

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MAY 16, 2013, 5:00 P.M., COUNCIL CHAMBERS
www.burtonmi.gov

Chairman Steve Welch called the Meeting to order at 5:00 p.m.

MEMBERS PRESENT: Welch, Parker, Rapacz, Weatherford, Hynes, Walls and Parker.

MEMBERS ABSENT: Haskins.

OTHERS PRESENT: R. Frost, Interim Deputy Planning Official and M. Snow, Clerk's Office.

Mr. Parker moved and Hynes seconded to approve the Regular ZBA Meeting Minutes of April 18, 2013 at 5:00 p.m. Motion carried 7-0.

NEW APPLICATIONS:

1. ZBA #13-09

BY: Freedom Fabricating and Design
4463 S. Dort Hwy
Burton, MI 48529

RE: 4463 S. Dort Hwy
Parcel #59-33-300-013, M-1 Zoned.

FOR: To construct a 9 ft. high chain link fence
around an industrial complex, 6 ft. high
allowed. (4 votes required)

Dawn Robertson, 4463 S. Dort, said she is requesting a 9 ft. fence. Her neighbors have one and are in an industrial area. She deals with containers for General Motors and they require her to have a 9 ft. fence. She said the fence would be quite a ways back from the road and about 120 ft. to the north. There would also be a sliding gate.

AUDIENCE PARTICIPATION: None.

Mrs. Frost said the area is industrial and surrounded by woods and railroad. She recommended approval.

BOARD DISCUSSION:

Mr. Walls asked about the fence being connected to the building and would that be 9 ft. as well.

Ms. Robertson said the semi-trucks would have a hard time maneuvering and she reiterated again where the fence would be located. She said the other fence is not hers.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Mrs. Parker seconded to approve ZBA #13-09. Motion carried 7-0.

2. ZBA #13-10

BY: River of Life

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4216 S. Belsay Rd.
Burton, MI 48519

RE: 4216 S. Belsay Rd.
Parcel #59-35-200-001, SE Zoned.

FOR: To erect an electronic messaging sign that
will be within 100 ft. of a residential
property. (4 votes required)

Steve Turner, 4216 S. Belsay, said he is the Pastor of the Church. They have an existing sign that this motion sign would replace.

AUDIENCE PARTICIPATION:

Tom Martinbianco, 5187 Lippincott, said he is in favor of this sign. The City has other signs, for religious, educational and commercial purposes. We do have a sign Ordinance and the Pastor has said the sign is less than what they have now.

Mr. Welch read a letter in opposition of the variance from Geraldine and Charles Rudduck, 5460 Aspen Circle. He said this house is at the back of the property line.

Mrs. Frost didn't see an issue with the sign. It will be pretty small and since there are no other objections with the houses that are actually very close to the sign she recommended approval.

BOARD DISCUSSION:

Mr. Walls asked if the Rudduck's would be affected by the sign in any way.

Mr. Welch said the sign would probably be about 300 yards from them.

Mr. Walls wondered if the light would be lit up all night and how bright the light would be.

Mr. Turner said there would be a control to limit the brightness and they would have the brightness lowered at night time.

Mr. Parker clarified this sign would just replace the one that is there. He asked if there was anything in the Ordinance regulating the brightness.

Mrs. Frost said there was not.

BOARD RECOMMENDATION AND/OR ACTION:

Walls moved and Hynes seconded to approve ZBA #13-10. Motion carried 6-1, with Rapacz voting no.

3. ZBA #13-11

BY: Nahidah & Matthew Meiou
12270 E. Atherton Rd.

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Davison, MI 48423

RE: 4205 Fenton Rd.
Parcel #59-31-501-036, C-2 Zoned.

FOR: To conduct a lot split that will cause the
existing commercial building to have a rear
setback of 12 ft., 25 ft. required.
(4 votes required)

Matthew Meiou, 12270 E. Atherton, Davison, MI., had nothing to add.

Ayen Meiou, 12207 E. Atherton, Davison, MI., said they are representing their mother who owns the property and wants to rent the property out. They would be fixing up the house that was behind the old Great Lakes Power Sports.

Tracy Huffman, 1034 E. Schumacher, said she is representing several neighbors. She lives 2 houses from this property and her concern is that the property has been in such disarray. The house is currently condemned and needs a ton of repairs. She isn't sure why they need a variance if they are just going to rent the property and her biggest concern is the appearance. Most of the buildings other than the ones affected by the fire that had been rebuilt look okay. She said the lawn hasn't been mowed and that property has decreased the value on her own home.

Mrs. Frost recommended approval on the lot split because nothing will be changing as far as the buildings.

Mr. Welch suggested the maker of the motion include that it be contingent upon bringing the home up to code.

BOARD DISCUSSION:

Mr. Rapacz asked what would be done about the other buildings.

Mr. Meiou said they would be fixed and either rent them out or make the property a retail store. The idea for the house is to clean it up and rent it out.

Mrs. Weatherford asked how long they have owned this property.

