

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 19, 2000 / 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY WILLIAM KALANQUIN AT 6:00 P.M.

MEMBERS PRESENT: Kalanquin, B. Weatherford, Scott, Parker, W. Weatherford, Grantner, Layman

MEMBERS ABSENT: Cross

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

Moved by Layman, seconded by Scott to approve the Regular ZBA meeting of September 21, 2000 at 6:00 p.m., and Special ZBA meeting of October 5, 2000 at 6:00 p.m.

Motion carried, 7-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke regarding reconsideration of a previous action.

BOARD DISCUSSION:

Brief discussion followed regarding applicants having a full Board to hear their case.

Mr. Kalanquin indicated at last month's ZBA meeting, Mr. Odishooe did not have full Board to hear his case.

BOARD RECOMMENDATION AND/OR ACTION:

Moved by Layman, seconded by Scott to re-hear Mr. Odishooe's case, ZBA #00-42.

Motion carried, 6-1. Mr. Grantner – no.

Moved by Parker, seconded by Layman to hear Mr. Odishooe's case first.

Motion carried, 7-0.

RE-CONSIDERATION:

1. ZBA #00-42

BY: Albert S. Odishooe
2124 S. Term St.
Burton, MI 48519

RE: 2124 S. Term St.
Parcel #59-21-528-011
Lot 11 Southeast Acres

FOR: To keep contractor's equipment on site for use
in asphalt business. M-2 Use in R-1C zoned
area. (5 Votes Required)

Albert Odishooe, 2124 S. Term St., Burton, MI, said he would like to keep a couple of dump trucks and equipment in their back yard which is secluded from the neighbors. He went to his neighbors which signed a petition that they have no problems with his request. Mr. Odishooe passed out to the ZBA members the signed petition.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

OCTOBER 19, 2000 / 6:00 P.M.

PAGE -2-

AUDIENCE PARTICIPATION:

Ed Wilcox, 3278 Sayre Ct., Burton, MI, said in order to see the equipment you have to pull in the back. There are no objections with the neighbors and Mr. Odishooe is a good neighbor.

Mr. Strasser indicated there have been no calls or complaints regarding the request.

BOARD DISCUSSION:

Mr. Grantner inquired as to the lot size.

Mr. Odishooe responded that the lot is approximately 150 wide x 360 ft. long.

Mr. Parker said he feels it is dangerous for us to have a commercial business operating in a residential area. There are incidences in the City where we have seen a residential area overcome by a business. We would be reluctant in our duties to the City to let it happen again, so he is against it.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #00-42 with the stipulation for a yearly renewal.
Motion carried, 5-2. Grantner – no, Parker – no.

D. YEARLY APPLICATIONS:

- | | |
|---------------|---|
| 1. ZBA #00-68 | BY: Centennial Farms
401 S. Old Woodward Ave., STE 400
Birmingham, MI 48009 |
| | RE: Parcel #59-12-400-007 / 6401 Court St.
RMH Zoned |
| | FOR: Second on-site sign, permit renewal
(5 Votes Required) |

Mr. Strasser said the applicant called him today and asked to have his case post-poned for one month.

- | | |
|---------------|---|
| 2. ZBA #00-64 | BY: Ace Asphalt
3401 E. Court St.
Flint, MI 48506 |
| | RE: 3178 Bristol Rd., Lot 8 Bristol Rd. Industrial Park
Section 33, M-2 Zoned. |
| | FOR: Renewal for off-site advertising sign on Carter Lumber
property. (5 Votes Required) |

Applicant was not present, Mr. Kalanquin tabled the case to the end of the meeting.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

OCTOBER 19, 2000 / 6:00 P.M.

PAGE -3-

E. NEW APPLICATIONS:

1. ZBA #00-59

BY: Al Debus
3188 S. Term
Burton, MI

RE: Lot 13 Blk J – Southgate Sub., Sect. 28
R-1C Zoned

FOR: To construct an addition to the home at 1 ft.
from the north property line; 8 ft. required.
(4 Votes Required)

Al Debus, 3188 S. Term, Burton, MI, said he would like permission to build an addition on the north side of the property. He stated he also owns Lot 12 which is adjacent to it. Mr. Debus presented pictures to the Board and said they have an extremely small living room and need this addition.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said they have no problem with the request.

