

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MARCH 20, 1997 AT 6:00 P.M.

The Meeting was called to order by Homer Berry, Vice-Chairman, at 6:00 P.M.

MEMBERS PRESENT: B. Weatherford, S. Layman, W. Kalanquin, M. Scott, H. Berry,
T. Parker and T. Martinbianco.

MEMBERS ABSENT: I. Hohloch

OTHERS PRESENT: R. LaDuke, Building Supervisor; T. Strasser, Deputy Planning
Official and C. Ladd, Deputy City Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

Parker moved and Martinbianco seconded the following motion:

Approve and authorize the minutes of the regular ZBA Meeting of February 20,
1997, at 6:00 P.M., as written. Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

There was no one in the audience who wished to speak.

C. BOARD DISCUSSION:

None.

D. YEARLY RENEWALS:

1. ZBA #97-7

By: Delphi Flint East
1300 N. Dort Hwy.
Flint, MI

Re: 1300 N. Center Road
59-10-100-022 M-2 Zoned

office

For: To place one (1) mobile
on site for general office
purposes. Located at the
Plant #7 facility.
(5 Votes required)

Mr. Berry said the applicant, Delphi Flint East, no longer needs the mobile office and this case can be postponed indefinitely.

Moved by Kalanquin, seconded by Scott to postpone indefinitely, ZBA #97-7 as requested by the applicant. Motion carried 7-0.

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D. YEARLY RENEWALS CONTINUED:

2. ZBA #97-8

By: Holy Redeemer
1227 E. Bristol Rd.
Burton, MI 48529

Re: 59-30-300-009
R-1C Zoned

For: Yearly Festival, C-3 Special
Approved Use in an R-1C
zoned area.
(5 Votes required)

Timothy Allen, 5205 Bloss Dr., Swartz Creek, said Holy Redeemer is asking for approval for their festival.

Mr. Berry asked if there would be any changes in the festival from last year.

Mr. Allen said they are asking for an extra day, the same as last year, for the kids to ride the rides. They will be having the Burton Police again this year.

Mr. Strasser asked for the dates of the festival. Mr. Allen replied the festival will be held May 15, 16, 17 and 18.

Moved by Layman, seconded by Weatherford to approve the yearly festival, C-3 Special Approved Use in an R-1C zoned area for ZBA #97-8, as requested. Motion carried 7-0.

3. ZBA #97-12

By: Blessed Sacrament Church
6340 Roberta
Burton, MI 48509

Re: 59-13-400-001
R-1A Zoned

For: To conduct a yearly festival/
carnival C-3 Use in an R-1A
area, August 1,2,3, 1997.
(5 votes required)

Jim Cokley said he represented Blessed Sacrament Church for the yearly
renewal
for the festival/carnival.

Mr. Berry asked if there were any changes from last year and he was
advised
there were none.

Mr. Strasser said this use has never created a problem and DPW recommends
approval.

Moved by Parker, seconded by Kalanquin to approve the yearly
festival/carnival
for ZBA #97-12 for a C-3 Use in an R-1A zoned area for August 1, 2, 3,
1997,
as requested. Motion carried 7-0.

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D. YEARLY RENEWALS (contd.)

4. ZBA #97-13

By: K-Mart Corp.
1145 N. Belsay Rd.
Burton, MI 48509

Re: 59-11-400-002
Sect. 11 C-3 Zoned

For: To conduct outdoor sales of
garden plants, nursery stock
and related items.
(5 Votes required)

Sid Rogers, 10421 E. Mt. Morris Rd., Davison, said he represented K-Mart
Corp.
and they are asking for variance to conduct outdoor sales.

Mr. Berry asked if there would be any changes from last year. He was
advised
no.

Mr. Strasser said K-Mart has always maintained a well organized outdoor
center
and DPW recommends approval.

Mr. Parker asked about the specified times for the outdoor sales.

Mr. Rogers replied they will be from March to October 1st if possible.
The
corporation would like to do this as soon as possible.

Moved by Parker, seconded by Martinbianco to approve outdoor sales of
garden
plants, nursery stock and related item from April 1st to October 1st.
Motion
carried 7-0.

