

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 18, 1999, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY HOME BERRY AT 6:00 P.M.

MEMBERS PRESENT: Berry, Scott, Parker, Centilli, B. Weatherford, Layman, Wright, W. Weatherford

MEMBERS ABSENT: W. Kalanquin

OTHERS PRESENT: R. Stewart, DPW Building Inspector, J. Adams, Clerk's Office.

Moved by Parker, seconded by B. Weatherford to approve and authorize the minutes of the Regular ZBA Meeting of January 21, 1999, 6:00 p.m.

Motion carried 7-0.

AUDIENCE PARTICIPATION:

Dennis Kinder, 1224 S. Genesee, Burton, MI, indicated he is keeping everyone apprised of his situation. He has nothing to report at this time, his case is still tied up in Court.

Mr. Berry inquired as to his next Court date.

Mr. Kinder indicated he is not sure, and has heard nothing as yet.

BOARD DISCUSSION: There was not any Board discussion at this time.

NEW APPLICATIONS:

- | | |
|--------------|--|
| 1. ZBA #99-2 | BY: Church & Sons, Inc., dba The Car Depot
4499 Davison Rd.
Burton, MI 48509 |
| | RE: 59-03-400-004 |
| | FOR: 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. x 8 ft. sign,
3 free standing signs exist. (5 Votes) |

No one present in the audience from Church & Son.

BOARD DISCUSSION:

Mr. Parker said at the last meeting they post-poned the case till this month's meeting. They had three or four people there selling cars and they were asked to have the tenants vacate the premises as a condition of them having the use car lot.

BOARD RECOMMENDATION
AND/OR ACTION:

Moved by Parker, seconded by Wright to post-pone #99-2 until the end of the meeting.
Motion carried, 7-0.

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2. ZBA #99-5

BY: Michael Zerka
407 Tickner
Linden, MI 48451

RE: 1323 Bristol Rd., Lots 1308 - 1312
Baker Park #1, Sect. 30

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

Michael Zerka, 407 Tickner, Linden, MI, stated he is requesting a variance at the location and he and his father are wanting to do a business together. His father is a 40 year veteran in the car business and spent 20 years at Summerfield Chevrolet, and the last 20 years at Mike Young's in Owosso. He invested a lot of time in trying to find a good location for what they feel will support the kind of cars they want to sell, which is later model cars such as 1996, 1997, 1998. They are not going to run any service out of that location and will set that up at another site. Mr. Zerka spoke further of cleaning up the property and work they would do to the building.

AUDIENCE PARTICIPATION: No one from the audience spoke at this time.

Mr. Stewart, from DPW, said the only concern is that it is a very visible section of the City. If approved there should be contingencies regarding no banners, flags, no parking on the grass, stay out of the right-of-way areas, and place restrictions that can be enforced.

BOARD DISCUSSION:

Mr. Parker asked if it is approved, would it still have to go before the Planning Commission for a site plan review.

Mr. Stewart indicated yes, and his site plan would show cars located on property.

Michael Zerka said it is something he has to show for a used car license itself, and create it for the State to show where the cars and signage is located.

Mr. Parker said in looking at the west side of the property, the asphalt for the parking lot is right up to the roadway, and on the east side of the property, there is a grass strip. Mr. Parker inquired if that will stay there.

Mr. Zerka said no, and as soon as feasibly possible, he would like to either pave it or do something, because that piece of property is imperative for his lot. In order to support a decent dealership, he needs between 20 and 30 cars sitting on the lot to survive.

Mr. Parker inquired as to curb cuts and spoke regarding the C-3 use and Zoning Ordinance, pre-amble Sect. 16-01. He agrees that it is a high visibility corner, and spoke further regarding the numerous accidents there.

A brief discussion followed regarding curb cuts and fencing.

Mr. Zerka re-iterated he and his father want to sell nice cars and not junk cars, and spoke further of his family's professionalism and conduct. He indicated they will do whatever the Board asks of them.

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Mr. Berry read a letter received from Mr. Banacki, Bristolwood Plaza Mall, who indicated he was against the proposed business.

Brief discussion followed regarding signs on the site, zoning for the used car lot and a use variance.

BOARD RECOMMENDATIONS
AND/OR ACTION:

Moved by Centilli to approve ZBA #99-5 for Michael Zerka to conduct a used car lot not in conjunction with new car sales for a use variance.

Motion failed for lack of support.

Moved by Layman, seconded by Scott to deny ZBA #99-5.

Motion carried to deny, 5-2. Berry - no, Scott - yes, Parker - yes, Centilli - no, B. Weatherford - yes, Layman - yes, W. Weatherford - yes.

1. ZBA #99-2

BY: Church & Sons, Inc., dba The Car Depot
4499 Davison Rd.
Burton, MI 48509

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Mr. Berry asked the audience if anyone was present for Church & Sons, Inc.

No one present in the audience.

BOARD RECOMMENDATION
AND/OR ACTION:

Moved by Parker, seconded by Layman to post-pone ZBA #99-2 until the next regular scheduled meeting of March 18, 1999, 6:00 p.m., and have the DPW contact the applicant to come back before the ZBA.

Motion carried, 7-0.

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

MEETING ADJOURNED AT 6:38 P.M.

JRA

* The next alternate will be Jeff Wright.