

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JANUARY 21, 1999, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY William Kalanquin AT 6:00 P.M.

MEMBERS PRESENT: Kalanquin, Berry, Wright, Parker, Centilli, Weatherford, Layman

MEMBERS ABSENT: Scott

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

Moved by Berry, seconded by Parker to approve and authorize the minutes of the Regular ZBA Meeting of November 19, 1998, 6:00 p.m.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke at length regarding the Zoning Board of Appeals acting as a quasi-judicial group, Ordinance 19, Zoning Laws, applicants and their variance requests.

BOARD DISCUSSION:

Mr. Kalanquin spoke regarding the upcoming ZBA seminar on Wednesday, February 24, 1999.

Mr. Parker indicated he is interested in attending the seminar and feels it would be very beneficial. He would prefer an on-site seminar to include DPW, Planning Commission and the Council members as well. The cost of an on-site seminar for 3 hours is \$700.00.

Mrs. Layman spoke regarding a used car lot on Belsay Road and the amounts of cars on the lot, and inquired regarding an Atherton Road business with firewood piled up and a modular home on Genesee Road with two semi-trucks park on the property.

Mr. Strasser indicated the DPW addressed the business on Center Road and he will check into the Atherton Road business.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Parker, seconded by Wright to schedule an on-site seminar from the Michigan Municipal League for the Zoning Board of Appeals.
Motion carried, 7-0.

NEW APPLICATIONS:

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|--------------|---|
| 1. ZBA #99-1 | BY: Gary Sova/National Roofing & Sheet Metal Co., Inc.
G-4130 Flint Asphalt Dr., Burton, MI 48529 |
| | FOR: Lot 26, Bristol Road Ind. Park, M-2 Zoned. |
| | RE: To construct a storage shed at 11 ft. from the north
property line, 30 ft. required. M-2 Zoned. (4Votes) |

Ronald Isaacson, 5084 Exchange Dr., Flint, MI, said he is an architect speaking on behalf of the National Roofing Co. They would like to construct a 20 ft. x 210 ft. open storage shed at the rear of the property due to the turn around space required by trucks with material unloading. The front of the property is used for parking and they are surrounded by other industrial uses similar to National Roofing.

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AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser indicated the DPW does not see any problem with the request, there is nothing built on the north side of the property and it is quite removed from the roadway.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Berry, seconded by Layman to approve ZBA #99-1.
Motion carried, 7-0.

2. ZBA #99-2
- BY: Church & Sons, Inc., d.b.a. The Car Depot
4499 Davison Rd., Burton, MI 48509
- FOR: 4499 Davison Rd.
- RE: 1) To conduct a used car sales lot not in conjunction
with new car sales, Sect. 16.03 Item 3F.
2) To construct a free standing 4 ft. by 8 ft. sign,
three free-standing signs exist. (5 Votes)

Brad Church, 5454 E. Coldwater Rd., Flint, stated he is officer and part owner of Church & Sons, Inc. and for the first part of the request, they would like to sell their own cars and in order to get their license, they need zoning approval. Mr. Church said they would like to buy cars and sell them and also to sell cars on consignment.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired if the zoning at that location is C-2. She spoke regarding sidewalk accessibility and inquired as to the used car sales business at that address.

Mr. Strasser said in this particular case, a used car sales lot is not allowed in any zoning and must be associated with new car sales and generally in a C-3 zoning district. There is two used car sales licenses that we know of, and they cannot control the number of vehicles at the site.

BOARD DISCUSSION:

Mrs. Layman spoke regarding the number of cars at the property.

Brad Church said those are mainly with the wholesale dealers that are there now, and they do not have a lot of cars sitting out in the parking lot now. He indicated if it is a problem, he can release one or both dealers that are in there at this time. Mr. Church indicated one of the dealers died within a year ago and most of the cars were his.

Mrs. Layman spoke regarding the business not following through on various items and because of this, she cannot support what is being requested.

