

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MAY 16, 2002, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON JAMIE CURTIS 6:00 P.M.

MEMBERS PRESENT: Weatherford, Scott, Parker, Centilli, Layman, Welch, Curtis, Grantner

MEMBERS ABSENT: None

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

Vote was unanimous to approve the Regular Zoning Board of Appeals meeting minutes held on April 18, 2002 at 6:00 p.m. 7-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION:

Mr. Curtis indicated Mr. Grantner needs to leave the meeting at 6:45 p.m. Mrs. Layman will take his seat on the Board.

NEW APPLICATIONS:

Post-poned from April 18, 2002:

- | | |
|---------------|---|
| 1. ZBA #02-10 | BY: Auto Vision
4499 Davison Rd. |
| | RE: Parcel #59-03-400-007
4499 Davison Rd.
C-2 Zoned. |
| | FOR: To conduct a used car sales lot not in conjunction
with new car sales. (5 Votes Required) |

Raidan Sobh, 4499 Davison Rd., Burton, MI, said there has been no changes in his request for the last couple of years.

AUDIENCE PARTICIPATION:

Sue Layman, 1079 Arapaho, Burton, MI, asked if this request is a renewal.

Mr. Strasser replied yes it is a renewal.

Mrs. Layman asked how many dealers are on the premises currently.

Mr. Strasser said legally, one.

Mrs. Layman said they did fix the sidewalk but there is still a problem with flags. They were told before there were not to be flags and when the Zoning Board sets a regulation, they need to go by what we say and not just do what they want to.

Attorney Joseph Sefa, 10110 Janaroy Ct., Goodrich, MI 48438, said he is a partner at Auto Vision. It disturbs him because of other dealers that are there and someone illegally signed his name. When he found out this, he called the State and they are investigating it. Mr. Sefa said there was a dealer that was blocking the highway and causing a lot of problems. The business was Car Market.

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Mrs. Layman said it is quite dangerous there and they are still bringing semi-trucks in. She feels this should be looked into.

Mr. Sefa indicated Mr. Strasser is checking it out.

Mr. Strasser said the applicant is the only legitimate car dealer. The business he is talking about is Car Market. I did speak to the State representative from the Bureau of Licensing. They have a new policy the auto dealer only has to sign an affidavit stating that they have zoning approval. They do not have to prove they have zoning approval. These persons signed an affidavit stating that they did which is falsification of a legal document and that is what the State is investigating.

BOARD DISCUSSION:

Mrs. Scott asked who owns the building.

Mr. Sobh replied the owner is Church & Sons.

Mrs. Scott asked if Church & Sons are allowing other dealers to come in.

Mr. Sobh said Car Market is bringing the semi-trucks in and it was indicated to him they want the lot.

Mrs. Scott said if this request is approved, will they be operating the same way they have been.

Mr. Sobh said they might have a few more cars, he mostly wholesales but they are not a big operation.

Mr. Centilli said what if this is approved and they ask you to leave tomorrow.

Mr. Sefa said they could get into a big lawsuit. He re-iterated he is a partner at Auto Vision and there were forged signatures on documents that went to the State.

Mr. Curtis spoke of having contingencies on this renewal, it would be contingent upon this gentleman being at that location and if they were to leave, it will be terminated at this time.

Mr. Strasser said it is his understanding that the vehicle dealer license is only issued for an address. So if they left this address, they would have to apply for the next.

Mr. Welch inquired as to the approval for the address or the applicant.

Mr. Strasser said it is specifically for the applicant.

Mr. Parker inquired regarding Church & Son's responsibility as to these other dealers.

Mr. Sefa indicated Church & Son's believed the documents signed were legal.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Parker to approve ZBA #02-10 for a yearly renewal.
Motion carried, 7-0.

2. ZBA #02-20

BY: Kingsway Builders, Inc.
2325 W. Shiawassee, STE 202
Fenton, MI

RE: 4199 Maplewood Meadows
Lot 246 of Maplewood Meadows No. 5
R-1A Zoned.

FOR: 5 ft. front yard setback reduction – from 30 ft. to
25 ft. and 2 ft. side yard setback reduction – from
10 ft. to 8 ft. (4 Votes Required)

Kevin Cook, Director of Engineering at CHMP Inc., Grand Blanc, MI, said he is speaking on behalf of Donald Deaver, Gen. Mgr. of Kingsway. He is owner of Lot 46 of Maplewood Meadows #5. They also have present a registered land surveyor with Davison Land Surveying. Mr. Cook said they are requesting a front yard and side yard variance on Lot 246, as a result of a hardship placed on Kingsway Builders. Mr. Cook passed out information and drawings to the Board and spoke at length regarding the hardship at the site.

