

CITY OF BURTON
SPECIAL ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 22, 1994 AT 7:00 P.M.

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

MEMBERS PRESENT: W. DE POTTEY, I. HOHLOCH, T. HAMMON, D. GOODING, H. BERRY,
S. WELLIVER.

MEMBERS ABSENT: F. EDMONDS.

OTHERS PRESENT: T. STRASSER, DEP. PLANNING OFFICIAL, J. BROWN, CLERKS
OFFICE.

A. NEW APPLICATIONS POSTPONED FROM SEPTEMBER 15, 1994

1. ZBA #94-54

By: Tom Rosa
2235 Boatfield
Burton, MI 48529

Re: Q-352-C Section 32
R-1C Zoned.

For: To construct a 30' x 40' garage on
property not having a principal
structure.
(5 Votes required)

Valorie Rosa explained that they are planning to build a home on this property but first would like to build a garage to store materials for their home in it until spring when they will be starting their home. After the home is build, they will use the garage for their own personal storage of a boat, and recreational vehicles. If this is denied, they will not be able to begin construction of their home next spring.

No one in the audience wished to speak. T. Strasser said he has no objections, but is only concerned that it will be used for contractors storage. He stated that after a home is built, Mr. Rosa could build this garage without asking for a variance. H. Berry asked what assurance there would be that this garage would not be used for contractor's storage. Mrs. Rosa said it would be for personal storage only. S. Welliver and W. DePottey concurred with H. Berry. D. Gooding asked how big could another garage could be. T. Strasser said he is allowed another garage at 24' x 32'. Discussion followed. I. Hohloch concurred with other members about storage use. He felt the time to address this concern was now by adding a stipulation to the motion if this is approved.

Moved by Hohloch, supported by DePottey to approve ZBA #94-54 with the stiuplation that the applicant not have any contractor's equipment stored in the garage, or be used for any other business purpose. Motion carried 5-1, Welliver casting the one no vote.

2. ZBA #94-55

By: Maxine Youmans
3497 Benmark Pl.
Flint, MI 48506

Re: 2499 E. Maple Rd.,
Q-350-A Section 32,
R-1C Zoned

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For: Multiple RM Use in an R-1C Area.
(5 Votes required)

Attorney Steve Iamarino represented Maxine Youmans. He explained that due to the owner's health problems the non-conforming rights were allowed to lapse. The owner has since deceased and Ms. Youmans would like to sell the property in order to settle the estate.

Larry Stephens, 3049 Vineland spoke against approval. He feels any rezoning should go before Council.

Discussion followed. S. Iamarino said if this was rezoned, which they were not asking, his client could build an apartment complex without a variance. He feels granting a "Special Use" would be the best way to allow continued use of this property and make it saleable. She does not wish to expand this unit, but she will bring it up to code.

T. Strasser said he can agree with both Mr. Stephens and Mr. Iamarino, but he feels as Mr. Iamarino stated, this unit is already on the property and she is not asking to build anymore. The buildings are in fairly good condition. DPW does have some concerns about the septic tank, he asks that if this is approved that the septic tank be inspected and a building inspector inspect the building to make sure the building is brought up to code. He feels this request is reasonable.

I. Hohloch said the mortgager always requests a septic and water test. H. Berry said he is familiar with this property and has known Mr. & Mrs. Garvey for fifty years and he said this estate needs to be settled and he favors approval.

Moved by Berry to approve for a "Special Use" permit to allow a multiple family use in an R-1C district contingent upon no expansion of the multiple family use and upon inspection of the septic and water system and the building. Supported by Welliver.

W. DePottey asked if the units were connected. S. Iamarino said they were connected. Mr. Iamarino presented a print of the site. Discussion followed. W. DePottey said he had no objection to approval as long as there were no changes or expansion.

H. Berry restated his motion: approve ZBA #94-55 for a "Special Use Permit" to allow multiple family use in an R-1C District with no expansion of multiple family use, with limit of two (2) units as is, contingent upon approval of the septic system and building being brought up to code. Motion carried 6-0.

3. ZBA #94-59

By: JoAnn Humphries
2395 E. Judd Road
Burton, MI 48529

Re: Q-343-H1 Section 37
M-2 Zoned.

For: To keep livestock in an M-2 Zoned
area. Asking for 2 horses, 3 goats,
3 turkey's, 4 ducks, 4 chickens and

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1 goose.
(5 Votes required)

J. Humphries explained this was zoned M2 and is a 10 acre parcel with commercial property next to it. These animals are their backyard pets and they do not bother the neighbors. They are asking for a permanent variance. The last variance was for three (3) years. If this is denied, it will be a financial hardship as they have invested more than \$2,000 in these animals.

No one in the audience wished to speak. T. Strasser said there have been no problems and no complaints. H. Berry said he is opposed to a permanent variance as this property could be sold and the variance then would go with the property and we would not have much control over the animals that could be kept here. He favors a shorter period such as a five (5) year variance. W. DePottey concurred with H. Berry and favors a five (5) year variance. He feels he must do the best that he can for our ever-changing city.

Moved by DePottey supported by Berry to approve ZBA #94-59 for a period of five (5) years. Motion carried 6-0.

B. AUDIENCE PARTICIPATION:

No one wished to speak.

C. BOARD DISCUSSION:

There was none.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, October 20, 1994, 7:00 P.M.

Meeting adjourned 7:47 P.M.

Respectfully submitted by Jeanette Brown, Clerk's Office