

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

THE MEETING WAS CALLED TO ORDER BY Berry AT 7:02 P.M.

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

MEMBERS ABSENT: Hohloch, Centilli

OTHERS PRESENT: R. LaDuke, Building Supervisor, T. Strasser, Deputy Planning Official, J. Adams, Clerks Office.

APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

Approve and authorize the minutes of the Regular ZBA Meeting of February 19, 1998, 7:00 p.m. as printed.
Motion carried 7-0.

BOARD DISCUSSION:

Layman discussed the trailer at the Genesee Rd. address due to a house fire.

LaDuke said Tom Strasser is drafting a letter to address that situation, they are looking into the housing code and how to proceed legally.

Layman talked of a house on S. Belsay Rd. that has chickens, ducks and turkeys.

Strasser said they are allowed to be there.

LaDuke said he will check into it.

NEW APPLICATIONS:

- | | |
|--------------|---|
| 1. ZBA #98-7 | BY: William J. Stanton
5465 Statler Dr.
Burton, MI |
| | RE: Part of Lots 13 & 14, Madarasz Acres
Sect. 2, R-1A Zoned |
| | FOR: The building of a garage on the back of lot
32 x 40 with 14' height for a ceiling. (1) exceeds
sq. footage by 416 sq. ft., 864 allowed.
(2) exceeding height limitation by 2' 6"; 14"
allowed asking for 16' 6". (4 Votes) |

Bill Stanton, 5465 Statler Dr., Burton, MI explained he wants a travel trailer which as an air-conditioner on the top of it, and would like to build a garage for storage with a clearance to accommodate it.

Leona Stevens, 3049 Vineland, Burton, MI asked about any other buildings on the property.

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T. Strasser said this is a new house and there is an attached garage which makes this an invalid application. He will re-submit and will schedule for the next meeting. The person who filled out the application indicated this was the only excessory building on the property, something other than a house. An attached garage is considered an excessory structure. They would have to figure the sq. footage of the attached garage along with that one and the Board will have to act on a variance that includes the sq. footage of the attached garage. He stated you are not only asking for 416 sq. ft. but more around 700 sq. ft. and suggested not to act on this now, he will correct the invalid application and have Mr. Stanton return at the next meeting.

Moved by Kalanquin, seconded by Scott to table #98-7 until the next scheduled meeting on April 16th.
Motion carried 7-0.

2. ZBA #98-11	BY: K-MART Corp. 1145 N. Belsay Rd. Burton, MI
	RE: 59-11-400-002 Section 11, C-3 Zoning
	FOR: To conduct outdoor sales of garden plants, nursery stock and related items. (5 Votes)

Sid Rogers, 10421 E. Mt. Morris Rd., Davison, MI 48423, representative for K-Mart, stated that every spring through summer they have the garden coral presenting bagged goods, nursing products and other related garden products.

Berry asked if there are any changes in the application since last year.

Sid Rogers indicated it would be the same.

AUDIENCE PARTICIPATION:

Leona Stevens, 3049 Vineland, Burton, MI asked about the dates and time.

S. Rogers said last year it was April 1st through Oct. 1st.

Berry asked if he wanted the same dates.

S. Rogers said their request was for March, but that April is fine.

T. Strasser said K-mart has never posed a problem and they have never had any complaints.

Motion by Layman, seconded by Parker to approve ZBA #98-11.
Motion carried 7-0.

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3. ZBA #98-9

BY: Blessed Sacrament Church
6340 Roberta
Burton, MI

RE: 59-13-400-001 and 59-13-400-002
R-1A Zoned

FOR: To conduct a yearly festival/carnival
C-3 use in an R-1A area, permanent
variance requested. (5 Votes)

Jim Cokely, 5404 S. Sycamore, Burton, MI, stated he is here as a representative for Blessed Sacrament parish requesting a permanent variance for their annual festival which is their 22nd or 23rd festival. He said they would appreciate consideration for a permanent variance in this particular situation.

AUDIENCE PARTICIPATION:

Larry Petrella, 1081 Howe Rd., Burton, MI stated he supports the idea of a permanent variance, or possibly every 3 to 4 years.

Pauline Dargel, 6119 Hugh St., Burton, MI said she recalls the same request year after year and remembers no particular objections.

T. Strasser said there have been no complaints on file that he is aware of and supports what they are asking for.

R. LaDuke also indicated there have been no problems but he does see a problem with a permanent variance. Holy Redeemer had a 5 yr. variance. The DPW as a whole would support a 5 year, but not a permanent. A recommendation from the DPW would be a 5 year variance.

Motion by W. Weatherford, seconded by Kalanquin to approve ZBA #98-9 for a 5 year variance.
Motion carried 7-0.

4. ZBA #98-10

BY: Genesee Land Company
8469 S. Saginaw St.
Grand Blanc, MI

RE: 59-01-300-002
R-1A Zoned

FOR: Side yard setback (10 ft. requested, 0 ft. proposed).
Frontage (85 ft. requested, 46 ft., 64 ft. and 70 ft.
proposed). Lot size (10,625 sq. ft. requested,
8,510 sq. ft. and 12,950 sq. ft. proposed). Exceed
density variance 3.5/AC to 4.5/AC. (4 Votes)

Neil Martz, 6489 S. Saginaw, Grand Blanc, MI submitted a conceptual floor plan they are working on with an architect. He is proposing a portion of property located on the north side of Davison Rd. approximately across the street from Eastmoreland St. The property today is zoned single family residential. The concept takes a house on a lot and the two lots next to each other, the single family house, is pushed together on a common side yard. The side yard set-back is diminished to zero foot for both houses, so they would in general look like a duplex from a street side scenario.

Mr. Martz said the property in question is surrounded by Brookwood Golf Course on all three sides, Davison Rd. on the south. The parking lot for the facility is on the west property line of the parcel that he is considering developing, and in some cases comes within 2 ft. of the property line. The other eastern extremity of the property has a portion of the flood plain contained within the parcel. He was able to meet the front yard of the rear set-back requirements, however, trying to devise a way to utilize this property in more of a residential utilization then trying to offer some commercial utilization there, he came up with this concept that he thinks relates to allowing a transitional use between single family across the street into the golf course area, and provides a better use in this particular location. The site in general is unique to these characteristics because he does not know of another site located in this proximity that is surrounded by non-residential use in a flood plain and attempted to be used as a single family residential site. He stated with the existing parking lot and flood plain, that in trying to maintain utilities to the property, the only way to do this is by affording greater side yard set-backs in both east and west and by doing that, he has less ability to spread these buildings apart. The developed building is portrayed to be about 1400 to 1500 sq. ft., it would be a three bedroom structure with two baths complete with a basement. The garage is on the opposing ends of the buildings and he pushed the garages together and flipped the elevations slightly in an effort to afford as much grass or greenery facing Davison Rd.

Mr. Martz said he met with DPW as to where the utilities placements are located. There were some concerns from residents relative to whether the yard would be dug up for placement of a watermain. In his conversations with the City, it appears the correct location for the extended watermain would be on the north side of Davison Rd., since the south side is already covered with the existing sanitary sewer line.

AUDIENCE PARTICIPATION:

Susan Siegrist, 6084 Eastmoreland, Burton, MI, stated she is right across the street from the proposed development and is concerned about the 42 ft. in from the road for the development.

N. Martz said the set-back would be 45 ft.

Susan Siegrist said she and her neighbors have a hard enough time getting out now onto Davison Rd. and is concerned about congestion with more driveways involved.

N. Martz said he asked his engineer to show a turn-around for each driveway area and that the 45 ft. is beyond the minimum front yard set-back that is required for the development of the area. It is somewhat narrow, however, it does meet your standards for single family placement with the arrangement of an area to back into and pull out onto the street. Martz stated he would agree to a condition if required and it does meet the ability to access onto Davison Rd. He tried to bring the driveways together to minimize access ability points along Davison Rd. the best he could, combining eight driveways into four, but there is not enough room to push the buildings back any farther. There is a 10 ft. golf cart path that sits almost on the north end of the parcel.

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Susan Siegrist stated she has two turn-arounds and still has trouble getting out. She expressed concern if they allow just the 46 ft., it ends up too congested and four lanes are needed, they might have to take out her blue spruce tree.

Kalanquin indicated he drove by and looked at the area and does not see anything wrong with it.

Pauline Dargel spoke regarding the ordinance, page 7 on definitions, and asked how the applicant is not asking for a multiple or duplex in a single family area.

