

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JANUARY 20, 2000, 6:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Bill Kalanquin, Chairman, at 6:00 P.M.

MEMBERS PRESENT: Berry, Hammon, Kalanquin, Layman, Parker, Scott and Weatherford.

MEMBERS ABSENT: None.

OTHERS PRESENT: T. Strasser, Deputy Planning Official and C. Ladd, Deputy City Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

Moved by Parker, seconded by Weatherford to approve the minutes of the Regular Zoning Board of Appeals Meeting on December 16, 1999, at 6:00 p.m., as printed. Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

There was no one in the audience who wished to speak.

C. BOARD DISCUSSION:

Mr. Kalanquin opened the floor for nominations of officers.

Moved by Parker, seconded by Hammon to move the nomination of officers to the end of the meeting. Motion carried 7-0.

Mr. Parker said he would like to change the wording in the paragraph under Audience Participation. He said he would reword the paragraph and present a draft at the next meeting for everyone's input.

D. NEW APPLICATIONS:

- | | |
|--------------|--|
| 1. ZBA #00-1 | BY: Dave Barkman
4320 S. Belsay Rd. |
| | RE: Parcel #59-35-400-029, SE Zoned |
| | FOR: To exceed the existing square footage of 3,776 sq. ft.
of accessory structure with a 480 sq. ft. addition
20 ft. x 24 ft. to the pole barn. (4 Votes) |

Dave Barkman, 4320 S. Belsay Rd., said he is requesting a variance so he can build an addition on the pole barn. This will be used for storage so the yard doesn't look junky. He said his son and dad keep their boats there and would like to have additional room for storage.

There was no one in the audience who wished to speak.

Mr. Strasser said he received an anonymous phone call that Mr. Barkman is storing his construction equipment there. He asked Mr. Barkman if he was doing so, and Mr. Barkman replied no, but he used to.

Mr. Strasser said as of 1992, a motion was made that only personal items could be stored on the property. Mr. Barkman's request does exceed the ordinance and there has already been one variance granted for an oversized pole barn. This request is over and above what was already granted. We recommend that nothing over and above what is allowed be granted.

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Mrs. Scott asked if they had already started the addition.

Mr. Barkman replied that he has the trusses.

Mrs. Layman asked if the hardship is not enough room to store your own items, but that of your family members also? This is your residence and the storage should be for yourself.

Mr. Parker said a 40x80 pole barn is huge and in my opinion, it would not be a good idea to increase the size of the pole barn. I appreciate him wanting to get the items indoors, but the size he has now is very big.

Moved by Parker, seconded by Layman to deny the variance request to exceed the existing square footage of 3,766 sq. ft. of accessory structure with a 480 sq. ft. addition 20 ft. x 24 ft. to the pole barn. Motion carried to deny 6-1 with Mr. Hammon voting no.

2. ZBA #00-2

BY: William Caughlin
4201 S. Center Rd.

RE: Parcel #59-34-100-010, RO Zoned

FOR: To temporarily place a mobile home on site
while fire damaged home is repaired.
(5 Votes)

Mr. Caughlin, 4201 S. Center Rd., said he has a lot of items in a garage and he is currently staying out of town with his daughter. If I could have the use of a trailer it would help to keep an eye on what is going on while the fire damage is being repaired. I would like to be there to oversee the rebuilding. It is a hardship going back and forth every day to see what is going on. I would appreciate it if the Board would allow me to use the trailer there until I can get back into my home.

Audience Participation:

Dorothy Caughlin, 4201 S. Center Rd., said she is Mr. Caughlin's wife. She said there are a lot of contents that need to be sorted out and they need to be someplace nearby so this can be done.

Mr. Strasser said it is a hardship when you are burned out of your home. Because of past events, we would like to add some stipulations to the variance if granted. We ask that the mobile home be somewhat close to the house and not close to the road and adjacent to the driveway. We also ask for a time limit not to exceed six (6) months or within 30 days of occupancy of the home.

Mr. Caughlin said he has no problem with the stipulations of the DPW.

Mrs. Layman asked Mr. Caughlin if he was given a certain time when the house would be completed.

