

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
NOVEMBER 17, 2005, 6:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Chairman Jerry Grantner called the meeting to order at 6:00 P.M.

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

MEMBERS ABSENT: None

OTHERS PRESENT: A. Frost, DPW Representative, J. Adams, Deputy City Clerk

Moved by Terry Parker, seconded by Weatherford to approve the Regular ZBA Meeting held on Thursday, October 20, 2005 at 6:00 p.m., and the Special ZBA Meeting held on Thursday, November 3, 2005 at 6:00 p.m. Motion carried 7-0.

AUDIENCE PARTICIPATION: No audience participation.

BOARD DISCUSSION: No Board discussion at this time.

NEW APPLICATIONS:

1. ZBA #05-47

BY: Ogorek Studebaker Sales Inc.
DBA Ogorek Automotive Group
4067 E. Court, Suite 5
Burton, MI 48509

RE: 4067 E. Court, Parcel #59-10-551-052
C-2 zoned, Lot 4 Supervisors Plat No.39

FOR: Used car sales, not in conjunction with new
car sales. (5 votes required)

Attorney Jim Dillard, 444 Church St., Flint, MI, stated he is representing Mr. Ogorek and presented a drawing of the existing office. Mr. Ogorek plans to sell used cars that will be located inside the mall. They will not be outside. Mr. Dillard stated the area is highly commercial with many surrounding businesses.

AUDIENCE PARTICIPATION: No audience participation.

Ms. Frost stated the DPW recommends approval.

BOARD DISCUSSION:

Mr. Parker said he would like to see in the motion a stipulation there are to be no cars on the outside.

REGULAR ZONING BOARD OF APPEALS MINUTES

NOVEMEER 17, 2005 / 6:00 P.M.

PAGE 2

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Weatherford, seconded by Scott to approve ZBA #05-47 with the stipulation there is no cars on the outside. Motion carried 7-0.

2. ZBA #05-48

BY: Florence Eaton
2399 Alcott
Burton MI 48509

RE: Lot 101 and N. ½ 102 Richfield Gardens.

FOR: 1) Variance to put a manufactured home on
the lot and tear down the old house.
(4 votes required)

2) Two dwellings on one lot.
(5 votes required)

Viola Morris, stated she is representing her 89 year old mother, Florence Eaton. She recently suffered a severe stroke and has a heart condition. The house is falling down. Their intent is to put a manufactured home on the property.

AUDIENCE PARTICIPATION: No audience participation.

Ms. Frost said DPW requests a stipulation be placed that within 30 days from the occupancy date, the old house be torn down along with a permit from the building department.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Terry Parker, seconded by Weatherford to approve ZBA #05-48 Items 1 and 2, with the stipulation within 30 days from the occupancy date the old house be torn down. Motion carried 7-0.

3. ZBA #05-49

BY: Michele Smith / John Kuruda
2341 Eugene St.
Burton, MI 48519

RE: 2341 Eugene St., Parcel #59-24-576-039
N. ½ lot 23, Pioneer Acres. R-1A zoned.

FOR: To live in the existing home while a new
home is being built; Two dwellings on one
lot. (5 votes required)

REGULAR ZONING BOARD OF APPEALS MINUTES

NOVEMEER 17, 2005 / 6:00 P.M.

PAGE 3

John Kurda, 2341 Eugene St., Burton, MI, stated they are requesting a variance to put a cape cod modular home with a basement on their property. The existing house is a little over 500 sq. ft. and their large family needs the bigger home. Mr. Kurda indicated it would be a huge financial burden to move. They would like to take down the existing house and turn it into a garage once they are into the modular home.

AUDIENCE PARTICIPATION: No audience participation.

Ms. Frost stated they recommend approval with two stipulations. She requested a stipulation be placed that within 30 days from the occupancy date, the applicant pulls a permit for the garage on the other house. Also, the sewer will have to be cut from the other house with an inspection, and it stays as a garage.

BOARD DISCUSSION:

Mrs. Scott inquired if the front door of the modular will face Eugene St. Mr. Kurda replied yes. Mrs. Weatherford inquired regarding the roof pitch.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Scott, seconded by Weatherford to approve ZBA #05-49 with the stipulations that within 30 days from the occupancy date the applicant pulls a permit for the garage on the other house, and the sewer line be severed from the existing house. Motion carried 7-0.

4. ZBA #05-50

BY: Keely Realty, Inc., Robert L. Keely, Broker
P.O. Box 90225
Burton MI 48509

RE: 1477 Walli Strasse, Parcels #59-15-553-002,
59-15-553-003, 59-15-553-004,
59-15-300-022, 59-15-300-023.

FOR: To conduct an R-O use in a C-4 zoned area;
Medical clinics. (5 votes required)

Robert Keely, Keely Realty, PO Box 90225, Burton, MI, stated he represents the sellers of the property, Trialon Corporation, and the buyer of the property Papadelis Building and Development Co. They would like to develop a medical/dental general purpose business office park, similar to what Walli commercial park is. We are requesting this for a less intensive use. Mr. Keely commented further regarding the hardship. Trialon purchased the property 10 years ago from the Walli family with the idea it would be used for additional Delphi testing facilities. The future of Delphi is in question and a decision was made to sell the property.

