

CITY OF BURTON  
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES  
JANUARY 18, 2001, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY WILLIAM KALANQUIN AT 6:00 P.M.

MEMBERS PRESENT: Kalanquin, Layman, Scott, Parker, Cross, Grantner, Curtis

MEMBERS ABSENT: None

OTHERS PRESENT: J. Major, DPW Director, T. Strasser, Deputy Planning Official,  
J. Adams, Clerk's Office

Moved by Grantner, seconded by Cross to approve the minutes of the Regular ZBA meeting of November 16, 2000 at 6:00 p.m., and Special ZBA meeting of November 30, 2000 at 6:00 p.m.  
Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Mr. Cross commented on the Zoning Board of Appeals members update. He inquired regarding a Family Dollar Store sign at Seely Plaza and if they are coming for a site plan. He also asked the status of the plaza.

Mr. Strasser said they are aware they need a site plan review. There is a new roof and a heating unit at the building.

D. NEW APPLICATIONS:

Post-poned from August 25, 2000:

- |               |                                                                                                                                      |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 1. ZBA #00-44 | BY: Patricia Murphy<br>1248 Wells<br>Burton, MI                                                                                      |
|               | RE: Lot 775, Baker Park<br>R-1C Zoned                                                                                                |
|               | FOR: To obtain variance of 18 inches from the west<br>property line; 8 ft. required. For an existing car port.<br>(4 Votes Required) |

Patricia Murphy, 1248 Wells, Burton, MI, said the car port is already built and she thought the builders had the necessary paperwork done, but was made aware they did not when a City official came out. She indicated this will not affect the neighbors. Mrs. Murphy showed pictures to the Board.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said this came to them after the fact. The property is clean and well taken care of.

BOARD DISCUSSION:

Mrs. Scott inquired if further building is to be done.

Mrs. Murphy stated it just needs to be painted.

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Mr. Cross asked if there were any neighbors' complaints.

Mr. Strasser indicated there were none. Mr. Major said they have had several similar requests.

Mr. Parker inquired regarding drainage.

Mr. Major said the permit addresses the drainage. Mr. Strasser spoke of addressing the drainage in the motion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Cross to approve ZBA #00-44 with the stipulation eavestroughs be installed for drainage and there be no additional construction on the three sides of the carport.  
Motion carried, 7-0.

2. ZBA #00-72

BY: Michael J. Breszinski  
5005 Lapeer Rd.  
Burton, MI

RE: Parcel #59-14-300-004  
5005 Lapeer Rd.

FOR: To allow apartment use in upper level of office  
building. C-1 Zoned residential use in commercial  
zoning. (5 Votes Required)

Michael Breszinski, 5005 Lapeer Rd., Burton, MI, said he has owned the building for 12 years and has made many improvements. He uses the building for his office and residence. He addressed concerns of parked cars in the parking lot.

AUDIENCE PARTICIPATION:

Karen Aligood said she lives east of Mr. Breszinski and has concerns that the parking lot is not used as a storage lot. She inquired regarding the number of rooms that could be rented out.

Mr. Breszinski said he and his son live there and it is for his own use. His client's confidentiality is important and he does not want anyone else to have access. He said he does not want the parking lot to be for storage. One of the vehicles he cannot remove as yet because of a Judge's court order. Mr. Breszinski spoke further of the other vehicles.

Mr. Major said when Mr. Breszinski was notified he came right in the office. He has to pay for additional tap in fees and he has done a good job of upgrading the home. The building was inspected and has met all requirements. The car issue is paramount and that they be removed as quickly as possible.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Cross, seconded by Layman to approve ZBA #00-72 with the stipulation it is limited to one apartment in the upper level and the parking lot is not used for storage.  
Motion carried, 7-0.

3. ZBA #00-74

BY: Kenneth W. Wissinger  
4214 Howe Rd.  
Grand Blanc, MI 48439

RE: Parcel #59-34-100-020, 4214 Howe Rd.

FOR: To split the existing lot into two non-conforming lots  
with widths of 130 ft. and 35 ft.; 150 ft. required by  
ordinance. SE Zoned. (4 Votes Required).

Kenneth Wissinger, 4214 Howe Rd., Grand Blanc, MI, said he wants to put in a driveway on the property and feels it will not adversely affect anyone.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser indicated both lots are non-conforming.

BOARD DISCUSSION:

Mrs. Layman inquired regarding ownership of 4200 Howe Rd.

Mr. Wissinger said his father owns 4200 Howe Rd. and spoke further of the property being land-locked.

Mrs. Scott inquired regarding separate tax rolls and the availability of sewer and water.

Mr. Cross asked how deep the property is.

Mr. Wissinger replied it is 9 acres.