BOARD DISCUSSION:

Mrs. Weatherford inquired regarding two separate property tax statements.

Brief discussion followed concerning the two lots.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to approve ZBA #00-59.
Motion carried, 7-0.

2. ZBA #00-60

BY: Loyal Order of Moose
4043 Howe Rd.
Burton, MI

RE: Parcel #59-34-200-016 / 4043 Howe Rd.
C-3 Zoned

FOR: To construct a 16 ft. x 20 ft. garage at 4 ft. from
the north property line; 20 ft. required. C-3 Zoned.
Garage used for storage. (4 Votes Required)

Mr. Krumm, 4043 Howe Rd. said he is administrator of the Loyal Order of Moose. On the original plans two years ago they wanted a wood shed there to hold a lawnmower and different equipment. After they remodeled the building, they did not have the money to build the shed and used an old storage trailer. They now have the money to build the shed and they got rid of the trailer because it was an eyesore.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said the property is zoned C-3 which requires a 20 ft. side setback. Being that it is an accessory structure such as this, as long as there is no water being re-directed onto neighbors properties or creating hazards, they do not have a problem with the request.

BOARD DISCUSSION:

Mrs. Scott inquired regarding a shed in the front of the property.

Mr. Krumm said it will be placed behind this building.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Grantner to approve ZBA #00-60.
Motion carried, 7-0.

3. ZBA #00-62

BY: Joseph Hardacre
6321 Wagner Ave.
Grand Blanc, MI

RE: Parcel #59-36-400-022 / SE Zoned

FOR: To exceed the allowable square footage for accessory structures by 1,754 sq. ft. with a 40 ft. x 60 ft. pole barn. 2,250 sq. ft. allowed; 4,004 sq. ft. requested.
(4 Votes Required)

Joseph Hardacre, 6321 Wagner Ave., Grand Blanc, MI, said he needs the building to store equipment. He has tractors, trailers and antique trucks. It would not interfere with the neighbors properties in any way, and will add to the value of the property. Mr. Hardacre stated further, he contacted his neighbors and they do not have a problem with his request.

AUDIENCE PARTICIPATION: No audience participation.

Michael Slattery, 6306 Wagner Ave., Grand Blanc, MI, said he lives across the street from Mr. Hardacre. The location of where he wants to build the structure, he would not be able to see it so he has no problem with it.

Kevin Schafer, 6331 Wagner Ave., Grand Blanc, MI, said he also does not have a problem with the request.

David Hardacre Sr., 350 E. Rising St., Davison, MI, said restoring antique trucks has been an on-going father and son thing. They would like it under cover for the winter.

Mr. Strasser said the applicant is going to the Planning Commission to ask permission to have horses on his property. So part of the structure would be used for that.

BOARD DISCUSSION:

Mr. Grantner inquired regarding the size of the property.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 19, 2000 / 6:00 P.M.
PAGE -5-

Mr. Hardacre replied that his property is 9.74 acres.

Mr. Grantner indicated there are not that many 10 acres plots that he is aware of in the City of Burton. The request seems reasonable considering the expanse of the acreage there. He will be voting in the affirmative.

Mr. Hardacre said he has been a volunteer fireman for Atlas Township for 22 years, so he is fire oriented. The structure will be 100 ft. from my home and 75 ft. from the line.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Scott to approve ZBA #00-62.

Motion carried, 6-1. Parker – no.

4. ZBA #00-63

BY: Gary Ashley / Burton Car Wash
3412 E.Bristol Rd.
Burton, MI

RE: Parcel #59-35-200-004
SW Corner of Bristol / Belsay Rd.
C-1 Zoned

FOR: To conduct a C-3 special use in a C-1 Zoned area
for a car wash. (5 Votes Required)

Gary Ashley, 4497 Sunnymead, Burton, MI, said he would like to have a touchless car wash. It is currently zoned C-1 and believes it needs a C-3. Mr. Ashley passed out photos to the Board members. He stated he thinks this is a great location for a car wash in Burton, the area is growing and feels it will do very well. He tried to touch base with everyone in the area. It will not be a teen hangout, and he will be a good neighbor.

