

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MAY 4, 2000, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY William Kalanquin AT 6:00 P.M.

MEMBERS PRESENT: Kalanquin, Scott, Parker, Berry, Layman

MEMBERS ABSENT: B. Weatherford, Hammon

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

Moved by Parker, seconded by Layman to approve the minutes of the Regular ZBA Meeting of April 20, 2000, at 6:00 p.m. Motion carried, 5-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION:

Mr. Berry stated he is resigning from the Planning Commission and ZBA as of June 1, 2000. His last ZBA meeting will be on May 18th. He has a total of 40 years of service to the City.

Mr. Kalanquin said he will miss Mr. Berry as he is sure the Board will as well. It has been a pleasure working with you.

Mr. Kalanquin announced that there is not a full Board tonight and the applicant has a right to have a full Board. A lot of the applications call for five votes. They have a right to post-pone their request to the next meeting.

D. NEW APPLICATIONS:

Yearly application:

1. ZBA #00-19

BY: Inside Swing
5053 E. Court St.
Burton, MI

FOR: Parcel #59-11-300-006
C-2 Zoned

RE: To permit a temporary office on-site.
See Ordinance 19, Sect. 21.05, Item 2E.
(5 Votes)

David Visser, 5053 E. Court St., Burton, MI, said he currently has a temporary office there and they are in the process of trying to develop the front of the property. The business has not gone the way they would have liked it to, although it is visually pleasing there, and they would like to continue that office. Mr. Visser indicated there are two people currently employed who would be out of jobs if they did not have a place for them. It is very convenient to have them on site to answer the phone and so forth.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser stated that in the time the office has been there, they never had complaints. To the best of his knowledge, it does comply with the building codes. They do not see a problem with the request.

BOARD DISCUSSION:

Mrs. Layman inquired regarding the two year variance and indicated it has been five years.

Mr. Visser said they were planning on developing the front of the property for retail space, and are still considering it. When they develop the front of the property, it is their intention to put office space on the front of the property and also on the far end.

Mrs. Layman asked if they developed new offices for the car washes on Genesee and Davison Road, and couldn't they combine them.

Mr. Visser responded that they like someone on-site that can answer the phone and keep the books. There are two golf pros there and it is too cumbersome to move them off site.

Mr. Berry asked how long they would need the variance for.

Mr. Visser indicated at least a couple of years to be able to develop the front of the property. There really has not been an economic boom there. It does fit there well and is good use of the land, but they have not been able to justify for the development economically.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Parker to approve ZBA #00-19 for a two year variance.
Motion carried, 5-0.

Yearly application:

2. ZBA #00-20

BY: Hess Cement Works
3206 S. Center Rd.
Burton, MI

FOR: Lot 4, Center Rd. Acres
Section 28, C-2 Zoned

RE: M-2 use in a C-2 zoned area,
contractors storage yard. (5 Votes)

Howard Hess, 3206 S. Center Rd., Burton, MI said he would like his case post-poned to the next ZBA meeting of May 18th because he would like a full Board present.

Yearly application:

3. ZBA #00-21

BY: SK Services LC
4475 S. Dort Hwy.
Burton, MI 48529

FOR: Parcel #59-33-300-012
M-1 Zoned

RE: M-2 use in M-1 zoning for the transfer
of non-compacted solid waste from
containers to Railroad Gondola's, within an
enclosed building. (5 Votes)

James Harrison asked the Board to post-pone his case until the next ZBA meeting of May 18th to have a full Board present.

4. ZBA #00-23

BY: Melba Davidson
5354 E. Lippincott
Burton, MI

FOR: Parcel #59-23-200-021

RE: To keep 4 horses in an R-1A zoned area.
SE use after special approval. (5 Votes)

Mr. Strasser said he received a call from Mr. Davidson who indicated they are unable to make the meeting and they will also be out of the area on May 18th. Therefore, he asked that his case be post-poned until the ZBA meeting of June 15th.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to post-pone ZBA #00-23 until the ZBA meeting of June 15, 2000, at 6:00 p.m.
Motion carried, 5-0.

Mr. Kalanquin said he will give to the Clerk's office a letter he received from the neighbors. It will be brought up at the meeting of June 15th. Mr. Kalanquin stated to the residents in the audience that they will not be re-notified.

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5. ZBA #00-24

BY: Steeplechase Development Corporation
4285 Wilderness Court
Grand Blanc, MI 48439

FOR: West 110 ft. of Parcel #59-01-300-002

RE: Proposing a multi-family 4 unit building in
a R1-A district. (5 Votes)

Joe Gibbons, 4285 Wildnerness Court, Grand Blanc, MI, stated he also would like to post-pone his case to the May 18th ZBA meeting.

6. ZBA #00-25

BY: Village Inn of Burton
4050 S. Center Rd.
Burton, MI

FOR: 4050 S. Center Rd.

RE: Service of food and beverages outside of an
enclosed building in a C-2 zone. (5 Votes)

George Zaravelis, 2201 N. Vassar Rd., Burton, MI, said he is owner of the Village Inn of Burton, 4050 S. Center Rd. He is requesting permission to serve food outside the patio that is on the northeast side of the building, and an extended area within the grass area to be able to serve alcohol and food in the evening. They will have benches and umbrellas.

Mr. Kalanquin inquired as to the hardship.

