

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
JANUARY 13, 1994 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN D. GOODING

MEMBERS PRESENT: W. DePottey, I. Hohloch, T. Hammon, D. Gooding,
H. Berry, S. Welliver.

MEMBERS ABSENT: F. Edmonds

OTHERS PRESENT: T. Strasser, Dep. Planning Official, R. LaDuke, Building
Supervisor, J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of December 16, 1993, at 7:00 P.M.

Moved by DePottey, supported by Hohloch to approve the above minutes as
printed. Motion carried 6-0.

B. POSTPONED FROM DECEMBER 16, 1993.

1. ZBA #93-65
By: Tony Truett
3206 S. Center Rd.
Burton, MI 48519

Re: Lot 4 Center Road Acres,
Section 28 C-2 Zoned.

For: To operate an M-2 Use in a
C-2 Zoned area.
For two (2) Dump Trucks,
Backhoe and Trailer.
(5 Votes required)

Mr. Truett was not present.

Moved by Hohloch, supported by Welliver to postpone ZBA #93-65 until the end of
the meeting. Motion carried 6-0.

C. NEW APPLICATIONS:

1. ZBA #94-1
By: Troy Richardson
1440 N. Belsay Rd.
Burton, MI 48509

Re: Lot 40 Supervisors Plat
Eastmoreland Acres
Section 12, R-0 Zoned.

For: (1) To conduct a Used Car Sales
lot not in conjunction with new
car sales. C-3 Special Approved
Use in an R-0 zoned area. Limit
of 5 cars for sale on site.
(2) To allow a 50 sq. ft.
accessory sign to advertise
existing & proposed business.
(5 votes required)

PAGE 2

Mr. Richardson explained he would like a dealer's license to display five (5) cars. He will continue with his locksmith business and will combine with the car sales. He would like a sign to advertise both businesses. He has a building which he intends to clean up, he feels this will be an asset to the city. If this is denied it will be a financial hardship as he needs this added income from the car sales for additional income his family.

In the audience, Pauline Dargel, 6119 Hugh, spoke against approval of this variance. She submitted letters from Julia Peck and Mr. & Mrs. Samuel Pinta who oppose approval. She listed the names of residents in the area who are also against this request. Larry Petrella, 1081 Howe Rd asked where the sign would be located and would it be lighted. T. Strasser explained where the sign would be located to meet city requirements. Mr. Richardson said it would be lighted. Discussion followed on the Board waiting to see pictures or a drawing of the proposed sign before it was approved.

Chairman Gooding read into the record a letter from Julia Peck who opposes approval of this variance request.

T. Strasser stated in order to clear up any mis-understandings, any action on this variance would in no way change his previously approved variance to have a lock-smith business in his home. All requirements of the previous variance would still be in affect. There are to be no customers coming to his home, he must go to the customer as stipulated in the approved variance. He feels that a used car lot is not a proper use for this property, there are alot of non-conforming conditions here.

H. Berry recalled when the Board approved the locksmith business they promised the neighbors in the audience that this approval was about as far as the Board would go. DePottey said he had some calls against this request.

Moved by Welliver, supported by Berry to deny ZBA #94-1, items 1 & 2.
Motion carried 6-0.

2. ZBA #94-2

By: Canadien American Corp.
G-5115 Miller Rd.
Flint, MI 48507

Re: 4195 E. Court
Phar-Mor Store
Q-83D Sect. 10

For: To conduct a temporary indoor
used car sales room for the
following dates; Jan. 20, 21, 22
and Feb. 17, 18, 19, 1994.
C-3 Use in a C-4 Zoned Area.
(5 Votes Required)

John Kupidc spoke on behalf of Canadien American Corp. He listed several dealerships that will be represented at the sale, Al Serra of Grand Blanc, Clarkston, Saginaw and Honda of Grand Blanc. He said they have secured proper permits and would strictly adhere to city requirements. Chairman Gooding asked about signs? Mr. Kupidc said they would advertise on TV and also have 3

PAGE 3

portable signs at the entrance of the building. If this is denied it would be a financial burden as so much has already gone into preparation of the sale.

There was no one in the audience who wished to speak. T. Strasser said there has been similar sales at AC Rochester Warehouse. As long as they comply with all requirements of the Fire Chief, he can see no problem with this request. Chairman Gooding asked about "special" gas caps. Mr. Kupidc explained that each car has as little gasoline in the tank as possible and the gas caps are taped up. W. DePottey stated there have been no complaints on the AC Sales and no calls on this request, he could see no problem with approval. H. Berry questioned the portable signs, T. Strasser said DPW does not issue permits for these signs.

Moved by Hammon, supported by DePottey to approve ZBA #94-2 contingent upon meeting all requirements of the Fire Chief. Motion carried 6-0.

3. ZBA #94-3

By: Select Mobile Homes
3076 E. Bristol Rd.
Burton, MI 48529

Re: 3076 E. Bristol Rd.
Lots 22 thru 27 Way Acres
Section 33

For: Used car sales lot for licensing
purposes only. Not in conjunction
with new car sales.
(5 Votes Required)

Mrs. McNeil represented Select Mobile Homes. She explained that they often take used automobiles in on trade for a mobile home. The State requires them to have a used car sales license for this purpose. They will not display the cars or have more than 2 or 3 at the lot at one time. They simply must have this license to be able to receive used cars in trade for their mobile homes. This will be a financial hardship if this is not approved.

In the audience Ed Arndts said he had no problem with granting the variance if this did not change the zoning and allow a used car lot in the area. He said he has been trying to improve the appearance of this corner for many years. He feels a used car lot will lower property values. Mrs. McNeil assured Mr. Arndts that there would not be a used car lot on this property.

T. Strasser said the State does require this license in order for Select to take cars in on trade. He can see no problem with this request based on a yearly renewal. He said there have been no calls on this. H Berry recalled that in March of 1993 approval was given for a used car sales near this site. T. Strasser said the business did not move from their Flint location. W.DePottey asked about signs, Strasser said there were none.

Moved by Hammon, supported by Hohloch to approve ZBA #94-3 with the following stipulations: 1. For licensing purposes only as per the application. 2. The actual sales or on site storage of any vehicles is prohibited and any vehicles taken in on trade must be temporarily stored at the rear of the property and disposed of within 48 hours. 3. For a period of one year. Motion carried 6-0.

REGULAR ZONING BOARD OF APPEALS MINUTES
JANUARY 13, 1994 7:00 P.M.

PAGE 4

D. AUDIENCE PARTICIPATION:

Mr. Troy Richardson asked if the Board would approve a site on Belsay Road near him for a used car sales, Chairman Gooding said he should go through T. Strasser in the DPW and make application to the ZBA for a variance on the Belsay Road site.

E. BOARD DISCUSSION:

I. Hohloch asked about pictures for each variance. T. Strasser said he would try to furnish pictures for the next meeting. He has been rather busy and was unable to find time to get pictures.

T. Strasser asked for comments on DPW recommendations that were distributed to the Board. W. DePottey said they were very helpful.

The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, February 10, 1994, 7:00 P.M.

Meeting adjourned at 8:00 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office