E. NEW APPLICATIONS

1. ZBA #97-9
Door

By: Gerald Bergman for Quality

515 N. Woodbridge
Saginaw, MI 48602

Re: 3086 Bristol Road
59-28-300-003
M-2 Zoned

addition
line,

For: To construct a warehouse

at 1' from the side property

30' required.
(4 Votes required)

Kenneth Walter, 8221 Goslin Rd., Marlette, MI explained that they are
asking
for a variance to build an addition 1 ft. from the side property line to
stock
more doors.

There was no one in the audience who wished to speak.

Mr. Berry said they were before the Planning Commission and they want to
cut off
and enclose the open space to stock doors. Their request was approved by
the
Planning Commission contingent upon approval from the ZBA.

Mr. Strasser said DPW has no problem with their request.

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Mrs. Scott asked about the drainage of the roof and Mr. Walter advised
her

that they would have gutters to drain out to the road. He also stated that he has letters from their neighbors stating no objections to the variance.

Mr. LaDuke said the DPW will have to make sure their water stays on their property.

Moved by Layman, seconded by Scott to approve ZBA #97-9 to construct a warehouse addition at 1' from the side property line. Motion carried 7-0.

2. ZBA #97-10

By: James D. Moore, Jr.
2298 S. Genesee Rd.
Burton, MI 48509

Re: 2298 S. Genesee Rd.
Meadowcroft, Est. #2 Lot 59
Sect. 22 R-1B Zoned

For: The Moore family wishes to be allowed to operate a family

dog

kennel. They would only

allow

3 adult dogs at the kennel

during

any given period.
(5 votes required)

Mr. Moore explained they have three (3) adult dogs at the present time and have had the dogs for four years. He said there was a complaint made and he is trying to get the violation taken care of and would like approval to keep the three adult dogs.

Audience Participation:

Mrs. Hammon, 2322 S. Genesee Rd., said she is not in favor of the variance because of the barking; plus the fact that last summer they also had three or four puppies. She said in the winter she can't hear the barking as much, but in the summer, her windows are open and it is annoying.

Mr. Moore said last summer there was a misbreeding and that problem has been eliminated because he has had the female and one of the males fixed.

Mr. Berry asked if something happens to one of the dogs would they get another.
He was advised no.

Al Klaus, Daystar Developer, said he is building a development behind Mr. Moore's property and he is against the variance to them to keep the dogs. He said this is at the main entrance to the subdivision and he doesn't think it will entice people to buy in the development. He said they have had a truck with a tarp on it in the driveway for six to eight months and there is no place for this. It is unsightly to the area.

Mr. Strasser said Mr. Moore did come to the City through a complaint and a violation notice was given to him and he opted to come before the Board and get approval.

Mr. Kalanquin asked how many dogs are allowed without the kennel license. Mr. Strasser replied two adult dogs and the dogs are not considered adult until after they are four months old.

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E. NEW APPLICATIONS (contd.)

Moved by Weatherford, seconded by Parker to deny the request to have a kennel with 3 adult dogs. Motion carried 7-0.

3. ZBA #97-11

By: John G. Stapish
5160 E. Atherton Rd.
Burton, MI 48519

Re: 5160 E. Atherton Rd.,
59-26-100-002

For: To build a storage barn
36' x 60' with 14' eaves.
To exceed allowable sq.

footage

for accessory structure by

480

sq. ft. 2,000 sq. ft.

allowed,

2,480 proposed.

height

To exceed the allowable

proposed.

by 3'. 14' allowed, 17'

(4 votes required)

Mr. Stapish, 5160 E. Atherton Rd., presented brochures of the type of pole barn he is requesting. He explained there is a 20 year warranty from the manufacturer. He said he checked with the DPW about any complaints, and found only one had been filed in May of 1993 for having several non-running vehicles. He said he spoke with Mr. LaDuke and removed all that was in violation of the ordinance. He would like the pole barn for storage. Also, he said it could be insulated.

Mr. Berry asked what color the pole barn would be and if the roof would also be made of metal.

Mr. Stapish said the building will be white with dark green trim and the roof will be made of metal.

Mr. Strasser said Mr. Stapish has more than one acre and the pole barn will be 300 feet off the road. The DPW has no problem with what he is requesting.

Mr. Parker inquired about rezoning behind Mr. Stapish's property and what problem this may create if a residential development is built.

Mr. LaDuke said Mr. Stapish's property is approximately 450 feet away from the parcel that may be rezoned.

Mr. Berry asked if the pole barn would be used storage. He was advised yes.

Mrs. Weatherford questioned insulating the pole barn if it is only going to be used for storage. She asked if any other activity would be done in there.

Mr. Stapish said the insulation would be to cut down the noise when inside and out of the pole barn.

Mr. Martinbianco questioned the type of floor to be used and what the exterior of the building would be like.

Mr. Strasser said the floor would have to be concrete.

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Mr. Stapish stated he is committed to building the type of structure as in the brochure he showed.

Moved by Martinbianco, seconded by Parker to approve ZBA #97-11 to build a storage barn 36' x 60' with 14' eaves and exceed the allowable sq. footage for accessory structure by 480 sq. ft. Also, to exceed the allowable height by 3', with the assurances that the building is equal to or greater than the one in the brochure and with veneer siding and the color scheme to match the area. A copy of the brochure is to be placed on file in the Clerk's Office. Motion carried 7-0.

4. ZBA #97-14
Center

By: Forest City c/o Courtland
4190 Court St.
Burton, MI 48509

Re: 59-10-300-010
C-4 Zoned
Courtyard Mall for Home

Depot

pickup
specified.
zoned

For: Temporary garden center
area. Dates to be
C-3 Special Use in a C-4
area.
(5 Votes required)

Vivian Poe, 6171 East Knoll, Grand Blanc, said she was representing Forest City and they are asking for consideration for a temporary garden center pickup area. Ms. Poe introduced Tad Bernard and and Scott Nappy.

Tad Bernard said the window period for the outdoor sales is about 13 weeks, starting April 7th thru July 7th, inclusive. He explained the proposed layout of the outdoor sales area.

Audience Participation:

Bill Young, 1061 Arapaho, said he lives directly behind Home Depot, and when this was constructed, the question was asked if there would be any outdoor sales and the residents were told that all sales would be indoors. He explained that he is concerned about having a runoff of fertilizer into the water system. This will run into the ditch behind his home.

Larry Petrella, 1081 Howe Rd., asked a series of questions about the notification of the residents; layout of the proposed outdoor sales area; traffic problems already plaguing the area; noise generated by their PA system; litter coming from their business. Mr. Petrella said he would like to see this request denied. If approved, he asked to have it on a yearly renewal basis.

Mr. Bernard asked if the noise from the PA system was still a problem, because he had turned down the volume and hoped it would take care of the problem. Further discussion continued about this issue.

Mr. LaDuke said the issue at hand is the variance request. The noise problem should be addressed through the police department. He explained that the outdoor sales area would have chainlinked fence around it and would be on a yearly basis. The DPW will keep an eye on it from the traffic standpoint.

Mrs. Layman said she is against the outdoor sales, as this is unfair to the residents in the area.

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Mr. Bernard said when the store was constructed, no one expected to do as big a volume as they do. They expect a 30% increase this year over last years sales.

He said they are trying to make it easier on the residents in the area and he will keep it neat and run a good business. He said regarding the noise, he will be providing his employees walkie-talkie's to keep the noise down. He said the fertilizer will be kept inside, under the canopy. Outdoors will be top soil, bricks and pavers, nothing of any hazard. He plans to put up a sign to direct the people in and out to help with the traffic flow.

Mr. Kalanquin said the Board has given Wal-Mart and K-Mart outdoor sales privileges, and he doesn't see how they can deny the same request for Home Depot.

Mr. Parker asked if outside storage of building materials along the building was allowed. Mr. Strasser replied no. Mr. Parker said he would rather see the outdoor sales where the palettes are stored.

Mr. LaDuke said if the storage is higher than the fence, the DPW has to keep a control on this. There is a privacy fence that was installed by Courtyard between their property and the residential property. He said the DPW never foresaw the store doing so well.

Mr. Martinbianco said when they came before the Council for rezoning, it was hard to predict what volume of business the store would have over the next two years. He asked about the required number of parking spaces.

Mr. Strasser said five (5) parking spaces per 1,000 sq. feet is required and they do exceed the parking requirements.

Moved by Kalanquin, seconded by Scott to approve ZBA #97-14 for a period of 13 weeks, April 7th thru July 7th, inclusive, and approval to be on a yearly renewal basis. Motion carried 6-1 with Layman voting no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, April 17, 1997, 6:00 P.M.

Meeting adjourned at 7:14 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML