

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 21, 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, Hynes, Grantner, Scott, Major, Welch.

MEMBERS ABSENT: Tracy Parker.

OTHERS PRESENT: T. Strasser, DPW Representative, Attorney Austin and
M. Snow, Clerk's Office.

Moved by Parker, seconded by Hynes to approve the Regular ZBA Meeting of May 17, 2007 at 6:00 p.m. Motion carried 7-0.

NEW APPLICATIONS:

1. 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)

Steve Iamarino, 5500 S. Saginaw, Grand Blanc, the attorney for Cernet, said he felt the hardship was not explained very well at the previous meeting and he was there to address the Boards concerns. He explained the parcel has 4 different zoning districts, all equipment would stay operational, the piles would be depleted to 25 ft., and said the noise level was measured by a company to prove the decibels were under the noise limit. Mr. Iamarino believes the airplanes and car traffic on Hemphill Rd. are louder than the Cernet operation.

John Dolemonty, 4724 Meaford, Lansing, said he recorded the sound level of 5 activities, including distance, air absorption, ground vibration, barriers and screening. The lowest level was about 44 and everyone has different levels of noise tolerance. He said the sound level is compatible with residential properties.

Mr. Hynes asked why the test was done only one day.

Mrs. Weatherford said there are a small number of trains on Hemphill Rd.

Mr. Parker asked for clarification of the green bars on the results given from the sound reading.

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AUDIENCE PARTICIPATION:

The following residents spoke regarding the Zoning Enabling Act, Cernets hardship being self-made, the variance being permanent once granted, and jackhammers being on the sound meter. Also, the operation being loud and going from the morning until the night, the truck tailgates banging, the reconsideration being unnecessary and that the Board should abide by the Ordinance.

Jaime Boggs, 3344 Cheyenne

Cathy Foutch, 3347 Cheyenne

Debra Egan, 3328 Ogema

Jennifer Morquecho, 2246 Red Arrow

Pauline Dargel, 6119 Hugh

Mr. Strasser said any recommendations would still stand. At the previous meeting 10 stipulations were outlined. He suggested if the case was approved, before any activity happens, that all stipulations be completed prior to Cernet occupying the property. He asked Mr. Dolemonty if he has recorded the noise level of a barking dog and mentioned the City recorded the noise levels at the property and the readings were not near Mr. Dolemonty's, but the City's equipment is probably not as updated as his. Mr. Dolemonty responded he hasn't recorded a dog barking, but has recorded a pool pump and said he has updated equipment to make an accurate finding.

BOARD DISCUSSION:

Mr. Welch read the motion from April that is being reconsidered and asked the maker of the motion to state what they thought was the basis of the hardship or lack thereof.

Mr. Major asked the Attorney if the motion refers only to the 10 stipulations and if the motion could be adjusted at all.

Mr. Austin replied the motion could not be adjusted in any way.

Discussion ensued regarding the areas involved in the sound recording, the piles of concrete not being depleted and whether Cernet owns the property in question. The Board also discussed if the case is approved, whether there will be a time frame to complete the 10 requirements and the enforcement.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Major, seconded by Parker to approve the reconsideration of ZBA #06-4, citing the 10 conditions from the April 2007 meeting. Motion carried to deny 4-3. Weatherford-no, Scott-no, Hynes-no.

2. ZBA #07-06

BY: Matthew Cummings
5336 S. Sycamore

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Burton, MI 48509

RE: 4284 E. Bristol
#59-34-200-018, C-3 zoned.

FOR: To install an 8 ft. high wood privacy fence.
6 ft. allowed by ordinance. (4 votes
required)

Ladd Gratsch, 4104 Howe, a representative for Mac Lawn Care said they store material on the east side of the property and have had theft issues. He said the material is visible from the road and hopes a privacy fence will eliminate the theft.

AUDIENCE PARTICIPATION: None.

Mr. Strasser said the business has a valid reason for the request and the fence would not come past the front of the building and would run parallel to the road.

BOARD DISCUSSION:

Mr. Major asked what the fence would look like and be made of.

Mr. Gratsch replied the fence would be 6 by 1 inch wolmanized and stained wood.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Hynes to approve ZBA #07-06. Motion carried 7-0.

3. ZBA #07-07

BY: Rick Thompson
2299 E. Bristol
Burton, MI 48529

RE: 2299 E. Bristol

in

FOR: 1. Expand non-conforming residential use
a C-2 zoned area. (5 votes required)
2. Convert single family home to a duplex,
multi family use. (5 votes required)
3. Build an addition with a front setback
from Laurel of 13 ft., 20' required.
(4 votes required)
4. Establish rear setback for existing
structure of 10 ft., 30 ft. required.
(4 votes required)

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Rick Thompson, 2299 E. Bristol, said he would like to build a structure that was where his garage once stood. He also would like to put an addition on his home. The structure would house his mother and he could someday even rent out the space.

AUDIENCE PARTICIPATION: None.

Mr. Strasser said there is no problem with the request and stated there would be more taxes to pay trash, sewer, etc.

BOARD DISCUSSION:

Mr. Parker asked if there would be a second sewer hookup at the home.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #07-07. Motion carried 7-0.

4. ZBA #07-08

BY: CJ Car Connection LLC.
3255 S. Dort
Burton, MI 48529

RE: 3255 S. Dort, Lots 377-381 Chambers Sub.
C-2 zoned.

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

Cathy Wylie, 16177 Belcrest, Linden, said she is an investor in the used car business and would like to add her license to the property. She would have 2 licenses but she has been given permission through the state already.

AUDIENCE PARTICIPATION:

Kelly Jagger, 3236 Myrton, owns the adjoining property and said there were big plans when the property was purchased 10 years ago, which included a fence. A sufficient fence was never added. She requested one be erected along with the removal of stumps on the property.

Mr. Strasser assumed the fence was put up already.

BOARD DISCUSSION:

The Board discussed who is responsible for erecting the fence and the change of ownership.

Mr. Strasser said the owner of the car lot had pulled a fence permit, but apparently never put up the fence. He saw no problem with the applicant hanging her license at the business and said he would check into the fence situation.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Major, seconded by Hynes to approve ZBA #07-08. Motion carried 7-0.

AUDIENCE PARTICIPATION:

Chuck Sekrenes, 1505 Mallard, requested approval to erect storage units at a previous meeting. Due to the denial of the variance, he asked the Board to reconsider the case. He explained the Mallard Ponds residents feel there is a great need for a storage facility in their neighborhood.

Herm Clark, 1477 Mallard, said the units would be pleasing and is for a practical use due to the small storage in their homes.

Jim Cokley, 5404 S. Sycamore, the owner of a storage facility said there is plenty of room for the Mallard Ponds residents to rent from his business and asked the Board to deny the request.

Pauline Dargel, 6119 Hugh, said there is no good reason for a second reconsideration.

BOARD DISCUSSION:

Discussion ensued regarding if a member was absent, whether he can vote on reconsideration. Also, if the case would go before the Planning Commission first. Mr. Major thought there should have been more information to proof and that is a reason why he denied the case previously. The Board decided Mr. Sekrenes would pay postage for mail outs if approved.

Mr. Strasser asked if the request is approved, whether it goes before Planning or if he reviews it.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Major to approve reconsidering Mr. Sekrenes request to erect a storage facility. Motion carried to deny 4-3. Weatherford-no, Scott-no, Parker-no, Hynes-no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, July 19, 2007 at 6:00 p.m.**

Meeting adjourned at 8:22 p.m.

mrs