

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
SEPTEMBER 19, 2002, 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON JAMIE CURTIS AT 6:00 P.M.

MEMBERS PRESENT: Curtis, Weatherford, Scott, Terry Parker, Centilli, Grantner, Welch

MEMBERS ABSENT: None

OTHERS PRESENT: Atty. Richard Hamilton, K. Wright, Bldg. Inspector, J. Adams, Clerk's Office

Moved by Grantner, seconded by Parker to approve the Regular Zoning Board of Appeals Meeting held on August 15, 2002 at 6:00 p.m. Motion carried, 7-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, commented on the location of the meetings and accessibility due to construction, Ordinance 19, Sect. 5.22 with regards to stockpiling behind O'Malleys, and Safety Kleen concerning materials being hauled in, stockpiled and the use of railcars.

Sue Layman, 1079 Arrowhead, Burton, MI, inquired regarding the Ebenezer Church's sign.

Mr. Curtis responded the church is in violation of their sign and they were issued a citation.

BOARD DISCUSSION:

Mr. Curtis addressed an upcoming Planning & Zoning Seminar held by the Michigan Municipal League. He would like any ZBA members that are interested in attending to fill out the application and return it to him by the end of the month. If there is a good response, he would like to contact MML and coordinate with the Planning Commission as well as Council, to hold some of the seminars on site.

Mr. Welch asked if any action was taken on re-visiting the Sign Ordinance.

Mr. Centilli replied it is with the Legislative Body and they will be addressing it.

NEW APPLICATIONS:

Post-poned from the ZBA meeting of August 15, 2002:

- | | |
|---------------|--|
| 1. ZBA #02-33 | BY: Safety Kleen
4475 S. Dort Hwy.
Burton, MI 48529 |
| | RE: Parcel #59-33-300-012
4475 S. Dort Hwy.
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 was present at the Zoning Board meeting held last month for his variance request.

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Mr. Parker commented regarding the open house that was held at Safety Kleen and conversations he had with Mr. Major in DPW and Mr. Gomez. He believes Mr. Gomez does not have the proper application.

Mr. Gomez said the variance was allowed at one time for us to bring material in containers and bulk them from container into gondola. We are asking for the same thing but to include off-loading the gondolas into the end dumps inside the confined space of the building and taking it to the landfill.

Mr. Parker said the original application was to take solid waste that was trucked in, put into a rail car and then ship it out. You are now asking to do the reverse. You are not a bulk station transloading, now this is the same situation we have on Associates Dr., a transfer station. This application request is not for a transfer station. I was on the Board when the original application was made for a variance. At that point in time, there was not a handling of the product. It was taken off of a truck and put into a railcar so there was no handling of material. You are physically handling what is in those containers, where before there was no physical handling of the product that was in the container. Mr. Parker reiterated he feels this is not the correct application.

Mr. Gomez stated they are asking to take the materials out of the gondola, put it into the containers and take it to the landfill. We are not going to dump stuff on the ground like they are doing on Associates Dr. Everything will be handled in the building and it will not be on the ground. It will be from railcar to gondola. Prior to that we were doing the truck transfer, hazardous material was coming in a container, set on the railcar and shipped. We are asking to do the opposite.

AUDIENCE PARTICIPATION:

Bill Jaques, 2211 Costa, Burton, MI, said he was the original general manager in charge of the GM contract at the facility and at that time it was USPCI, Inc. The original variance given to us was bringing in containers from the GM contract by truck. We were allowed to take containers off of the truck and put onto railcars. No exposure of waste was ever permitted for us to do. I understand it will not touch the ground, but inevitably some of it will. There is going to be spills. Being still in the environmental business, I have great concern as to some of our laws pertaining to our hazardous materials on solid waste which has taken a beating due to our Federal government that is in power now. Some of our laws that were taken real serious years ago are now a little lack in areas. Fortunately, the State of Michigan has not adopted some of the rules but twenty-six of our states have. Things that were hazardous is now being called special waste and can be moved around. Unfortunately, I think Michigan is going to adopt that and do the same thing. I would not want to be part of that. Mr. Jaques spoke further of the creek that runs behind the facility and said some of the materials could accidentally get in there. I know personally that some of the materials they are not calling special waste is hazardous. I would not want this in my yard. I think the original variance that we could take the containers off without exposing waste was fine. Mr. Jaques said the Board needs to consider what the long-term affects would be.