N. Martz said he is asking to place one house on each parcel by developing a parcel that has more than one household on it, then in fact, it would be multi-family. However, under the site condominium develop technique he is proposing, he is placing one dwelling per lot or per unit, and by doing that proposal, it places it in a single family use.

Pauline Dargel mentioned a firewall.

N. Martz said there will be a required firewall dictated by the building code.

Pauline Dargel asked if it is DPW's definition of acceptable and that is why it has not been a part of this application.

T. Strasser said it is designed such as a clustered subdivision, each dwelling is on its own lot, but they are attached. There is the so-called imaginary lot lines that run through the middle of it where the lots are split.

N. Martz indicated he does not want to build an apartment complex but wants to build single family attached units and is petitioning this body and the City to allow zero set-backs where those buildings abut each other. He indicated it has been utilized in Grand Blanc on Cook Road where \$350,000 to \$400,000 structures are in the vicinity of Warwick Hills and was done very tastefully. Mr. Martz said he does not believe the neighbors wish to see apartments or more dense utilization than that. This is a very good transitional use between a busy highway and a commercial utilization allowed in a single family district.

Larry Petrella, 1081 Howe Rd., Burton, MI said that with the flood plains referred to as wetlands, he has taken the matter up with the DDQ and they are still studying the situation. He asked if the developer has any engineer plans to show the building and how it is taken care of.

N. Martz said it is the same plan he presented in the Planning Commission meeting and the same drainage requirements that a frontage plat has in a subdivision scenario.

Larry Petrella stated he feels this case should be studied further and would like to see a site plan done on that property.

Lee Glidden, 6044 Davison Rd., Burton, MI asked about utilities, public water and sewer for the proposed development. He mentioned the utility pole in front of the four homes on Davison Rd., east of Belsay Rd., that required a transformer and asked if the new units would feed off that transformer also.

N. Martz stated Consumers Power dictates if another transformer is necessary for the development and that Consumers will not meet with you until the approval process with the City is done first.

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Henry Duby, 6036 Davison Rd., Burton, MI stated the traffic is so full now it cannot take anymore unless they put four lanes in. He asked Mr. Martz if he is willing to put four lanes in.

N. Martz said he will adhere to whatever requirements the County Road Commission has.

Pauline Dargel questioned the DPW regarding the water lines.

R. LaDuke said the sewer is on the south side of Davison Rd. and if you have a 10 ft. separation, you can put utilities on the same side of the road. Traditionally, water is on one side and sewer on the other. He said Mr Martz met with Mr. Riess from the DPW, and Mr. Riess made the decision in the best interest of the City of Burton that it is in the right location engineering wise.

Pauline Dargel asked if the developer was paying for the water line.

R. LaDuke said it would be a public water system and spoke on a payback district, which would mean if Mr. Martz in putting in the watermain pays for water going down Davison Rd. for a number of years, 5yrs., 10 or 15 yrs., that if anyone hooks to that water, then Mr. Martz recoups some of his money for the front foot fee. The City has also run water to entice development, and have done so in a number of locations in the City. Mr. LaDuke stated further that the Planning Commission approved this and the DPW sees no problem with the proposal.

Kalanquin said he cannot see why our neighbors see a problem out of four units.

Parker said Mr. Petrella brought up the wetlands and asked if any thought was given to that. There is a 10 ft. hole there to fill.

N. Martz said it is not his desire to fill the wetland in.

Parker asked the DPW if before Mr. Martz could develop this, would the DNR have to give their approval.

T. Strasser said if the structure was in the wetland, then yes. The structure is not and your dealing with the structure.

Parker said the whole site plan has been approved.

Motion by Kalanquin, seconded by Layman to approve ZBA #98-10 as requested.
Motion carried 7-0.

5. ZBA #98-8

BY: Forest City c/o Courtland Center
4190 E. Court St.
Burton, MI

RE: 59-10-300-010
C-4 Zoned, Court Yard Mall for Home Depot

FOR: Temporary garden center pick-up area. Dates to be specified. C-3 Special use in a C-4 zoned area, April 6th - July 27, 1998. (5 Votes)

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Eric Cogswell, 4190 E. Court St., Burton, MI, representative for Home Depot.

Berry asked if the proposal is different then last year.

Eric Cogswell indicated it is the same.

Berry asked if they are planning on some different re-routing of traffic in that area.

Eric Cogswell said it has been discussed with R. LaDuke and they will block off an area so traffic will not get too congested. He stated that there were no safety problems last year.

Bill Young, 1061 Arapaho, Burton, MI, stated he lives behind Home Depot and that they have not kept it clean, it looks like a junk yard and a real mess. The traffic is congested coming out onto Court Street. He feels they should be a good neighbor and does not think they are. Lumber and pallets are stacked in the air, his back yard looks like a dock yard, semi-trucks are getting noisy again, 5:00 a.m. in the morning they are noisy and with summer coming it will be worst. My Young stated he picks up junk blown in his yard including Home Depot signs and papers and he does not recommend approval of their request.

Larry Petrella said he lives around the area and sees more merchandise outside which does not allow people to pull in, there have been five accidents onto Court at the entrance and mentioned the PA system was out of hand, but recently toned down a bit.

Scott, Asst. Manager of Home Depot stated they have controlled the PA system..

Pauline Dargel said she is not an immediate neighbor, but the latter part of June last year, she was at Home Depot and noticed the congestion, number of items on display outside, traffic flow, visibility problem, handicap/disability challenges with the inability to get into places. She took numerous pictures of the situation and passed them to the Zoning Board members, Home Depot representatives and DPW. She stated the plan never took in this type of operation.

Bill Young spoke on the original plan and the question was brought up of outside storage. They were told everything would be inside the building.

Scott from Home Depot stated they did not realize the tremendous sales they would have and are predicting even more sales this year with the economy growing.

R. LaDuke said he had the opportunity to sit down with these gentlemen and Vivan Poe, Manager of Courtland Center. He said he was not happy with the operation last year, they do need this operation but improvements need to be made. LaDuke gave the following list of items he wants adhered to: 1) No loading in front of store, 2) Close off first entrance to parking lot, 3) Keep all products inside of fence area, 4) Remove items from rear of store, 5) Control volume of outside speaker, 6) Supervision available at all times, 7) Suspend outside operation if repeated problems occur (In the sole opinion of Burton City), 8) On-site mid-season review. Mr. LaDuke said he supports with these conditions, and wants a mid-season review in July.

Kalanquin said Home Depot did not shut down as planned last year.

Scott from Home Depot stated the garden season had gone on longer than expected.

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Kalanquin spoke on abiding by the rules R. LaDuke has set.

W. Weatherford said he supports with the requirements R. LaDuke as set.

Layman spoke on problems she has seen and is not satisfied with the operations.

Parker spoke on last years minutes and storage on north side of building.

Eric Cogswell from Home Depot said \$65,000 was spent on remodeling inside the building to accommodate the increase and by April 12th, the materials will be inside of building. He stated that things will not happen as they did last year.

Parker said if these things are still going on what will the City do.

R. LaDuke said it is not an easy answer, there are a lot of violations throughout the City and not just Home Depot. He mentioned portable signs being illegal and said if we address one and cannot all, we cannot pick on just Home Depot.

Motion by Kalanquin, seconded by Weatherford to approve ZBA #98-8 request with stipulation that R. LaDuke has control.

Motion carried 5-2.

Parker spoke on this being a one year variance and the dates of April 6th through July 27th.

6. ZBA #98-12

BY: Floyd Gibbs
3219 Iron St.
Burton, MI

RE: Lots 163 & 164, Holland Heights
Section 28, R-1C zoned.

FOR: To exceed the allowable square
footage for accessory structures by
336 sq. ft. with a 30 x 40 barn. To
exceed the height requirement by 7, 14 ft.
required, 21 ft. proposed. Gambrel roof
proposed. (4 Votes)

Parker said the proposed garage is in front of property and does not think the application is valid. They will table till Mr. Gibbs wants to re-apply, the fee will be waived.

R. LaDuke said it will be on the next agenda and that they met with Mr. Gibbs and he will re-submit the application.

Motion by Parker, seconded by Kalanquin to table ZBA #98-12 until next meeting.

Motion carried 7-0.

