CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 15, 2001, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: None

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

Moved by Parker, seconded by Grantner to approve the minutes of the Regular ZBA Meeting of January 18, 2001, at 6:00 p.m. Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION:

Mr. Cross inquired regarding the DPW presence of both Jeff Major and Tom Strasser at the meetings.

Mr. Parker inquired regarding language in Ordinance #19 on Zoning Board of Appeals, and Appeals Board.

RENEWAL:

1. ZBA #01-05

BY: Donald Hall / D&M Trucking
10229 N. State Rd.
Otisville, MI 48463

RE: Parcel #59-32-200-013 Consumer Power Property west side of Dort Hwy. at the south side of railroad tracks

FOR: To temporarily park new vehicles on site for storage only. Ordinance 19, Sect. 21.05 Item 2e
(5 Votes Required)

Sandra Kipp, 6455 N. Oak Rd., Davison, MI, said she is representing D&M Trucking to request a renewal to continue using the property like we have.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said originally this is for a six month approval which is up at this time. The question is at what time does temporary become permanent. At a certain time when temporary is no longer temporary, do we start implementing site plan review, provisions and so forth. These are the questions we are posing to the applicant.

BOARD DISCUSSION:

Mr. Curtis asked how much longer do they intend to use the property for that purpose.

Sandra Kipp responded that she did not know, she came to represent the company on little notice, and she is very limited on her information.

Mr. Strasser said their recommendation is to deny the request, and post-pone to find out a definite date and how long temporary is.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Scott to table ZBA #01-05 to the next regular ZBA meeting of March 15th at 6:00 p.m. Motion carried, 7-0.

D. NEW APPLICATIONS:

1. ZBA #01-03

BY: Seward Enterprises Realty
C/O Timothy Seward
290 Monterey Drive
Naples, FL 34119

RE: 1295 S. Center Rd., Part of Lots 1 & 2 Cooks Plat Sect. 15, C-2 zoned.

FOR:
1) Request of a 10 ft. rear setback, 25 ft. required.
2) To exceed the allowable square footage for signage by 15 sq. ft., 75 sq. ft. allowed; 90 sq. ft. requested for free-standing sign. (4 Votes Required)

Pat Mannor, from Anthony Patrick, Inc., 203 Church St., Grand Blanc, MI 48439, said he is here on behalf of Timothy Seward and Seward Enterprises. They have a two part request. The parcel is fomerly Pro-Style Automotive, they are proposing to remove that building and build a new 6,000 sq. ft. retail, a center of clustered commercial. They are looking at 4 tenants. Mr. Mannor presented a drawing and said they have a very preliminary site plan. He said the illustration shows the proposed sign with regards to the 2nd request. They are asking for an additional 15 sq. ft. of signage for the main road sign.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said he met with Mr. Mannor and Mr. Seward regarding this property. Their variance request originated from a request that he made to them. They allotted additional footage along Center Road for green space, and in order to do that, the project had to be shifted to the east which requires a 10 ft. rear setback. The size of the building, parking spaces and the traveled highways between those, are all at your basic minimum that is required in order to facilitate moving traffic back and forth. Mr. Strasser stated further, this will also go in front of the Planning Commission.

BOARD DISCUSSION:

Mrs. Layman feels this will be an asset to that corner.

Mr. Mannor said there is limited potential for any development on that site. They have included requests from the planning department in this design, and without this rear setback, this site will not be able to be developed into anything that we have found, and we have looked at a lot of different options.

Mr. Cross inquired regarding entrances onto the property.

Mr. Mannor responded that there will be an entrance on Lapeer Rd. and Center Rd., the two curb cuts will remain at their exact locations. From an egress standpoint, it would be difficult to maneuver in and out of that parking area. Mr. Mannor stated further, prospective tenants indicated they want to have some egress onto the side road.

Mr. Parker discussed the green belt in the front and sidewalk requirements that were addressed at the Planning Commission.

Mr. Strasser said the sidewalk will be between the right-of-way. There is an actual 20 ft. of additional green belt on Center Rd. planted.

Mr. Mannor said currently, there is a zero lot line. There is parking right to the lot line on both sides, so we are reducing that dramatically.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Scott to approve ZBA #01-03, Part 1., contingent upon a green belt on the east side. Motion carried, 7-0.

Mr. Kalanquin addressed Part 2 of Mr. Seward's request.

Mr. Parker said he feels it is a pretty good size billboard already and why the need for additional signage when they do not know who the tenants are yet.

Mr. Mannor said this design was developed based on some specific type of tenants they have in mind. It all relates to the zoning and parking required. They came up with a size that would work with the minimum height requirements and something that will be visible.

Mr. Parker stated we have a grandfathered-in Walli's sign that is enormous, and several years ago we granted Walli's the motel sign that is enormous. We have ordinances to cut down on the size of signs.

Mr. Strasser asked Mr. Mannor if the square footage included in the sign, is total signage – writing and displaying, or actual framework.