Beverly Palm, 3294 Shannon Rd., Burton, MI, stated that from a letter they received last night, it says in Burton we now house the largest operator of hazardous waste facilities in North America, plus they have a facility in Canada. On the Internet today it showed at least 128 facilities that they have in the United States. We were told the materials were not hazardous, but on the other hand we were also told they can bring in hazardous waste per the Federal government, and store it at the site for ten days. In last night's newspaper, the article said if they get this variance they may come back and ask for another one. This company that bought SK paid 34.3 million dollars, and assumed a 265 million dollar debt. If a company that has this kind of money to purchase other companies that were bankrupted, they are not going to put that kind of money out to do nothing. They are going to work a lot to make it pay off and it cannot be just a small place to work in our community. The CSX waste management company in the north end started out small just like this one did. Now they are coming back and they want to get bigger. But they are a little bit lucky up there because they have the County Commissioners that do not like it.

Mrs. Palm asked the Board to not only think of the people in Killarney Park, but all of the City of Burton. I hate to see Burton become a dumping ground for everything that nobody else wants.

Don Jones, 5057 Brookwood, Burton, MI, said General Motors does not pay people to haul stuff away in small containers unless it is something they don't want to deal with themselves.

Don Sanderlin, 4460 Killarney Park, Burton, MI, said he thought it was great the Zoning Board was present at Safety Kleen's open house. There are a lot of nice homes in the area and he feels this variance request should be denied.

Mrs. Layman stated she is on the ZBA. One minute we were told there would not be hazardous material and the next minute told they are. It was constantly back and forth. I think this is putting us into a bad situation and I don't want Burton to be known as a dump place. She feels this should be denied.

Mrs. Dargel spoke regarding the original variance and addressed concerns regarding the Zoning Board members attendance at the open house that was held. She feels the variance request and their operations requires an in-depth review.

Mr. Wright said DPW recommends this be tabled or post-poned for another time. We feel they need to go to the State as well as Genesee County Waste & Management. We have some other concerns with the site and particular use of gondolas being rented out and trucked in.

Mr. Centilli said he feels there is no reason to post-poned this. He checked on the company and it is very large. There is information that says Clean Harbors Environmental Service is one of the largest providers of environmental services in the nation. They have hazardous waste management capabilities of treatment, storage, resource recovery, incineration, transportation and disposal of waste and hazardous materials. Mr. Centilli said the City of Burton does not need a waste disposal transfer station. He is very much against the request.

Mr. Curtis addressed Mr. Gomez and stated he checked with the Genesee County Waste Management Division and the State DEQ office. Both indicated you do not have the permits to do the type of operation that you are asking this Board to grant you a variance for. Mr. Curtis said he believes we should have full disclosure and a five year business plan for anything you intend to do there so this Board can make an informed decision of what is best for the City of Burton.

Mr. Gomez said he can assure that they have the permits.

Mr. Curtis stated according to the people he spoke with, they have not heard from you. Mr. Curtis provided Mr. Gomez with the names of the people he spoke to.

Mr. Hamilton spoke regarding the Board stating the basis for the determination of their decision.

Mr. Parker re-iterated that the application that is before them is not what Mr. Gomez stated he wanted to do.

Mr. Centilli asked Mr. Gomez if his company owns the property.

Mr. Gomez replied it is leased.

Mr. Centilli inquired as to the hardship.

Mr. Gomez indicated the company will have to close its door if they are not allowed to operate the facility to generate enough revenue. Mr. Gomez commented regarding Mr. Jacques's earlier statements. He said that in all fairness to us, Mr. Jacques is part of our competitor and works as a consultant for other facilities that do the same thing we do.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #02-33.

Motion carried to deny, 7-0. Weatherford – no, Scott – no, Parker – no, Centilli – no, Grantner – no, Welch – no,

Curtis – no.

2. ZBA #02-40

BY: Gregory Barnes
8395 Parkside Dr.
Grand Blanc, MI 48439

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

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

Gregory Barnes, 8395 Parkside Dr., Grand Blanc, MI, and Attorney Christopher Ebbott, representing Mr. Barnes. Mr. Ebbott said they were before the Board previously to request a variance at 2480 S. Center to operate a vehicle sales operation. The building is zoned C-2 and has been empty for over a year. Mr. Ebbott read aloud parts of the city's Zoning Ordinance concerning the public health, safety and welfare. He said the building was originally built and used for an automotive related business prior to it being empty. It has a garage in the back, ample parking and it has somewhat of a showroom inside.

Mr. Ebbott stated further, the building has been used in the automotive field before and because it is zoned C-2, denying the variance and not allowing the business to be placed on the site becomes a hardship. The building is designed for that purpose. If you look around at other businesses on Center Rd., you see a couple of car washes. According to your Zoning Ordinance they are to be zoned C-3. There is Celebrity Car Rental, which under your Zoning Ordinance should be zoned C-3. There is an oil change which is C-2 with a special approval necessary. Mr. Ebbott stated if you look at the character of Center Rd. this would fit that character. It would be a boom to the area and help improve it. Mr. Ebbott presented a sketch of the building and said it shows improvements Mr. Barnes would like to make to the structure.

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

Mr. Wright said it is a very sub-standard old frame building and it is probably why Guardian Glass moved down the road.

BOARD DISCUSSION:

Mr. Parker said Mr. Barnes has been before the ZBA twice. He still feels that having him there is better than an empty building. I think this is kind of a quirk of our 32 year old ordinance and this is one of those opportunities where we need to update our Zoning Ordinance. Mr. Parker said he spoke to Mr. Major in the Department of Public Works and asked him why our ordinance is written the way it is, used car sales not in conjunction with new car sales. He said apparently the original planner that drew up our ordinance felt they had problems with used car sales. Mr. Parker indicated he is not sure that used car sales is something that needs to be separate and apart in the ordinance. He reiterated he thinks this request would fit that location, there is a dealership across the street and the Planning Commission just approved a Bell Tire across the street.

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Mr. Parker discussed briefly re-visiting Ordinance 19 concerning the areas of signs and cell towers. He said there are several other things about our ordinance that needs to be looked at.

Mr. Grantner said during the last Planning Commission meeting they discussed the need to put together a training / planning session. They asked Administration to include in their next packet, information we can use as a spring board so hopefully in our October meeting we will set a special planning meeting to do exactly that.

Mr. Parker said it is his personal opinion that we need a couple of people from the ZBA, Planning Commission, Council, and possibly a couple of citizens at-large to be on that Body that looks at that ordinance.

Mr. Centilli stated that as he has said before, Mr. Barnes does not own the property and he still does not know his hardship. He still feels very strongly about Center Rd. which will be the City's main corridor. He is not against used car lots, just on Center Rd.

Mr. Barnes said he is attempting to lease with option but the owner of the building will not seriously negotiate with him because he cannot get the variance to do what he wants to there. So the owner does not want to involve his lawyers and realtors to sit down and go through all this until I get the variance.

BOARD DISCUSSION ACTION

Mr. Curtis said he believes the best possible use for that land would be something other than a used car lot down the road. As stated, it is an old wood building. He would like a stipulation in the motion for a one year variance with conditions of Mr. Barnes agreeing to a certain amount of cars.

Mr. Barnes indicated there would be 10 to 12 cars. There are 11 parking spots along the north edge of the property and an additional parking spot along the back fence.

Mr. Parker said because of the problem with policing the number of cars, he would be more inclined to have the stipulation state cars only on paved surfaces with a one year variance.

Mr. Centilli addressed concerns of a one year variance.

Mr. Hamilton said that it was done with Safety Kleen. We are talking about a conditional variance for a renewal and then not granting the renewal. The problem with that is if a person comes into the premises and makes a very substantial investment in terms of making it better and cleaning it up, it then puts an awkward position when it comes around for renewal. The flip side is, they knew the renewal was one in jeopardy and you are kind of discouraging them from making improvements to the site for fear they won't be able to continue with those improvements. It is really kind of a catch 22 when you do that in terms of enforcement. As long as you make very clear for the record you are not going to prejudice your position on renewals if it becomes a problem, and that any improvements the property owner makes to the site, he does so with full knowledge that when it comes up for renewal there is no guarantees that the matter can be renewed.

Mr. Barnes acknowledged he is willing to accept conditions of the Board. For the record, the property is currently not for sale.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Grantner to approve ZBA #02-40 for a one year variance, with the stipulation cars are only allowed on paved surfaces.

Motion denied, 4-3. Weatherford – no, Scott – no, Centilli – no.

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3. ZBA #02-41

BY: Frederick L. Scharrer Jr.
6128 Hugh St.
Burton, MI

RE: 6128 Hugh St.
Lot 47 Eastmoreland Acres #1
Section 12, R-1A Zoned

FOR: To exceed the allowable square footage for accessory structures by 237 square feet, 1,512 square feet allowed; 1,749 square feet proposed with a 32 ft. x 33 ft. addition.

