

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MARCH 17, 1994 AT 7:00 P.M.

MEETING CALLED TO ORDER AT 7:00 P.M. BY VICE CHAIRMAN H. BERRY.

MEMBERS PRESENT: W. Depottey, I. Hohloch, T. Hammon, H. Berry, S. Welliver,
and F. Edmonds.

MEMBERS ABSENT: D. Gooding.

OTHERS PRESENT: Mayor C. Smiley; J. Major, Dir. of DPW; R. LaDuke, Bldg.
Supv.; T. Strasser, Dep. Planning Official, J. Brown,
Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of February 10, 1994, at 7:00 P.M.

Moved by Welliver, supported by Hohloch, to approve the above minutes as printed
with correction to ZBA #93-65. Motion carried 6-0.

B. YEARLY RENEWALS:

1. ZBA #94-6

By: Blessed Sacrament Church
6340 Roberta St.
Burton, MI 48519

Re: Q-129 A & B Section 13
R-1A Zoned

For: To conduct a C-3 " Special
Use" Festival/Carnival in an
R-1A Zoned Area. August 5, 6,
and 7, 1994.

(5 Votes Required)

Father Phillip Schweda explained this was their 17th annual Hungarian festival.
Everything is the same as in the past, there will be no changes.

There was no one in the audience who wished to speak. T. Strasser said there
have been no complaints and the DPW has no problem with approval of this
request.

Moved by DePottey, supported by Hohloch to approve ZBA #94-6 as written. Motion
carried 6-0.

2. ZBA #94-7

By Holy Redeemer
1227 E. Bristol Rd.

Re: Q-329-C Section 30
R-1C Zoned

For: Yearly Festival, C-3
"Special approved use"
in an R-1C Zoned Area.
May 13, 14 & 15, 1994.

(5 Votes required)

Sue Ann Fox, Chairman, represented the church. She said this is the annual festival and proceeds go into the educational fund. There will be no changes, everything will stay the same. There was no one in the audience who wished to speak.

Moved by Hammon, supported by Hohloch to approve ZBA #94-7 as written.
Motion carried 6-0.

3. ZBA #94-8

By: AC Rochester
1300 N. Center Road

Re: Q-69 Section 10
M-2 Zoned

For: To place one (1) Mobile Office,
double wide (24' x 50') on site
for General Office purposes;
Located at the East side of
Plant #7 facility. Temporary
structure.
(5 Votes required)

David Whidden, Facilities Engineer represented AC. He explained this office is a supplement to Plant 7 Office space. They hope to eliminate this trailer in the near future but for now they still need it. They have removed one trailer. No one in the audience wished to speak. T. Strasser said there have been no complaints. This is not visible from the road.

Moved by Welliver, supported by Edmonds to approve ZBA #94-8. Motion carried 6-0.

4. ZBA #94-10

By: Wyman DePottey
2426 Fair Way Court

For: Storage for contractors equip.

Mr. DePottey asked the Chairman to dis-regard this request, he no longer needs this variance and he is withdrawing his request. T. Strasser explained that "non-conforming rights" no longer exist on this property.

5. ZBA #94-11

By: Geraldine Statler
2196 S. Term St.
Burton, MI 48519

Re: Lot 17 Southeast Acres
Section 21 R-1B Zoned

For: Yearly renewal for a Mobile
home on a lot, used as a
second dwelling unit. Waive
Sect. 5.07, 5.14 and 5.36 of
Ordinance 19.
(5 Votes Required)

Mr. Statler explained they still needed this mobile home for his mother-in-law. Everything is still the same as in past years. In the audience no one wished to speak. T. Strasser said there have been no complaints. The yard and home are very well maintained and the mobile home is hardly visible from the road.

Moved by DePottey, supported by Hohloch to approve ZBA #94-11 as written. Motion carried 6-0.

