

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
FEBRUARY 19, 1998, 7:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Homer Berry, Vice-Chairman, at 7:00 P.M.

MEMBERS PRESENT: B. Weatherford; S. Layman; B. Kalanquin; H. Berry; W. Weatherford; T. Parker; R. Centilli.

MEMBERS ABSENT: I. Hohloch

OTHERS PRESENT: T. Strasser, Dep. Planning Official and C. Ladd, Deputy City Clerk.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

Parker moved and Kalanquin seconded the following motion:

Approve and authorize the minutes of the Regular ZBA Meeting of January 15, 1998, 7:00 p.m., as printed. Motion carried 7-0.

B. AUDIENCE PARTICIPATION:

There was no one present who wished to speak.

C. BOARD DISCUSSION:

There was no board discussion held.

D. NEW APPLICATIONS:

- | | |
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| 1. ZBA #98-2 | BY: Holy Redeemer Church
1227 E. Bristol Rd.
Burton, MI |
| | RE: Parcel #59-30-300-009
R-1C Zoned |
| | FOR: Yearly Festival, May 14th - 17 th
C-3 special approved use in an R-1C Zoned area
For an outdoor festival. Permanent variance
requested. (5 Votes) |

Timothy Allen, 5205 Bloss Dr., Swartz Creek, MI, explained that he is asking for the yearly festival license and also for a permanent variance, because it is the same request that is brought before the board each year.

Mr. Strasser said permanent variance requests have been discussed in the past. The festivals at the local churches have been held for years. They are non-profit and the money that is spent on the zoning board requests could be used in their funds.

Mr. Berry asked if the City received a copy of their insurance certificates.

Mr. Strasser said years ago there was a requirement on the festivals.

Mr. Kalanquin asked about giving them a 5 year temporary variance.

Mr. Strasser said there is no variance required for this request.

Mr. Parker questioned the policing and asked if they would be using Burton Police for the event.

Mr. Allen replied they have always used the Burton Police, if possible, and pay them for their services.

Moved by Kalanquin, seconded by Layman to approve a C-3 special approved use in an R-1C Zoned area for an outdoor festival. Also, give a temporary variance for a period of 5 years and provide copies of insurance certificates to DPW. A security team is to be on site during the festival. Motion carried 7-0.

2. ZBA #98-3

BY: Belsay & Lapeer, L.L.C.
c/o The JAR Group, L.L.C.
500 N. Woodward Ave. #330
Bloomfield Hills, MI 48304

RE: Lots 816 - 820 Lapeer Hts. and
1-8 and part of Lot 9 Supv. Plat #8
C-4 Zoned

FOR: To reduce the required number of parking
spaces from 280 to 200. (4 Votes)

Steve Swartz, 500 N. Woodward, Bloomfield Hills, MI, said he is representing the JAR Group. They are planning to build a new Rite Aid and will be paving what is now bare ground. We are requesting not to put in parking area behind the building because this would not be useful parking and the neighbors and the City would be better served without the parking. Also, this would help the drainage by not having this area paved.

Gary Hurand, also with The JAR Group, noted that at the Planning Commission meeting for the site plan, the neighbors were concerned about us putting in the parking and they didn't want to have this done. The number of cars in the parking lot, at any given time, would be relatively low.

Mr. Berry stated that the Power Squadron had an agreement with Seeley's to use their parking lot. He asked Mr. Hurand if he was aware of this agreement.

Mr. Hurand replied he was not aware of the agreement, but they are not fencing the lot so they could still use it.

Mr. Strasser stated it was his suggestion to eliminate the parking behind the building, because most people won't park there and walk around the building to get into the store. The drainage is poor and by not paving, this would be very helpful. The neighbors are against the paving and there would be an enforcement problem. It would be a plus for the City not to pave.

Mr. Kalanquin asked what will happen to the stores that are presently there.

Mr. Swartz said the existing tenant will be contacted and we will make a proposal for them.

Mr. Hurand noted that they did the same thing in Adrian, MI. All other tenants will be improved and we think this is a great retail spot for service and hope to fill the tenant spaces.

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Mr. Parker asked how many parking spaces will be given up by placing the building in the center of the lot.

Mr. Hurand replied that whatever has been taken out of the front in parking, has been added to the side. There should be about 200 parking spaces. We just purchased the center in October. The type of clientele we will be having, the 200 parking spaces will be sufficient.

Audience Participation:

Leona Stephens, 3049 Vineland, noted that people going to Scotty's Restaurant also use the parking area.

Mr. Hurand said we don't have any parking agreement with the restaurant. When we fence an area, we will build the fence to code and make sure this is taken care of properly.

Mr. Strasser said they are asking for a variance to reduce the parking spaces from 280 to 200. It doesn't mean they can't pave the area in the future.

Mr. Parker stated that this property behind the Power Squadron is zoned R-1B. Kids could hide behind the 4 foot wall and he is not in favor of request. He said he agrees parking is not necessary in the back of the building.