Mr. Berry stated that an individual had cars there until they got rid of them, which they have.

Mr. Wright inquired regarding the two used car dealerships, the outlet for Nascar, and how many businesses are at the site.

Brad Church stated the used car dealers do a lot of their business through auctions, and for the most part the lot is not useful and they would like to put it to good use.

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Discussion continued at length regarding the State license, number of cars at the location and sidewalk accessibility.

Mr. Parker said the only way he could support this is if the other dealers were not there any more and Mr. Church was doing business on his own piece of property.

Mr. Centilli spoke in agreement with Mr. Parker's comments and asked Mr. Church if he will release the dealers there and the signs.

Brad Church indicated he would and asked if this is something he should do first and then come before the Board again.

Mr. Strasser indicated yes.

Mr. Parker spoke regarding the use of the existing sign.

Brad Church asked about leaving the Nascar store there and stated there is a big sign now with landscaping. Mr. Church indicated the sidewalk was in bad shape, and they took it out and put in landscaping. They were not aware of the City ordinance at the time.

Brief discussion followed regarding the number and owners of businesses at the location, postponing the request, and possible proof the other business owners have left.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to postpone ZBA #99-2 until the next regular scheduled meeting of the Zoning Board of Appeals on February 18, 1999, at 6:00 p.m., to give the applicant time to speak to his tenants. Motion carried, 7-0.

Mr. Centilli asked Mr. Church to bring a sketch of where the sidewalks are going to be located for the next meeting.

AUDIENCE PARTICIPATION:

Mike Zerka, 407 Tickner, Linden, MI, spoke regarding licenses.

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| 3. ZBA 99-3 | BY: Schultz Printing Co.
1265 S. Belsay Rd., Burton, MI 48509 |
| | FOR: 1265 S. Belsay Rd., (Lot 55 and south 26 ft. of
Lot 56, Supervisors Plat No. 8) |
| | RE: 1) Request variance from 25 ft. rear yard require
to permit building addition within 3 ft. of east
property line.
2) Request increase in permitted building coverage
from 40% to 42.3% of total site area. (4 Votes) |

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Alden Nelson, 624 S. Grand Traverse, Flint, MI, of Nelson, McKinley & Reed Architects, representing Schultz Printing. Mr. Nelson said in 1974 Schultz sold their building in Flint and relocated to their present location which was formerly Dave's Lock & Safe. They are in need of future expansion and want to take full advantage of the site. They are proposing a structure L-shaped in configuration and expanding the parking area for shipping and receiving.

It is difficult for large vehicles to adequately back into and service the existing building. Mr. Nelson spoke further on dimensions and space in the area.

AUDIENCE PARTICIPATION:

Calvin Greenman, 2274 S. Vassar Rd., Burton, MI, stated he is a member of the church that is located behind the Schultz building. The church had a board meeting regarding this variance request, they have a daycare operated by the church and are concerned with drainage and traffic problems. Mr. Greenman indicated the business property is poorly maintained and they feel 15 ft. would seem more reasonable.

Mr. Nelson said the reason for the 3 ft. set back is to be able to move around the building, maintain it on the exterior and the traffic would come in the same way it is now. The church is located off Lapeer Rd. and he sees nothing detrimental in the difference between 15 ft. and 25 ft.

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired as to the space, traffic and church parking area.

Mr. Nelson said the plans have not been developed beyond the site plan at this point depending on the outcome of this meeting. There are no plans of window or door openings other than the east or south side of the building.

Mr. Schultz, 1265 S. Belsay Rd., Burton, MI, said they have a drainage system in their driveway that exists now and they plan on extending the drainage system out through the new structure. Mr. Schultz spoke regarding the daycare area.

Mr. Greenman indicated they use the parking lot and fenced in area for the daycare directly where they are planning to build and within 3 ft., there is a play area which directly adjoins their property.

