

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING
DECEMBER 20, 1990, 7:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Homer Berry, Chairman at 7:00 P.M.

Members Present: Gooding, Berry, Priest, Hammon, DePottey, Debus and Edmonds.

Members Absent: None.

Others Present: R. Stewart, DPW Representative and C. Ladd, Deputy City Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

Moved by Priest, supported by Edmonds to approve the minutes of the Regular ZBA Meetings of November 1st and November 29th, 1990, at 7:00 P.M., as printed. Motion carried 7-0.

B. YEARLY RENEWAL:

1. ZBA #90-63

BY: Andrew Albrant, Jr.
4090 Lapeer Rd.
Burton, MI 48509

RE: 4090 Lapeer Rd.
Q-181-A, Section 15
C-4 Zoned

FOR: To conduct a multiple family use
in a C-4 Zoned District, for a
Fraternity (5 Votes Required)

Michael Morterilli, representative for the Fraternity, said they are allowed to have 12 people in the house, but generally have less than that amount. They are requesting to extend the parking spaces to 18 and would like to add more at a later date. They have made minor adjustments to the house.

Mr. Stewart said the building needs to be inspected for occupancy. This has never been done. There have been complaints in regards to cars parking on the grass area and there has been an overflow of parking on the property.

Mr. DePottey asked Mr. Morterilli if he was aware that an occupancy permit had to be obtained from the Building Department and that the building had to be inspected. Mr. Morterilli replied he was unaware of this requirement.

Mr. Berry asked if there were any complaints made prior to the extension of the parking area. Mr. Stewart replied there have been approximately 6 calls made in a years times.

Mr. Hammon asked who Mr. Albrant is. Mr. Morterilli said he is the treasurer for the Fraternity.

Mr. Gooding expressed his concerns about the parking and said he recalls that it was made very clear that an occupancy permit was to be obtained by the residents at the time of the variance.

Moved by DePottey, supported by Berry to approve ZBA #90-63, for a one (1) year variance.

Mr. Edmonds said he concurred with the approval but would like to amend the motion that before the variance takes effect, the applicant is to get an occupancy load and permit from the Building Department. Mr. Priest supported this amendment. Motion carried 7-0.

Motion carried 7-0 on the original motion with the inclusion of the amendment that the applicant is to obtain an occupancy load and permit prior to the variance taking effect.

NEW APPLICATIONS

1. ZBA #90-62

BY: Ronald Dively
1374 Kenneth St.
Burton, MI 48529

RE: Lots 1182 and 1221 of Baker Park #1
Section 30
R-1C Zoned

FOR: To keep a 6' privacy fence along
Greenley and into the front setback
of Connell Street.
(4 Votes Required)

Mr. Dively said he would like to keep the fence because of the amount of traffic and he has no privacy without it. There was a chainlinked fence and it was destroyed by children and he replaced it with a 6 foot privacy fence. The fence has been up well over a year. The neighbor behind me would also like me to keep the fence up.

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

Mr. Stewart reported there was no permit issued and if he had applied for a permit, it would not have been issued. There have been numerous complaints on the location of the fence because people cannot clearly see at the corner. Mr. Stewart said he has been at the residence a number of times and left notices.

Mr. Gooding asked if the fence were up to code, where would it have to end to stop the view at the corner.

Mr. Stewart said at least 35 feet back. DPW would not have a problem if he would drop the fence back by 35 feet so people can see to make the turns.

Mr. Berry said from the Planning Commission level, there have been complaints about visibility of this corner. The chainlinked fence which was there was not quite 4 feet and was not put in by a contractor and the fence was not up to code. The present fence has caused many complaints and it looks like a stockade fence and the ordinance doesn't even allow 6 foot fences in the front yard.

Mr. Edmonds said for the fence only being in for about a year, it is already sagging and he would like to see the fence be lowered or totally eliminated.

3. ZBA #90-66

BY: Chenoweth & Associates Architects,
Inc.
265 North Alloy Drive, Suite B
Fenton, MI 48430

RE: 3281 Iron Street
East 20' of Lots 144 & 175, 145,
146, 176, 177 of Holland Heights
Section 28, R-1C Zoned

FOR: (1) To construct an addition at 2'
from the West Property line, 20'
required. (2) To expand the non-
conforming Industrial Rights in a
R-1C Zoned area.
(5 Votes Required)

Forrest Gearhart, Representative of Chenoweth & Associates, said the site plan was approved unanimously, pending approval from the Zoning Board for the variance. This variance is being requested because of the narrow site. The proposal has no negative effects on the area in general. North side of the property is residential and this will not affect this at all.

Audience Participation:

Jim Patton, owner of 3352 Iron St., asked if he would be given the same variance if he should decide to enlarge his building.

Mr. Gooding said he could not guarantee this as each case is approved or denied on its own basis.

Mr. Stewart explained when a variance is granted to build close to the property line, the Building Department makes certain there is not a problem that one business could keep another from making the same improvements. This problem is taken care of by the Building Department. If the zoning is changed on this property, it would go to Light Industrial. DPW has no problems with this request.

Mr. Berry said at the last Planning Commission Meeting there was an application to rezone this property, but the paper work was incomplete and it was postponed until the next meeting in January.

Moved by Priest, supported by Hammon to approve ZBA #90-66, as requested.
Motion carried 7-0.

4. ZBA #90-67

BY: Christine White
1712 Vernon
Flint, MI

RE: 5371 Davison Rd.
Q-22H Section 2
R-0 Zoned

4. ZBA #90-67 (CONTINUED)

FOR: (1) To waive sect. 6.06 of Ord. 19
"Repairs on non-conforming structure
to exceed 25% of assessed value.
(2) Also reinstate non-conforming
Residential Rights on property.
Sect. 6.03
(5 Votes Required)

Mrs. White said her ex-husband has been staying at this address and in July or August was trying to improve the property but failed to get a building permit. She is trying to get this taken care of and make adjustments in the building so it will be livable. She said she would like this for a home, not a business.

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

Mr. Stewart the building was never built to be a house. This was an old barn and was turned into a building for a business. There are no footings and part of the rat wall is gone. There is a slab floor with 2x4's and doesn't meet the building codes. The ceiling heights is under 7 feet and code requires 7 feet 6 inches. It just isn't feasible as a home. The property has been zoned commercial for 5 or 6 years. According to the City Assessor, there is no economic value to the structure and the non-conforming rights no longer exist because of the building being empty. Mrs. White has been asked to supply the DPW with a list of items of how she is going to bring the building up to code and we have not yet received this. DPW recommends denial.

Mr. Berry said he thinks it would be more expensive to bring this building up to code than to start from scratch.

Mrs. White agreed it is not worth the money if she has to put in footings, etc.

Moved by Priest, supported by DePottey to deny ZBA #90-67. Motion carried 7-0.

5. ZBA #90-68

BY: Francis Phillips
4357 Robindale
Burton, MI 48509

RE: Lot 100 Meadowcroft Estates #3
Section 22, R-1B Zoned

FOR: To exceed the allowable square
footage for accessory structures by
288 sq. feet.
(4 Votes Required)

Mrs. Phillips said they would like to build a garage 24x24 to store antique cars and patio furniture and/or riding lawn mower in.

Mr. Gooding asked what kind of structure this would be. Mr. Phillips said it would not be a pole barn, but rather a regular garage 24x24. Mr. Gooding asked if the existing shed would be taken down. Mr. Phillips replied yes.

There was no audience participation.

Mr. Stewart said the site is very clean and there have been no complaints from from any of the neighbors. DPW has no problems with the request.

Mr. Debus said the fence is illegal and he would be voting in the negative.

Mr. DePottey asked how high a fence would have to be to be placed on the property. Mr. Stewart replied if the yard faces the front street, no fence can go in at all.

Moved by Berry, supported by Debus to deny ZBA #90-62. Motion carried 7-0.

2. ZBA #90-64

BY: Rodney O'Dell
1512 Brady
Burton, MI 48529

RE: Lot 357 - Webber Place
Section 31
R-1C Zoned

FOR: To construct an attached carport
at 0' from side property line.
8' Required. (4 Votes Required)

Mr. O'Dell said he would like to build a carport on the existing driveway and fence. He has an arthritic condition and cannot afford to build a garage. He was unaware that he had to have a permit to put in a fence. He will comply with whatever requirements are given to him and make the necessary changes.

Mr. Stewart said the application was sent to other departments for review and the Code Enforcement Department has concerns about auto repair work being done. Mr. Stewart said he spoke with Mr. O'Dell when he was at DPW and was led to believe the carport wasn't constructed yet. There has been no inspection done yet.

Mr. Hammon asked if the ZBA approved the request for a carport, how does DPW keep it from becoming a garage. Mr. Stewart replied he has no way of keeping this from happening.

Mr. Hammon said possibly the Legislative Committee could review this Ordinance and make any necessary changes.

Mr. DePottey said he has no objections to Mr. O'Dell's carport, but before the variance is approved, it should be up to code and inspected by the City. As a carport it also has to be kept open on three (3) sides.

Further discussion continued by the Board Members.

Moved by DePottey, supported by Berry to approve ZBA #90-64, with the stipulation that Mr. O'Dell obtains a building permit, gets an inspection by the Building Department and brings the carport up to code and leaving it open on three (3) sides. Roll Call Vote: Gooding, no; Berry, yes; Debus, no; Edmonds, no; DePottey, yes; Hammon, yes; Priest, no. Motion denied 4-3.

Moved by Edmonds, supported by Debus to approve ZBA #90-68, with the understanding that the present shed be removed from the property and a garage be built as stated. Motion carried 7-0.

6. ZBA #90-69

BY: Michigan Quick Serve, Inc.
G-3487 S. Linden Road
Flint, MI 48507

RE: 3514 S. Saginaw Street
Section 30
C-4 Zoned

FOR: Request approval for an additional
reader board sign at above
referenced address on Saginaw St.
To exceed the square footage for
accessory signs by 83 sq. ft.
(4 Votes Required)

Robert Shelby, representative of Michigan Quick Serve, Inc. explained they would like to add a reader board to the sign as this will allow them to send a message to the public daily or to advertise a daily special. The company thinks this is important to their business and to the public. The sign is illuminated and it is a permanent sign.

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

Mr. Stewart said DPW recommends approval and there is a 10 foot minimum height requirement. Rally's operates a clean and attractive site.

Moved by Priest, supported by Edmonds to approve ZBA #90-69. Motion carried 7-0.

AUDIENCE PARTICIPATION

Leon Rodden, 3326 Cheyenne St., had a complaint about a neighbor who has not yet complied with the requirements put on his property. Mr. Gooding asked if he had spoken with the DPW. Mr. Rodden replied no.

Mr. Stewart told Mr. Rodden to contact Mr. Strasser and this would be taken care of.

BOARD DISCUSSION

The Board thanked the City for allowing them to attend the Workshop. They learned a great deal from attending.

The next regularly scheduled meeting of the ZBA will be held on January 17, 1991, at 7:00 P.M.

Mr. Gooding adjourned the meeting at 9:03 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC
Deputy City Clerk