Mr. Swartz said they will comply with what the City Ordinance requires between residential and commercial.

Mr. Kalanquin asked when they planned to start construction. He was advised as soon as they receive all the permits.

Moved by Layman, seconded by Parker to approve ZBA #98-3 to reduce the required number of parking spaces from 280 to 200. Motion carried 7-0.

3. ZBA #98-4

BY: Russ Caldwell
5288 W. Farrand Rd.
Clio, MI 48420

RE: 1173 S. Packard
Lot 54 Garden Acres
Sect. 13 R-1B Zoned

FOR: To allow a RM Multi-family use for an adult
foster care home with a maximum of 20 persons.
(5 Votes)

Russ Caldwell, 5288 W. Farrand Rd., Clio, MI., explained he would like to obtain a variance to allow 20 persons in the Adult Foster Care Home. I have been in this business for the past 13 years and have been in the house on Packard for 9 years. There is 5,000 square feet and 11 bedrooms in the home. There are 2 to 1 in the bathrooms and the State requirement is 4 to 1.

There was no one in the audience who wished to speak.

Mr. Strasser stated Mr. Caldwell does keep a very nice home and there have been no problems. He has had several phone calls, but nothing negative, just inquiring as to what he was requesting.

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Mr. Kalanquin noted he lives on Carlson behind the adult foster care home, and he has never seen a problem with

the home.

Mr. Strasser said the City abides by State guidelines in dealing with adult foster homes.

Moved by Kalanquin, seconded by Layman to approve ZBA #98-4 to allow a RM Multi-family use for an adult foster care home with a maximum of 20 persons. Motion carried 7-0.

4. ZBA #98-5
- BY: Douglas E. Bacon
Ultimate Paint & Body Works
1142 N. Center, Burton, MI
- RE: Lot 35 Supervisors Plat #39, Sect. 10, M-1 Zoned
- FOR: To sell used vehicles not in conjunction with new cars sales. (5 Votes)

Douglas Bacon, 4437 Rainbow Ln, explained he has a body shop and is interested in selling used cars. He said he picks up cars that are wrecked and is only allowed to sell two cars per year. I could make more money by selling cars. I am looking at having 5 or 6 cars at a time and am also interested in selling them wholesale. I have to get approval for a State license.

Mr. Strasser said DPW doesn't have a problem with Mr. Bacon's request.

Mr. Layman said she fears the City will be in the same situation for people getting a license. We have enough people selling used cars and once we okay this request, they are under the State's jurisdiction. She noted she would be voting no.

Mr. Parker said most people are wanting to sell cars in residential or areas not conducive to selling cars. He thinks this is a perfect place to sell the cars.

Mr. Bacon said on his original variance he didn't have junk vehicles or things setting outdoors. He said he keeps a clean, neat business. He said if the cars don't sell in a week or two, he would wholesale them and get rid of them.

Mr. Kalanquin said he agrees with Mr. Parker that this is a great place to sell the cars.

Mrs. Layman questioned the traffic flow at Center and Robert T. Longway.

Mr. Parker responded by saying if people want to look at the cars, they will have to leave Center Road so this shouldn't affect the traffic flow on Center Road.

Moved by Kalanquin, seconded by W. Weatherford to approve ZBA #98-5 to sell used vehicles not in conjunction with new car sales. Motion carried 6-1 with Layman voting no.

5. ZBA #98-6
- BY: Fine Cars, Inc.
4499 Davison Rd.
Burton, MI 48509

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5. ZBA #98-6
- RE: 4499 Davison Rd.

Parcel #59-03-400-004

FOR: To conduct used car sales not in conjunction
with used car sales, see Sect. 16.03 Item 3F
Temporary Use. (5 Votes Required)

Mary Ann White, 2476 Clayward Dr., said the business has been located at Maple and S. Saginaw for the 13 years. We are in the process of selling cars and wanted to wholesale them. In December of 1997, my husband passed away. At the present time, I am in limbo with the cars, which are now being stored at Church's & Sons. She asked for temporary approval to sell used cars. She has to apply to the State and get a license to do so. If I don't sell them by getting a temporary license, I would take a \$20,000.00 loss and I can't afford to lose that much money. Mrs. White said she wants out of the car business and if this request is approved, she would sell the cars she has at the present time, and not purchase any more. She said she is trying to get the wholesale price out of the vehicles. All of the cars will be moved from Church's. She noted that if she were to auction the cars, she wouldn't get the money out of them that they are worth.

Mr. Strasser stated that Mrs. White is in a desperate situation. She has 10 cars that are part of the problem at Church's & Sons.

Moved by Kalanquin, seconded by B. Weatherford to approve ZBA #98-6 to conduct used car sales not in conjunction with used car sales, temporary use for 6 months and only 10 cars at the location. Motion carried 7-0.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, March 19, 1998 at 7:00 P.M.

Moved by Kalanquin, seconded by Layman to adjourn the meeting.

Meeting adjourned at 7:42 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML

