

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 15, 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, Tracy Parker, Centilli, Grantner, Welch, Curtis

MEMBERS ABSENT: Terry Parker

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

Mr. Curtis called for a vote for the approval of the ZBA meeting minutes of July 18, 2002 at 6:00 p.m.
Vote was unanimous for approval, 7-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, said she seen in the minutes of the last meeting that Attorney Hamilton was present, and noticed that he is here again this evening. She asked Mr. Curtis if it was by his request.

Mr. Curtis said it was not his request. He spoke with him because he needed some background information and Mr. Hamilton said he would be present at the meeting.

Mrs. Dargel said she inquired in the DPW last week and again today, as to whether or not there is a site plan that has been approved for the site behind O'Malley's, or some type of excavation permit, stockpiling of earthen materials from another site. In the zoning book she does not find a provision for that type of activity. She asked the Board for possible discussion and to be apprised from legal counsel.

Mr. Curtis asked that the Board discussion be moved to the end of the meeting because of the full agenda. Mr. Curtis called for a vote. Vote was unanimous, 7-0.

D. YEARLY RENEWAL:

1. ZBA #02-35

BY: Bryan & Paulette Lingenfelter
1268 N. Belsay Rd.
Burton, MI 48509

RE: 1268 N. Belsay Rd.
Parcel #59-12-100-008
M-1 Zoned

FOR: Car lot renewal variance to conduct a used car sales lot
not in conjunction with new car sales.
(5 Votes Required)

Paulette Lingenfelter, 1268 N. Belsay Rd., Burton, MI, said they are requesting a variance for a one year renewal for the used car lot. We have done all the things we were suppose to.

AUDIENCE PARTICIPATION: No one from the audience wished to speak.

BOARD DISCUSSION:

Mr. Grantner said they had numerous questions about this a year ago. He asked what experience the City has had.

Mr. Strasser said he has not had any formal complaints filed against them. From time to time I understood that a car would be on the grass and moved back. We re-iterate if this is approved for another year, keep the temporary signage off and keep the cars on the pavement of the parking lot.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Welch to approve ZBA #02-35 for a yearly renewal with the stipulations there are no flags, cars are to be kept off of the grass, and contingent upon DPW recommendations.

Motion carried, 7-0.

E. NEW APPLICATIONS:

- | | |
|---------------|--|
| 1. ZBA #02-30 | BY: James Olmsted
2422 N. Belsay
Burton, MI |
| | RE: 2414 N. Belsay
Parcel #59-01-100-033 |
| | FOR: To keep 5 dogs on property; 2 adult dogs
permitted. M-1 use in R-1A zoned area for
a dog kennel. (5 Votes Required) |

Don Olmsted, 2422 N. Belsay Rd., Burton, MI, said he is here along with his son James and daughter Susan. My son saved two of these dogs from starvation and we took them home. The two dogs had three more dogs. Mr. Olmsted said his children's mother left them 11 years ago, and they have not heard from her since. That is why his son cannot bear to have the dogs split up. Mr. Olmstead stated further, they have a fence and his son built a very nice building for them. We have not had complaints from any of the neighbors.

AUDIENCE PARTICIPATION:

Renee Angus, 5508 Statler Dr., Burton, MI, said she lives on the corner of Belsay and Statler and she is against the variance request. The dogs bark a lot and late last fall these dogs were out at night. I came home from worked and walked to the mailbox. The five dogs came directly at me from my neighbors house. They were unleashed and I called the police and made a report. This only happened once, but it was a scary thing.

Frank Smejkal, 2414 Fair Ln., Burton, MI, asked if all the dogs were adult dogs.

Mr. Olmsted replied they are all adult dogs.

Mr. Smejkal asked if they are in a kennel now and will this escalate into some other kind of dog raising. Mr. Smejkal addressed concerns of noise from five dogs barking.

Bob Kanous, 2403 Fair Ln., Burton, MI, asked why he is asking for the variance now when he already has the dogs.

Mr. Curtis said he was probably turned in by someone and cited.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

AUGUST 15, 2002 / 6:00 P.M.

PAGE -3-

Mr. Kanous stated he is against the variance.

Tom St. Martin, 2398 Fair Ln., Burton, MI, said several dogs run loose in the area and his wife is fearful of going outside many times because of it. Everybody has a dog in their house that is a house pet and this could become bigger. Mr. St. Martin said he feels this is a kennel and he is against the variance.

James Olmsted said he is the owner of the dogs and they were out once. I now have proper fencing and it is physically impossible for them to get out again. As far as being turned in, we were turned in for something that was irrelevant to the situation. When the code enforcement officer was there he noticed the dogs. All dogs are neutered and we only want the five dogs. Mr. Olmsted said he works 90 hours a week and they are his only life.

BOARD DISCUSSION:

Mr. Centilli inquired regarding the breed of the dogs.

James Olmsted indicated the dogs are German Shepard/Chow. They are not in eyesight range and they are in the woods approximately 150 ft. off of the road behind a fence and tree line.

Mr. Strasser said code enforcement was out to the residence because of a complaint of vehicle sales. He counted the dogs behind the fence and told them he had to write them up for that too.

Mr. Curtis asked how this factors in the way the site is with two parcels.

Mr. Strasser said they own the parcel of land next to the home.

Mr. Curtis asked if conceivably there could be two dogs for each address.

Mr. Strasser said they discussed this. If you put two dogs per household on each property, where does the fifth dog come in.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Scott to deny ZBA #02-30.
Motion carried to deny, 7-0.

2. ZBA #02-31	BY: Michael Friend & Tracy Friend 2041 E. Boatfield Ave. Burton, MI
	RE: 2041 E. Boatfield Ave. Lot 362 Bendlecrest, Sect. 32 C-2 Zoned
	FOR: To conduct a home occupation "Photography Studio" in a C-2 zoned property, in conjunction with non-conforming residential use of the property. (4 Votes Required)

Michael and Tracy Friend, 2041 E. Boatfield Ave., Burton, MI. Mr. Friend said they have been conducting a photography business for 14 years. When we did a complete re-build of our home a couple of years ago, I approached the City about what I have to do for my type of business, and I was told don't worry about it.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

AUGUST 15, 2002 / 6:00 P.M.

PAGE -4-

Mr. Friend said his home is zoned C-2 which does not allow home residence and a business all in one. I asked the DPW to make this just residential but they wanted to save the C-2 for further development. To get through this situation, it was better to give me a variance to allow me to live in the house and conduct a commercial business in my home. We

are partnered next door to Silent Muffler and Dustbusters. Mr. Friend stated further, they have an average of 50 customers a year. These customers will show up probably 2 or 3 times during the course of their wedding. That is the type of photography we do. We don't conduct weddings in our back yard or hold a retail shop in our home. I create wedding albums, a web site and things like that. I might have one or two people a day and it varies on the time of year and the economy. Mr. Friend stressed that they do not have a high traffic business.

Mrs. Friend expressed this is their only source of income.

AUDIENCE PARTICIPATION:

Raymond and Ann Mose, 2047 E. Boatfield, Burton, MI. Mr. Mose stated they live next to the applicant. The traffic does not come until 4:30 p.m. after he knows the City is closed. I have had people park in front of my driveway to the end of Saginaw St.

Mrs. Mose said one particular night there were cheerleaders from the high school. They were completely down our street and our driveway was blocked. We have had people knock on our doors asking where Candlelight Studios is. Mrs. Mose stated concerns of children playing in the street.

Katherine Berry, 2036 Boatfield, Burton, MI, said she lives across the street and her main concern is their parking issue. She had a home business and use to run a daycare but purchased a building because it was not feasible to run a daycare out of my home. When I did, I came before this Board to get a variance and I was required to put in a huge driveway for my customers. They told me I could not use the street in any way. My customers had to be able to park in my driveway so that there was not an annoyance. Mrs. Berry said her questions are the hours of business, does it include weekends and how extensive is it going to be. Mr. Friend is saying it is weddings, but I am under the impression there is a studio in the house to take pictures. Mrs. Berry commented further regarding a coke truck that delivers there and she asked who is going to police this so that it does not extend into other things.

Julie Conn, 2046 Boatfield, Burton, MI, said she is not for or against the request. His business does not affect my property value and I have not seen excessive parking. Their parking is on the south side of the road and my concern is because I have a small child and there are a lot of children.

Mrs. Dargel said there is a home occupation on Potter Rd. east of Belsay and it went through the same process. She is aware of the applicant's location and it is C-2 zoning. Perhaps there could be something worked out with the business adjacent to them for some parking space. Mrs. Dargel stated further, Ordinance 19, Section 3.03 addresses home occupation and you have not heard objections to the noise, fumes, odors, dust, or electrical interference.

Mrs. Mose stated there has been a lot of noise.

Rick Derminer, 1011 Southlawn, Flint, MI, said he is also Battalion Chief of Burton Fire Station #1. We have a pop machine at the fire station and Mike & Tracy graciously offered to have the coke to be delivered there for us. We use this money for various fundraisers and things at the fire station that we have to buy. Mike is also part of the union for the fire department. Many times the residents park on the street to try and hold parking spots. I think a lot of problems are their own. Mr. Derminer stated further, he does not think the problems being brought up should stop them from having the variance.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

AUGUST 15, 2002 / 6:00 P.M.

PAGE -5-

Steve Bennett, 2056 E. Boatfield Ave., Burton, MI, expressed concerns of cars speeding up and down the block. He said there is some excessive parking on Boatfield and he feels that poses a problem in regards to our children that need to be protected by the City and by law. I have nothing against Mike and Tracy or their supporting themselves because I am a proprietor myself. I don't mind them having a business in their home, but I do think parking is a serious issue on

our block irregardless of who is parking where. I am not sure extra cars on the block is a good idea for our community because we are going to have children getting hurt.

Cliff Pomeroy, 2055 Boatfield Ave., Burton, MI, addressed concerns of tractor trailers in the street, delivery trucks and children darting behind the trucks.

Attorney Hamilton stated this is somewhat of an unusual circumstance. This property is zoned C-2 commercial and the use of this property for a photography studio is a permitted use within that zone. The variance requested is really not a use variance, because it is permitted use. The reason they are before the ZBA is because the residential use of this house is a non-conforming use in a commercial zone. The utilization of it, in conjunction with the residential uses, amounts to an expansion of the non-conforming use, which is residential use. If this property were zoned residential property, the use as a photographic studio within the definitions of the home occupations in the ordinance, might make it appropriate, but it is not. It is a commercially zoned property, non-conforming because it is a residential use in a commercial zone. I don't want the ZBA members to feel they are judging this by home occupations criteria because technically it isn't. What is really going on is the expansion of the non-conforming use, that being the residential use of the property. It is an expansion of non-conforming use which really requires the variance today.

Mr. Curtis stated we have a variance to allow a resident occupancy in a commercial zoning.

Mr. Hamilton responded that is already permitted, the fact it was a residential building when this property was zoned commercial many years ago. We are in a very unique situation because it is a permitted use in a C-2 zone and they do not need a variance to do this. What they really need a variance for is to do this in conjunction with a residential use in a commercial zone.

Mr. Centilli asked for further clarification.

Mr. Hamilton said the variance is to permit a commercial use in conjunction with a residential use which is non-conforming.

Mr. Curtis inquired as to the safety issues brought forth by the residents, parking and hours of operation.

Mr. Hamilton stated our Zoning Ordinance does not regulate hours of business for a business, however, this Board has the authority to grant conditions on the variance.

Mr. Centilli said as long as they live in the home they don't have to have a variance to do anything.

Mr. Hamilton re-iterated this is a very unique situation. He disagrees there is a 5 vote requirement because it is not a use variance being requested, it is a non-use variance because the use is permitted. This would only require 4 votes.

Mr. Curtis asked Mrs. Adams to make the correction to reflect 4 votes are required.

Mr. Welch inquired regarding the traffic concerns brought forth.

Mr. Curtis responded the Board has abilities to place conditions.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 15, 2002 / 6:00 P.M.
PAGE -6-

Mr. Grantner said a problem does exist regarding safety issues. The other businesses nearby could possibly help with parking. They are very close to Saginaw St. versus if they were further down Boatfield. Mr. Grantner asked if they have explored any other alternatives.

Mrs. Friend said they have not approached any businesses regarding that. They did extend their driveway.

Mr. Friend said they could extend their driveway a little further into the back yard. He is in good standing with the Dustbuster business next door and stores his snowmobile there. Mr. Friend indicated further he feels confident he could work something out with them.

Mrs. Scott inquired regarding the number of cars parked in the driveway at one time.

Mr. Friend said currently without expanding, he can have 3 to 4 cars without parking over the sidewalk.

Mr. Centilli asked if there is any room on the west side of the property.

Mr. Friend replied not without taking out a very large pine tree.

Mr. Centilli inquired further as to the size of the property.

Mr. Friend responded the property is approximately 90 ft. x 105 ft. His house takes up most of it and he has 12 to 13 ft. on one side and close to 15 to 16 ft. on the other side.

Mr. Centilli asked Mr. Friend if there is parking on the west side.

Mr. Friend said there is but unfortunately he would block his neighbor which they have addressed that with him. I try to control it, but I cannot always control what other people may do.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Weatherford to approve ZBA #02-31 with the stipulation it is a yearly renewal. Motion carried, 6-1. Weatherford – no.

Mr. Curtis called for a recess at 7:10 p.m.

The meeting resumed at 7:15 p.m.

Mr. Curtis stated due to the length of the cases they just heard before them, he would like to take out of sequence the remainder of the applicants and address the residents first. Mr. Curtis called for a vote. The Board was unanimous to proceed in this manner, 7-0.

3. ZBA #02-32

BY: Matthew R. Withem
5310 Sitka
Burton, MI

RE: Lot 63 of Eastgate No. 3
Section 26, R-1B Zoned

FOR: To create a non-conforming lot width of 62 ft.;
70 ft. required. (4 Votes Required)

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

AUGUST 15, 2002 / 6:00 P.M.

PAGE –7-

Matthew Withem, 5310 Sitka, Burton, MI, stated he is seeking a variance to split his lot and build a new home. The lot is 132 ft. wide by 64 ft. deep. The house is located on the front right corner of the lot and it is 20 ft. wide by 40 ft. long and 800 sq. ft. It is a nice small house but I have outgrown it. My two neighbors to the left had their lots split.

AUDIENCE PARTICIPATION: No one from the audience wished to speak at this time.

Mr. Strasser said the request is not out of the ordinary. There are similar lots of this size on the street. The engineered diagram shows 62 feet of lot by the road also has a couple acres of land behind it. We do not have a problem with the request. He will have to pay for an additional sewer tap at his cost in order to supply the home with sewer usage.

BOARD DISCUSSION:

Mrs. Scott inquired if the property is land-locked.

Mr. Withem said basically it will leave him with 62 ft. of frontage and he proposes to take the property back 180 ft. and leave the rest of the back of the property for the empty lot. I would leave the building behind. The way the houses are situated on the street, there is one forward and one that sits back, and I want to keep the same pattern.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Scott to approve ZBA #02-32.
Motion carried, 7-0.

(Please note: Applicants out of sequence per Board action)

7. ZBA #02-37

BY: Nichoel Denny
1205 Carman St.
Burton, MI

RE: 1205 Carman St.
Lot 813 Baker Park, Sect. 30
R-1C Zoned

FOR: To place a 6 ft. privacy fence in the front setback area of
Euston; House faces Carman. (4 Votes Required)

Nichoel Denny, 1205 Carman St., Burton, MI, said she would like to replace her fence with a 6 ft. fence. I live on a corner with traffic and this would help with the noise. I also have a dog and a larger fence would be better because there are a lot of kids that walk by.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said in these types of situations on the corner, we have no problem with a privacy fence. There was a privacy fence at one time by the previous owner for a number of years. They did not have a permit and it was there illegally.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 15, 2002 / 6:00 P.M.
PAGE -8-

BOARD DISCUSSION:

Mr. Centilli said their home is very well kept and neat. It is on a corner lot and I do not have a problem with the request.

Mrs. Scott asked if the portion of the fence that is already up was part of the old fence.

Nichoel Denny replied the posts are already there. She also has signatures from the neighbors that they do not have a problem with her request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Weatherford to approve ZBA #02-37.
Motion carried, 7-0.

9. ZBA #02-39

BY: David May
4297 Fern Ave.
Burton, MI

RE: 4297 Fern Ave.
Lot 1, Block D of Southmere
R-1C Zoned, Sect. 32

FOR: 1) To construct a 20 ft. x 20 ft. detached garage in the front setback area of Webber Ave. at 12 ft. from the property line.
2) Place accessory structure in front of principal dwelling. (4 Votes Required)

Veronica May, 4297 Fern Ave., Burton, MI, said they are asking for a variance to build a garage on their side yard. It would be facing Webber. Mrs. May indicated they need storage room.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said you can tell in looking at the diagram that there is a definite hardship on the property. They have a very small rear yard that constitutes about 8 ft. of space. In order to place a garage it will have to set in the front setback area because of that corner. Mr. Strasser said they do not see a problem with the request.

BOARD DISCUSSION:

Mr. Curtis asked if the shed would have to be removed because of the square footage allowed.

Mr. Strasser indicated they can have a lot more square footage then what they are asking for.

Mrs. May stated the shed will be removed.

Mr. Hamilton said the new garage will be an accessory structure.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 15, 2002 / 6:00 P.M.
PAGE -9-

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Weatherford to approve ZBA #02-39.
Motion carried, 7-0.

4. ZBA #02-33

BY: Safety-Kleen
4475 S. Dort Hwy.
Burton, MI

RE: 4475 S. Dort Hwy.
Parcel #59-33-300-012
M-1 Zoned

FOR: Event / Project transloading. An M-2 special use in a M-1 zoned area for the transfer of non-compacted solid waste from a container to a railroad gondola car, entirely within the confines of a completely enclosed building. (5 Votes Required)

Orlando Gomez, 4475 S. Dort Hwy., Burton, MI, said he is requesting a variance to transload material from gondola to truck, or from truck to gondola in a confined area which will receive no environmental impact. We are very active in our safety, noise and environmental issues. We want to assure the Board that Safety Kleen has always had an open door policy and we welcome visitors at any time. Mr. Orlando stated further, they want to assure the community they are acting in compliance with all the local, federal and DEQ regulations. Also, we want to stress we are an event project, this work is not going to be used every day. It will not be used prior to the way it was used when we use to have the old General Motors contract.

AUDIENCE PARTICIPATION:

Don Sanderlin, 4460 Killarney Park, Burton, MI, stated he has never been against Safety Kleen. He wants to know when they will start shipping, if dumpsters are currently full, and will they be using the same set-up that is now in place.

Mrs. Dargel asked if this is before the ZBA because it is a fresh start, and will it be going for site plan review with the Planning Commission. Mrs. Dargel spoke further regarding past stipulations, provisions and an oversight fee.

Mr. Hamilton addressed the history and chronology of the site for the benefit of the new ZBA members. Mr. Hamilton said this is a new business plan presented tonight. The M-1 zone does permit the waste to come in and be loaded, it doesn't permit the waste to be processed. Mr. Hamilton stated further this would be an administrative site plan because we do have existing site plans on the site.

Mr. Curtis asked if this same request was denied on a yearly renewal.

Mr. Hamilton replied no. He recalls the request earlier was to permit the removal of the recyclable waste that was in the waste train coming in, or to separate from the non-recyclables. What they are talking about here, I do not think is recycling at all. I think they are talking about some sort of a transfer.

Mr. Centilli said in May of 2000 this was turned down 4 to 3, and the request was for M-2 use in M-1 zoning for transfer. This is the same identical thing that is going on now for non-compact to solid waste containers, to railroad gondola.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 15, 2002 / 6:00 P.M.
PAGE -10-

Mr. Strasser interjected it was on a yearly renewal basis and the renewal was turned down.

Mr. Hamilton said it was his understanding the handling was for the purpose of separating the recyclables from the non-recyclables.

Mr. Weldch asked for clarification that transfer from one container to another is considered handling.

Mr. Hamilton acknowledged that is correct.

Mr. Centilli said they originally had been picking up one gondola and setting it on the trains and that is not transferring it. He believes they are after the same request that was turned down before. Mr. Centilli suggested tabling the request until Mr. Hamilton finds out more information and he can present it at the next meeting.