Brief discussion followed concerning problems with having non-conforming frontages. Mr. Major commented that there will be a new designation of SFM (single family medium density) from the updated Master Plan.

Norman Wissinger, 4200 Howe Rd., Burton, MI, spoke regarding the history of the property and indicated if either property is sold, they would have a way to get back in there with the driveway.

Mr. Parker indicated he has a friend who has the same situation with his property who has had nothing but problems.

Mr. Curtis inquired regarding the 4214 Howe Rd. property and notification of neighbors.

Brief discussion ensued regarding a sewer system and power lines.

Mrs. Scott inquired regarding wetlands.

Mr. Wissinger replied that a neighbor has a pond but not himself.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Cross, seconded by Grantner to approve ZBA #00-74.  
Motion carried, 6-1. Parker – no.

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4. ZBA #00-01

BY: Collins Signs, Inc., on behalf of the Home Depot, U.S.A.  
4255 Napier Field Rd., Dothan, AL 36303

RE: 4245 E. Court St., Burton, MI 48519

FOR: To add an additional 30 sq. ft. of signage to the front of  
the building for the Tool Rental Center, 200 sq. ft.  
allowed; 759 sq. ft. existing. (4 Votes Required).

Johnnie Capron, from Alabama representing Home Depot, indicated the sign would be for a new service they are offering for tool rental.

#### AUDIENCE PARTICIPATION:

Bill Young, 1061 Arapaho, Burton, MI, stated he lives directly behind Home Depot and feels they have not been a good neighbor. He spoke regarding debris in his back yard, plywood stacked extremely high, smell of diesel from the trucks, noise from the trucks, and other items of concern.

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired where the additional signage is to be located. She spoke on the congestion that is present there now, and items displayed in the fire lane.

Ms. Capron said she will bring these concerns to Home Depot's attention.

Mr. Major said he cannot dispute Mr. Young's statement. He indicated the managers change often and this Home Depot is jammed pretty tight into that location. Mr. Major said management needs to address the concerns.

Ms. Capron said this is not Home Depot's normal way of doing business and she will speak to the appropriate people.

#### BOARD DISCUSSION:

Mrs. Layman addressed the comments and concerns, and indicated she will be voting no.

Mr. Cross inquired regarding authorization to have sheds outside, and painted orange signs displayed outside.

Ms. Capron presented pictures to the Board.

Mr. Major said this is a reasonable variance request, but they need to get a handle on the problems with the neighborhood.

Mr. Parker said the piece of property is not big enough and he is troubled by the lack of neighborliness on Home Depot's part. Managers have been told of procedures to follow and for a couple of weeks things are okay and then it is lax again.

Mr. Strasser spoke regarding possibly having the variance tabled until the site comes into compliance.

Mr. Parker addressed the policing problems as stated in the past. He stated if this is denied, Home Depot will look into it, and if there is improvements shown, then they could approve it in the future.

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Mr. Grantner asked Mr. Young if he has received any relief of the many complaints.

Mr. Young replied that in the last year it has been atrocious and things are stacked so high it is unsafe.

Mr. Grantner spoke concerning items that were addressed at the Planning Commission for Home Depot. He spoke of tabling the variance and stating the reasons why. Mr. Grantner stated further he would not be voting for this.

Mr. Curtis said he agrees with the previous comments but feels they should focus on addressing the sign issue.

Mrs. Layman inquired if they will open 24 hours for business. She said she lives at the other end of Mr. Young's subdivision and can hear loud noises from Home Depot.

Brief discussion followed regarding the signage. Mr. Parker felt Home Depot has been given ample signage.

Mr. Cross indicated there have been complaints expressed at Council meetings on Home Depot.

Mr. Major said to Home Depot's credit, they have been a good donation source and have been involved with Paint-For-Pride.

Ms. Capron re-iterated that she would get this information to the appropriate people.

#### BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to deny ZBA #00-01.

Motion carried to deny, 6-1. Kalanquin – no.

5. ZBA #00-02

BY: Daniel Skalski  
1343 Merle  
Burton, MI

RE: Lots 635 and 636, Lapeer Heights

FOR: To construct an addition to the front of the home at  
25 ft. from the front property line, 30 ft. required.  
R-1A zoned. (4 Votes Required).

Daniel Skalski, 1343 Merle, Burton, MI, said he would like additional bedrooms and a bathroom. He has good neighbors and wants to stay in the area.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he has received no phone calls against the variance. It is not an unreasonable request.

#### BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #00-02.

Motion carried, 7-0.

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Mr. Kalanquin stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, February 15, 2001 at 6:00 P.M.**

MEETING ADJOURNED AT 7:18 P.M.

jra