AUDIENCE PARTICIPATION:

Mrs. Layman expressed that they look at the site before construction is started.

Donald Deaver said we did and we do with all of our homes, stake our lots. This was very unusual, the preliminary plat the City approved was used for the placement of the irons on the row of lots. If you look at two irons they are perpendicular to the road. If you look at the final plat it shows the lot is not a rectangle lot and that is how the mistake was made. We do an extreme amount of research on our lots. It was not known to us the City had approved a preliminary plat plan and the final plat was different. We bought a complete platted subdivision with 47 platted lots in it. We were not a part of the development, we came in after the fact and bought all 47 of them. Mr. Deaver said when one of his developments is headed for a wrap up, which phase five is, he goes through and spot stakes all of the side lines. It was in this after-the-fact work in these houses that this showed up. When it did, I immediately went to Davison Land Survey to confirm the fact they found iron, I then went to CHMP and they found the same irons. Mr. Deaver said there was no way for us to know as a builder that we had a problem.

Mr. Strasser said it was an honest mistake.

BOARD DISCUSSION:

Mrs. Scott said there was a similar case a year ago.

Mr. Deaver said they thought the front iron was correct.

Mr. Parker re-iterated Mr. Strasser's comments that it was an honest mistake.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Centilli to approve ZBA #02-20.
Motion carried, 7-0.

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3. ZBA #02-21

BY: Kirk D. Smith and JS Richvalsky
169 Brookfield
Swartz Creek, MI

RE: Parcel #59-32-503-088
4226 Barnes
Lots 146 & 147 Durant Heights

FOR: To place a new home at 8 ft. from the front property line
Of Schumacher; 20 ft. required. (4 Votes Required)

Joseph Richvalsky, G-4387 S. Saginaw, Burton, MI, said the double lot is 80 x 100 ft. He has a couple that want to purchase the lot and they presently own a 28 x 60 home they would like to put on the lot with a two car attached garage.

AUDIENCE PARTICIPATION:

Robert Latchau, 2106 Schumacher, Burton, MI, inquired regarding the front lot line.

Mr. Strasser said the front property line would be 30 ft. from the center line of the road.

Mr. Latchau asked if this address would be on Barnes or Schumacher.

Mr. Curtis said Barnes.

Mr. Latchau said he does not know how they can have an address on Barnes. When they came through and paved Barnes, there was no addresses on Barnes, they were all on Schumacher.

Pauline Dobis, 2100 Schumacher, Burton, MI said she is against it because there is too many children. She asked how the home would be situated on the lot. She feels it will block a lot of vision for cars on that corner. There are a lot of children on skateboards and roller blades and we have had some serious accidents there.

Mr. Curtis said the home faces Barnes Rd., the driveway enters on Barnes Rd. This is a modular home.

Mrs. Dobis said she is not in favor of it.

Mr. Strasser said the lot as it sits is buildable. You can get a house there without a variance. The couple looking at buying this does have an existing home of this size. So in order for them to get this home on the property, this is the variance they would have to get from the Board. It does not really block the vision at the corner because it does sit far enough back off of Barnes.

Mr. Parker said he drove by the property and in the south end we get requests for smaller yard setbacks than this. We are getting another house and this modular will meet all the codes.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #02-21.
Motion carried, 7-0.

Please note: Mr. Granter left the meeting, Mrs. Layman took his seat on the Board.

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4. ZBA #02-22

BY: Mancino's
2335 Center Rd.

RE: Part of Parcel #59-22-300-019 "Meijers"
2335 Center Rd. C-2 Zoned

FOR: 1) Add a Reader Board Sign that would put square
footage over the allowed 100 sq. ft. by 6 sq. ft.;

- 2) Install an electronic message center, see Sect. 5.28
Item 2d, intermittent, moving. (4 Votes Required)

Phil Waters said he is the owner of Mancino's at 2280 S. Center Rd., Burton, MI. Dan Crannie said he is with Signs by Crannie. Mr. Waters said they are asking a variance for signage. It will be for his new building, the former Sagebrush location in front of Meijers. Mr. Waters said apparently the signage proposed is over the maximum allowed by 6 square feet. The second item of the variance is the electronic reader board.

