

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
AUGUST 19, 2004, 6:00 P.M., COUNCIL CHAMBERS
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THE MEETING WAS CALLED TO ORDER BY STEVE WELCH AT 6:05 P.M.

MEMBERS PRESENT: Welch, Scott, Weatherford, Terry Parker, Tracy Parker, Grantner, Martinbianco

MEMBERS ABSENT: None

OTHERS PRESENT: J. Major, DPW representative, J. Adams, Sr. Clerk Typist

The Zoning Board post-poned approval of the Regular ZBA meeting of July 15, 2004 at 6:00 p.m. until the next Regular meeting scheduled on September 16, 2004 at 6:00 p.m.

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

BOARD DISCUSSION: No Board discussion.

NEW APPLICATIONS:

Post-poned from the ZBA meeting of July 15, 2004 at 6:00 p.m.

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| 1. ZBA #04-32 | BY: Charlene A. Kowalski
6040 E. Potter
Burton, MI |
| | RE: Parcel #59-01-100-003
6040 E. Potter, Sect. 1, R-1A Zoned. |
| | FOR: To construct a 6 ft. chain link fence in the
backyard of a residential property.
(4 Votes Required) |

Charlene Kowalski, 6040 E. Potter, Burton, MI stated she purchased the fence to further enhance the property and to hide debris being dumped on neighbors property. The fence was installed in December 2003. She had the property surveyed and fences put in 2 to 3 feet back from the property line. When she entered into a contract with Genesee Fence, she assumed they followed the proper protocol. Mrs. Kowalski stated she is a first time homeowner and did not know she needed a permit for the fence. The fence company has agreed to rectify the matter and lower the fence to 48 inches from the northwest corner of the house leading out toward Potter Rd. The fence along the western edge of the property is constructed through an area with a tree/shrub line and it does not create an adverse condition. Mrs. Kowalski presented photos to the Board and stated further she requests consideration of the remaining fence surrounding her property.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Major said they recommend the fence be lowered from the appropriate height that is allowed by the ordinance.

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BOARD DISCUSSION:

Mr. Parker said he went by the property and cannot see the back yard due to the shrubbery and trees. You cannot tell there is a fence back there. In this particular case, the intent of the ordinance is that we don't want anything unsightly. He does not see a problem with the applicant's request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #04-32. Motion carried, 7-0.

2. ZBA #04-33	BY: Pierce Hardy Limited Partnership and 84 Lumber 1019 Rt. 519 Eighty Four, PA 15330
	RE: 1243 N. Belsay Rd., Parcel #59-11-400-001
	FOR: To allow additional outdoor storage in the front setback area of building material. (5 Votes Required)

Brandt Brewer, stated he is internal manager for 84 Lumber Co. at 1243 N. Belsay Rd., in Burton. They are requesting additional storage in the front setback area. It will not affect the esthetics of the area or the safety of residents. We are planning a new paved parking lot pending Burton approval, and it is in the engineering stages. There will also be a rear parking lot to better serve the consumers. Mr. Brewer stated further they would like to use the front storage for additional product as well as displays.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, commented regarding storage, display, re-activation of the railroad spur, annual renewal.

Mr. Major said when 84 Lumber first came to that location, they were required to adhere to the front setback area. With their bulk storage materials they were granted display rights to put pre-assembled sheds, fencing material and other items out in the front area. My preference would be to put those bulk materials in the rear part of the yard area and our recommendation would be to allow the display material.

Brief discussion was held regarding Lowe's, Home Depot and other construction companies.

BOARD DISCUSSION:

Mr. Martibianco said he feels what 84 Lumber is putting out front is not any more offensive than trailers Home Depot has aligning Court St. Mr. Martinbianco asked for more clarification of the type of materials that is stated on the application request.

Mr. Brewer responded that OSB is on the north end of the parking lot and shingles on the south side. He would be willing to move those if the Board would grant decking materials that the consumer would like to look at. Mr. Brewer stated further he would move bulk building materials to the rear

Mr. Martinbianco said he would feel much more comfortable if that were to be done. I don't like to see a lot of height on products especially in terms of the area you are talking about. That particular ingress and egress you have is tough enough with the traffic we have on Belsay Rd.

