

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 16, 2006, 6:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Chairman Steve Welch called the meeting to order at 6:00 P.M.

MEMBERS PRESENT: Welch, Grantner, Terry Parker, Weatherford, Scott.

MEMBERS ABSENT: Bement, Tracy Parker.

OTHERS PRESENT: T. Strasser and A. Frost, DPW Representatives, M. Snow, Clerk's Office.

APPROVE THE MINUTES OF THE FOLLOWING MEETING (S):

Parker moved, Weatherford seconded approval of the Regular ZBA Meeting minutes of January 19, 2006 at 6:00 p.m., with the correction of the meetings start time to be 6:00 P.M.
Motion carried 5-0.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mr. Parker asked the Board for more input on each case during the meeting.

Mr. Welch advised the applicants of their option to postpone their case until the next meeting.

NEW APPLICATION (S):

1. ZBA #06-02	BY: Church and Sons, Inc. / Barry Church 4499 Davison Rd Burton, MI 48509
	RE: 4499 Davison Rd. Parcel #59-03-400-007, C-2 zoned.
	FOR: To obtain a used vehicle dealer license – type B, used car sales not in conjunction with new car sales. (5 votes required)

Barry Church, 3465 Victoria Station, Davison MI, is seeking zoning approval in order to acquire a vehicle dealer license. He said there is no change in usage.

AUDIENCE PARTICIPATION: None.

Mr. Strasser said the facility was previously a used car sales lot and recommended approval.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 16, 2006 / 6:00 P.M.

PAGE 2

Parker moved and Scott seconded to approve ZBA #06-02. Motion carried 5-0.

2. ZBA #06-03

BY: Dave Curry / Pro Tech Machine /
Dan Hawk Agent
3085 Joyce St.
Burton, MI 48529

RE: 3085 Joyce St.
Lot 46 Hemphill Dort Comm. Sites.
M-2 zoned.

FOR: To allow building to be built closer to the
property line, 2' rear setback requested, 50'
required, 2' east side setback, 30' required.
(4 votes required)

Dave Curry, 2692 N. Branch Rd. said the north lot is a 30 ft. strip and the owner of the property is not opposed to his request.

AUDIENCE PARTICIPATION: None.

Mr. Strasser recommended approval and said the north lot is a water main easement and the east is open space.

BOARD DISCUSSION:

Mr. Parker asked if the applicant was aware of the City's firewall Ordinance.

BOARD RECOMMENDATIONS AND/OR ACTION:

Scott moved and Weatherford seconded to approve ZBA #06-03. Motion carried 5-0.

3. ZBA #06-04

BY: Enterprise Estates Inc. (Bruce Stein)
4459 Pontiac Lake Rd.
Waterford, MI 48328

RE: 4155 Fenton Rd.
Lot 1 and part of 10 of Allen Acres.
RMH zoned.

FOR: Requesting used car lot. Used car sales lot,
not in conjunction with new car sales.
(5 votes required)

Bruce Stein, 4459 Pontiac Lake, Pontiac, MI, is requesting the existing building and garage be converted into a used car lot and he said request meets the state requirements.

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 16, 2006 / 6:00 P.M.

PAGE 3

AUDIENCE PARTICIPATION: The following spoke regarding neglect of the lot, visibility past cars at the curb, endangering pedestrians, residents fencing and dimensions of the lots.

Maxine Kilkoin, 1061 E. Schumacher

Clyde Lacey, 1047 Schumacher

Louis and Linda Wiederman, 1034 E. Schumacher

Tracey Huffman, 1028 E. Schumacher

Ernest Thompson, 1041 E. Schumacher

Kurt Kenworthy, 1027 E. Schumacher

Mr. Strasser sympathized with the audiences concerns and the applicant's request for approval. He offered the Board advice on stipulations for the applicant.

BOARD DISCUSSION:

Discussion ensued regarding state licensing, visibility around parked cars, the number of cars allowed, the number of car lots in the area and the area being congested.

BOARD RECOMMENDATIONS AND/OR ACTION:

Grantner moved and Weatherford seconded to approve ZBA #06-04. Motion carried to deny 5-0. Parker-no, Grantner-no, Welch-no, Scott-no, Weatherford-no.

4. ZBA #06-05

BY: Chemco, Inc., Joseph Kolly
4247 S. Dort Hwy.
Burton, MI 48529

RE: 4307 S. Dort
Lots 6-9 Lacina Subdivision
Parcel #59-33-552-005, M-1 zoned.