6. ZBA #94-15

By: Kessel Food Market
4288 W. Pierson Rd.
Flint, MI 48504

Re: 1200 E. Bristol Rd.
Q-336-F-1 Section 31
C-4 Zoned

For: Install temporary greenhouse
structure for seasonal sale
of vegetable plants and flowers.
(5 Votes required)

Gary Wesener, represented Kessel Food Market. He explained that everything will be the same as the previous years. It will be on the north side of the building, with no drive between the structures. The electrical cord will be at most 20 feet long. There was no one in the audience who wished to speak. T. Strasser said there have been no complaints. He asked for the dates of this sale. Mr. Wesener said from April 17th to approximately June 12th. T. Strasser said our building inspector will make an inspection and check to ensure the safety of the employees and customers.

Moved by Edmonds, supported by Welliver to approve ZBA #94-15 as written. Motion carried 6-0.

7. ZBA #94-16

By: Kessel Food Market
4288 W. Pierson Rd.
Flint, MI 48504

Re: 1135 N. Belsay
Q-97-A-1 Section 11
C-3 Zoned

For: Install temporary greenhouse
structure for seasonal sale of
vegetable plants and flowers.
(5 Votes required)

Gary Wesener spoke again explaining everything was the same as previous years. There would be no drive between the structures. No one in the audience wished to speak. T. Strasser said there were no complaints, and asked if the dates were the same as the previous request. Mr. Wesener said yes, April 17th thru June 12, 1994.

Moved by Edmonds, supported by De Pottey to approve ZBA #94-16 as written. Motion carried 6-0.

C. NEW APPLICATIONS:

1. ZBA #94-14

By: James Iacovacci
4305 S. Genesee Rd.
Burton, MI 48519

Re: 4305 S. Genesee Rd.
Q-427 D-1 Section 35
SE Zoned.

For: Build a 710 sq. ft. addition onto
Pole Building, exceeding the 2,000
sq. ft. limit by 724 sq. ft.
Property Zoned SE - 20 acre parcel.
(4 votes required)

Mr. Iacovacci said the building would be an addition to an existing building and will have metal siding with a conventional roof. No one in the audience wished to speak. T. Strasser asked if Mr. Iacovacci was going to keep horses in the barn. He said yes. T. Strasser explained therefore it was not necessary to have a cement floor in the building. There have been no complaints on this request.

T. Hammon said that Mr. Iacovacci kept a nice home and yard.

Moved by Hammon, supported by Hohloch to approve ZBA #94-14 as written. Motion carried 6-0.

5. ZBA #94-17

By: Marshall & Mike Barnett
2371 Bradford Dr.
Flint, MI 48507

Re: 4105 E. Maple Avenue
A-401 N-2 Section 34
SE Zoned.

For: To construct an attached garage
at 7' from the East property line,
20' is required by Ordinance.
(4 Votes required)

Marshall & Mike Barnett explained that they poured footings for this garage and then realized they were too close to the property line. They said it was an honest mistake because they could have moved the garage over had they known. They feel there is still room to get a fire truck around this home should that become necessary. In the audience, Charlene Hitchcock spoke on behalf of her parents who live on the property next door. She spoke against approval of this variance. Mr. Curtis Lilly, 4119 E. Maple spoke against approval. Chairman Berry noted that Mr. & Mrs. Larry Misziak, 4081 Maple Rd. sent a letter in objection to this request.

T. Strasser said the poured slab could be used other than for a garage. They had other options for this slab.

Board discussion followed. T. Hammon asked what the setbacks were between the structures, there would be no fire hazard. He said he could not see a problem

with this request, and would be voting in the affirmative. F. Edmonds concurred, he said mistakes happen and there is plenty of land around these homes.

Moved by Edmonds, supported by Hammon to approve ZBA #94-17 as written. Motion carried 6-0.

VICE-CHAIRMAN BERRY DECLARED A TEN MINUTE RECESS AT 7:50 P.M.

MEETING RE-CONVENED AT 8:00 P.M.

C. NEW APPLICATIONS (contd.)

1. ZBA #94-12
By: C.E.S.O., Inc
7720 Paragon Rd.
Dayton, Ohio 45459

Re: Wal-Mart Store
Part of A-100 & Q-97
Section 11 C-2 & M-1 Zoned
North of McDonald's.

