

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 21, 2002, 6:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Scott, Parker, Centilli, Welch, Curtis, Kalanquin

MEMBERS ABSENT: Weatherford, Grantner

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

Moved by Scott, seconded by Curtis to approve the Regular Zoning Board of Appeals meeting held on January 17, 2002 at 6:00 p.m. Motion carried, 6-0.

The Board post-poned the re-organization of the Chairperson and Vice-Chairperson until its next regularly scheduled meeting on March 21, 2002 at 6:00 p.m.

AUDIENCE PARTICIPATION:

Leona Stephens, 3049 Vineland Ave., Burton, MI, stated on January 17, 2002, the ZBA approved zoning case #01-54. You granted a variance for Atherton Road Sales to expand the non-conforming use of the property with a gravel turn-around area for Atherton Rd. Sales delivery trucks only, and no others. On February 12th the Planning Commission heard this case as Site Plan Review #02-02. However, the text had been changed to expand the turn-around parking area between the main building and storage barn. The verbiage had been changed to allow parking in an area that was only approved for a turn-around.

Mrs. Stephens said she is here tonight seeking the Board's assurance that the variance they granted to Atherton Road Sales will be limited to the use it was approved as a gravel turn-around and nothing more. The drawings submitted in this case shows the turn-around area in line with the barn in front of the property. However, since the drawing is flawed in other ways, I want the assurance that the turn-around will be built at the same setback from the property line as the barn at the front of the property. Mrs. Stephens said she quotes from a retired Judge who stood before the ZBA on his case, "Let us keep the residential zoned area residential and free from commercial nuisances." This has certainly not been done in my case. Mrs. Stephens thanked the Board for their attention to these two important matters.

Mr. Kalanquin inquired to Mr. Strasser as to Mrs. Stephens comments.

Mr. Strasser said any action taken that was taken by the Zoning Board takes precedence over the Planning Commission because that was an administrative approval. The minutes of the ZBA meeting were attached on that administrative approval and that's what we agreed upon with this Board, the owner of the property, and the Planning Commission. So whatever was reflected in the minutes of the ZBA is what dictates policy on that case.

Pauline Dargel, 6119 Hugh St., Burton, MI, said she was not at the last ZBA meeting but she seen the minutes and heard the tape. The minutes reflect a turn-around and not parking.

BOARD DISCUSSION:

Mr. Parker commented regarding the applicants being made aware there is not a full Board present tonight.

YEARLY APPLICATIONS:

1. ZBA #02-03

BY: Odishooe Asphalt
2124 S. Term
Burton, MI

RE: 2124 S. Term, Lot 11 Southeast Acres
Sect. 21, R-1C Zoned.

FOR: To keep contractors equipment on site, for use in
asphalt business. M-2 use in R-1C zoned area.
(5 Votes Required)

Mr. Kalanquin stated the applicants here tonight can wait and have their case heard with a full Board present.

Scott Odishooe, 2124 S. Term, Burton, MI, said he would like his case heard for their yearly application. He has lived there since 1976 and went to Atherton Schools. There hasn't been any problems in our neighborhood. We take a high interest in the City of Burton. Mr. Odishooe said he is asking to have a couple of dump trucks and trailers they use in the asphalt paving business to the back of his property which joins the City of Flint apartment complexes. There is a line of trees and it is secluded to where we do not bother anybody. I have no other means to continue business if I have to pay for a move to a different area to rent property. I hoped to purchase some property but I have not been able to.

AUDIENCE PARTICIPATION:

Ed Wilcox, 3278 Sayre Ct., Burton, MI, said he spoke to several neighbors. They have more complaints about cars that are setting along that street that don't have a thing to do with Scott Odishooe, and the City does not say anything about that. If you want to see his equipment, you have to look for it because it sits way off the road. Scott has always helped the neighbors and no one has any complaints against him. Mr. Wilcox stated further, he would like to see the Board give another extension for a year. Scott went through some hard times a year ago with his house.

Mr. Strasser said there are no documented complaints and they recommend to extend his variance for another year.

BOARD DISCUSSION:

Mrs. Scott said she agrees that you really have to look back on the property to see where he keeps his equipment. He keeps a nice, neat, and orderly establishment, and in that case I will be voting for it.

Mr. Parker said he would like to make the same comments he did last year. I cannot support this, a commercial business in a residential area. I think the problems we have down on Atherton Road are indicative of what can happen with a business in a residential area. I think it has gotten out of hand. A long time ago when that person came in and said I would like variance, if we had said no then, that person would have moved and things would not be the way they are now. So again, I cannot support this.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Scott to approve ZBA #02-03.
Motion carried, 5-1. Parker – no.

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E. YEARLY APPLICATIONS: (continued)

1. ZBA #02-04

BY: Edward P. Abbott
PO Box 4040
Flint, MI 48504

RE: Parcel #59-30-578-286
1323 Bristol Rd.
Burton, MI

FOR: To conduct a golf cart rental, sales and repair
business, "C-3 special use in a C-1 zoning"
outdoor display, parking of golf carts for rent.
(5 Votes Required)

Peter Bade said he represents Ed Abbott, who is absent due to surgery he recently had. Mr. Abbott is a long-term owner of this property located on Bristol Rd. next to I-475. Between the 1970's and 1980's it was operated as Abbotts Meats, a retail store. I believe in the yearly 1990's it was operated as Oscar Pizza establishment and then it went vacant for approximately 5 years. Mr. Abbott has made improvements to the structure. Mr. Bade stated further, the proposed use is to serve as the location for Kodiak Equipment. They lease, sell and repair golf carts. Practically speaking, I think this use will probably be much better than what was there in the past. Mr. Bade said he would be happy to answer any questions and Mr. Porter is here from Kodiak Equipment to speak regarding the business.

Larry Porter, 15557 Knollwood, Dearborn, MI, said they are a golf cart company. We sell, rent and service golf carts. Mr. Porter presented to the Board pamphlets of their business. He said they have businesses located in Dearborn Michigan and Kalkaska. We service golf courses with their repairs and we also sell to the public. Mr. Porter said they are an expanding company and would like to come to the City of Burton.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser said he did inform them that the zoning is C-1, which only allows indoor retail. Their use is a much heavier use, which would require a variance from this Board allowing vehicles of this nature to be stored outside. It would have to be fenced, it is probably not the best location for this situation. If approved, it will still have to go in front of the Planning Commission for site plan review. Minimal improvements would be a hard surface instead of the grass area for the vehicles to be parked on.

BOARD DISCUSSION:

Mr. Parker inquired as to Mr. Porter's company having a lease with the property.

Mr. Porter replied yes.

Mr. Parker inquired further regarding how extensive the repair part of the business is.

Mr. Porter said it will basically be a mechanical repair business and the carts will not be tore apart at all. We do not do body work on golf carts and there is not a lot of stuff to be laying around.

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Mr. Parker commented regarding stipulations. He said since this is adjacent to a residential area and Mr. Strasser mentioned a fence. He asked if Mr. Porter would object to a privacy fence along the north and east boundary so the neighborhood will be shielded.

Mr. Porter said he has no problem with that request.

Mr. Centilli inquired regarding the 6 ft. cyclone fence protruding out to Bristol Rd.

Mr. Porter replied he does not have the site plan back yet and it will probably be 10 ft. back.

Mr. Centilli said he does not think anything should be protruding past the front of the building.

Mr. Welch said the application states to conduct a golf cart rental and repair, and Mr. Porter mentioned sales. He asked if there will be sales and if so, does he wants to amend it.

Mr. Porter acknowledged there will be sales and he will amend it.

Mr. Welch asked if all repairs will be done inside.

Mr. Porter responded yes.

Mr. Centilli asked if this will be renewed yearly.

Mr. Porter said that a yearly renewal is fine.

Mr. Kalanquin inquired as to the turn-over and number of carts on site.

Mr. Porter said they expect to sell 20 carts a month, and the number on site is approximately 40.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #02-04, with the stipulations it will go before the Planning Commission for site plan review, the north and east property lines have a privacy fence, and with a yearly renewal. Motion carried, 6-0.

F. NEW APPLICATIONS:

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|---------------|--|
| 1. ZBA #02-01 | BY: Don Roseborough
3381 Greenley
Burton, MI |
| | RE: 1430 Allen, Lot 164 Baker Park
Sect. 30, R-1C Zoned. |
| | FOR: To expand the non-conforming front setback of
9 ft. on Morrison with an addition. (4 Votes Required) |

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Don Roseborough, 3381 Greenley, Burton, MI, presented pictures to the Board of his house and stated he wants to put an addition to the back of the home. He expressed that the house is only 20 x 20 and they put a small 5 ft. bathroom on the back of it. Mr. Roseborough stated further, he is 20 ft. from the street and 8 ft. from the sidewalk.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said this is a very common problem in the south end. We see no problem with the request.

BOARD DISCUSSION: No Board discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Curtis to approve ZBA #02-01.
Motion carried, 6-0.

2. ZBA #02-02

BY: Jeffrey Archambeau
3060 W. Hill Rd.
Flint, MI 48507

RE: 1441 Allen St., Lot 141 Baker Park
Sect. 30, R-1C Zoned.

FOR: To construct a new home at 9 ft. from the Morrison Ave.
R.O.W., 20 ft. requested. (4 Votes Required)

Jeffrey Archambeau, 3060 W. Hill Rd., Flint, MI, presented pictures to the Board and said he is requesting a variance for 1441 Allen St. The existing house burnt down. The lot is approximately 47 x 94 and he wants to construct a 28 x 40 home on it. The setback on Morrison is 20 ft. I am not obstructing anything as far as the stop sign, telephone pole or telephone box and it went farther beyond that. The house across the street has a fence that is 4 ft. from the property line. Mr. Archambeau said he grew up in Burton and feels this new construction will improve the lot. It was an eyesore and he already removed a tree and cleaned up the brush. The existing shed will come down after the house is built.

Mr. Archambeau stated further, there is an alley there that has never been abandoned. Right behind the property in the pictures you will see a pump station for Consumers Power. The alley has probably been there before I was born. As you can see in the photos, people have put up fences and sheds and everything else in this alley that was never abandoned. You must have 10 ft. between your house and garage, and I am trying to establish a small garage there too, but the alley is there. Mr. Archambeau asked if the residents are taxed for it because he would like to have a little more of a back yard between this house and a garage.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said this property is kiddy corner from the previous case, it is a small corner lot in the south end and he wants to put up a new home. We back him 100%. As far as the alley, I have looked into it. No one has ever pursued it, and we would not have known it if you hadn't brought it up.

Mr. Kalanquin asked who pays the taxes on it.

Mr. Strasser said it is considered to be public right-of-way on that strip of land. When you abandon a public right-of-way and there is a subdivision on both sides of it, each adjoining property owner gets half.

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BOARD DISCUSSION:

Mr. Curtis said the Board is only dealing with the variance requested to build a new home with the dimensions set forth. With those dimensions, you are far enough away from that alley and it will not impact the construction of the home. The applicant mentioned a garage but it is not part of the application.

Mrs. Scott asked if the shed will be taken down.

Mr. Archambeau replied the shed will come down.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Parker to approve ZBA #02-02 contingent that the shed does come down.
Motion carried, 6-0.

3. ZBA #02-05

BY: Maki's Tree Service
3227 Churchill
Flint, MI 48506

RE: 4086 S. Dort
Lot 33, Supervisors Plat #25
Sect. 32, M-1 Zoned

FOR: Outdoor storage of firewood "at rear of property".
M-1 Zoned property. (5 Votes Required)

Mark Maki, 3227 Churchill, Flint, MI, said he is owner of Maki's Tree Service. He has a purchase agreement on Lot 33, Plat 25 on Dort Hwy. He is asking for a variance to sell firewood in the back of the property. It is 366 ft. deep and railroad tracks are at the back of the property. There are businesses on both sides. Mr. Maki said he wants to maintain it and keep it nice and confined. Mr. Maki said some tree services have a bad name, he is a neat person and very particular. Mr. Maki presented pictures to the Board.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said this part of Dort Hwy. has a lot of industrial uses up and down the area. It would be an asset to have this cleaned up. We suggest you grant the variance contingent upon the property being developed after site plan review.

BOARD DISCUSSION:

Mr. Parker asked for clarification regarding a structure to sell firewood.

Mr. Strasser said his intent is to develop the property, have a building on it to store equipment in, and he asked me about selling firewood on the property. That would be an accessory to the main use of the tree service. If you want to approve this, he has to develop the property as his tree service in order to sell firewood there.

Mr. Parker said we have had problems in the past with firewood lots. He inquired regarding enforcement, and the wording of a motion to not allow firewood until the building is up.

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Brief discussion followed regarding stipulations.

Mr. Strasser said with industrial uses, it will not be as clean as a doctor's office, or McDonald's where they have manicured lawns. His particular use does fit this. The only thing you are allowing to be outside is the firewood and that would be in the back. I understand your concerns of enforcement but you can control this by saying, you cannot do this until you go to site plan review and you have built your building and moved your business in there.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Scott to approve ZBA #02-05 contingent on the drawing as illustrated and presented to the ZBA, site plan review and DPW requirements.
Motion carried, 6-0.

Mr. Kalanquin stated his term is up this month and he is not going to re-apply. He said he has many reasons and wants to get more familiar with City government. I have enjoyed this and learned a lot. I welcome growth to Burton in the area that requires certain type of growth and not in residential areas. I think I can be of better asset for the City off this Board and I have other aspirations. I thank everyone for their support and I enjoyed working with everyone, especially the citizens of Burton, and what I have done, I have tried to do for the majority of the people.

Mr. Kalanquin stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, March 21, 2002, at 6:00 p.m.**

Meeting adjourned at 6:50 p.m.

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