FOR: To reduce the amount of acreage required
for a self storage facility from the required 5
acres to 2.9 acres. (4 votes required)

Joseph Kolly, 4247 Dort, Burton, MI, said he would like to erect storage units on his 2.9 acres.

AUDIENCE PARTICIPATION: None.

Mr. Strasser mentioned phone calls against this request, the applicant needing the County Drain Department authorization, requirement of a detention pond, his business may be unprofitable, the detention pond taking up space, decreasing the number of units and the expense of an underground pond.

BOARD DISCUSSION:

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 16, 2006 / 6:00 P.M.

PAGE 4

Mr. Parker remarked the lot had been empty for an exceptional time, but is ideal for storage units.

BOARD RECOMMENDATIONS AND/OR ACTION:

Parker moved and Scott seconded to approve ZBA #06-05. Motion carried 5-0.

5. ZBA #06-06

BY: Carole and Gregory Berry
3247 Belsay
Burton, MI. 48519

RE: 3247 Belsay
R-1B zoned. Part of Lot 18 Eastgate #2.

FOR: To construct an addition to the home 5' from
the south property line, 10' required.
(4 votes required)

Greg and Carole Berry, 3247 Belsay, Burton MI stated their need for an addition on their home.

AUDIENCE PARTICIPATION: None.

Ms. Frost said the Berry's have entry to their backyard through the driveway and recommend approval.

BOARD DISCUSSION:

Mr. Parker mentioned the tree line and it's place on the property line.

BOARD RECOMMENDATIONS AND/OR ACTION:

Weatherford moved and Scott seconded to approve ZBA #06-06. Motion carried 5-0.

6. ZBA #06-07

BY: Sparkle Buggy Car Wash
2025 N. Genesee Rd
Burton, MI 48509

RE: 2380 S. Center Rd.
Lot 112 Supervisors Plat and Associated
Railroad right-of-way. C-3 and R-O zoned.

FOR: To build a new car wash 5'1" from the south
property line, 20' required.
(4 votes required)

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 16, 2006 / 6:00 P.M.

PAGE 5

Larry Moore, 7204 Popplewood, Davison, MI, explained plans of tearing down and modernizing the structure to resemble the Belsay Rd. car wash. The building will be moved to the south property line to utilize the backspace for cars.

AUDIENCE PARTICIPATION: None.

Mr. Strasser recommended approval and offered concerns regarding firewalls and glass. He said this project would enhance the City.

BOARD DISCUSSION:

Mr. Grantner said the applicant was approved by the Zoning Board and asked the building's age.

BOARD RECOMMENDATIONS AND/OR ACTION:

Grantner moved and Weatherford seconded to approve ZBA # 06-07. Motion carried 5-0.

7. ZBA #06-08

BY: A.P.I. Anthony Patric Inc.
8445 S. Saginaw
Grand Blanc, MI 48439

RE: 4101 / 4151 Lippincott, Lot 20
Wallis Commercial and Industrial Park.

FOR: Relief from the required 30' front setback to
15' for parking. (4 votes required)

Mike McCully, 8445 S. Saginaw, Grand Blanc, MI, asked for a parking variance and said the property won't be of much use without this development.

AUDIENCE PARTICIPATION: None.

Mr. Strasser recommended approval and noted an error in the parking plans.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Parker moved and Scott seconded to approve ZBA #06-08. Motion carried 5-0.

8. ZBA #06-09

BY: Wal-Mart Stores Inc.
2001 SE 10th St.
Bentonville, AR 72716

RE: 5232 E. Court St. North

REGULAR ZONING BOARD OF APPEALS MINUTES
FEBRUARY 16, 2006 / 6:00 P.M.
PAGE 6

FOR: A variance to reduce the required amount of parking spaces from 1,430 spaces to 1,082 spaces. (4 votes required)

Mr. Strasser explained a misunderstanding in the Ordinance with the car lot spaces.

Mandi Gauss, 8160 Executive Ct. Lansing, MI, requested a variance for parking spaces.

AUDIENCE PARTICIPATION:

Jim Daly, 2216 Thistlewood, Burton, MI, supports the project and said it will be good for surrounding businesses.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Parker moved and Grantner seconded approval of ZBA #06-09. Motion carried 5-0.

BOARD DISCUSSION:

Mr. Strasser said his office would be revamping procedures and requests to make the system more accurate and efficient.

The Board discussed DPW timetables, enforcement of applicants, department updates and having audience participation and board discussion at the end of the agenda.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, March 16, 2006 at 6:00 p.m.**

Meeting adjourned at 7:26 P.M.

mrs