(4 Votes Required)

Cindy Scharrer, 6128 Hugh St., Burton, MI, said they have an unattached garage and want to extend behind it. It would be the same width and height as the existing garage. There is a shed they would be getting rid of. Mrs. Scharrer stated further they have an antique vehicle that will be stored in it.

AUDIENCE PARTICIPATION:

Erma Carlisle, 6118 Hugh St., Burton, MI, stated she lives next door to the property. She thinks the current allowable square footage in place now is right for the whole subdivision. The applicant already has a two and a half car garage. The DPW said the addition would be like another garage added to the back of it. It would block their view. Mrs. Carlisle feels they are creating the hardship themselves. She understands they have a gas station and they probably have repair shops. Her concern is the addition being used as a repair shop.

Don Jones, 6136 Hugh St., Burton, MI, said his property adjoins the Scharrer's property. He has lived at his home for 14 years and has no problem with the Scharrer's building this garage. They are going to take down the other two sheds and have everything all in one area. Fred's dad did own a gas station, he died and they sold it. Mr. Jones indicated Fred Scharrer works on his own cars.

Mrs. Dargel said there are portions of Ordinance 19 that were updated, accessory buildings being one of them. She has lived in the Scharrer's subdivision since 1968 and most of the homes were individually designed. The legal notice for this request said 1,512 sq. ft. would be allowed for this parcel, and I think that would be adequate. Mrs. Dargel stated further, she had 6 children at their home and they did not exceed the rules as far as the number of cars parked in the driveway. In order to stay in the spirit of the ordinance which was newly amended in the year 2000, she would ask that the Board abides by it.

Mr. Wright said the DPW is not taking a position for or against the request. We are talking a difference of 8 ft.

BOARD DISCUSSION:

Mr. Centilli said he was under the impression the applicant did not realize they could put on 24 ft. without coming to the Board.

Mrs. Scharrer acknowledged that is correct.

Mr. Parker said the ordinance was re-visited and a lot of time was spent on re-drafting the language for accessory structures. He feels what the ordinance provides is plenty big for this structure.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved By Parker, seconded by Centilli to approve ZBA #02-41.

Motion carried to deny, 7-0. Weatherford – no, Scott – no, Parker – no, Centilli – no, Grantner – no, Welch – no, Curtis – no.

4. ZBA #02-42

BY: Fred Johnson
6394 Pinebrook Lane
Burton, MI

RE: Parcel #59-01-100-023
2292 N. Belsay Rd., R-1A zoned

FOR: To create "2" residential lots on a private drive, "not

having direct access to a frontage on a public street”
Ordinance 19, Sect. 5.11 and Schedule of
regulations footnote U. (4 Votes Required)

Fred Johnson, 6394 Pinebrook Lane, Burton, MI, said he is requesting to build a home on property located east of Belsay and south of Golfview. It is 110 ft. by 165 ft.

AUDIENCE PARTICIPATION:

Joe D’Angelo, 2292 N. Belsay Rd., Burton, MI, said his address appears on the application. He asks to have this postponed because both he and Mr. Connelly failed when they split the property to bring it before the Board for approval.

Mr. Centilli indicated there is some deed work to be done.

Mr. Hamilton said not only do they have deed work to do, there are lot split provisions of the Zoning Ordinance which require approval by the Planning Commission. If the ZBA wishes to take action on the variance based on the granting of the approval of the lot split by the Planning Commission, it could proceed. The road that runs south of this parcel is a private drive. Our ordinance requires a building site to have immediate access to a public road and it also requires City Council approves the issuance of a building permit for any residential structure not on a public road.

Dennis Knapp, 2276 N. Belsay Rd., Burton, MI, said he is concerned with the construction company going in and out. The driveway is already in pretty bad shape.

Tina Connelly, 2274 N. Belsay Rd., Burton, MI, said she wants to clarify that there will not be two houses going up.

Mr. Wright said DPW’s concerns were already stated by the City Attorney.

Mr. Centilli said he spoke to Mr. Major and he sees no problem with this at all.

Mr. Parker said he has not seen an application come before ZBA where a house would be built with no access to a thoroughfare. My concern is liability to the City of Burton if there is a fire there. If approved, he would like to have a stipulation that there is some type of signage on the road.

