hardship if this is denied.

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

Strasser said the "use" is appropriate for this area, Mobile home sales is not out of line. There have been no calls from the neighboring businesses on this variance request. Discussion followed on changing the zoning on this property. Berry said as a Planning Commission member he would like to see this rezoned, he also said he would be voting in the affirmative.

Moved by Edmonds, supported by Priest to approve ZBA #91-64 for a period of one year. Motion carried 7-0.

3. YEARLY RENEWALS (CONTD.)

2. ZBA #91-66

By: Paul Raymond
4090 Lapeer Road
Burton, MI 48509

Re: Q-181-A Sect. 15
C-4 Zoned

For: Permanent request for a multiple family use in a C-4 zoned area for a fraternity.
(5 votes required)

Andrew Albrant, 3101 Dearborn, represented this request. He explained that the fraternity was planning to purchase the property in approximately one year. They would like a permanent variance. Several members live there and it is also used for meetings. He was not aware of any problems in the past. It would be a hardship if this was denied as the resident members would have to find other housing.

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

Strasser said this property is zoned C-4. It was originally intended to be used for a strip mall. He feels a permanent variance would put a crimp in the zoning. He said he has had complaints about cars driving through the ditches and parking on the lawn, at most he would advise a temporary variance with the stipulation that there be no parking on the lawn. Discussion followed on problems with trash; and parties held there. Cox asked about the timetable for purchase of this property. A. Albrant said they hoped to have a downpayment in about one year. Gooding passed the gavel and spoke, he said he was not happy with the property problems but would vote in the affirmative but next year he probably would vote against approval. J. Major said the gentlemen of the fraternity should be put on notice that they could be cited if problems continue.

Moved by Edmonds, supported by DePottey to approve ZBA #91-66 for a period of one year with the recommendation they do not park on the lawn and the area is kept neat. Motion carried 7-0.

3. ZBA #91-69

By: Ralph Tucker
5353 E. Bristol Rd.
Burton, MI

Re: Q-287-G Sect. 26
SE Zoned

For: Yearly Renewal M-2 use in an SE District. Contractor's Storage yard in a residentially zoned area.
(5 votes required)

3. ZBA #91-69 (cont.)

Mr. Tucker explained he has been storing his equipment on this property long before we became a city. He keeps the area neat and clean and has had no problems with the neighbors. It would be a financial hardship if this is denied.

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

Strasser said there have been no problems with this request.

Moved by DePottey, supported by Priest to approve ZBA #91-69 for a period of one year. Motion carried 7-0.

4. ZBA #91-71

By: Beulah Nelson
4270 Lapeer Road
Burton, MI 48509

Re: Lot 36 Suburban Homesites
Sect. 15 R-1A Zoned

For: To conduct a RM "Multiple Family" use in an R-1A zoned area. Permanent variance requested.
(5 votes required)

Attorney Richard Harris, 2370 S. Linden Road and Mrs. Nelson's daughter, Judy Clark, 1142 Cabot Drive, Flint represented this case. Mr. Harris explained that Mrs. Nelson is ill and cannot attend this meeting. He said this has been her livlihood for the past thirty years. He presented a map and a list of reasons that this variance should be approved on a permanent basis. He said the area is compatible to multi-family use. This home was built before we became a city. There is sufficient parking in the rear of the home. If this is denied it would be a financial hardship.

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

Strasser said this was originally a single family home. He said the area is still residential, he feels a permanent variance would be"spot zoning" He said there have been no calls or complaints and the property is well maintained.

Discussion on changing the zoning followed. Priest asked how many people live there, Judy Clark said there were three living areas. Edmonds asked what, if any, were the pitfalls of a permanent variance. Strasser said, (1) Less control, (2) Spot zoning, (3) Mixing uses in a residential area, (4) It is forever. Discussion on a permanent variance and, a variance until Mrs. Nelson is no longer in need of it continued.

Moved by Edmonds, supported by Priest to approve ZBA #91-71 for a period of one year. Motion carried 7-0.

5. ZBA #91-72

By: Joyce Fensom
4227 S. Belsay Road
Burton, MI 48509

Re: 4227 S. Belsay Road
Q-454-4A
Sect. 36 SE Zoned

For: To place a second dwelling unit on the parcel of land.
(5 Votes required)

Strasser advise Chairman Gooding that J. Fensom would like this request post-poned indefinitely.

Moved by Berry, supported by Welliver to postpone ZBA #91-72 indefinitely. Motion carried 7-0.

C. NEW APPLICATION:

1. ZBA #91-75

By: Don L. Delduca
2351 E. Maple Road
Burton, Mi 48529

Re: 2351 E. Maple Road
Q-349-A-3
Sect. 32
R-1C Zoned

For: (1) To exceed the allowable square footage for accessory structures by 2,536 sq. ft. 2,000 sq.ft. allowed. 3,636 sq. ft. existing, 900 sq. ft. proposed.
(2) To keep one (1) horse on property.
(1) 4 votes required.
(2) 5 votes required.

Mr. Delduca explained that he now boards a brood-mare and he would like to build a stable for her and keep her on his property. He said it would be in the back of his property and would be in the woods. At present he has a structure which was there when he purchased the property and he uses it for personal storage. He wishes to build a barn 25' x 36'. If this is denied, it would be a financial hardship as he must continue to pay boarding fees.

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

Strasser said part number one exceeds the ordinance, there are no problems with part two as long as it is restricted to one horse. Berry said he can remember when this property was used for a chicken farm, he has no objection to one horse. DePottey said he has no problem with the barn as it will be back in the woods, and the neighbors don't seem to object. Cox asked about the acreage.

1. ZBA #91-75 (contd.)

Moved by DePottey, supported by Priest to approve part one (1) for an accessory structure 900 sq. ft. with the stipulation that it be located in the woods behind the home and perpendicular to the road. Motion carried 7-0.

Moved by DePottey, supported by Cox to approve ZBA #91-75, part two (2) for one year and with the stipulation that it be for one horse only and if and when a foal becomes four months old it be moved off the property. Motion carried 7-0.

D. AUDIENCE PARTICIPATION:

No one wished to speak.

E. BOARD DISCUSSION:

H. Berry spoke on a workshop for Planning and Zoning members to be held in Frankenmuth in March of 1992. He feels it should be considered to send the Board members that can attend.

Edmonds and Cox both said they appreciated the information that T. Strasser included in their packets tonight.

Gooding spoke on not adding burdens on the DPW, he said the Board must be careful with their deliberations.

Gooding welcomed K. Cox to the Board.

The next regularly scheduled meeting will be held January 23, 1992 at 7:00 P.M.

As there was no further business, Chairman Gooding adjourned the meeting at 8:40 P.M.

Respectfully Submitted by:

Jeanette Brown,
Clerk's Office