

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JULY 16, 1998, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY Kalanquin AT 6:01 P.M.

MEMBERS PRESENT: Kalanquin, Berry, Scott, Parker, Centilli, B. Weatherford, Layman.

MEMBERS ABSENT: None

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

Approve and authorize the amended minutes of the Regular ZBA Meeting of June 18, 1998, 6:00 p.m.
Motion carried, 7-0.

AUDIENCE PARTICIPATION:

Donna Glann, 1475 Ives, Burton, MI, spoke regarding an automotive refinishing shop at 4105 Davison Rd., and inquired as to the ownership change. She indicated at that property they are doing bump and paint work and thought there had to be an enclosed hood system. Mrs. Glann said there are approximately 10 school buses parked in the Consumers utility easement east of the building. She asked if the business has a permit.

Strasser said he does not know if they have a permit.

Donna Glann stated she believes the business was formerly the Finish Line across from D&W Awning. She indicated it is overcrowded and smells like the Chevy Bus & Truck when they are up and running. She asked if it could be checked on and would the ZBA require them to have the vehicles inside a paint booth with a hood.

Strasser indicated that State law requires it.

Pauline Dargel, 6119 Hugh St., Burton, MI, asked about the occupancy on Davison Road located at the former We Three. There was a proposal before the ZBA and she did not note any activity at the site and seen the real estate sign back in place. She asked if the applicant came in for any type of permits.

Strasser indicated he has seen no plans on it yet.

Pauline Dargel stated that C-4 Zoning, Item 98-41, is different from the typical zoning and asked the Board to hold to what was read at the beginning of the agenda.

BOARD DISCUSSION:

Layman discussed the voting procedure in the last ZBA meeting regarding ZBA #98-32. She asked if it did in fact pass and that maybe it should be brought up again because members might have voted a different way if they new how many votes were needed. Layman said she asked to have a different attorney's opinion on it.

Strasser said he received a letter from an attorney that it did in fact pass.

Centilli indicated there were 4 yes votes.

A short discussion followed on the voting procedure.

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1. ZBA #98-39

BY: All Weather Seal
4258 S. Saginaw St.
Burton, MI 48529

RE: Lots 200 thru 210 Webber Place
Section 32
C-2 Zoned

FOR: To construct a 6' chain link fence with
barbed wire in the front yard area of Saginaw
Street and Williamson. Sect 5.33 items 2a,c & d.
(5 Votes Required)

David McDowell from All Weather Seal, 4258 S. Saginaw St. stated they would like their parking lot fenced in. There are three businesses using this parking lot and one of the three has been broken into twice now. Teenagers like to party behind the building, there are broken bottles and is a well sheltered area from the police.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION:

Scott said there is barbed wire around quite a few of the other buildings in the area.

Parker indicated they approved barbed wire fencing for a rental car dealership which did deter some of the vandalism, but in driving down Dort Hwy. and seeing some of the businesses with barbed wire, he thinks it looks like a war zone. He said it does not speak good about our City to have fences with barbed wire around the buildings, and especially in the front yard area. He would have to be against having barbed wire in the front yard of that building, but would agree to a cyclone fence.

Berry asked if it would be located right up to Saginaw Street.

McDowell indicated no, that there is grass area in between and it would be located at the black top area.

Motion by Berry, seconded by Scott to approve ZBA #98-39.

Motion carried 6-1. Parker no vote.

2. ZBA #98-40

BY: Paul Sternberg
3332 Farley St.
Burton, MI 48519

RE: The East 161' of Lot 29 Southeast Acres
Section 21
R-1B Zoned

FOR: To construct an addition to the front of the
detached garage and protrude 5" beyond the
front of the house.
(4 Votes Required)

Paul Sternberg, 3332 Farley St., Burton, MI, indicated he wants to add onto the front of his garage because his house and garage sits so far back on the property line. He wants more storage room for his tractor and yard utilities.

AUDIENCE PARTICIPATION: No audience participation.

Strasser said it is not an unreasonable request. The existing garage is 73 ft. back from the front property line and will not be noticeable at all.

BOARD DISCUSSION:

Parker inquired as to the size of the existing garage.

Sternberg indicated 20 ft. deep by 22 ft. wide.

Motion by Layman, seconded by Berry to approve ZBA #98-40.
Motion carried 7-0.

3. ZBA #98-41

BY: Jeffrey Sobel
30800 Northwester Hwy., 2nd Floor
Farmington Hills, MI 48334

RE: Parcel #59-15-100-018
C-4 Zoned

FOR: To exceed the height requirements for Pylon
Signs by 9', 39' Requested, 30' Required.
(4 Votes Required)

Rick Walker, Detroit, MI, showed the Board a site plan of the proposed project. They are requesting a height variance from 30 ft. to 39 ft., with three of the pylon signs along the I-69 expressway and two along Court Street. It is a development of Lowe's Home Center, Pep Boys Automobile Center and two future outlots buildings. For the ground signs they would come back with a separate application for the outlots.

Parker asked if they are asking for an excess height requirement for all 5 signs.

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Mr. Walker indicated yes.

AUDIENCE PARTICIPATION

Pauline Dargel, 6119 Hugh St., Burton, MI spoke on C-4 Zoning, Page 153, No. 11, sign regulations, which refers back to Section 528. She indicated she would like the question of hardship specified with Sect. 528, page 34 E, and would like an explanation to the number of signs, height, and the billboard that currently stands there.

Linda Burris Croley, 6223 Crabtree Ln., Burton, MI said she also shares those concerns with Mrs. Dargel and asked about the number of signs requested, their type of advertising and how restrictions can be put on further commercial development coming into the City, when this developer feels they need so many signs. She indicated they came before the Planning Commission without a lot of data, market analysis, traffic studies.

Larry Petrella, 1081 Howe Rd., Burton, MI, indicated he brought his own drawings and presented them on the bulletin board. He also presented pictures he took of signs throughout the City of Burton. He spoke on the 5 signs and stated Grand Blanc and Davison have their signs much lower than 30 ft. Mr. Petrella indicated he filled out a freedom of information request for an engineer drawing.

Donna Glann, 1475 Ives, Burton, MI, spoke on the number of signs and the height requested.

Pauline Dargel spoke regarding the sketch development plan which was approved by the Planning Commission and stated the Council had not seen it yet.

Rick spoke in regards to the signs, height and indicated they are the standard Lowe signs. As it relates to the outlots, there are no requests for pylon signs, these would be monument signs at ground level. As it relates to Pep Boys and Lowe's, they are not requesting an increase above the sq. footage that is allowed under our ordinance. In the opinion of these particular retailers, Lowe and Pep Boys, because of their distance in the far eastern end of the commercial district, this is the purpose of their requesting the variance from the standpoint of being able to see the facility. He stated they are the second largest home center facility in the country and just opened a store in Saginaw across from the Fashion Square Mall. This would be their first entry into the Flint market.

Strasser said because of the vastness in size of the area, parking, building, so forth, and it is between Court Street and the freeway, the DPW does not feel that a 9 ft. height variance is out of the question. They will be somewhat dwarfed because of the area they will be placed in. The existing billboard sign and Courtland Center sign are so much higher that these will not look out of place. Strasser indicated what they are asking for is not an unreasonable request.

BOARD DISCUSSION:

Centilli asked if any signs on Court Street exceed the height.

Strasser indicated McDonalds, the old Dawn Donuts, Wal-Mart, and the Courtland Center sign. Inside Swing (the golf dome) exceeds 30 ft., because the freeway there is much higher than the land they are sitting on.

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Parker inquired as to the signs being placed on the existing grade. Parker discussed the drawing for Lowe and Pep Boys signs. He indicated he sees no problem with the three signs by the expressway, except the two signs on Court St. Parker stated he cannot support all 5 signs being at that height and suggested that the applicant be willing to

change or except the recommendation that we approve the 3 signs on the expressway and the 2 on Court stay at 30 ft., then he would make a motion on that.

Centilli indicated they are a national chain store and he would gladly approve the extended footage on height. He has seen the sign in Saginaw, it is a fine looking sign and a very attractive building.

Moved by Parker, seconded by Berry to approve ZBA #98-41 with the stipulation the two signs on Court St. be reserved to a 30 ft. height., the 3 signs on expressway at 39 ft.

Roll Call Vote: Kalanquin yes, Berry yes, Scott no, Parker yes, Centilli no, B. Weatherford no, Layman no.

Motion denied, 4-3.

Moved by Centilli, seconded by Scott to approve ZBA #98-41 as written.

Roll Call Vote: Kalanquin yes, Berry no, Scott yes, Parker no, Centilli yes, B. Weatherford yes, Layman yes.

Motion carried, 5-2.

Kalanquin thanked the three council members for their presence, Mr. Centilli, Mr. Cox and Mr. Cross, and thanked Mayor Smiley for his presence.

Cox spoke regarding the issue of the voting in the past meeting for ZBA #98-32, and indicated that he believes they have the right to rescind the motion and the person on the prevailing side has the opportunity to do so at the following meeting.

Discussion followed in length regarding the procedures.

Cross said he spoke to a parliamentarian from Genesee County who indicated he would be willing to come and teach classes regarding those issues.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, August 20, 1998 at 6:00 P.M.

MEETING ADJOURNED AT 7:54 P.M.

Julie R. Adams
Clerk's Office

** Note: The outcome of the voting for ZBA #98-32 in the June 18, 1998, ZBA meeting, after an attorney opinion, the 4-3 vote did in fact pass as there were only 4 votes required for approval. There is a copy of the attorney letter on file in the Clerk's office.