Mr. Schultz said the daycare is on the south side of the property, which does not effect this variance of 25 ft. on the rear side. He does not see where the structure will affect the daycare, it will make the area look neater, and it will be all black topped. They have spent a lot of money and time cleaning it up knowing they want to build back there and they see no sense in putting in landscaping when it will just get torn up.

Mr. Greenmann re-iterated the church's concerns and stressed that they feel 3 ft. is too close and would feel more comfortable with 10 or 15 ft., but not 3 ft.

Mr. Nelson said it is required by code to take care of the drainage on an owner's property and they are not permitted to have surface or roof drainage onto an adjacent property, so that is not a problem.

Mr. Strasser said the business is hindered by a small site and whether it is a self-imposed hardship, it is hard to say. If the business is doing so well they have to expand, that is great. He also understands the church's concerns and the law does require proper drainage. Mr. Strasser spoke regarding the roof and parking lot drainage onto Belsay Rd. and further indicated they have to take into consideration the church and this gentleman's business and can there be a compromise.

BOARD DISCUSSION:

Mr. Centilli inquired as to the roof structure and drainage system.

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Mr. Nelson said as far as the advantage for the daycare, it would be facing a painted masonry wall as opposed to an open area not maintained.

Mr. Wright spoke of his concerns on drainage.

Mr. Nelson indicated the use of gravel stone so there will be no vegetation problems.

Mr. Parker stated if the building is approved, it will still have to go before the Planning Commission and they will have to approve the drainage system.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Berry, seconded by Layman to approve ZBA #99-3 as written.

Motion denied, 4-3.

Berry - yes, Wright - no, Parker - no, Centilli - no, Weatherford - no, Layman - yes, Kalanquin - yes.

Mr. Centilli spoke regarding setting limitations as to the set back.

Moved by Centilli, seconded by Wright to approve ZBA #99-3, with the stipulation of a variance reduction from 3 ft. to 8 ft. on the east side of the building.

Motion carried, 7-0.

4. ZBA #99-4

BY: Steven D. Violette
1365 S. Genesee Rd.

FOR: Lot 12, except the north 46 ft. of Supervisors
Plat #14.

RE: To exceed the allowable square footage for accessory
structures by 1,536 sq. ft., with a 40 ft. x 60 ft. pole
barn. (4 Votes)

Steven Violette, 1365 S. Genesee Rd., Burton, MI, said he wants a larger pole barn then what is allowed. He has a small house with no garage or basement, and would like the storage used for an antique car and tools.

AUDIENCE PARTICIPATION:

Bill Brackett, 1389 S. Genesee Rd., Burton, MI, indicated he lives two doors south of the applicant. He inquired as to the height and size of the proposed structure, and how close he could build up to the lot line.

Mr. Violette indicated Mr. Brackett is on the south side of the road and spoke of the large trees on the south side and all across the back of the property. He stated the 4, 12 pitch is low and neighbors would be looking at the side of the building because of where he would be placing the barn.

Mr. Strasser inquired as to the side wall height.

Mr. Violette indicated 10 ft.

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Mr. Strasser said that is the maximum you could go with that pitch. The ordinance allows 864 sq. ft. or a 24 x 36 structure, the applicant is asking for 40 x 60, and that exceeds the ordinance by over 1,500 sq. ft. Mr. Strasser stated variances such as this has been approved in the past and spoke further on potential problems with over-sized structures.

BOARD DISCUSSION:

Mr. Centilli recommended approving the standard size of 24 x 36.

Mr. Violette indicated he wanted a larger barn and not the standard 24 x 36.

Mr. Parker inquired as to how long the applicant has lived at the property address and spoke regarding a self-imposed hardship.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Centilli, seconded by Weatherford to deny ZBA #99-4.
Motion carried to deny, 7-0.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, February 18, 1999 at 6:00 P.M.**

MEETING ADJOURNED AT 7:20 P.M.

JRA