Mr. Zaravelis said he is using the property as it is being required. He did not understand what the Board meant by hardship and asked for clarification.

Mr. Kalanquin spoke regarding the definition of a hardship.

Mr. Zaravelis said when he first brought the plans to the Planning Commission the project was larger then it is now. Due to financing they had to down scale the whole project and he would like to serve food and have a patio outside. He spoke further regarding the piano entertainment and different atmospheres the patrons would like.

Mr. Berry said the variance would be the serving of food outside the main building.

Mr. Zaravelis said they were hurting for space right from the beginning due to financing and scaling down the project. By having outside service especially for the summer, you will provide us with the ability to increase their revenue and projected sales to basically stay alive.

AUDIENCE PARTICIPATION:

Leona Stevens, 3049 Vineland, Burton, MI, inquired regarding the hours and music outside.

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Mr. Zaravelis said there will not be music past 10:30 p.m. to 11:00 p.m. unless the building is enclosed.

Don Sanderlin, 4460 Killarney Park, Burton, MI, said Mr. Zaravelis has been in Burton a lot of years. He is very reputable and runs a clean business.

Robert Linn, 3188 S. Center Rd., Burton, MI, said he does not feel alcoholic beverages should be permitted and served outside of the building. He does not see any problem with serving food, but if there is loud music and alcohol he is totally against it.

Beverly Palm, 3294 Shannon Rd., Burton, MI, asked if it will be a bar type atmosphere outside.

Mr. Zaravelis said by being in Burton all of these years and running his businesses, he has concern of neighbors. He would not want to live around the corner with something obnoxious and loud going on past 10:30-11:00 at night. If there was, he would want it enclosed. He indicated he could not basically run an open area later into the night due to the weather and mosquitoes.

Beverly Palm stated it should not go past 10:00 p.m.

Mr. Zaravelis said if they have an outside patio and serve food, it will be basically done in the summertime in daylight hours and they may have lights out there for later on. If they do have any kind of music or entertainment, he would want it enclosed to protect his investment.

Mr. Strasser said there was another similar case a year ago. The biggest concern was noise from the music. Mr. Zaravelis restaurant does serve alcohol along with food. DPW does not see a problem with outdoor seating in the summer. There is problems with the music because you cannot set decibels and we do not have equipment to measure it. There are some residents fairly close to this. Mr. Strasser stated further, they recommend approval on the outdoor seating/patio situation, without the music. If lights are to be out there, they would like to take a review of it so there is not light shining in the adjacent residentially used property.

Mr. Zaravelis said his building is 90 ft. away from the property line and they would not have lights shining on anyone's property. He would have accent music and it would not be heard past his property line. The lighting would be accent lighting. Mr. Zaravelis said he feels he has proven himself by developing the property, he believes in Burton and lives in Burton. In the future he will be coming to the Board to ask to put a banquet room there, and as business comes down Center road he would like to have retail developed in the front of the property.

Mr. Linn said Mr. Zaravelis commented on having some complaints on the former Mr. G's Lounge. He feels this does not speak very well for having outside music and drinking.

Bernard Meader, 4033 Woodrow, Burton, MI, commented that the piano music would come through speakers outside.

Mr. Zaravelis stated that if it did, it would be a slow accent.

Mr. Meader inquired regarding control of people buying drinks, taking them to their car, and leaving the premises.

Mrs. Scott asked for clarification on the map showing the property.

Mr. Zaravelis said the entryway is north and there is a misprint from the architect. He spoke further regarding the site and what is required by the Liquor Control Commission.

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Mr. Parker spoke regarding the zoning and housing in the surrounding area. He said he does not know how Mr. Zaravelis could put people outside, have music and not have the sound carry over into the neighborhood. If the Board decides to approve this, he would like a stipulation as to the outdoor seating until 10:00 p.m., and no music of any kind outside.

Mr. Berry asked if this required Planning Commission approval of site plan.

Mr. Strasser responded administrative.

Mr. Berry said he does not feel the 4 ft. fence is high enough and would rather see a 6 ft. fence for privacy.

Mr. Zaravelis said they are primarily looking to serve food for right now, and for those people who do not agree with piano music, he would have mood music.

Mrs. Layman said there are wide open spaces and it is not close to a subdivision as was the case on Belsay Road.

Mr. Berry inquired regarding mood music.

Mr. Parker said of the time he has been on the Board, it has been stressed over and over that enforcement is a problem because of limited City personnel. He spoke further of Ordinance 19 with regards to noise and decibels, and stated that in his opinion, that for the good of the City and residents that live by Mr. Zaravelis' establishment, no music should be allowed. He can still conduct business, have people come in and eat, and have a beverage outside.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #00-25 with the stipulation there is no music (mood music and/or bands) outside, and no business to be conducted outside past 10:00 p.m.
Motion carried, 5-0.

AUDIENCE PARTICIPATION:

Beverly Palm inquired as to how many members are on the Zoning Board and how many times an applicant's case can be post-poned.

Mr. Kalanquin addressed her questions.

Robert Linn inquired regarding a privacy fence and if liquor is served outside, could they carry it to their cars.

Mr. Zaravelis responded that there has to be access through the building, and no liquor can be taken out because it is against liquor control laws and he can be heavily fined.

The second regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, May 18, 2000, at 6:00 P.M.**

MEETING ADJOURNED AT 7:10 P.M.

jra