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Mr. Brewer said he would be happy if they allowed treated decking materials and displays.

Mr. Welch said he suggests a motion should also state a yearly renewal.

Mr. Grantner commented regarding piles of material being higher than the fence. He feels only displays in the front should be granted.

Mr. Parker said he is disappointed in enforcement of outside storage at several lumber yards in the City. Mr. Parker addressed several problems at the Home Depot location on Court St. and Carter Lumber on Bristol Rd. He is not in favor of outside storage in the front.

Mr. Martinbianco commented regarding Atherton Road Sales variance to allow outside storage of trailers. Board discussion ensued regarding lumber yard variances and enforcement.

Mr. Martinbianco suggests stipulations allowing fencing and decking materials only in addition to finished completed sheds, and an annual review.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Martinbianco, seconded by Grantner to approve ZBA #04-33 with stipulations it is to be fencing and decking materials only and finished completed sheds, with a yearly renewal.

Motion carried, 5-2. Grantner – no, Weatherford – no.

3 ZBA #04-34

BY: Walter Dukes
4339 Apache Dr.
Burton, MI

RE: 4339 Apache Dr., Lot 99 Maple Ct. Sub. #3

FOR: To construct an addition to the rear of the home at 24 ft.
from the rear property line; 35 ft. required.
(4 Votes Required)

Terry Duggins from Elite Exteriors stated he is representing Walter Dukes. There was an existing deck on the rear of the home that was a few feet larger than what we were contracted to build. We are putting an aluminum enclosure on the rear of that. The property line is odd and the house sets at an angle.

AUDIENCE PARTICIPATION:

Betty Walker, 1091 Zuni Dr., Burton, said she lives next door and her concern is that the patio does not come out right to her property line.

Mr. Major said they do not have an objection to the variance requested.

BOARD DISCUSSION:

Mr. Parker expressed the structure is smaller than the deck it is replacing so he does not have a problem with the request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #04-34. Motion carried, 7-0.

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4. ZBA #04-35

BY: Nickel / Hurand S. Sag. LLC

PO Box 696
Flushing, MI 48433

RE: 3425 S. Saginaw, Parcel #59-29-300-001,
59-300-003, 59-300-004, 59-300-012,
59-300-020

FOR: To allow outdoor storage of up-to-date recreational
vehicles. See Ordinance 19, Sect. 17.03, Item #8.
(5 Votes Required)

Doug Nickel, 2722 Timberlane, Flushing, MI, said he owns the facility on South Saginaw. The property is the old Southern Pride Car Wash, Chicken Joy, Maaco and behind the old Goodwill building. They tore down several pallet houses and cleaned up the property. We built a storage facility this past Fall and the car wash is now a nice office building. All the facilities are behind the front setback lines. Mr. Nickel addressed further the site, County retention area other commercial sites. They are asking to store mainly large recreational vehicles. Mr. Nickel stressed there are no residential property bordering this property. It is all fenced and bordered by commercial.

AUDIENCE PARTICIPATION:

Mrs. Dargel inquired regarding up-to-date recreational vehicles and proposed clientele.

Mr. Nickel responded they have a list of about 15 people that have inquired about storing there. We will not allow any unlicensed vehicles.

Mr. Major said he would not like to see project vehicles. He asked Mr. Nickel the placement of those vehicles based on the site plan.

Mr. Nickel reviewed the diagram and described the location.

BOARD DISCUSSION: No discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #04-35 with the stipulation vehicles are currently licensed, insured and in good running condition. Motion carried, 7-0.

5. ZBA #04-36

BY: Vita Motors
G-3535 Beecher Rd., STE G
Flint, MI 48532

RE: 3450 E. Atherton, Lots 33-35, Super. Plat #12

FOR: 1) Indoor / Outdoor used vehicle sales
2) Limited light vehicle repair
(5 Votes Required)

Victor Ivinkop stated he is looking to buy the building at 3450 E. Atherton, Burton for an indoor used car dealership. We will be unique to Genesee County because the cars we sell are Jaguars, Mercedes, BMW's and Porsches. Mr. Ivinkop presented pictures to the Board.

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AUDIENCE PARTICIPATION:

The following residents expressed concerns of exits to be used by the business, children's bus stop, traffic on Clarice, number of cars, parking, business hours, lights at night, noise level and working on cars late at night.

Donald Snider 1121 Newburt Ave., Flint
Joanne Snider, 1121 Newburt Ave., Flint
Gloria Johnson, 3472 E. Atherton,
Janine Johnson 3454 E. Atherton
Joy Allinger, 3458 E. Atherton
Jean Schafer, 1117 ½ Newburt Ave., Flint

Mr. Ivinkop said they are not planning to use Clarice so it will not affect the children's bus stop or traffic. They want a fence to separate the business from the residents. Cars will be inside the building. They will not be fixing cars.

Mr. Major said many of these items will be addressed at site plan review with the Planning Commission.

BOARD DISCUSSION:

Mr. Grantner expressed there may be an administrative site plan done.

Mr. Major asked the applicant the business hours of operation.

Mr. Ivinkop said it would be 9:00 a.m. to 5:00 p.m. Monday through Friday and Saturday from 12:00 p.m. to 3:00 p.m. They are closed on Sunday.

Mr. Martinbianco asked Mr. Ivinkop if he has other business locations.

Mr. Ivinkop stated he does in Huron Michigan and at 3036 N. Jennings Rd. in Flint off of Gibson Rd.

Mr. Martinbianco inquired further regarding limited light repair work.

Mr. Ivinkop said they might do brake pad replacement, oil added or changed.

Discussion ensued regarding residents concerns being addressed by DPW administrative site plan review. Mr. Major said he will speak to Mr. Strasser regarding these items.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Martinbianco, seconded by Grantner to approve ZBA #04-36 with stipulations there is a decorative fence of 5 ft. or 6 ft. along the south border and fencing off of the driveway area along Clarice, the dumpster area closed per DPW specs, site cleaned, with indoor sales only given the request and limited light repair as expressed by the applicant. Motion carried, 7-0.

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RE: 2228 Buder, Lot 431, 432 Durant Hts.

FOR: To construct a deck that is 7 feet from the rear property line; 30 ft. required.
(4 Votes Required)

Clinton Ellenburg, 2228 Buder, Burton, stated he has an existing deck that is 16 ft. x 30 ft. I want to add a 10 ft. x 30 ft. to it. The reason being the garage was tore down and there is a cement foundation there

AUDIENCE PARTICIPATION: No audience participation.

Mr. Major said there are no objections.

BOARD DISCUSSION: No Board discussion was held.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #04-37. Motion carried, 7-0.

7. ZBA #04-38

BY: New Century Auto / Rite Way Automotive
6200 State, STE B
Saginaw, MI 48603

RE: 3493 Fenton Rd., Lots 43-49 and Part of 36 and 52
Burton Gardens

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

Mike Crane, Vice President of Rite Way Automotive, stated the Burger King location at 3493 Fenton Rd. has been empty for about 2 years. We are in a commercial area and want to sell used vehicles from that location. Our organization has 6 used car lots throughout the tri-cities, Mt. Pleasant, Bay City, Saginaw and the Flint area. We are also owned by the Garber Group which is a large company owning many new and used car dealerships, 12 franchises, a hockey team and a finance company as well. The vehicles are 10 years old to current model year and are kept clean and neat. Mr. Crane presented photos to the Board.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Major said there will be an administrative site plan.

Mr. Crane addressed the site area and indicated there will be 3 to 4 sales people along with a manager.

Mr. Major said this is a good use for that area, it has been vacant for a long time. They recommend approval.

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BOARD DISCUSSION:

Mr. Parker inquired regarding the Burger King building.

Mr. Crane said they have converted Hardees, McDonald's, Michigan National Bank's office and other used car lots in the past.

Mr. Martinbianco inquired concerning lighting of the building and parking lot, and signage.

Mr. Crane said what he has seen there is an adequate amount of lighting. They may mount one or two lights on the building itself. Mr. Crane said they would convert the present sign.

Mr. Major said it will be addressed at site plan.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #04-38. Motion carried, 7-0.

BOARD DISCUSSION:

Mr. Martinbianco stated Mr. Grantner was re-appointed to the Planning Commission. He thanked him for his service to the City.

Mr. Welch stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, September 16, 2004 at 6:00 p.m.**

Meeting adjourned at 7:40 p.m.

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