Mr. Caughlin replied he was told it would be about four (4) months.

Moved by Berry, seconded by Layman to approve ZBA #00-2 to temporarily place a mobile home on site while the fire damaged home is being repaired. The mobile home is not to be on the property for a period longer than six (6) months or 30 days after occupancy of the home. Motion carried 7-0.

3. ZBA #00-3

BY: Don Bair
3038 Coin
Burton, MI

RE: 2272 Ridgemoor Ct., Lot 24 Ridgemoor
Section 1, R-1A zoned.

FOR: To exceed the allowable square footage for
accessory structures by 1,236 sq. ft. with a
carriage house. (4 Votes)

Richard Hamilton, 2250 Ridgemoor, Burton, MI, said he is the developer of the property and is representing Mr. and Mrs. Bair, who are in the audience. He explained that there is a vacant lot at the north end of Ridgemoor. The subdivision lots are very large and are about 300 feet deep. The Bair's are proposing to build a house on the lot with a carriage house out of the same material as their home. They currently have a home on Coin Street and have a storage area for vintage cars and a small motor home, in addition to their own personal vehicles. This structure has been reviewed and approved by the architectural control committee for Ridgemoor and the neighbors support what Mr. and Mrs. Bair have proposed.

Mr. Strasser said the square footage does exceed what the ordinance allows. If the developer of the entire subdivision is representing the people and they don't have a problem with it, that would be up to them. There are some other larger buildings in the subdivision.

Mr. Berry asked which lot was approved for a larger structure.

Mr. Hamilton said Lots 25 and 28.

Mr. Parker said there have been three of these in that area, with two approved as out lot structures and the third one was an addition on the house.

Mr. Hamilton said Mr. Young has very similar size building, but he also owns the adjoining acreage so the restriction regarding the size of the structure didn't apply to this lot.

Mr. Parker said the Board just had a gentleman apply for a variance on Belsay Road and he was turned down. I support this variance because of where it is located. However, I would like to send a message back to our Council, through our representative, that the issue of accessory structures needs to be addressed. This is one of the main issues we deal with and I think the ordinance needs to be reviewed. It is difficult to sit here and say one person can have this and another cannot.

Mr. Hammon said this issue is already being addressed and will be addressed prior to the master plan coming out. The ordinance drastically needs to be updated. I have spoken with the Mayor and Mr. Major and we are hoping to have Mr. Martz update the ordinances and be reviewed by the City Attorney. We could then have a little consistency for the ZBA. As members are appointed to the ZBA, we sometimes have a liberal board and then a conservative board. We have seen people come in and ask for a pole barn and be approved, while others are turned down. When the people leave here, they don't have a clue whatsoever why they were turned down. This is one of the important boards in the City and you deal with the residents. There are tough calls to be made. The Council will address this issue and get it taken care of as soon as possible.

Moved by Weatherford, seconded by Scott to approve ZBA #00-3 to exceed the allowable square footage for an accessory structure by 1,236 sq. ft. with a carriage house. Motion carried 7-0.

4. ZBA #00-4

BY: Allied Signs Inc. / Advance Auto Parts #1722
33650 Giftos Dr.
Clinton Township MI 48035

RE: 1474 N. Center Rd., M-1 Zoned

FOR: To install (1) 30 inch x 37 ft. – 0 inch
illuminated wall letters on a raceway attached
to left side elevation to exceed the allowable
square footage for building signage by
45 sq. ft.; 140 allowed, 185 requested.
(4 Votes)

Tim Schafer, 3076 Waukegan, Auburn Hills, MI, said they are requesting for a 37 foot variance for recognition. There is a lot of traffic and people are driving by a high rate of speed. We feel it would be in the interest of the public for people to recognize our building and where we are located, to get in and out.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked where they are located.

Mr. Schafer said they are located next to Starlight Coney Island on Center Road.

Mr. Strasser said he doesn't believe this sign would be obnoxious, being that it is low key with one on one side and one on another side of the building. He said this isn't an unreasonable request.

Mr. Berry asked if this would exceed the standard sign for Advanced Automotive.

Mr. Schafer replied no.

