

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JUNE 1, 2000, 6:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Bobbie Weatherford, Chairperson, at 6:00 P.M.

MEMBERS PRESENT: Hammon, Parker, Scott, B. Weatherford, Wm. Weatherford and Wright.

MEMBERS ABSENT: Layman and Kalanquin.

OTHERS PRESENT: T. Strasser, Deputy Zoning Official and C. Ladd, Deputy City Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

Moved by Hammon, seconded by Wright to approve the minutes of the Regular ZBA Meeting of May 4, 2000, at 6:00 P.M., as printed. Motion carried 6-0.

B. AUDIENCE PARTICIPATION:

None.

C. BOARD DISCUSSION:

Mr. Hammon noted that the Board will receive an additional \$5.00 per meeting when the new budget goes into effect on July 1st. He apologized to Mr. Parker stating he had misplaced the order form for the books he was to have ordered from MML.

D. YEARLY APPLICATIONS:

1. ZBA #00-17

BY: Greg Staley
2458 N. Center Rd.
Burton, MI

RE: Parcel #59-03-100-009
R-1B Zoned

FOR: To operate a commercial business out of a
Residentially zoned area. Sewer cleaning
Business. (5 Votes)

Mrs. Weatherford offered Mr. Staley the choice of postponing his request until there is a full board present.

Mr. Staley agreed to continue with his case. He said he is the owner of American Sewer Cleaners and has been at this location for the past nine years, with no complaints. He is here to get his request renewed. He said he has spoken with the neighbors and they have no objections. Mr. Staley explained that in his business, they don't pump tanks with raw sewage. He would have small astro vans and would go and clean the sewer lines or sinks and cable the lines out. He said he has two trailer units with water jet and put in fresh water. The vans would be parked in back and his vehicle would be in the driveway. There is a garage to keep the supplies in. He said there are basically no changes, he just wants to continue doing what he has in the past.

Audience Participation:

Luke Karas, 2457 Clayward Dr., asked if there would be any chemicals or MSD being used.

Mr. Strasser said no, there are no chemicals being used.

REGULAR ZONING BOARD OF APPEALS MINUTES

Mr. Staley replied that no chemicals are used, they only use the cable lines.

Mr. Strasser said the DPW hasn't received any complaints and this has not been a hindrance to the neighborhood. We have no problem with the board approving this request.

Mrs. Scott said he does run a neat operation.

Mr. Parker asked Mr. Staley if he still only had 9 trucks, as indicated in his original application. He said the application also had a 500-foot greenbelt. Do you still maintain that?

Mr. Staley said he has 10 trucks, but only runs 9 of them, keeping one for an emergency situation. He said he actually has more than a 500-foot greenbelt area. It is closer to 700 feet.

Mr. Parker said he would like to have the original stipulations included.

Moved by Scott, seconded by Wright to approve ZBA #00-17 to operate a commercial business out of a residentially zoned area for a sewer cleaning business. The variance is approved with the following stipulations from the original variance that he only has 9 trucks, maintain the buffer zone and if the property is sold, the variance will be revoked. Motion carried 6-0.

2. ZBA #00-18

BY: Genoak Construction
D.B.A/Flint Road Builders Co.
3251 E. Bristol Rd.
Burton, MI 48529

RE: Lots 10-13 Follo Acres
Section 28, M-2 Zoned

FOR: Renewal of use permit to allow
concrete re-cycling operation
intermittently. (5 Votes)

Gary Byce, 3251 E. Bristol Rd., said he is asking to renew his permit for concrete recycling.

Audience Participation:

Jim Bishop with Flint Newholland, spoke regarding the dust coming from the operation. He said his employees have complained about the dust settling on their vehicles and would ask that the dust be controlled in some fashion. He said Mr. Byce has offered car wash certificates to the employees, and they are very appreciative.

Mr. Strasser said the dust complaint is the first one the DPW has received.

Mr. Bishop said normally they use water to control the dust, but he said they would shut down when the wind is bad.

Mrs. Weatherford noted that she thought the concrete recycling was only to be done in the winter months.

Mr. Strasser said no, this could be done intermittently, meaning from time to time.

Mr. Wright asked how many days per week did he plan to operate.

Mr. Bishop replied that during the summer, they operate 6 days per week and during the winter, 5 days per week.