Mr. Hamilton said he would feel more comfortable doing that because the gentleman is describing it differently than before. He would welcome the opportunity to sit down and talk with them.

Mr. Gomez said in the beginning they were bringing in containers from the General Motors sites, building them on flag cars and shipping them off to another land fill. That is what we use to do at the facility. The variance was allowed for us to be able to pull material from the smaller containers into the larger ones.

Mr. Curtis said that is where we want clarification because that was turned down.

Mr. Gomez said the misconception is we are handling the material. In reality, we are dumping the material. The only thing that handles the material is the equipment, none of our people handle the material. Before, we use to bulk the material and you would see a gondola pick it up and bring it to our facility. We would bulk it and pick it up with another piece of equipment, dump it into the gondola and take the container and set it aside. We would never handle the material, everything was always bulked in that fashion. Mr. Gomez said we are asking to be able to bulk the material the same way we did prior to the denial.

Mr. Curtis stated to his understanding, that was denied.

Mr. Hamilton said that is now defined to him as a transfer station, and that is not a permitted use in an M-1. That was in affect what was turned down on the renewal.

Mr. Centilli stated that is why he would be in favor of tabling this for Mr. Hamilton to talk to the attorney because as Mrs. Dargel stated, there are ten conditions we are not even talking about that was worked out by the city attorney with Laidlaw.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Scott to table ZBA #02-33.
Motion carried, 7-0.

Mr. Hamilton spoke of tabling this to a specific date because of re-noticing.

Mr. Curtis stated they will have the case at the next regular ZBA meeting on September 19th.

Mr. Centilli said this is very important for the people of Killarney Park.

Mr. Gomez re-iterated anyone is more than welcome to visit the facility and have a tour.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 15, 2002 / 6:00 P.M.
PAGE -11-

Mr. Curtis asked Mr. Gomez to make the times and dates available to the attorney so he can arrange for us to have notification. If Mr. Sanderlin would like, he can be a spokesperson and get the neighbors and residents together. I am sure the Board would like to be there too.

Mr. Hamilton said he confused what their activities were with Waste Management activities on Associates Drive. They were cycling, these folks were consolidating loads.

5. ZBA #02-34

BY: Metro Sign & Lighting (Agent for Beulah Land
Christian Center)
3345 S. Genesee Rd.
Burton, MI

RE: 3345 S. Genesee Rd.
Parcel #59-26-300-052
R-1B Zoned

FOR: Additional allowance for entrance sign from 32 ft. to
84 ft.; exceed square footage for signage by 52 sq. ft.
(4 Votes Required)

Warren Champion, 3602 S. Saginaw St., Flint, MI, said he represents Metro Sign & Lighting Systems. They are asking for additional square footage for the main identification sign at Beulah Land Christian Center. We originally designed the sign and were under the assumption we were allowed the full allowance of 100 sq. ft. During research we found out they were regulated because of a residential special use permit. The sign will set way back in a very narrow egress area.

We do realize it is a school zone and do not want to create any distractions, but at the same time we want to create a sign that is readable. Mr. Champion addressed what he feels is constraints of a small sign.

Pastor Dale Pattee, 3331 E. Hemphill Rd., Burton, MI, stated they have intentions of doing a lot of community events and various activities to benefit the Burton community. They would have a changeable marquee on the sign that is very crucial to them. It is a good advertising tool to show upcoming events, special crusades and speakers. Pastor Pattee stated further, there location is behind houses and it is out of sight. The neighbors on either side have trees that will block our view if we have a small sign.

AUDIENCE PARTICIPATION:

Kathleen Skinner and Walter Skinner, 3335 S. Genesee Rd., Burton, MI. Mrs. Skinner said one of their main concerns is this request is more than doubling the sign that is usually permitted for churches. It will block the view and maybe even block the view of us driving out of our driveway. We have the high school across the street and when school lets out and people are stopping to look at signs, it is going to create more problems. Mrs. Skinner stated further, they went to various churches within a mile square and most signs were 4 ft. x 8 ft. We have children walking back and forth and many high school kids have their own cars. She feels this will create a hazardous situation.

Mrs. Dargel asked if this will be a monument sign closer to the ground.

Mr. Curtis indicated the sign would be 13 ft. 6 inches high.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

AUGUST 15, 2002 / 6:00 P.M.

PAGE -12-

Mr. Strasser said because this is zoned residential and is a special use permit, there is an additional set back for this sign. It cannot be up to the right-of-way line like most others are. If the sign was allowed to be constructed near the right-of-way, it would then be accessible to be smaller. If it would be acceptable to them, the Board could not act on that this evening because that is not a part of the variance request. If the Board approves the request, he asks to incorporate in the motion that no additional signage in the form of temporary signage be allowed.

Pastor Pattee stated they want a changeable marquee so they do not have to go with other temporary signs to advertise. If the neighbors are concerned with the sign blocking their view, then they need to cut a tree down at the end of their driveway because that would be blocking our sign. We feel comfortable with a sign of this size and we don't see where it would be a hindrance to anyone. Pastor Pattee stated further, the sign would be on a timer with all the rest of the exterior lighting around our building. It will sit on an island and be nicely landscaped between two driveways.

Mr. Curtis said he has seen other churches throughout the city that have signs as big as what is being requested.

Mr. Strasser said it depends on their location and zoning. This zoning is residential and they have to have a special use permit. We do have churches that are in commercial zones, and in that respect, you use the frontage to figure the square footage of the sign. When a church is in a residential zoning and they have a special use permit to be there, there is a special clause in the sign ordinance that restricts them to 32 sq. ft. and a setback from the right-of-way line.

Pastor Pattee stated if they can't have a sign that is readable and visible, they are wasting thousands of dollars and it will not benefit us.

Mr. Grantner said it has always been his experience if a person is going to go to church, they will go no matter what denomination. A sign which not only defines the location, is about the only utility that I see. From the standpoint of a reader board, it may be a little different but most of the churches I know deal with that through their various church bulletins.

Pastor Pattee responded they spoke to Atherton School and we are planning latch key programs for the kids for after school. We are getting computers and want to do mentoring and tutoring for them. I am also the Chaplain for the City of Burton. I know the most critical time for young people are between 3:00 p.m. and 8:00 p.m. We are wanting to develop a place for kids can have fun, be well supervised and get some guidance. If we make up flyers or buy an ad in the Suburban News it is very expensive. There is a lot of traffic on Genesee Road because of the school and we have an opportunity to reach many people with upcoming events.

Mr. Welch commented regarding vacation bible school held in the summers and said he sees where this is an advertising tool.

Pastor Pattee said they have almost \$40,000 worth of NBA backboard equipment coming in along with volleyball equipment. We are also planning to have a playscape built. They have been appraised at 1.1 ½ million dollars.

Mr. Curtis commented that this is Beulah Land Christian School.

Mr. Strasser said school is an incidental use for the church. Mr. Strasser asked Pastor Pattee if they are planning to have grades K-12.

Pastor Pattee said that may develop somewhere down the road, we are not in the planning of it right now. We have a ministerial school in our church, which is a three year college to earn a bachelor's degree.

Mr. Strasser said if it turns into a full fledge school, there are no zoning restrictions. Mr. Strasser gave an example of Holy Redeemer's church and school use.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 15, 2002 / 6:00 P.M.
PAGE -13-

Mrs. Weatherford said she lives on Genesee between the school and Atherton Rd., and it is very hard getting out of her driveway at 8:00 a.m. without adding another group there.

Pastor Pattee said we have no activities planned for that time period. Most are in the afternoon or evenings. We do have 10:00 a.m. church on Sunday mornings.

Mr. Centilli asked if the sign is parallel to Genesee Road.

Pastor Pattee said the sign will be seen from either way. They have a temporary sign there now.

Mr. Centilli asked what the right-of-way is on Genesee Rd.

Mr. Strasser replied it is 33 ft.

Mr. Curtis said it is plus an additional 15 ft., so we are looking at 48 ft.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Grantner to approve ZBA #02-34.
Motion carried, 7-0.

6. ZBA #02-36

BY: Bill Daup Signs, Inc.
420 W. Oakley St.
Flint, MI 48503

RE: 5475 Davison Rd.
Sect. 2, Part of Lot 10 Block 1 Beechwood Estates
C-1 Zoned

FOR: 1) Install an electronic message center, Sect. 5.28

- Item 2d, intermittent, moving.
- 2) To exceed the allowable square footage for a free standing sign by 5 sq. ft.; 75 sq. ft. allowed, 80 sq. ft. requested. (4 Votes Required)

Ryan Daup, 420 W. Oakley St., Flint, MI, said they are requesting to add a 6 ft. x 10 ft. sign low to the ground with a changeable reader board that is electronic. As far as the square footage, he was not aware they were counting the bottom portion of the sign. If they need to, they can put the address on the building. Mr. Daup said they know there are 3 or 4 other businesses in Burton that are allowing the changeable electronic reader board. He commented regarding Ebenezer Church's sign and other businesses. He said the sign is an amber color and can display the time and temperature. It will be seen from both ways.

AUDIENCE PARTICIPATION:

Mrs. Dargel asked if this is new construction and far enough away from the intersection.

Mr. Strasser commented regarding problems with the Ebenezer Church's electronic reader board. They are officially on notice that they are in violation at this time. The way the permit was issued and what they agreed on was they would have a sign that did not move or scroll. Mr. Strasser stated further, the Legislative Committee has received information from me to allow electronic message centers. We do not have a problem with the applicant's request.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

AUGUST 15, 2002 / 6:00 P.M.

PAGE -14-

BOARD DISCUSSION:

Mr. Welch said Mancino's is the only one he remembers that came before this Board.

Mr. Grantner spoke regarding problems with moving signs especially in high traffic areas.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Grantner to approve ZBA #02-36.

Motion carried, 7-0.

8. ZBA #02-38

BY: Select Office Systems / Master Piece Interiors
9423 Miller Rd.
Swartz Creek, MI 48473

RE: 4355 S. Saginaw St.
Lots 24 & 25 Stratmoor, Sect. 32, C-2 Zoned

FOR: To conduct an M-1 Light Industrial Use in a C-2 zoned area for a cabinet shop. (5 Votes Required)

Bill Baughman, 4355 S. Saginaw, Burton, MI, said they are attempting to get occupancy back in the building. We had a fire on March 7th that sustained \$400,000 in damage in the building. We have a company, Master Piece Interiors, that builds cabinets and they install them in Bloomfield Hills. This is not a retail cabinet shop and in the front will be offices as in the past. Mr. Baughman stated we cannot put a cabinet shop in with the zoning they currently have.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said there are similar uses on Saginaw St. We recommend that at the time the building permit is taken out, they will have to comply with any restrictions or requirements of the building inspector. Possibly being ventilators, exhaust fans or whatever is required.

BOARD DISCUSSION:

Mr. Centilli inquired if everything will be confined inside the building or if there is outside storage.

Mr. Baughman responded there is no outside storage.

Mr. Centilli asked if this special use permit is for building cabinets only.

Mr. Baughman indicated that is correct.

Mr. Curtis questioned deliveries, loading and unloading.

Mr. Baughman said deliveries are once a week. They have regular size vans.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES AUGUST 15, 2002 / 6:00 P.M. PAGE -15-

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Centilli, seconded by Scott to approve ZBA #02-38.
Motion carried, 7-0.

10. ZBA#02-40

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

RE: 2480 S. Center Rd.
Parcel #59-14-578-007, Lots 63, 64 & 65,
Supervisors Plat #12, C-2 Zoned

FOR: To conduct a used car sales lot not in conjunction
with new car sales.

Mr. Curtis said this case has been post-poned by the applicant's request to the September 19th ZBA meeting.

Mr. Curtis stated if the applicant is not here to represent his or her case the Board will not act upon that application. It will be re-scheduled for the next meeting. If the applicant is not present after two meetings, it will be dropped and they will have to re-apply.

Mr. Grantner said that is pretty much consistent with what the Planning Commission does.

Mr. Curtis announced the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, September 19, 2002, at 6:00 p.m.**

Meeting adjourned at 8:45 p.m.

jra