AUDIENCE PARTICIPATION: No audience participation.

REGULAR ZONING BOARD OF APPEALS MINUTES

NOVEMEER 17, 2005 / 6:00 P.M.

PAGE 4

Ms. Frost stated they recommend approval. The site plan review still has to go through the Planning Commission.

BOARD DISCUSSION:

Mr. Martinbianco commented regarding the C-4 zoning being inconsistent with the future land use. Mr. Keely spoke briefly on the 10 year history of the property before it was sold to Trialon. He stated currently there is no viability for a C-4 use.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Scott to approve ZBA #05-50. Motion carried 7-0.

5. ZBA #05-51

BY: Darlene Mangrum
3078 Dot Ave.
Flint, MI 48506

RE: 1360 Belsay Rd., Lot 48 Supervisors Plat of
Eastmoreland Acres, Parcel #59-12-502-048.

FOR: To conduct a C-1 use in an R-O zoned area for
a nail salon and gift shop. (5 votes required)

Ms. Frost indicated this case has been withdrawn by the applicant.

6. ZBA #05-52

BY: Wal-Mart Stores, Inc.
2001 SE 10th St.
Bentonville, AR 72716.

RE: 5323 E. Court St. North
Parcel #59-11-400-014.

FOR: 1) 4 ft. fence in front yard allowed,
6 ft. requested. (4 votes required)

2) 200 sq. ft. of signage allowed by
Ordinance. Exceeds sign allowance by
544 sq. ft. 443 approved; 987 sq. ft.
requested. (4 votes required)

Robert Matco, CESO, 8164 Executive Court, Lansing, MI, stated he is representing Wal-Mart to respectively request 2 separate issues. Mr. Matco addressed the fence request first. He presented drawings to the Board and spoke regarding the site, detention basin, and the need for the 6 ft. fence due to insurance requirements because of safety issues.

AUDIENCE PARTICIPATION: No audience participation.

REGULAR ZONING BOARD OF APPEALS MINUTES

NOVEMEER 17, 2005 / 6:00 P.M.

PAGE 5

Mr. Matco continued with his presentation and addressed their request for additional signage.

Ms. Frost stated due to conversations with Mr. Strasser, it is recommended a denial for the 6 ft. fence request. She stated the DPW has no problems with the signage request.

Mr. Matco stressed the need for Wal-Mart to have the 6 ft. fence around the detention area for safety reasons to the public. The insurance carriers are requesting that it be approved as it is a liability concern.

BOARD DISCUSSION:

Discussion ensued concerning the type of fencing, intent of the Ordinance, safety issues, the amount of distance from the road, entrances, and recommendation for approval.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Terry Parker, seconded by Weatherford to approve ZBA #05-52 Part 1 as written. Motion carried 7-0.

BOARD DISCUSSION:

Mr. Parker addressed the intent of the Ordinance concerning signage. He supports the request. Brief discussion continued regarding size of the store, building frontage, ingress and egress, and signage.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Terry Parker, seconded by Scott to approve ZBA #05-52 Part 2 as written. Motion carried 7-0.

7. ZBA # 05-53

BY: Cummings Harley Davidson / Apex sign.
5350 Davison Rd.
Burton, MI

RE: Parcel #59-11-200-011

FOR: To exceed the allowable square footage for
signage by 93 sq. ft. allowed, 293 sq. ft.
requested. (4 votes required)

Gary Gebhardt, 6200 N. Dory Hwy., Flint, MI, stated they have a pylon sign that is currently an existing non-conforming sign. There is presently a 4 x 8 ft. sign that is in disrepair when Cummings Harley Davidson purchased the property. They discussed having an electronic message

REGULAR ZONING BOARD OF APPEALS MINUTES

NOVEMEER 17, 2005 / 6:00 P.M.

PAGE 6

center. Mr. Gebhardt gave a brief history of the company and their strong heritage of being involved and sponsoring many events throughout communities. The sign will be used to advertise various events, display new and used bike models. The sign proposed is a 4 ft. x 10 ft. electronic display.

Tom Cummings, owner of Cummings-Harley Davidson, stated he wants to remove the old sign. He spoke further of the events they sponsor including the K-9 event for the Burton Police, car shows, Biking for Burns – Hurley Hospital Burn Center, and many other special events.

AUDIENCE PARTICIPATION: No audience participation.

Ms. Frost commented regarding Ordinance #94 on changeable copy signs. She requests that they keep the intervals to not more than 7 seconds. DPW recommends approval.

Mr. Gebhardt interjected that the sign automatically is set up to dim in the evening. That feature is built into it. It also sets well back into the parking lot.

Mr. Cummings stated a business has an electronic sign down the road from his and it does not abide by the 7 second interval.

BOARD DISCUSSION:

The Board does not feel the sign will not look out of the ordinary.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Terry Parker, seconded by Scott to approve ZBA #05-53 with the stipulation they comply with Ordinance #94. Motion carried 7-0.

BOARD DISCUSSION:

Mr. Welch thanked Mr. Martinbianco for his 20 years of service to the City of Burton.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, December 15, 2005 at 6:00 p.m.**

Meeting adjourned at 7:00 p.m.

jra