For: See "Attachment to sign
Variance Application -
Wal-Mart Store".
(4/5 Votes required)

David Oakes represented Wal-Mart Stores. He explained each variance and why it was needed. The signs will help attract customers. They need a sign for the entrance road in the back of the store which will serve future development.

In the audience Larry & Caryl Petrella, 1081 Howe Rd., spoke against the Pylon sign along the expressway. They are concerned with sign pollution. Mr. Maxson, and Mr. Ensio, K-Mart Stores, 1145 N. Belsay questioned where the pylon sign would be placed, they spoke against having too many signs. They said there were signs on the building not included in the total building signage requested.

Mayor C. Smiley said since he was elected mayor, he has strived to bring in new business and new homes. He said signs are important to travelers, many depend on them for direction. He said it was important that we move this city along, he fully supports the Wal-Mart and Sam stores.

T. Strasser explained that signs on buildings directing customers to specific services are considered directional signage and not included in variance requests. He also explained the parking spaces variance request. He said that Wal-Mart wished to leave room for expansion of the parking lot if necessary but for now wished to leave some areas green. He said there is often needless money spent on asphalt parking lots.

Board discussion followed: F. Edmonds spoke on the benefits to the community. He said often times residents dislike development but it is inevitable. W. DePottey spoke on the draw-backs of more signs. He said he had no problem with the parking space variance, just didn't feel that Burton needed more large signs. S. Welliver said that a 60' sign was not unreasonable, he would be

voting in the affirmative. T. Hammon asked about the signal light on Court Street. David Oakes said Wal-Mart was picking up this expense.

Moved by Hohloch, supported by Hammon to approve ZBA #94-12 Items #1, 2, 4, & 5 as written. Motion carried 5 to 1. DePottey casting the one no vote.

Moved by Hammon, supported by Hohloch to approve ZBA #94-12, Item #3 with the stipulations, the pylon sign be 135 sq. ft and 30 feet high. Motion carried 5 to 1. DePottey casting the one no vote.

2. ZBA #94-13

By: C.E.S.O., Inc.
7720 Paragon Road
Dayton, Ohio 45459

Re: Sam's Club
4250 E. Court Street
Q-173-1 Section 15
C-4 Zoned.

For: See "Attachment to sign
variance application - Sam's
Club".
(4 Votes Required)

David Oakes reviewed all five items. Everything is basically identical to the previous Wal-Mart variance requests.

In the audience, Larry and Caryle Petrella, 1081 Howe, spoke against the signs. He asked if the Legislative Committee is still considering amending the sign ordinance. He said the Board was doing an injustice to the residents in this area. J. Major said the city has fixed millage. Creation of new tax bases is the only way to bring more money to the city. Also this will create employment. Discussion on if the workers would be Flint area workers followed.

T. Strasser said this request is the same as Wal-Mart's. DPW has no problem with approval of this variance.

F. Edmonds said that actually the pylon sign is only 31' over what is allowed. He will be voting in favor of this request. H. Berry said some phone calls have been received: Mr. Woodward, 1067 Howe, and Ann Bolen, 1169 Howe, have called and requested that it be noted for the record that they oppose these variances. W. DePottey spoke on being intimidated about the decision he will be making.

Moved by Hohloch, supported by Welliver to approve ZBA #94-13 , Items 1 thru 5 as written. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

No one wished to speak.

E. BOARD DISCUSSION:

Mayor C. Smilley spoke on having a meeting of Council, Planning Commission and the Zoning Board of Appeals. T. Hammon said he polled the Planning Commission and everyone agreed to a meeting. Everyone on the Appeals Board also agreed to a meeting. Chairman Berry said the Mayor will set a date.

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The next regularly scheduled meeting of the Zoning Board of Appeals meeting will be held on Thursday, April 21, 1994, 7:00 P.M.

Meeting adjourned 9:15 P.M.

Respectfully submitted by,

Jeanette Brown, Clerk's Office