Mr. Hamilton said he agrees, that is the specific issue to which City Council approval is addressed. We do have some private streets throughout the city. There is no problem with the ZBA placing some sort of condition on the variance directing that issue. In addition, there is no problem with the road department putting up a sign identifying a private road.

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BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Centilli to approve ZBA #02-42 with the stipulations there is signage on Belsay Rd. for emergency personnel, pursuant to DPW recommendations, and proper City Council and Planning Commission approval. Motion carried, 7-0.

5. ZBA #02-43

BY: Stephen Figgins
2363 Maplelawn Dr.
Burton, MI

RE: Lot 83 Maplelawn Sub., Sect. 24, R-1A Zoned

FOR: To construct an attached garage at 3 ft. from the south property line; 10 ft. required. (4 Votes Required)

Stephen Figgins, 2363 Maplelawn Dr., Burton, MI, said he would like to build a new garage to match the house. The current garage is 36 inches from the south line and that is the same to my neighbor to the north. For me to meet the existing ordinance, I would basically have a garage that is 8 ft. wide.

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

Mr. Wright said he would have to put up a firewall next to the property line. It would be an improvement over what is there.

BOARD DISCUSSION:

Mrs. Scott inquired as to the water run off onto the neighbors property.

Mr. Figgins said the water would run onto his property. His builder has a firewall planned in the estimate.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Centilli to approve ZBA #02-43.
Motion carried, 7-0.

6. ZBA #02-44

BY: Raidan Sobh / Auto Visions
4499 Davison Rd.
Burton, MI

RE: G-3211 S. Dort Hwy.
Lots 360 to 363, Chambers Sub.
C-2 Zoned

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

Attorney Joe Sefa, 323 N. Main St., Davison, MI, said they have a used car lot at Church & Sons on Davison Rd. There are six other businesses there and two other car dealers. There has been numerous complaints about cars being unloaded. We are not involved in that. So we are in the process of closing as of 9/26/02 at G-3211 S. Dort Hwy. It was a parts business and we want to put our cars there.

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Mr. Sefa stated further they are purchasing the building, and it is zoned C-1. There is 22 parking places and one handicap. The inside of the building is approximately 2,100 sq. ft. They want to transfer their license from Church & Sons to Dort Hwy.

AUDIENCE PARTICIPATION:

Edna Pfeffer, 3208 Myrton, Burton, MI, spoke regarding concerns of prostitutes in the car lots, property values decreasing, and contamination of wells due to repairs and washing of vehicles. Mrs. Pfeffer said she would like to see in writing that a privacy fence will be put up.

Peggy Ellis, 5355 Oleksyn, Flushing, MI, said she is a realtor for Mr. Sobh and she also represents the owner of the property. There is no deeded access to the garage and no one has permission to use that as their driveway. She said the security will be ample and it is vital to the City to promote business on Dort Hwy. This car dealership is one step in that direction. He is also talking about purchasing another building to expand his business.

Sue Layman, 1079 Arapaho, Burton, MI, stated when the car lot originally went in, there was suppose to be a privacy fence.

Carol Jones, 3224 Myrton, Burton, MI, said this would be right behind her house. She does not feel a car dealership is necessary at that location because there is one already further down.

Ellie Jagger, 3236 Myrton, Burton, MI, said her house is at the corner next to the car lot. We were assured this would be a quality building. I stated at that time we needed a fence there. The owner said he would have a completely full length brick wall that would be better than a fence. We did not get a fence and they had second class cars there. Mrs. Jagger said her home has been broken into four times. She spoke further regarding concerns of prostitutes and drug dealings in the lots. She stressed they do not need another car lot.

Pete Pfeffer, 3208 Myrton Burton, MI, said he bought his home in 1984. He leaves for work at 5:00 a.m. and has been flagged down by drug dealers and prostitutes on Myrton and Dort Hwy. They come from the car lot and motels. It is a major problem, I seen Flint deteriorate in 15 years and I see exactly the same signs in Burton.

Peggy Ellis re-iterated there is no deeded access to the garage. Businesses are all gone now and we need to have a starting point. There will be proper lighting so police can patrol. Ms. Ellis addressed further the need of creating a tax base.

Raidan Sobh said he has been on Davison Rd. for 6 years. He does not wash or repair cars. If the place needs to be fenced, he will, and in fact he would rather fence it. He does not feel his business will increase or decrease prostitution in that area.