Discussion continued regarding the dust problem.

Mr. Wright asked if he gets more concrete than expected.

Mr. Bishop said he is limited to space and only crushes so much and when he reaches the limit, he sends the cement to the Flint plant.

Mr. Hammon asked how long the business has been there. He was advised since November of 1996. He said because it is a yearly variance, this could be monitored.

Moved by Hammon, seconded by Wm. Weatherford to approve ZBA #00-18 for use permit to allow concrete re-cycling operation intermittently. Motion carried 6-0.

3. ZBA #00-26

BY: Lehmon Crawford
2050 McLean
Burton MI

RE: Lots 110 and 111, Durant Hts.
Section 32, R-1C Zoned.

FOR: To conduct a gunsmithing business
C-2 use in an R-1C zoned area.
(5 Votes)

Mr. Crawford said he is severely handicapped and is requesting to renew a variance for his gunsmithing business, which has been there for over three years. He explained that he does gun repairs, but doesn't sell guns of any kind and he doesn't handle handguns. He noted that when he was before the board three years ago, he was told not to sell ammunition nor guns and he doesn't. He only makes gun repairs. He said he has had several neighbors call and they don't have a problem with me having the business.

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

Mr. Strasser said the DPW has received no complaints and they recommend approval.

Mr. Hammon said he went by Mr. Crawford's home and there was no sign of a any business.

Moved by Parker, seconded by Wright to approve ZBA #00-26 to conduct a gunsmithing business with C-2 use in an R-1C zoned area, with the same stipulations as previously approved in the original variance. Motion carried 6-0.

4. ZBA #00-27

BY: Raidani K. Saloh
468 Charing Cross
Grand Blanc, MI 48439

RE: Parcel #59-03-400-004
4499 Davison Rd. C-2 Zoned.

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

Raidani Saloh, 4499 Davison Rd., was present and explained that he would like to conduct a used car sales lot at the site on Davison Road.

REGULAR ZONING BOARD OF APPEALS MINUTES

JUNE 1, 2000 / 6:00 P.M.

Audience Participation:

Pauline Dargel, 6119 Hugh St., asked if the site is east or west of Covert Road and also asked if it is an existing car lot.

Mr. Parker replied it is east of Covert Rd. and yes, it is there not.

Mrs. Weatherford asked if there was a new car sales there no.

Mr. Saloh said Bisby Car Sales was in there, but they are not retailing cars. He said he doesn't retail the cars, but wholesales them to the auction.

Mr. Strasser said they haven't received any complaints and it is a yearly renewal. He said the way our ordinance is written, the only way you can have a used car sales lot is if it is in conjunction with a new car sales. He said the State Licensing Agency requires that they have approval from the City for the used car sales before giving them their license to sell used vehicles.

Mrs. Scott asked how many cars there would be at any one time.

Mr. Saloh said there would be a maximum of 3 to 4 cars, because we get them in, clean them up and send them to the auction.

Mr. Parker asked for an explanation about the other businesses that have been at this location and how the businesses all tie in together.

Mr. Saloh gave a brief explanation of the businesses and said that Bisby now imports cars from Canada and they go to the auction.

Further discussion continued regarding this request.

Mr. Saloh asked how many cars are allowed in the lot.

Mr. Strasser said a certain number has been set before, but it is a waste of time. It is according to the number of parking spaces the lot holds. He asked that if the variance is approved, he would like to see the stipulation made that he must comply with the ordinance and not have flags, banners, no temporary signs on the property.

Mr. Hammon asked if there have been any violations written up for this site.

Mr. Strasser replied no, but there was a similar problem in the past.

Mr. Hammon said if this is approved and there is a problem on this site in the future, he would like to be informed, because it may affect the way he votes.

Mr. Saloh said he wants to retail and wholesale from this lot and will do whatever the City requires.

Mr. Parker said at some point Bisby was given permission to sell these cars, and why hasn't he been back before the board? He said Bisby has the stipulation of having a small number of cars on the lot. He asked if this is enforceable.

Mr. Strasser said the DPW is in the process of getting this done now. He replied it is difficult to enforce the number of vehicles on the site.

Mr. Parker asked Mr. Saloh how he would advertise the cars for sale, because he is not to have a temporary sign, banners or flags.

REGULAR ZONING BOARD OF APPEALS MINUTES

JUNE 1, 2000 / 6:00 P.M.

PAGE -5-

Mr. Saloh said the road is heavily traveled and he can use the front row toward the road to park the cars. He said he is only in the office five or six hours per week.

Mr. Hammon asked if he was still asking for a 5-car limit.

Mr. Saloh replied he would have only have as many cars as the City allowed.

Moved by Hammon, seconded by Wright to approve ZBA #00-26 to conduct a used car sales lot not in conjunction with new car sales, with a limit of 5 cars for both retail and wholesale. Motion carried 6-0.

NEW APPLICATIONS:

5. ZBA #00-33

BY: Don Press
4308 Bennett
Burton MI

RE: Lot 18, Bennett Acres #1, Section 22
R-1A Zoned.

FOR: To exceed the allowable square footage for
accessory structures by 344 sq. ft. with a
24 ft. x 32 ft. garage. (4 Votes)

Dawn Press, 4308 Bennett Dr., explained that what they want to do is temporary by keeping the remaining garage until the new garage is built. At that time the old garage would be taken down.

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

Mr. Strasser said the DPW doesn't have a problem with the request. However, if approved, he asks that the board allow 60 days after the final approval to have the old garage town down.

Mr. Wright asked if once the structure is town down, would they be within the required square footage.

Mr. Strasser replied no.

Mrs. Scott asked if they were have the garage built or building it themselves.

Ms. Press said they are having a builder do it, but he hasn't given a definite date of when he will start it.

Mr. Parker asked who would tear the old garage down, and if 60 days would be a sufficient amount of time.

He was advised she and her husband would tear the old garage down and that 60 days would be enough time to do so.

Moved by Parker, seconded by Scott to approve of ZBA #00-33 to exceed the allowable square footage for accessory Structures by 344 sq. ft. with a 24 ft. x 32 ft. garage. Motion carried 6-0.

6. ZBA #00-34

BY: Allen R. Debus
2041 S. Term St.
Burton MI 48519

RE: Lots 38 and 39, South Enst. Acres
R-1B Zoned.

REGULAR ZONING BOARD OF APPEALS MINUTES
JUNE 1, 2000 / 6:00 P.M.
PAGE -6-

6. ZBA #00-34

FOR: To exceed the allowable square footage

for accessory structures by 1,200 sq. ft.
2,000 sq. ft. allowed; 3,200 sq. ft. requested.
(4 Votes)

Allen Debus, 2041 S. Term St., said he would like to build a pole barn for tractors, rototillers, boats and travel trailer, that he would like to keep out of the weather. He said the other garage is packed full of tools. By having this, it will allow his wife to park her truck in the garage.

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

Mr. Strasser said this request does exceed the ordinance. However, coming before the Planning Commission, at the next meeting, is a zoning case to revise the ordinance to increase the square footage for accessory structures.

Mr. Weatherford asked if any of the smaller buildings had been torn down yet.

Mr. Debus replied yes, he tore down the old barn to keep the kids in the area from getting hurt. He said the other buildings are still standing.

Mrs. Scott asked if this is one tax roll property. She was advised yes.

Mr. Wright asked Mr. Debus if he thought he could get away with a smaller storage area. He also asked if the old storage barn had been utilized.

Mr. Debus replied yes, but his travel trailer is 32 ft. long and he would like a work area. He said he hadn't used the old barn because it was ready to fall down.

Mr. Parker asked what size structure would be allowed, if and when the zoning ordinance is revised.

Mr. Strasser replied no, but it would be considerably more than what is presently allowed.

Mr. Hammon stated that the square footage has been considerably increased because we thought we were getting to strict with the residents. He said what Mr. Debus is requesting is close to the square footage in the ordinance. With the chicken coup and barn gone, he should be within 300 feet of the ordinance.

Mr. Debus said there is one-third of the horse barn left and it will be cleaned up within a month.

Moved by Hammon, seconded by Weatherford to approve ZBA #00-34 to exceed the allowable square footage for Accessory structures by 1,200 sq. ft., as requested, and he is to have 90 days to get the remnants of the horse barn removed. Motion carried 6-0.

Moved by Wright, seconded by Scott to adjourn the meeting. Motion carried unanimously.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, June 15, 2000, at 6:00 P.M.

Meeting Adjourned at 6:57 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk
CML