Mr. Meiou said about 7 months.

Mr. Walls asked what the advantage is of asking this request.

Mrs. Frost replied because they requested it. The previous property owner rented out that house with it being attached and as one parcel so we're not requiring it.

Mr. Welch said they need the split in order for it to be a rental unit.

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Mr. Meiou said without the lot split Consumer's Energy won't turn the power on.

Mr. Hynes asked how much money has been invested so far.

Mr. Meiou replied \$4,500 has been spent and went over the expenditures.

Mr. Rapacz said the property needs to be kept up regardless of the outcome tonight.

Mrs. Frost said that was correct and no one can occupy the home or commercial structures until it is approved by the Building Inspector.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Hynes seconded to approve ZBA #13-11. Motion carried 6-1, with Rapacz voting no.

4. ZBA #13-12

BY: Verizon Wireless c/o FMHC Corp.
23100 Providence Rd. #133
Southfield, MI 48075

RE: Fenton Rd.
Parcel #59-30-300-001, RM Zoned.

FOR: 1. To construct a 153 ft. stealth tower in an RM district, existing cell tower site. (5 votes required)
2. To construct a 153 ft. tower that will have a setback of 45 ft. to the south property line and 65 ft. to the east property line of a residential district, height of the tower required. (4 votes required)

Leland Callaway, 23100 Providence, Southfield, MI., 48075, said he is representing Verizon and requested a variance for a setback and to allow a wireless use in an R-N District.

Tom Older, 1071 E. Mandeville, asked why another tower is needed since one is already existing. He thought this area was Flint and mentioned the lack of lighting.

Gary Hatch, 1065 E. Mandeville, said he has basically the same questions as Mr. Older. They were told there would be lights when they erected the other tower. He went to Flint to attend the meeting regarding the tower but they had cancelled it and also thought that area was Flint.

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Mrs. Frost said she would not be making a recommendation. She said she had received a letter from an engineer stating the tower is designed to collapse on its self rather than to fall over.

Mr. Welch read a letter from SABRE Industries, an architectural firm informing the Board that the proposed tower would withstand speeds up to 90 mph and could collapse upon its self.

Mrs. Frost said it is not an approved cell tower in the City of Burton. This did not come to Administration's attention until after this agenda was sent out. This needs to be considered as if it were not an existing cell tower site. The current cell tower was not approved by the City of Burton but is a different issue. It was approved by the City of Flint but that is a different issue.

Mr. Rapacz asked how far the towers should be from a residential area.

Mrs. Frost said for this particular tower it would be 153 ft. tall. It would have a 45 ft. setback to the south property line and a 65 ft. setback to the east property line.

Mr. Hynes asked why the other tower is not leased out for other users. Why do we need another tower.

Mr. Callaway said they always try to co-locate. That non-conforming tower is 110 ft. tall and they did consider it. But that height does not meet their optimum signal distribution for the City of Burton. He said there was already a similar use on that property and they are proposing to construct a stealth tower, which is just a pole.

Mr. Parker asked if there was no other suitable location for this. He thought it had to be on City owned or school property.

Mrs. Weatherford asked how far the towers would be from each other.

Mr. Callaway said they would be 80 ft. from each other.

Mr. Parker asked what kind of noise is generated by this equipment.

Mr. Callaway said the only noise is the automatic air conditioner, which shuts off on its own.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Weatherford seconded to approve ZBA #13-12 parts 1 and 2.

Motion carried 5-2, with Hynes and Rapacz voting no.

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Burton, MI 48529

RE: 4099 S. Saginaw St.
Parcel #59-32-501-008, C-2 Zoned.

FOR: 1. To conduct used vehicle sales not in
conjunction with new vehicle sales.
2. To conduct a C-3 use in a C-2 zone for
the purpose of used vehicle sales.
(5 votes required)

Mark Newman, 2351 Stonebridge Dr., Flint, MI., 48532, said he is the attorney representing the applicant. He said the applicant has been at the location for 10 years and would run the used car lot in proper fashion because it would impact the business he currently operates there.

Sandy Horner, 2054 E. Parkwood, said some of the homes in that area are rentals and wasn't sure how many of them were invited to this meeting because of the distance. She asked how many vehicles will consist of the car lot. She mentioned safety for the elementary school across the street in regards to the cars.

Mrs. Frost said there are several other similar businesses in the area and she did not think this was anything that would cause blight or be noisy so she recommended approval.

Mr. Erickson said they have room for about 8 vehicles.

BOARD DISCUSSION:

Mr. Parker asked where the vehicles would be put and if they would impede the view looking on North Saginaw St. He asked if they would be by the sidewalk or closer to the building.

Mr. Erickson replied the cars would be closer to the building and on the side by Chase Bank.

BOARD RECOMMENDATIONS AND/OR ACTION:

Mr. Parker moved and Walls seconded to approve ZBA #13-13. Motion carried 7-0.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION: None.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, July 18, 2013 at 5:00 p.m.**

Meeting adjourned at 6:25 p.m.

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