Mr. Wright said the DPW has seen some interest on Dort Hwy. recently. They have before the DPW a restaurant and tile use for two separate buildings. As a building inspector I would have some concerns as to the change of use. They need to bring the building into compliance to existing codes and whatever the Planning Commission would recommend.

BOARD DISCUSSION:

Mr. Parker said he was on the Board and he was instrumental in having the fence made as a stipulation for the variance. I don't know what happened. There was to be a fence and the building was to be improved. This Board did put those things in place and what happened after that, this Board did not have anything to do with why that didn't take place. I was disappointed too when these things did not happen.

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Mr. Curtis inquired as to the ZBA making certain conditions and having them followed through.

Mr. Hamilton said it is the responsibility of code enforcement, a division of the DPW.

Mr. Centilli said Mr. Sobh has been before us twice, and we approved him. He wants to purchase property that he will fence and light. It is across from a concrete monument business. Mr. Centilli stated he will speak to code enforcement regarding the problems addressed here tonight.

Mr. Grantner inquired regarding this coming before the Planning Commission.

Mr. Hamilton said if there was an existing site plan than perhaps it would be an administrative site plan review. Or if there was no existing site plan on that site then it would come before the Planning Commission. There would have to be one prepared and submitted under the provisions of the site plan section of the Zoning Ordinance to come before the Planning Commission for site improvement issues.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Centilli to approve ZBA #02-44 with the stipulation it has to go to the Planning Commission for their approval. Motion carried, 5-2. Weatherford – no, Scott – no.

7. ZBA #02-45

BY: Charles J. Jernigan
3404 Eastdale Dr.
Flint, MI 48506

RE: G-4033 S. Dort Hwy.
Lots 15 to 17 Way Acres, Sect. 33
C-2 Zoned

FOR: To conduct a used car sales lot, not in conjunction
with new car sales. Ordinance 19, Sect. 16.03,
Item 3F. (5 Votes Required)

Charles Jernigan, 3404 Eastdale Dr., Flint, MI, said he would like a used car lot at 4033 S. Dort Hwy. It is pretty much commercial there and it has been retail for a while. There is a used car lot next door. Mr. Jernigan said there will not be mechanic work or anything similar to that.

AUDIENCE PARTICIPATION:

Mrs. Dargel inquired regarding the number of cars on the lot.

Mrs. Layman addressed concerns of policing the number of cars. She said once they get their license from the State, they do what they want to.

Bob Yaklin stated he purchased the property two years ago. He put a lot of money and time into cleaning it up to help Dort Hwy. This property is a 1 ½ acre parcel, 200 ft. on Dort and 325 ft. deep, with a 32 ft. x 40 ft. pole barn and 2,100 sq. ft. of office space. It is up to code and there is plenty of parking. Mr. Yaklin spoke further of the surrounding businesses.

Mr. Wright said DPW is not opposed to this. He has never been in the building and he will probably do the inspection.

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BOARD DISCUSSION:

Mr. Parker said he re-iterates his past comments that any time we can put a business into an empty building, we are doing a good thing. At this address, he does not see a deterrent to anyone.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Centilli to approve ZBA #02-45, with the stipulation it goes to the Planning Commission for site plan review. Motion carried, 5-2. Weatherford – no, Scott – no.

Temporary use:

8. ZBA #02-46

BY: Robert D. Woodyard
4359 Ashlawn Dr.
Flint, MI 48507

RE: 1138 N. Belsay Rd. (Amoco Station)
Lots 10 to 13, Laurel Hurst Acres
Sect. 12, C-4 Zoned

FOR: To conduct an outdoor tent sale “C-3 special use”
in a C-4 zoned area, to sell tennis shoes during the
following dates (October 3, 2002 to October 12, 2002).
Ordinance 19, Sect. 21.05, Item e. (5 Votes Required)

Robert Woodward, 4359 Ashlawn Dr., Flint, MI, said he is requesting a variance to hold a tent sale at the Amoco station at the corner car wash lot. They would like to have the sale for 10 days.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Wright said DPW does not have a problem with the request.

BOARD DISCUSSION:

Mr. Parker said he is both surprised and delighted this gentleman actually came to apply for this permit. He is in support of the request.

Mrs. Scott asked if they had just held a tent sale at Genesee and Richfield Rd.

Mr. Woodward replied yes.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #02-46.

Motion carried, 7-0.

Mr. Curtis stated the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, October 17, 2002, at 6:00 p.m.**

Meeting adjourned at 8:48 p.m.

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