

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 21, 1999, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: Layman

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

Moved by Parker, seconded by Scott to approve the minutes of the Regular ZBA meeting of September 16, 1999, at 6:00 p.m., and the Special ZBA meeting of September 23, 1999, at 6:00 p.m.
Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

BOARD DISCUSSION: No Board discussion at this time.

POSTPONED FROM 9/16/99:

- | | |
|---------------|--|
| 1. ZBA #99-57 | BY: Belsay Road Associates
702 Church St.
Flint, MI 48502 |
| | FOR: 1076 S. Belsay Rd.
Part of Lots 43 through 45 Cardinal Gardens,
Section 14, C-2 Zoned |
| | RE: Service of food and beverages outside of an enclosed
building in a C-2 Zone, Sect. 15.02, Item 2
(4 Votes) |

George Falaras indicated his business name is Belsay Enterprises, Inc., and the former owner's name is Belsay Road Associates. He spoke regarding the blueprints handed out and stated it indicates the size of the outdoor seating service. Mr. Falaras said it is essential for him to have the permit because of the competition with competitors.

AUDIENCE PARTICIPATION:

Leslie Brown, 5477 Raymond Ave., Burton, MI, indicated she has been at Mr. Falaras other establishments and he has done a fine job. She is concerned with the noise level and asked if the area proposed for seating could be located at the north end of the building.

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke of the ZBA upholding the zoning ordinance and stated this request has not demonstrated a need or a hardship.

Mr. Strasser spoke regarding the seating area being enclosed and stated he does not feel the request is out of line, and the noise has not been established because the business is not open yet. The DPW does not have a problem with the request.

Mr. Falaras indicated the seating area would be serviced with food but not from a full menu.

BOARD DISCUSSION:

Mr. Centilli inquired if the seating area will have a roof.

Mr. Falaras spoke regarding the construction and various materials and scenery to be used. He said there would be no loud music. One of his establishments, Bubbas, has a lot of noise due to the volleyball courts which this one will not have.

Mr. Parker said he raised the question of speakers outside at the last meeting, and suggested pagers might be utilized instead of the speakers. He feels if this is approved there should be stipulations of no speakers due to the residential area nearby.

Mr. Falaras said the speakers have always been there with the former establishment and he re-iterated the music would not be heard beyond the parking lot.

Mr. Centilli asked how far away residential homes are from the business.

Mr. Falaras said it is over 300 ft. and there is an 8 ft. fence at the nearest home.

Mr. Berry stated that after reviewing the material provided, he feels the request should be approved.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Centilli to approve ZBA #99-57.

Motion carried, 4-3. Scott – no, Parker – no, Kalanquin – no.

C. NEW APPLICATIONS:

1. ZBA #99-62

BY: Jim Rutledge
4202 S. Center Rd.
Burton, MI

FOR: Parcel #59-33-200-010

RE: To expand the non-conforming residential use in an
R-O zoned area with an addition to the home.
Section 6.04 (4 Votes)

Jim Rutledge, 4202 S. Center Rd., Burton, MI, said he would like an 18 x 10 addition to his home. He needs a bigger bedroom and direct access to the bathroom.

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AUDIENCE PARTICIPATION:

Larry Melton, 4172 S. Center Rd., Burton, MI, stated he is a neighbor and does not have a problem with the request, and the request is for medical reasons.

Mr. Strasser said it is a viable request and the applicant's needs are great enough that the DPW stands behind him.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by W. Weatherford to approve ZBA #99-62.
Motion carried, 7-0.

2. ZBA #99-64
- BY: Shamrock Fabricating, Inc. / George B. Gilliam, Jr.
2347 E. Bristol Rd.
Burton, MI 48529
- FOR: Parcel #59-29-400-010
- RE: 1) To construct an accessory building in the front yard area.
2) Front setback of 26 ft. requested; 50 ft. required.
3) Side setback of 10 ft. requested; 30 ft. required.
(4 Votes)

George Gilliam, Jr., 2347 E. Bristol Rd., Burton, MI, stated his business needs a pole barn to store steel on the property. They have done various things to improve the property and they also employ Burton residents.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said in the original proposal to the Planning Commission, nothing was to stand in the front yard area.

BOARD DISCUSSION:

Mr. Berry said this first came to the ZBA in 1964 and was approved. He felt it was a poor location to have the business across from the school and surrounding neighborhood, and therefore, is opposed to any encroachment to Bristol Road.

Mr. Centilli inquired regarding storage of the steel.

Mr. Gilliam said the storage would just be used for housing the steel. The neighbors do not have a problem with the request. Mr. Gilliam spoke further regarding the setbacks.

Mr. Parker inquired regarding the zoning for the property.

Mr. Strasser indicated it is M-2 heavy industrial.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Berry to deny ZBA #99-64 including all three items requested.
Motion carried to deny, 5-2. Centilli – no, W. Weatherford – no.

3. ZBA #99-65

BY: Charles E. & Lois A. Harris
5336 E. Court St. South
Burton, MI 48509

FOR: Lots 78, 79 and 80, Glendale Acres, Sect. 14

RE: Requesting variance to build a garage 113 sq. ft.
over the 864 sq. ft. allowed for storage buildings.
(4 Votes)

Lois Harris, 5336 E. Court St. South, Burton, MI, spoke regarding her request for a garage.

AUDIENCE PARTICIPATION:

Resident, 1012 Glendale, Burton, MI, indicated he does not have a problem with the applicant's request.

Vincent Bontumasi, 1029 Glendale, Burton, MI, said he also does not have a problem with the applicant's request. He questioned why he would receive notification on this request and not receive one on a modular home that was placed sideways on a property two houses from his.

Mr. Strasser indicated he did not receive notification on the modular home because no variance was required. A modular can be placed in any way, and there is nothing in the ordinance to state otherwise.

Mr. Bontumasi stated that he feels a modular turned sideways on a property depreciates the other residents homes. He inquired as to what Board or individuals he could speak to regarding changing this in the ordinance.

Mr. Kalanquin suggested speaking with the City Council.

Mr. Strasser said the applicant's request is reasonable.

BOARD DISCUSSION:

Mr. Centilli inquired regarding the height of the building.

Mrs. Harris indicated they are only asking for a 14 x 18 garage and whatever is standard they would be using.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Parker, seconded by Scott to approve ZBA #99-65.
Motion carried, 7-0.

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AUDIENCE PARTICIPATION: No audience participation.

Mr. Kalanquin said the next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, November 18, 1999 at 6:00 P.M.**

MEETING ADJOURNED AT 6:42 P.M.

* Note: The next alternate will be Jeff Wright.

jra