Mr. Mannor said it is basically the framework, it does not actually address the individual signs because we are looking at a single sign. The sign structure itself uses a good portion of the footage.

Mr. Strasser asked if the actual dimensions of the signage for the 90 sq. ft. is outside to outside.

Mr. Mannor responded yes.

Mr. Strasser said if you look at the sign out front of the building Mr. Mannor built for Mr. Seward, , a lot of that sign frame is not actual signage. Based on Mr. Mannor's work, his word, and what they have done down the street, we do not have a problem with their request.

Mr. Cross asked if they are exceeding the height limit.

Mr. Mannor responded that they are not.

BOARD RECOMMENDATIONS AND/OR ACTION:

Mr. Parker, seconded by Cross to approve ZBA #01-03, Part 2 of the request.
Motion carried, 7-0.

2. ZBA #01-04

BY: Robert Walton
4489 Lippincott Blvd.
Burton, MI 48519

RE: Lot 33 Witham Place #1, Sect. 15
R-1A zoned.

FOR:
1) To exceed the allowable square footage for accessory structures by 1,904 sq. ft.; 1,824 sq. ft. allowed; 3,728 sq. ft. requested with a 40 ft. x 80 ft. pole barn.
2) To exceed the height limitations by 3 ft. 4 inches, 14 ft. allowed; 17 ft. 4 inches requested.
(4 Votes Required)

Robert Walton, 4489 Lippincott Blvd., Burton, MI, said he lives at the corner of Genesee and Lippincott. He is requesting a variance to build a pole barn that is 40 ft. wide by 80 ft. long with 16 ft. walls. This will allow him to store his motor home, trailers and others items. He lives on the corner and has had a lot of theft there. Mr. Walton stated further, he wants to get things out of the weather and yard.

AUDIENCE PARTICIPATION:

Janice Long, 1501 Amy St., Burton, MI, said she is also speaking for her husband Russell. The back corner of her lot touches the back corner of Mr. Walton's lot. We are objecting to the building of a 40 x 80 ft. 3,000 plus sq. ft. pole barn. It is much too big for the size of the lot, and would even be larger than our house. It would also be larger than most of the houses in the neighborhood. Mrs. Long stated further there are no other sheds or barns of that size anywhere around us, and we are also concerned with what he is putting in it. We have seen the motor home and trailers parked in his front yard, and do not feel a 40 x 80 ft. barn is necessary to put those in it. Last summer Mr. Walton had a sign in his front yard that said tents for sale. Does he intend to use this barn to run some type of business? We are also concerned with what this building will look like, and what it will do to the market value of our house when we decide to sell it. If he lived on a 10 acre lot out in the country it would not be unreasonable to put up such a huge barn, but a city residential size lot is not suitable for a 40 x 80 ft. building. We ask that you deny this variance request.

Grober Thomas, 1511 Amy St., Burton, MI, said his sentiments are the same as Mrs. Long's. We live next door to each other. This proposed building would be approximately 200 ft. from my back door. This size is very excessive. Mr. Thomas said he has lived there since 1952 and likes the area. He is opposed to this building.

Mark Ross, said he is an attorney at 1289 S. Linden Rd., Flint, MI, here to represent two other residents that live by there. Mr. Ross addressed the size of the property and the existing structures. He stated my clients do not believe this is a unique situation or a hardship, and they are worried about what this structure will look like.

Mr. Walton said he is just trying to make the property look better and get his belongings out of the weather. He is also a landlord in Burton and needs storage for extra wood. The sheds would be removed and eliminated altogether. He feels it would benefit everybody and not just myself.

Mr. Strasser said in the past year the City Council and Planning Commission passed new ordinances regarding accessory structures, which we feel they were more than generous. Mr. Walton did speak of removing two sheds, if he did that he would be allowed to build a 30 x 40 barn with just a permit and would not need a variance. A 40 x 80 ft.

structure is huge, if it was out in the middle of 10, 20 acres it might be one thing, but the location of this, it is a very large building for the area. They are recommending denial.

BOARD DISCUSSION:

Mr. Cross inquired regarding the existing structures on the property, his tent sales, and if the applicant has been cited by DPW for the RV's or trailers.

Mr. Walton replied that he has not been cited. That is one reason why he would like to get them inside, he lives on the main road. He had his snow plows stolen along with other items.

Mrs. Layman said she seen the property and the building would be way too big for any of the neighbors. She also addressed the structure blocking the view of neighbors and indicated she will be voting no for this request.

Mr. Walton said he does not know what view it would block. He would be putting this next to the garage.

Mr. Parker read aloud from Ordinance 19, the wording of unnecessary hardship and unique circumstances. He said this structure is obscenely huge, and he is not happy with him being able to build a 30 x 40 with a permit. This is a huge building and he cannot support it.

Mr. Cross read aloud page 135 of the Zoning Ordinance, Sect. 21.05, Item 3.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #01-04.
Motion denied, 7-0. Layman – no, Scott – no, Parker – no, Cross – no, Grantner – no, Curtis – no, Kalanquin – no.