Mrs. Layman said the request was for one sign and Mr. Strasser indicated there would be two signs. Is this possible?

Mr. Strasser said there is so much square footage allowed and as long as they don't go over the total amount of square feet.

Moved by Berry, seconded by Layman to approve ZBA #00-4 to install (1) 30 inch x37 ft. –0 inch illuminated wall letters on a raceway attached to the left side elevation to exceed the allowable square footage for building signage by 45 sq. ft; 140 allowed, 185 requested. Motion carried 7-0.

5. ZBA #00-5

BY: Jeff Hawks
4150 Flint Asphalt Dr.
Burton, MI 48529

RE: #24 of Bristol Rd., Industrial Park
M-2 Zoned.

FOR: To construct a cold storage warehouse at 10 ft.
from the north property line, 30 ft. required.
(4 Votes)

Ralph Hawks, 4150 Flint Asphalt Drive, Burton, MI, said he is representing his son, Jeff. He explained they are proposing to build a 50'x75' cold storage building. He said the business is excavating and they have large trailers and

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trucks. They would like to have a 10 foot variance from the lot line, as they need the room to get into the existing building with all of the vehicles. We will be 109 feet setback from the street and 219 feet from the rear property line setback. The hardship is trying to get out big trucks in and out unless we have relief on the side lot. He presented pictures of the area and said his neighbor is only 7 feet off the property line. This will still allow for 17 feet between the buildings and the fire code is basically 16 feet between buildings.

There was no one in the audience who wished to speak.

Mr. Strasser said this type of request is not unreasonable. When the industrial properties were platted in this City, most are not wide enough to take into account the 30 foot setbacks on both sides, plus placing the buildings in the center of the property. Also, as Mr. Hawks has already stated, in order to utilize the existing building to get their Equipment in and out, they need that separation in there. There are several other structures in this industrial park that have the same variance. This would be built to the 1996 BOCA Code, which requires fire proofing. This is one of the nicest establishments in the industrial park area.

Moved by Layman, seconded by Scott to approve ZBA #00-5 to construct a cold storage warehouse at 10 feet from the north property line. Motion carried 7-0.

6. ZBA #00-6

BY: Grand Blanc Cement Products, Inc.
10709 S. Center Rd.
Grand Blanc, MI 48439

RE: G-3478 S. Dort Hwy.
Parcels #59-29-400-004 and #59-29-400-005
M-2 Zoned.

FOR: 1) To construct building with height of 70 ft.
(Ordinance allows 35 ft.);
2) Erect 6 ft. chain link fence with barbed wire
cradels;
3) Outside storage yard at right-of-way along
Dort Hwy. and Bristol Roads.
(0 ft. proposed, 50 ft. requested) (4 Votes)

Steve Minnock, Grand Blanc Cement Products, 10709 S. Center Rd., Grand Blanc, MI, said they are requesting a height variance on the building to cover the lot machinery and cover the building. We are only asking for 5 foot over the top of the existing building to close this in for winter production, as we process blocks year around. By closing this in, it eliminates noise and dust. We are not constructing anything that wasn't there before when the property was owned by Genesee Cement. Mr. Minnock presented pictures to the Board of what the operation looks like today. We are talking about a steel structure which we have repainted now and it would match the existing colors there now. It would create a hardship on us not to be able to produce in the winter. Construction has grown to a year around business. We only shut down for a short time during the winter.

Audience Participation:

Jovan Cvetkovski, owner of US Coney Island, said he is the closest neighbor to cement company. He expressed his concern about what is going on at the cement company. He said he is fenced in on both sides. His sanitary and storm sewer is going on their property and from there they are joining the Dort and Bristol main line. Everything is fenced in and he would like to know where the building will be placed and how far it will be from his property and how much the cement will affect his business. He said there is a problem with dust and his windows are washed every second day. He said he would like to take a picture of what they are proposing to his attorney and then have an opportunity to say whether he agrees with what they are doing or not.

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Mr. Minnock replied that where this building is being located is nowhere even close to his property. It will be located on the side by the railroad tracks.