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7. ZBA #98-13

BY: H.E. Services Company
225 East Morley Dr.
Saginaw, MI 48601

RE: 5350 Davison Rd.
59-11-200-003

FOR: Variance for light industrial use
in a commercial zone. (5 Votes)

Tim Albers, 1403 Maple St., Saginaw, MI, business of 225 E. Morley Dr., Saginaw, MI, stated his company has expanded from one division with 7 employees to over 400 employees with 11 centers. They have a solid record of growth and are currently based in Saginaw, MI. They are a minority owned business and have expanded their

operations beyond Saginaw to include an Oxford facility, Flint, Fenton, Warren as well as in Arizona and Alabama. They offer engineering design, development services, prototype and light manufacturing, technical support, placement and management. They are a select group of supplier for the big three General Motors group and are interested in the local site to expand growth in the technical field.

Tim Albers indicated all their perimeters for business at this site have not been set yet and if they do acquire this site, their intentions are to expand between \$1.5 million to \$2 million in improvements to the facility and surrounding land. Mr. Albers stated H.E. Services takes pride in the people and their facilities and work hand in hand with the City and the community.

Larry Petrella asked if this would be a test site for automotive or support group.

Tim Albers stated it is not a testing facility, there is product validation, light assembly, inspections, and that this will be quite a big facility. There is product development with Chrysler and Delphi and their technicians and engineers have been on site.

Evelyn Dick, 2017 Crestline Dr., Burton, MI, spoke regarding the variance and chemicals effecting public health.

Tim Albers stated they do not use anything that is detrimental or hazardous to their employees or residents.

Evelyn Dick asked if the City will monitor the site.

T. Strasser said he does not know if the City has the ability to do that, and any type of toxics or chemicals used they must be licensed and registered with the State.

Tim Albers said they work hand in hand with OSHA and there is an environmental site survey done.

Pauline Dargel spoke on the ownership of the building.

Tim Albers stated they have secured the facility for 120 days, they are looking at a 3 year lease with the option to buy, and before they take possession of the site it will be cleaned up.

Pauline Dargel spoke on the problem of dumping in that area.

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Tim Albers said he has been there recently and noticed no dumping in the area and they will police and secure that area.

Pauline Dargel said the representative from H.E. Services spoke on the change in zoning and that is not really what is happening here. The request is to allow a deviation from the commercial use for light industrial and not a zoning change. She asked DPW if this is a change in use, ownership or business, and if there will be a site plan review.

Parker asked about their hours of operation.

Tim Albers said normal hours of operation is from 6:00 a.m. to 4:30 p.m., they may have a 2nd shift depending on the number of employees.

Parker asked if there is outside storage needed.

Tim Albers indicated no outside storage would be needed.

R. LaDuke suggested that a variance goes with the property and if they were to move, the zoning would revert back to C2.

Layman asked about the company wages and pay scale.

Tim Albers said the technicians job classifications are a 2 year degree or some type of schooling and/or technical background. There are top level engineers, and light manufacturing (shop workers) and indicated the pay structure is anywhere from \$8.00 to \$45.00 p. hr., borderline is \$12.00 to \$25.00 an hour.

Layman asked about the company working with GM engineers.

Tim Albers said their main focus is Delphi Steering in Saginaw, which is tied directly to Delphi Steering E (Engine Management), they have contracts with GM Powertrain. He spoke of their site in Fenton and on Hill Rd. and said they also have people working within Delphi Engineering that work hand in hand.

Parker said he thinks it is a great idea, the building has been vacant for some time and this is a good thing for Burton.

Motion by Parker, seconded by Kalanquin to approve ZBA# 98-13 with stipulation the variance goes with the tenant.

Motion carried 7-0.

Motion by Kalanquin, seconded by Layman to change the Zoning Board meetings to 6:00 p.m., effective at the May meeting.

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Discussion on the motion followed:

Parker said he believes it is a disservice to the public to change the 7:00 p.m. meeting time due to the working schedule of many people and asked what benefit is there to changing the meeting time.

Kalanquin mentioned the City's personnel working late.

Parker said they are getting paid for it.

Layman spoke on having summer hours.

W. Weatherford said they had 6:00 p.m. meeting time last summer.

Motion carried 5-2.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, April 16, 1998 at 7:00 P.M.

MEETING ADJOURNED AT 8:50 P.M.

Julie R. Adams
Clerks Office

Note: 1) The following Board Members cannot attend the next meeting of April 16th: Layman,, B. Weatherford and Kalanquin.

2) The alternate for next meeting is W. Weatherford.

Reminder: April meeting at 7:00 p.m., May meeting starting at 6:00 p.m.