Mr. Waters presented photos to the Board.

Mr. Crannie said this is going to be a dual branded store. There will be two franchises under one roof.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said there is two parts to the request. There is no problem with the 6 sq. feet over. More businesses are starting to look at the electronic message board which is getting popular. My interpretation of the ordinance specifically states, you turn the sign on, it stays lit and does not move. The lights cannot flash or run across the board. An electronic message center does not necessarily mean it flashes on and off, the message changes periodically and it might move across the board. I have to look at it literally, and you have to make the determination as to who is right.

BOARD DISCUSSION:

Mr. Centilli asked if it is basically like the sign at Maple and Saginaw St. in front of the 7-Eleven.

Mr. Strasser said that one is not suppose to move. After tonight, we are going to find out who will get violations notices. You have to make a decision as to whether or not those types of signs are allowable by our ordinance.

Mr. Parker asked for clarification of visible moving parts and asked if they are making a sign ordinance tonight. He has seen changes in various billboards. Mr. Parker also asked if the intent of the ordinance is to keep the traffic from being distracted.

Discussion followed at length regarding various signage in relation to electronic billboards throughout the city.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #02-22.
Motion carried, 7-0.

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5. ZBA #02-23

BY: Gregory Barnes
8395 Parkside Dr.
Grand Blanc, MI 48439

RE: Parcel #59-14-578-007
2480 S. Center Rd.
C-2 Zoned

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

Gregory Barnes, 8395 Parkside Dr., Grand Blanc, MI, said his request is to sell used cars. It is similar to Auto Vision. He is a wholesaler and would like to do a little retail. I sell mainly at the Flint Auto Auction every Wednesday afternoon, but if I have cars that don't sell, I would like to bring them back to display them when they are not at the auction.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said right now it is an empty building, it does have a paved parking lot. If approved we ask a stipulation that cars can only be on the pavement area. Temporary signs, banners and flags are not allowed.

BOARD DISCUSSION:

Mr. Parker said whenever we get one of these requests, he is kind of leary as to how it is going to look, but when Mr. Barnes suggested it would be wholesale only and maybe sell a few retail, it changes his opinion of it. I think if it is going to be mostly wholesale, it will be kind of innocuous and not much there. As stated, it is an empty building and maybe it will bring some revenue to the City. Mr. Parker said he does not have a problem with the request.

Mr. Centilli asked the applicant if he has already purchased the property.

Mr. Barnes said he will be leasing it.

Mr. Centilli asked what the hardship is if he does not own the building. Center Rd. is our main thoroughfare and used car lots sometimes stick right out. We are trying to keep it neat.

Mr. Barnes said he does not want an eyesore, I want something that looks nice and neat. He would upgrade the appearance of the building. I have been a wholesaler for seventeen years and have never dealt in junk cars.

Mr. Centilli expressed further concerns of allowing car lots on Center Rd.

Mrs. Layman spoke regarding past problems with car lots. She said she cannot support this.

Mr. Barnes said as noted with Auto Vision earlier, this could be renewable every year.

Mr. Welch asked the number of cars he would plan on having.

Mr. Barnes said there are about 15 to 18 parking spots and I would have about 10 to 12.

Mr. Parker said he understands Mr. Centilli not wanting to have car lots on Center Rd. That is an empty lot and I would like to see the City generate some money. Mr. Parker said they could give a yearly renewal and still have a handle on it and if he does not live up to expectations in a year, he would be denied.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Welch to approve ZBA #02-23 with the stipulation it would be on a yearly renewal. Motion denied, 5-2. Weatherford – no, Scott – no, Centilli – no, Layman – no, Curtis – no.

Discussion followed regarding Council looking at sign ordinance regarding electronic message boards. Mr. Welch felt the sign ordinance should be revisited.

Mr. Parker expressed the Legislative Committee could look into it.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Welch to have Mr. Centilli take to Council to review sign ordinance regarding electronic message boards.
Motion carried, 7-0.

Mr. Curtis announced the next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, June 20, 2002, at 6:00 p.m.

MEETING ADJOURNED AT 7:24 P.M.

*** Note: The next regularly scheduled ZBA meeting to be held on June 20, 2002 at 6:00 p.m. has been cancelled.

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