AUDIENCE PARTICIPATION:

Ronald Myer, said he is a Trustee of New Testament Community Church and has been directed by the Church body to ask the Board to deny the variance request.

Peggy Gorham, 5420 Bristol Rd., Burton, MI, said she feels a 24 hour business will bring bad people into the neighborhood and that this is a residential area.

Floyd Lamphier, 3463 S. Belsay Rd., Burton, MI, said he is a neighbor of the proposed site, he lives two houses north of Nehrings Market, and for the record, he does not have a problem with the business being there.

Ron Hammon, 6078 E. Bristol Rd., Burton, MI, said he lives across the street and three lots down from the proposed car wash. Expansion is inevitable and considering some of the things that could go in there, he feels this is a good idea.

Shelly Gorham, 5401 E. Bristol Rd., Burton, MI, spoke against the car wash. She said she bought her home 21 years ago, it was a residential country setting and she wants it to stay that way.

Jerry Thompson, 4057 S. Belsay Rd., Burton, MI said he is adamantly against this request and like others he agrees it should not be in the area of a subdivision. Mr. Thompson inquired regarding deed restrictions.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

OCTOBER 19, 2000 / 6:00 P.M.

PAGE -6-

Mr. Strasser indicated that with the zoning, he could put a bar there.

Mr. Thompson inquired regarding notification of zoning change.

Mrs. Dargel addressed upholding Zoning Ordinance #19, drainage, and noise control, and inquired regarding a special use permit.

Mr. Ashley said he is not an expert regarding the drainage issue and spoke further of the DPW and County Drain Commission approval. He addressed other car wash's in Burton.

Mr. Strasser stated that if you are not in the proper zoning and you are asking for something that requires a special use permit, you only need a variance from the ZBA. You do not need a special use permit from the Planning Commission. If the property was zoned C-3, then he would require a special use permit from the Planning Commission. Mr. Strasser indicated the Planning Commission reviewed the site plan.

Mr. Grantner said essentially there were two issues of concern. One was the drainage, and being sure no water was going into the subdivision being proposed. We were assured it wasn't and also, we were made aware of the fact the County still has to approve that. He believes an engineer was working on the drainage. The other concern had to do with the screening and he already talked about the berm and vegetation. Mr. Grantner indicated further, the concerns were addressed satisfactory and it was approved by the Planning Commission.

Mr. Parker said he thinks the intent of our Ordinance for C-3 use states highway business district, which speaks about being big highways. When Mr. Ashley spoke about the car wash on Center Road, that is a big highway. Whereas, in twenty years, maybe Bristol and Belsay Rd. will be a big highway too, but for now it is not. A C-1 use we should maybe look to the Council for guidance on this because they had this in front of them and moved that this be reduced to a C-1. Mr. Parker read aloud C-1 and stated it indicates businesses that are a help to the local neighborhood, and uses that are prohibited which would create hazards, offensive and loud noises, vibrations, and heavy traffic. He sees a car wash as a lot of heavy traffic and offensive and loud noises.

Mr. Parker stated further, he had his car washed today and as he went through the car wash, the blowers kicked on and they were noisy. If he lived in the neighborhood behind it and those blowers kicked on, and the vacuums going all day and through the night, even with a berm, he believes it will be hard to stifle the noises and especially at night, they will carry. Mr. Parker said in 20 years a C-3 use might be right for that corner but he does not feel it is at this time. He cannot support the request.

Mr. Kalanquin asked Mr. Ashley if he could control the time limit on the hours of operation.

Mr. Ashley said he would consider a time restriction.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Layman to deny ZBA #00-63.

Motion carried to deny, 5-2. Grantner – no, Kalanquin – no.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES

OCTOBER 19, 2000 / 6:00 P.M.