3. ZBA #01-07

BY: Donald R. Bridges
4499 Davison Rd.
Burton, MI 48509

RE: Parcel #59-03-400-004, C-2 Zoned

FOR: To conduct a used car sales lot not in conjunction with new car sales. (5 Votes Required)

Donald R. Bridges, 4499 Davison Rd., Burton, MI, said he wants a license for that location. Church & Sons said there were too many licenses there already. Mr. Bridges indicated the Bigsby's do not have a license there anymore.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Major said in this case they are recommending approval, with the owner of the premises Church & Sons, complete the site plan which includes sidewalks there. The sidewalks are to the Fire Station and they need to be extended on down to the Post Office where they start up again. They were asked to do this under the original site plan, and it has not been completed yet, so we are not going to continue grant variances to their operation if they do not cooperate with their original site plan. They know they need to do this and we want to make sure we send a strong reminder that it needs to be completed.

BOARD DISCUSSION:

Mrs. Layman said the Zoning Board had stated in the past that there is to be no flags and banners there. She commented further that when Bob Moss was there, they did have sidewalks.

Mr. Major said they can get the flags by the ordinance on a seasonal basis.

Mrs. Layman asked how many dealers are currently there now.

Mr. Bridges indicated just one is there now.

Mrs Layman said she would like to table this to find out how many are selling out of there, and address the sidewalks and the flags.

Mr. Kalanquin said the ZBA gave a limitation to the dealer before him, up to 10 cars, and we lost control.

Mrs. Layman said the ZBA will approve something, but once they get approved by the State they can pretty much do what they want. She feels they have been taken advantage of on a lot of these cars lots in this way.

Mr. Parker said the motion in the minutes of their packet on page 5, showed the motion was for 5 cars . He inquired if a business is inactive for a period of a year, is the variance null and void.

Mr. Strasser addressed non-conforming and conforming uses with regards to variances to the property.

Mr. Parker expressed concerns of what seems to be three businesses at that location.

Discussion followed concerning tabling the request to obtain further information on the number of vehicles and dealers at the location.

BOARD OF RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Layman to table ZBA #01-07 until the next ZBA meeting scheduled March 15th at 6:00 p.m., whereby the applicant provides the number of dealers that will be working there, number of cars being sold, and bring the location in compliance with the Planning Commission's recommendations for sidewalks.
Motion carried, 7-0.

4. ZBA #01-06

BY: Doug Stoddard (RL White Construction)
PO Box 4
Grand Blanc, MI 48439

RE: Parcel #59-32-200-016, 2475 Judd Rd.
M-1 Zoned

FOR: To be allowed to add 13 ft. x 22 ft. addition to existing pre-engineered metal building. Construct addition at 9 ft. from rear property line; 30 ft. required. Existing building at 5 ft. from rear property line.
(4 Votes Required)

Doug Stoddard, representing R.L. White on behalf of Spentech Enterprises, 2475 Judd Rd., Burton, MI, said they have an existing building that has been approved in the past. It is within 5 ft. of the existing fence line. We have looked at a number of different opportunities to move this addition. They build robotics and other items, and the equipment they use to create these things are of such magnitude, it really would not fit any place other than the proposed area.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Major said they have no problem with the request for the addition. There will be an administrative site plan review and with that sidewalks are required on Judd Rd. and Dort Hwy. They recommend approval.

BOARD DISCUSSION: No Board discussion

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #01-06, contingent upon DPW recommendations.
Motion carried, 7-0.

5. ZBA #01-08

BY: Metro Fabricators
3162 Hemphill

RE: Lot 3 Palace Plat, Sect. 28 M-2 Zoned

FOR: To construct an office addition to the building at 35 ft. from the front property line; 50 ft. required. (4 Votes Required)

Rick Swihart, Creekwood Architecture in Burton, said he is representing the owners of Metro Fabricators at 3162 Hemphill. We have prepared plans for an addition of approximately 1,250 sq. ft. of office. This existing building is within 40 ft. of the front set back. The addition projects 5 ft. beyond the existing building, and do not want to add any further to the side of the building because of parking and truck traffic coming in that area. So they are limited on the width of the addition, and are asking to project the office addition further into the front yard set back.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser indicated this applicant went before the Planning Commission meeting last Tuesday evening for site plan review. They did agree to all the requirements, and we recommend approval.

BOARD DISCUSSION:

Mr. Parker stated he is glad this business wants to put on an addition instead of moving to a different location. He looked at the site this afternoon and the 5 ft. is kind of innocuous. Landscaping will improve the site and this is a welcome addition to the City.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #01-08.
Motion carried, 7-0.

Further Board discussion followed regarding an appeal process, concerns of vehicles being stored in a parking lot of a business located at Genesee and Lapeer Rd., and a home close to Genesee and Lapeer Rd. that has commercial trucks frequently parked in the driveway.

Mr. Kalanquin announced that the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, March 15, 2001, at 6:00 p.m.**

MEETING ADJOURNED AT 7:20 P.M.

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