

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JANUARY 15, 1998, 7:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Ian Hohloch, Chairman, at 7:00 P.M.

MEMBERS PRESENT: B. Weatherford, S. Layman, B. Kalanquin, H. Berry, R. Centilli, I. Hohloch and T. Parker.

MEMBERS ABSENT: None.

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Clerk's Office and C. Ladd, Deputy City Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

Kalanquin moved and Berry seconded the following motion:

Approve and authorize the minutes of the Regular ZBA Meeting of November 20, 1997 at 7:00 P.M.; the minutes of the Special ZBA Meetings of December 4, 1997 at 5:00 P.M. and December 11, 1997, at 7:00 P.M., as printed. Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

None.

C. BOARD DISCUSSION:

None.

D. NEW APPLICATIONS:

1. ZBA #97-88

BY: Joseph J. Sefa
P.O. Box 205
Goodrich, MI 48438

RE: Auto Vision
G-4499 Davison Rd.
Parcel #59-03-400-004

FOR: To conduct used car sales not in conjunction with
new car sales, Section 16.03 Item 3 F. (5 Votes)

Mr. Sefa stated he is requesting approval for a wholesale car business to purchasing cars from individuals, clean them up and send them to the auction. He will not be repairing any vehicles on site.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked how many businesses are at this particular location. She was advised three.

Mr. Hohloch asked if Mr. Sefa would be having a retail and a wholesale business. He also asked if Mr. Sefa had anything to do with Bisbee's, which is located at the same site.

Mr. Sefa said he is only selling wholesale and he is not associated with Bisbee's business.

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Discussion was held regarding the number of businesses in the same building.

Mr. Hohloch said as long as the building is adequate in size, you can have as many businesses as you want, is this correct Mr. Strasser?

Mr. Strasser agreed. He said the use is similar to what is presently there and all DPW requirements have been complied with except the sign.

Mr. Kalanquin asked if Mr. Sefa would abide by the same rules as Bisbee's. He said yes.

Mr. Berry said Mr. Sefa was before the Planning Commission and all items on the site plan are up to date. Mr. Sefa stated he was a wholesale business only and would be selling the vehicles to auctions.

Mr. Parker asked Mr. Sefa if he planned to have cars on this site, or is he just using the site to get the license from the State of Michigan.

Mr. Sefa said he is trying to get a dealer's license from the State to only take the cars to sell at auctions.

Mr. Parker said to his recollection, Bisbee is only to have 4 or 5 cars on the lot and when he has driven by, there are 15 cars for sale. If Mr. Sefa has an additional 10 cars, plus what Church and Sons have when the cars are being repaired, there will be too many cars there and he has a concern about the neighbors in the area. He said he thinks the stipulations need to be reviewed for Bisbee, and if they are in violation, we need to address this issue. He said he is concerned about Mr. Sefa having too many cars there also.

Mrs. Layman asked whose cars are there in the back now.

Mr. Sefa said another dealer, Mr. White, passed away and he is taking over his business.

Discussion continued regarding the number of cars allowed.

Mr. Strasser explained that the State requires the applicants who are trying to get a vehicle dealer's license to come before the Board and once they are approved, I sign the permit and they will get their license. However, I only sign the permits after they have been before the Zoning Board. Legally, they cannot sell cars until I sign the application.

Mr. Parker said he has concerns about Mr. White's cars being parked there, because there may be others there also.

Mr. Hohloch asked if Mr. Strasser knew how many cars were in the previous business in that building. He noted that he doesn't have a problem with an adequate number of cars, but is concerned about being able to maintain control of the situation.

Mr. Sefa said he is not interested in selling cars retail, he only wants to sell wholesale. He doesn't have a license to sell retail.

Mrs. Layman said when Church and Sons moved their business into this building, the neighbors were concerned about cars being parked in the back and this seems to be what is happening.

Mr. Strasser said by nature of Church's business as an auto repair shop, it takes more than one day to repair a vehicle if they have to send out for a part.

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Mr. Parker asked if the State would revoke Bisbee's license if he violated the stipulations placed on his business.

Mr. Strasser replied no, the State doesn't care how many cars are on the lot. The only safeguard is to deny the request.

Mrs. Weatherford said she is concerned about approving this request when there may already be violations on the site.

Moved by Weatherford, seconded by Parker to deny ZBA #97-88 to conduct used car sales not in conjunction with new car sales. Roll call vote: Hohloch, yes; Berry, no; Parker, yes; Centilli, no; Weatherford, yes; Layman, yes; Kalanquin, no. Motion failed 4-3 to deny request. (5 votes required)

Moved by Berry, seconded by Kalanquin to approve ZBA #97-88 for a period of one (1) year, only to be used for wholesale sales and no work being done on any cars. Roll call vote: Hohloch, yes; Berry, yes; Parker, yes; Centilli, yes; Weatherford, no; Layman, yes; Kalanquin, yes. Motion carried 6-1.

2. ZBA #98-1

BY: Thomas & Bonnie Prado
3483 S. Genesee Rd.
Burton, MI 48519

RE: G-3483 S. Genesee Rd.
Parcel #59-26-300-025

FOR: To conduct an office use in a residential
area for a wholesale car sales use. No vehicles
on site. (5 Votes)

Mr. Prado said he has been involved with cars for a number of years and he is seeking a license from the State of Michigan with the Board's approval. Mr. Prado said his property is not zoned commercial to sell cars. This is a hobby.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked for clarification of office use in a residential area.

Mr. Strasser explained that for a home occupation in a residential area, patrons don't come to the home and there is no extra traffic generated by the business. This is not a home occupation Mr. Prado is asking for. He is asking for approval from the Zoning Board to get a State license to sell cars. If the Board approves his request, then I sign the proper forms and he takes them to the State and is issued a license.

William Weatherford, 3084 S. Genesee Rd., said he has lived at his residence for 45 years and it is zoned residential. He said he is concerned about controlling the situation if cars are sold from the property, should Mr. Prado be granted a State license.

Leona Stephens, 3049 Vineland, inquired about neighbors being notified because she knows of two that are against the request being granted.

Mr. Strasser said he has had numerous phone calls against the request because this is a residential area.

Mr. Hohloch read letters from three residents against the request being granted.

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Mr. Kalanquin said he also received several phone on this issue. He asked Mr. Prado if he is currently working on

cars now. He also inquired about the dump trucks in the yard.

Mr. Prado replied he is currently working on his son's truck.

Mrs. Prado said they don't want to get into trouble with the City and she doesn't want cars sold on her property. They would like an office so the State can come in and look at their paperwork.

Mr. Hohloch said it is his understanding that they have sold cars, campers, trailers, snowmobiles, etc. from their property for quite some time.

Mrs. Weatherford said they have sold items from their front yard since they have lived in the house.

Mr. Prado said to go to a dealer's auction, you must be a dealer and they can only get their dealer's license with the Board's approval.

Mr. Parker said he doesn't think this should be in a residential area. It would be a derelict of duty to allow this in a residential area.

Moved by Kalanquin, seconded by Weatherford to deny ZBA #98-1 to conduct an office use in a residential area for a wholesale car sales use, with no vehicles on site. Motion carried 6-1 to deny, with Mr. Berry voting no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, February 19, 1998 at 7:00 P.M.

Meeting Adjourned at 7:52 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML