

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

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

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

MEMBERS ABSENT: None

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

Moved by Cross, seconded by Layman to approve the minutes of the Regular ZBA meeting of Thursday, February 15, 2001, at 6:00 p.m. Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION: No Board discussion at this time.

D. NEW APPLICATIONS:

Postponed:

- | | |
|---------------|--|
| 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, Section 21.05, Item 2e.
(5 Votes Required) |

Applicant was not present, Mr. Kalanquin tabled the case to the end of the meeting.

Postponed:

- | | |
|---------------|--|
| 2. ZBA #01-07 | BY: Donald R. Bridges
4499 Davison Rd.
Burton, MI 48509 |
| | RE: Parcel #59-03-400-007, C-2 Zoned |
| | FOR: To conduct a used car sales lot not in
conjunction with new car sales.
(5 Votes Required) |

Applicant was not present, Mr. Kalanquin tabled the case to the end of the meeting.

3. ZBA #01-09

BY: Robert P. Gunnerfeldt
3322 Ellis Park Dr.
Burton, MI

RE: 3322 Ellis Park Dr., Lot 45,
Radio Acres, Sect. 27, R-1A Zoned

FOR: To conduct a C-2 commercial use "catering
service" in an R-1A residentially zoned area.
Reference Ordinance 19, Section 15.02, Item 4.
Business to be operated out of converted garage.
(5 Votes Required)

Robert Gunnerfeldt, 3322 Ellis Park Dr., Burton, MI, stated he and his wife would like to conduct a catering service out of their home. He thought it would fall under the home occupation clause and went to a considerable amount of personal expense for a plan review, blueprints, purchasing equipment and putting in a commercial well. After doing all this, we found out we did not fall under the home occupation portion of the Zoning Board. Mr. Gunnerfeldt stated further, there will be no customers coming to the home, they would prepare the food and taking it elsewhere for service.

AUDIENCE PARTICIPATION:

Janet Carr, stated she is from Sun Communities and own Creekwood, which is adjacent to the property in question. She presented to the Board a map and pictures of the property. She stated she does not necessarily object to what the applicant is requesting but is concerned with the property being presentable, which currently it is not. They are also concerned with external signs and trucks in the vicinity. If this is allowed, perhaps there could be pine trees to screen it.

Mr. Gunnerfeldt responded that the debris in the back yard is due to a demolition they started. They were issued a stop work order and told they should not do anything further. He does not intend to use any signage at all and one of the main criteria when we thought this fell under the home occupation, was we were not to disturb our neighbors. So we would not be able to have traffic or delivery trucks coming to the home. We are such a small scale operation, we would be picking up our own supplies. Mr. Gunnerfeldt said there are 50 small pine trees planted two years ago in that area, and he will put up a privacy fence if necessary.

Mr. Strasser said when Mr. Gunnerfeldt originally called him, he categorized this as a home occupation and it was our understanding it would be out of their kitchen. After he applied for a license through the County Health Department, they will no longer allow you to cook food out of your kitchen for sale to the public or to groups. It has to be out of a commercial kitchen, so he would have to convert his garage to a commercial kitchen to include stainless steel sinks, exhaust hoods, stoves, and so forth. We had to place a stop work order because it went beyond the realm of a home occupation. Some of the concerns were once the exhaust fans started to take the smells out of the kitchen, are you losing the residential nature of the neighborhood or is it going to smell like a restaurant area. You are going to have excess amounts of materials going into the sanitary sewer, possibly grease and so forth which can add to the problem of sewer back ups. Mr. Strasser said their recommendation would be denial for this request.

BOARD DISCUSSION:

Mr. Cross asked who reviewed the plans.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

MARCH 15, 2001 / 6:00 P.M.

PAGE -3-

Mr. Gunnerfeldt responded it was the Health Department.

Mr. Cross asked if approved, would he still have to come before the Planning Commission for site plan review.

Mr. Major said the Health Department has done the review and with what they tell him he has to do, he complies with all the changes that would be necessary. You could run this through as a C-2 operation in a residential area and put him through site plan review, but I don't know what the benefit would be. We do not want a paved parking lot out front and changes made to the characteristics of the home. If granted an approval, he would need a building permit for what he has done or is planning on doing.

Mr. Cross feels this is a self imposed hardship.

Mr. Gunnerfeldt said he thought what he was doing was right, but was mistaken.

Mrs. Layman commented on the debris outside, and stated that if he received the variance, the Board could not do anything about the amount of people he had working for him.

Mr. Cross inquired if they grant this request, does the variance stay with the property.

Mr. Strasser said it depends on how you word the motion. You could word it to stay with the owner, or as an example, approved with the stipulation the food service license under the applicant's name could operate at this location.

Mr. Major said you are really not making a construction variance even though he is converting the inside of the garage over. You are granting possibly a land use variance versus a physical improvement variance. If granted, it should only be for this occupant for his operation.

Mr. Grantner asked Mr. Gunnerfeldt if he planned on doing all the renovations on his own.

Mr. Gunnerfeldt responded as much as he is permitted to do.

Mr. Grantner asked if he has put together a business plan, such as one submitted to a financial institution, showing anticipated sales and so forth.

Mr. Gunnerfeldt said he has not, through the Health Department we have told them how many meals we can prepare. They approved 150 meals.

Mr. Grantner asked what he would anticipate the revenue would generate in a year for this business.

Mr. Gunnerfeldt said between \$10,000 to \$20,000 a year. Our initial plans is to do this on weekends, it was to supplement our income and provide a source of support for my wife in case something happened to me.

Mr. Parker said he cannot support this and commented further regarding supply trucks, employees, and catering vehicles that could occur in the future.

Mr. Cross inquired regarding C-2 uses in residential areas.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #01-09 as written.

Motion denied, 7-0. Layman – no, Scott – no, Parker – no, Cross – no, Grantner – no, Curtis – no, Kalanquin – no.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

MARCH 15, 2001 / 6:00 P.M.

PAGE –4–

RE: 1256 Carlson

FOR: To construct an attached garage at 5 ft. from the south property line; 10 ft. required. (4 Votes Required)

Norman Young, 3430 S. Irish, Davison, MI, said he is a builder/plumber, and started buying houses to fix up and sell. He bought this house on Carlson to fix it up and sell it. He wants to build a two car garage along with adding new windows and siding.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser stated that because there would only be 5 ft. left between the structure and the property line, they recommend at least a 9 ft. garage door in the back of the garage in order to get into the back yard so there is not trailers and other items being stored in the front.

BOARD DISCUSSION:

Mr. Parker inquired regarding the depth of the lot and putting the garage in the back of the house as opposed to attached to the house.

Mr. Young said it would not change the look to the house at all. The other homes with garages have 2 to 3 ft. to the lot line, and I want to keep at least 5 ft. to the lot line.

Mr. Parker said the size of the garage is small for the size of the lot, and it would be more advantageous to have it in the back yard.

Mrs. Layman said she feels in this neighborhood it would not be out of the ordinary and would blend in. She will be voting for this request.

Mr. Kalanquin indicated the neighbors are in favor of the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Scott to approve ZBA #01-10 with the stipulation the garage door is to be installed in the rear of the structure to pass through to the back yard.

Motion carried, 6-1. Parker – no.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

MARCH 15, 2001 / 6:00 P.M.

PAGE –5-

Postponed:

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, Section 21.05, Item 2e.
(5 Votes Required)

Donald Hall, 10229 N. State Rd., Otisville, MI, stated he would like a one year permit to store new vehicles on the lot. He previously had a 4 month temporary permit. The use is for storage of GM built trucks that they have an overflow of. They need to be shipped to have boxes put on them. Mr. Hall said there may not be an overflow for a month and a half, or sometimes 3 months, but when there is, they need some place to store them. Mr. Hall also indicated he is storing them for Monroe Truck.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Major stated their recommendation is for denial. There is no benefit to the City, it does not generate any tax base, and he does not feel it is an appropriate use for temporary storage of vehicles. He indicated further that GM could find a place to store them.

BOARD DISCUSSION:

Mrs. Layman inquired as to the hardship.

Mr. Hall replied the hardship is he would not have any place to store the vehicles. As far as benefit to the City, it is a cleaned up lot. It was a mess there and it looks a lot nicer then it was a year ago.

Mr. Curtis asked if he was leasing the property from Consumers Power.

Mr. Hall replied yes.

Mr. Parker said the applicant was before the Board on July 27, 2000, to lease this property to store trucks. The DPW at that time said it was okay. The applicant has spent time and energy to clean up the property. He understands there is no benefit to the City with him leasing the property, but he does not understand what the detriment is to the City.

Mr. Major asked when does a temporary variance become permanent. When do we get the permanent property improvements that the other business people in the City of Burton have to invest in to become part of the City as a bonafide business. Mr. Major said he does not see that in this particular case. We have been fortunate our police department hasn't had to go over there to find a lot of vandalism done to the vehicles. We are conducting a business without the physical improvements, personal property taxes, and so forth.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 15, 2001 / 6:00 P.M.
PAGE -6-

Mr. Curtis spoke of concerns with the temporary variance, ground surface of the property, and not going before the Planning Commission.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Curtis, seconded by Layman to approve ZBA #01-05.

Motion denied, 7-0. Layman – no, Scott – no, Parker – no, Cross – no, Grantner – no, Curtis – no, Kalanquin – no.

Postponed:

2. ZBA #01-07

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

RE: Parcel #59-03-400-007, C-2 Zoned

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

The applicant was not present. Mr. Parker asked if the DPW has had any dialogue with the applicant.

Mr. Strasser said they are meeting with the applicant tomorrow morning.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Curtis to table ZBA #01-07 until the next regular ZBA meeting of April 19, 2000 at 6:00 p.m. Motion carried, 7-0.

Mr. Kalanquin stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, April 19, 2001 at 6:00 P.M.**

MEETING ADJOURNED AT 6:44 P.M.

jra