

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 19, 2007, 6:00 P.M., COUNCIL CHAMBERS
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Chairman Steve Welch called the meeting to order at 6:00 p.m.

MEMBERS PRESENT: Terry Parker, Weatherford, Scott, Grantner, Hynes, Major and Welch.

MEMBERS ABSENT: Tracy Parker

OTHERS PRESENT: T. Strasser, Deputy Planning Official, and A. Frost, DPW representative, L. Young, Clerk's Office.

Moved by Granter, seconded by Weatherford to approve the Regular ZBA Meeting of March 19, 2007 at 6:00 p.m. Motion carried 7-0.

NEW APPLICATIONS:

1. ZBA #07-03

BY: DMSK Enterprises, Inc. DBA Maaco
Daniel Chasins, owner
G-3345 S. Dort Hwy.
Burton, MI 48529

RE: Lots 14 thru 17 Hemphill, and Dort
commercial sites.

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

Daniel Chasins, G3345 S. Dort Hwy., explained that he wants to apply to the State for a used car sales license, which is required in order to sell more than four cars in a calendar year. He clarified that occasionally he becomes the owner of vehicles that need to be sold due to mechanics lien, or abandonment. His intentions are not to operate a used car sales lot.

AUDIENCE PARTICIPATION:

Tom Bundschuh, 3331 Menominee, asked the applicant to clarify the location of the lot.

Mr. Strasser said that everything is in compliance on site, and that administration supports the applicant's request. He also stated that the applicants operation would be self-regulating.

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Mr. Chasins explained that selling vehicles is an incidental activity within his business and wants to be in compliance with the state requirements in the event that he needs to sell more than four vehicles a year.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Hynes to approve ZBA #07-03. Motion carried 7-0.

Postponed from March 15, 2007.

2. ZBA #06-40

BY: Cernet Co., LLC.
8033 Fenton Rd.
Grand Blanc, MI 48439

RE: 2385 Red Arrow
#59-29-400-022, M-2 zoned.

FOR: 1. Outdoor storage of construction materials
and equipment and processed materials in
M-1 zoning. (5 votes required)
2. Decrease of required setback for outdoor
storage from residential zoning from 200
ft. to 50 ft. (4 votes required)

Attorney Iamarino, P.O. Box 496, Grand Blanc, explained that his client is attempting to work with the city and the residents. He admitted that there was not full compliance with past variances, but is now trying to come into compliance with a regulation that doesn't even apply to his client. Iamarino said that in order to reduce the piles' height, which is a major concern of the residents, they would have to spread the piles out. He emphasized the fact that the applicant has improved an area that was once, but is no longer, used for the dumping of garbage, brush and corpses; prostitution and gang activity, spending approximately \$50,000 and 3 years improving and securing the site. Iamarino presented the Board with pictures of the applicant's property.

Leeann Panduren, 6211 Taylor, Flint, MI, of Rowe Inc., explained the variance being requested is from the applicant's own property. She clarified that they have been crushing everyday, five days a week since January 2007 and that Red Arrow Road has been vacated. Mrs. Panduren explained that there are helicopters that patrol the power lines weekly, which may account for the noise that the residents are hearing.

AUDIENCE PARTICIPATION:

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The following residents spoke in reference to the detriments that the applicant has on the surrounding community. They mentioned the unsightly piles and the noise and dust involved with the processing of the concrete. They also voiced their concerns with the applicant's inability to comply with previous variances and ordinance, their destruction of wetlands and the flooding of the surrounding neighborhood; which they believe was the fault of the applicant's company.

Tom Bundschuh, 3331 Menonminee

Jamie Boggs, 3344 Cheyenne

Kevin Pilon, 2254 Red Arrow

Jennifer Morquecho, 2246 Red Arrow

Anthony Howay, 3338 Cheyenne

Pauline Dargel, 6119 Hugh

Debbie Egan, 3328 Ogema

Lucas Stoner, 2264 Red Arrow

Jennifer Sowerbrower, 3330 Menominee

BOARD DISCUSSION: The Board held discussion in reference to the residents' concerns. The discussion focused on setting stipulations that the applicant must abide by in order to approve the variance. They also inquired about the height of the piles and the reasons why the piles were not getting any smaller.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Major, seconded by Parker to approve ZBA #06-40 items 1 and 2, contingent upon the applicant adhering to the following stipulations:

1. 25' height for raw material on M-2 zoned property (south of Red Arrow Rd.).
 - a. 250' from Joyce and Ogema St. right of way stays with Cernet. (200' of Cernet Residential and 50' of Cernet M-1 property).
 2. Obtain bond for site restoration in the event that the business leaves that site.
 3. Repair any damage to Schram Drain, including extension sub-drains on Cernet site.
 4. Hours of operation would be 7 to 8 hours a day, 5 ½ days a week and 12 months per year.
 5. Obtain investigation of wetlands and submit the results of the inspection to the City.
 6. Remove all non-operational equipment on a voluntary basis (under DPW approved layout and a letter of agreement).
 7. Maintain berm or natural barrier.
 8. Crusher must stay on the south side of Red Arrow Rd.
 9. Use conveyors to transfer processed material to the north side of Red Arrow Rd. and use front-end loaders to remove material from the site.
 10. Submit yearly copy of permit to the City as confirmation of licensing with the state.
- Motion carried to deny 4-3. Weatherford – no, Scott – no, Hynes – no.

Moved by Parker, seconded by Major to reappoint Steve Welch as Chairman of the Zoning Board of Appeals. Motion carried 7-0.

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Moved by Welch, seconded Major to reappoint Terry Parker as Vice-Chair of the Zoning Board of Appeals. Motion carried 7-0.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, May 17, 2007 at 6:00 p.m.**

Meeting adjourned at 9:40 p.m.

ljy