PAGE –7-

5. ZBA #00-65

BY: Prostyle Auto Accessories
1295 S. Center Rd., Burton, MI

RE: Parcel #59-22-100-013
2229 S. Center Rd. / C-2 Zoned

FOR: To exceed the allowable square footage for a free standing sign, 77 sq. ft. allowed; 107 sq. ft. requested. (4 Votes Required)

Timothy Seward, 2229 S. Center Rd., Burton, MI, said he is representing the proprietors of the two Prostyle locations. The Center and Lapeer Road location he started 16 years ago and we have been in the community since 1984. He is helping them build a new building at 2229 S. Center Rd. which is next to Precision Tune. Mr. Seward presented pictures of the building and stated they are requesting a 30 ft. variance so they can put a monument sign, a ground mounted sign, instead of a pole mounted sign on the property. They feel a ground mounted sign that matches the look of the building is more architecturally attractive to the community and add more value to the community then the pole mounted sign currently at the corner of Lapeer and Center Road. The lettering on the sign adds up to 73 sq. ft., the pole sign body itself is 107 sq. ft.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser asked if they have any intention of using temporary signs.

Mr. Seward responded they are not.

Mr. Strasser said it is a very innovative eye catching sign. Mr. Seward has always done what he says he is going to in the community. They do not have a problem with his request.

BOARD DISCUSSION: No Board discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Layman to approve ZBA #00-65.
Motion carried, 7-0.

6. ZBA #00-66	BY: Dale Roe 5041 Way Burton, MI
	RE: Parcel #59-11-100-122 / R-1A Zoned
	FOR: To construct an attached garage at 4 ft. from the west property line, 10 ft. required. (4 Votes Required)

Dale Roe, 5041 Way, Burton, MI, said he is requesting a variance to build an attached garage to his home. He has a garage there now in pretty rough shape that is not attached and is 4 ft. from the property line.

AUDIENCE PARTICIPATION: No audience participation.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 19, 2000 / 6:00 P.M.
PAGE -8-

Mr. Strasser indicated they do not see a problem with what he is requesting.

BOARD DISCUSSION: No Board discussion.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Layman, seconded by Scott to approve ZBA #00-66.
Motion carried, 7-0.

7. ZBA #00-67	BY: Chemco, Inc. / Joe Kolly 4247 S. Dort Hwy. Burton, MI 48529
	RE: 4247 S. Dort / Part of Lot 36, Supervisors

Plat #25, M-1 Zoned

FOR: Temporary use permit for haunted house
Halloween attraction. (5 Votes Required)

Joe Kolly, 4247 S. Dort Hwy., Burton, MI, said he is owner of Chemco Pool & Spa and has been at this location for approximately 15 years. Each October for the last 9 years we have operated a Halloween store called the Hallween Connection which is retail sales of Halloween costumes and supplies. This year and last year along with the retail sale of Halloween merchandise, we have a haunted house, which is a walk through maize. The maize is open every Friday and Saturday night through October with the last day of operation on October 31st. Mr. Kolly stated further, he feels the maize is a great addition to our Halloween retail sales and he asks for approval of a temporary use permit for this operation.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said it was brought to our attention by one of the Board members that the advertisement was going on for this event. After going through the minutes of last year's meeting, there was confusion. Mr. Kolly thought he did not have to come back and after reading the minutes he can see how it could be construed. Mr. Kolly keeps a nice business on Dort Hwy. and has always complied with rules and regulations. As soon as he found out he was technically in violation, he came into DPW within 15 minutes and applied for the meeting. The DPW does not have a problem with the request.

BOARD DISCUSSION:

Mrs. Layman said she knew it was in operation and he had a year variance.

Mr. Strasser re-iterated the mis-interpretation.

Mr. Parker inquired as to any complaints.

Mr. Strasser stated there were no complaints.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by W. Weatherford to approve ZBA #00-67.
Motion carried, 7-0.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 19, 2000 / 6:00 P.M.
PAGE -9-

YEARLY APPLICATION:

2. ZBA #00-64

BY: Ace Asphalt
3401 E. Court St.
Flint, MI 48506

RE: 3178 Bristol Rd., Lot 8 Bristol Rd. Industrial Park
Section 33, M-2 Zoned.

FOR: Renewal for off-site advertising sign on Carter Lumber
property. (5 Votes Required)

The applicant was not present. Brief discussion followed regarding the sign. Mr. Parker stated there has been no changes.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #00-64.
Motion carried, 7-0.

Mr. Kalanquin announced the next regularly scheduled meeting of the Zoning Board of Appeals will be held on
Thursday, November 16, 2000 at 6:00 P.M.

MEETING ADJOURNED AT 7:25 P.M.

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