

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
DECEMBER 20, 2012, 5:00 P.M., COUNCIL CHAMBERS
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Chairman Steve Welch called the Meeting to order at 5:05 p.m.

MEMBERS PRESENT: Welch, Olsen, Parker, Haskins, Hynes, Walls and Parker.

MEMBERS ABSENT: Weatherford.

OTHERS PRESENT: A. Abbey, Deputy Planning Official and M. Kimball, Clerk's Office.

Walls moved and Hynes seconded to approve the Regular ZBA Meeting minutes of November 15, 2012 at 5:00 p.m. Motion carried 7-0.

NEW APPLICATIONS:

1. ZBA #12-33
- BY: Bennie Ashley
3417 E. Bristol Rd.
Burton, MI 48529
- RE: 4232 S. Dort Hwy.
Parcel #59-32-200-015, M-1 Zoned
- FOR: To conduct a lot split that will leave the
existing buildings 30 ft. from the front and
rear property lines, 35 ft. required.
(4 votes required)

Bennie Ashley, 3417 E. Bristol Rd., said this is his father's property and they want to split the property into two pieces for future development. Later on this will be switched to my name and my brother's name.

AUDIENCE PARTICIPATION:

Mrs. Abbey said Mr. Ashley wants to split the property for future development. Splitting off the back portion leaves no road access so we will require an easement. This will be required prior to the approval of the lot split and will still have to go through the proper department for approval. The two buildings will be 5 ft. short of their setback and he will not be doing any new development within that setback. She recommended approval.

BOARD DISCUSSION:

Mr. Walls asked what the advantage and purpose to splitting the property would be.

Mr. Ashley said that when they have a split put in there will be an easement to both of them. This will be kept in the family but it would be split so that my brother and I will each own one. We have split another property this same way before. My dad is just planning for the future.

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Mr. Parker asked Mrs. Abbey if the easement they are talking about is on the drawing they received where it shows the existing asphalt drive.

Mrs. Abbey stated this is where they will put the easement in. It is already there and it will just go through the driveway so they don't have to put in another driveway.

Mr. Parker said the plan shows a 20 ft. setback from the property line and asked if this is a requirement. He thought an easement was right along the property line.

Mrs. Abbey stated the easement could run through the middle of a property line. It gives them rights to access the back portion of the property, but nothing else. The rear property line is where the set back is and he has 60 ft. between the two buildings where the property line goes through. He needs to have 70 ft. If he puts the line down the middle of the property it would leave 30 ft. between the building and the rear property line and 30 ft. between the building and the front property line. This would be split from front to rear in the middle of the property line and the estimated value will stay the same. If he didn't have the easement there we wouldn't approve the lot split.

Mr. Parker asked if the easement would have to go through the Planning Commission.

Mrs. Abbey stated no. Easements get recorded with the property at the County and lot splits go through the Assessor's Office now, rather than the Planning Commission.

Mr. Walls said the easement is 30 ft. and asked if this was the proper size for a street if they wish to open a business.

Mrs. Abbey said streets are required to be 60 ft. and there are no requirements for a driveway as long as there is enough room for two cars to easily pass each other.

BOARD RECOMMENDATIONS AND/OR ACTION:

Hynes moved and Mrs. Parker seconded to approve ZBA #12-33. Motion carried 7-0.

2. ZBA #12-34

BY: Volunteers of America Michigan
21415 Civic Center Dr.
Southfield, MI 48070

RE: 1135 N. Belsay
Parcel #59-11-400-005, M-1 Zoned

FOR: To construct two wall signs that will exceed
the maximum square footage allowed,
392 sq. ft. requested, 200 sq. ft. allowed.
(4 votes required)

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Brian Wilbur, 496 Morningside Dr. in Grand Blanc said the property faces Court St. as well as Belsay Rd. and that is why he is asking for the variance. He said this will be a thrift store and would be hiring 20 to 30 people in January and expect to open by February 1st.

AUDIENCE PARTICIPATION: None.

Mrs. Abbey said the property technically does not front two streets but it appears to. With the way our ordinance reads, it doesn't matter how many streets you front, you are allowed 200 sq. ft. maximum. She said given the size of the building, she recommends approval.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Hynes seconded to approve ZBA #12-34. Motion carried 7-0.

3. ZBA #12-35

BY: Robert Ramirez
4352 Shubert Ave.
Burton, MI 48529

RE: 4352 Shubert Ave.
Parcel #59-32-552-284, R-1C Zoned

FOR: To construct a carport that will be 1 ft. from
the side property line, 5 ft. required.
(4 votes required)

Robert Ramirez, 4352 Shubert Ave., said he has been a resident of Burton for about 10 years. He lives next to a commercial building and has a problem with snow drifts by his garage door so he would like to put a carport up. This would be a steel carport not attached to the garage. He says not only is it hard for him to shovel but his 80 year old father tries to shovel the snow drifts away from the garage door. This is very dangerous for his health and has been the driving force behind trying to get this carport put up. There is a fence that is about a foot, foot and a half next to the driveway. Under the regulation you have to have five ft. and there just isn't five feet there, so I am asking for this approval to build the carport.

AUDIENCE PARTICIPATION: None.

Mrs. Abbey said that Mr. Ramirez is requesting to make the carport out of steel. With the 1 ft. setback and the carport made out of steel a fire hazard wouldn't be an issue as long as the carport is not enclosed. She recommends approval with the condition that the carport never be enclosed.

BOARD DISCUSSION:

Mr. Walls said he noticed the garage sits quite a ways back and asked how long and how many car lengths will the carport be.

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Mr. Ramirez stated there is a nook that comes out from the house. It is 35 ft. from the garage to that spot, not all the way out to the road.

Mr. Walls asked Mrs. Abbey if the carport will be able to withstand the amount of snow that would land on it.

Mrs. Abbey said that would be up to the building inspector to determine when he gets the specs on the actual carport. He still has to get the building permit. He is trying to get have the setback approved now and as far as what the specs would allow.

Mr. Ramirez stated he will be using 12 gauge steel instead of 14 gauge because it is stronger.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Hynes seconded to approve ZBA #12-35 with the condition that the carport never be enclosed. Motion carried 7-0.

4. ZBA #12-36

BY: Spartan Cars Inc.
4015 S. Cedar St.
Lansing, MI 48910

RE: 4231 Davison Rd.
Parcel #59-03-300-064, C-2 Zoned

FOR: To conduct used car sales not in conjunction
with new car sales in a C-2, General
Business Zone. (5 votes required)

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mrs. Abbey said the property has no parking at all in front. She spoke to the applicant to verify that this business will be wholesale only. She recommends approval with the condition that the business be wholesale only.

Mr. Parker said this building has been used for car sales for at least 15 years. Is there anything in the ordinance stating how many people can use the same piece of property they have a license at?

Mrs. Abbey said that would be up to the members to determine if you think it's too much.

Mr. Parker said he knew that the State of Michigan required so many to have a license at a location in order to sell cars.

Mrs. Abbey said she has not found another one in the history on this particular property.

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Mr. Parker mentioned a similar business that used to be Bob Moss Volkswagen next to the Fire Station. He noticed there was someone new in their selling cars. He asked if the State cares how many licenses a business has.

Mrs. Abbey said she doesn't think it matters to the State how many licenses a business has as long as you approve it. I have to sign off on it before they can get their approval. I will not sign the approval until they come before the Zoning Board and it is approved. He sends the approval to the State and they keep track of which ones are approved by us.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Haskins seconded to approve ZBA #12-36 with the condition that the business be wholesale only. Motion carried 7-0.

5. ZBA #12-37

BY: United Leasing Inc.
4015 S. Cedar St.
Lansing, MI 48910

RE: 4231 Davison Rd.
Parcel #59-03-300-064, C-2 Zoned

FOR: To conduct used car sales not in conjunction
with new car sales in a C-2, General
Business Zone. (5 votes required)

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mrs. Abbey said the reason this person is coming before you again is because he has two applications for the same property. They are Use variances and they go with that applicant. If he left the property, anyone new coming in would have to get the same approval. There are two different entity's doing the same thing at the same property. She recommends approval with the same condition that this must be wholesale only.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Haskins seconded to approve ZBA #12-37 with the condition that the business be wholesale only. Motion carried 7-0.

BOARD DISCUSSION: None.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, January 17, 2013 at 5:00 p.m.**

Meeting adjourned at 5:34 p.m.

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