Mr. Cvetkovski said if it is far away from him, he doesn't care at all, but if it is close, he would like to contact his lawyer before agreeing to anything. He said when the people from Grand Blanc Cement leveled out the property, they broke the tiles from my property to your property and from your property to Bristol and Dort Highway.

Mr. Minnock explained where the building would be located from Mr. Cvetkovski's business. He said Mr. Cvetkovski is talking about a different area than where the building will be located. We excavated out an area and put in road gravel and our intent is to eventually put in asphalt, which will get rid of the dust problem. We didn't get time to put in a drainage system and tie it in this year, but it is our plan before putting in the asphalt.

Mr. Cvetkovski said if they fix the tiles so the water doesn't drain on my property, I don't have a problem with what they want to do.

Mr. Strasser we have had conversation with Mr. Minnock regarding this issue. At this time we could recommend approval on the height of the building, as it is only 5 feet above what is there and it could eliminate some of the dust problems. It will keep the equipment out of the weather. Regarding items 2 and 3, we are still waiting on an amended site plan to come in. We ask the Board to act on item #1 at this time and postpone items #2 and #3 to a later date.

Mr. Parker asked if the drainage problems would be addressed in the site plan. I question how they have been able to do what they have so far without meeting the drainage requirements in the first place. I thought that would be part of the site plan review and this would be taken care of through the Planning Commission.

Mr. Strasser said this has been looked at and will have to be resolved. In regards to the storm sewer, we don't have any records on it concerning where the drainage runs, how big it is, etc. We need to find out what is going on and fix it.

Mr. Kalanquin stated that if this is approved, the tile would be fixed.

Moved by Parker, seconded by approve Item #1 to construct a building with a height of 70 ft. and postpone action on Items #2 and #3 until a later date. Motion carried 7-0.

Mr. Kalanquin said he would open the floor for nominations for Chairman and Vice Chairman.

Moved by Parker, seconded by Layman to nominate Bill Kalanquin for Chairman.

Moved by Berry, seconded by Hammon to nominate Terry Parker for Chairman.

Mr. Parker declined the nomination.

Mr. Kalanquin accepted the nomination as Chairman.

Moved by Berry, seconded by Hammon to nominate Bobbie Weatherford as Chairman.

Mrs. Weatherford accepted the nomination as Chairman.

Mr. Kalanquin closed the nominations for Chairman.

Roll Call Vote for Chairman: Mr. Berry, Weatherford; Mrs. Scott, Kalanquin; Mr. Parker, Kalanquin; Mr. Hammon, Weatherford; Mrs. Weatherford, Weatherford; Mrs. Layman, Kalanquin; Mr. Kalanquin, Kalanquin. Motion carried 4-3 for Mr. Kalanquin as Chairman.

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Mr. Kalanquin opened the floor for nominations for Vice Chairman.

Mrs. Layman said last year Mr. Parker was Vice Chairman, but never acted as such. It was my understanding that because Mr. Berry is the Planning Commission representative, he would serve as Vice Chairman. Why vote on this position if it doesn't do any good.

Mr. Kalanquin asked for clarification from Mr. Strasser.

Mr. Strasser said according to the Attorney, it is not a law or in the Statute, but that is always the way it has been in this City. It's my understanding that it doesn't have to be that way.

Mr. Berry said he remembered Mr. Parker being nominated for Chairman, not Vice Chairman, last year.

Mr. Parker said sometimes it okay to do things as they have always been done, but I think it would be up to this body

Whether we want to keep Mr. Berry as Vice Chair or if we want to appoint someone else. As long as we are not going against statute, I think it would be up to this board.

Moved by Berry, seconded by Hammon to have Mrs. Weatherford as the Vice Chair, being that she received the second highest votes.

Moved by Layman to nominate Marge Scott as Vice Chair. Motion denied for lack of support.

Moved by Layman, seconded by Scott to nominate Mr. Parker as Vice Chair.

Mr. Parker declined the nomination.

All nominations were closed.

Mrs. Weather was elected as Vice Chair by acclamation.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, February 17, 2000 at 6:00 P.M.**

Meeting Adjourned at 6:50 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML