

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
MARCH 21, 1996 AT 7:00 P.M.

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

MEMBERS PRESENT: L. FOUST, B. WEATHERFORD, W. DEPOTTEY, ALTERNATE
B. KALAHUIN, H. BERRY, T. PARKER AND C. CROSS.

MEMBERS ABSENT: I. HOHLOCH

OTHERS PRESENT: T. STRASSER, DEP. PLANNING OFFICIAL AND J. BROWN,
CLERK'S OFFICE

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of February 16, 1996, at 7:00 P.M.

Moved by Cross, supported by DePottey to approve the above minutes
as written. Motion carried 7-0.

B. YEARLY RENEWALS:

1. ZBA #96-8

By: Blessed Sacrament Church
6340 Roberta St.
Burton, MI. 48509

Re: Parcel 59-13-400-001 & 002
Zoned R-1A

For: To conduct a Festival-

Carnival

(Special Use C-3) in an R-

1A

Zoned Area: Aug. 2, 3 & 4,

1996.

(5 Votes Required)

There was no one present to represent this case.

Moved by DePottey, supported by Weatherford to table this case until the
end

of the meeting. Motion carried 7-0.

REGULAR ZONING BOARD OF APPEALS MINUTES

MARCH 21, 1996 7:00 P.M.

PAGE 2

B. YEARLY RENEWALS:

2. ZBA #96-9

By: Delphi-E Flint East Site
1300 N. Center Road
Burton, MI 48509

Re: 59-10-100-022
M-2 Zoned

mobile
50')
use;
Plant #7.

For: Renewal to place one (1)
office, Double wide (24'x
on site for General Office
located at East side of
(5 Votes Required)

Scott France represented Delphi-E. He said they have had this variance for several years and there have been no complaints. It is needed due to a lack of space in the plant, if this is denied it will be a hardship as they will have no place to put the engineers who use this mobile office.

No one in the audience wished to speak.
T. Strasser said the DPW have no problem with this request. They have not received any complaints on this request.

Moved by DePottey, supported by Weatherford to approve ZBA #96-9 as written.
Motion carried 7-0.

C. NEW APPLICATION POSTPONED FROM FEBRUARY 15, 1996.

1. ZBA #96-6
Ceramic Tile

By: Larry Noyce/Precision
5094 Davison Road
Burton, MI 48509

West 110
the
of the
R7E,
County,

Re: The North 250 feet of the
feet of the East 440 feet of
North 396 feet of the W 1/2
NW 1/4 of Section 11, T7N-
City of Burton, Genesee
Michigan.

an R-0
and

For: (1) To expand a C-2 Use in
district, Contractors Office

showroom in an R-O "office"
district.
(5 Votes required)

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 21, 1996 7:00 P.M.

PAGE 3

1. ZBA #96-9 (contd.)

Michael Noyce spoke for this request. He explained they have been there for ten years and have ten employees, they provide a good tax base. They need more storage space. They must expand or move. They have had vehicles vandalized. A Pole barn would solve a lot of problems they have had. He said this would be a first class addition and would improve the appearance of the site. He explained the lighting system. He concluded by explaining that they only have about 30 deliveries a year and how the trucks would make them. He would instruct the trucks not to travel down Ives Street.

In the audience, Donna Land, 1475 Ives, Russell Sherman, 1486 Ives, Scott Coffman, 1386 Ives, Leona Stephens 3049 Vineland, Daniel Bonk, 1296 Ives and Laurene Shaw, 1335 Ives spoke on the truck traffic problem. Pauline Dargel, 6119 Hugh spoke on outside storage.

Art Edmonds, 5100 Davison Rd., spoke for approval of this variance, he said

they do not have many truck deliveries here. He feels this business is an

asset to the community.

Lengthy Board discussion followed. C. Cross asked if school busses travel this

street. T. Strasser said they did. T. Parker asked about the drainage.

M. Noyce explained with a drawing of the site exactly how the water run-off

would be handled. B. Weatherford was concerned about the Semi-truck traffic.

W. DePottey said Mr. Noyce was being unjustly accused about the truck traffic,

most of it was not his. He feels this will be an improvement to the corner and

he is in favor of the variance. C. Cross explained about the three types of

paving systems, and Ives is the cheapest of the three.

T. Strasser said the City does not advocate semi-trucks backing off Davison

Road onto Ives Street.

T. Parker felt this should go before the Planning Commission before this Board makes a decision on this case.

Moved by Parker, supported by Weatherford to postpone ZBA #96-6 until it goes before Planning Commission. Motion carried 6-1, DePottey voting no.

C. NEW APPLICATIONS:

1. ZBA #96-10

By: Dave Tobin
6244 Crabtree
Burton, MI 48509

Re: 59-24-501-062
R-1B Zoned

square
structures
40'
allowed;
For: To exceed the allowable
footage for accessory
by 912 sq. ft. with a 30' x
pole barn. 864 sq. ft.
1776 sq. ft. requested.
(4 Votes required)

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 21, 1996

PAGE 4

C. NEW APPLICATIONS (contd.)

1. ZBA #96-10 (contd.)

Mr. Tobin explained he needed this pole barn for extra personal storage. He would not be making any car repairs in it as he sends all of his cars repairs out.

No one in the audience wished to speak on this case.

T. Strasser said it does exceed the ordinance but the Board should consider stipulating that the barn be built like a garage with vinyl siding and a shingle roof.

Board discussion followed. B. Kalanquin said Mr. Tobin has plenty of room for this barn. T. Parker was opposed to this size barn in a residential area. W. DePottey said he has no problem with this request, Mr. Tobin has plenty of room in his back yard. C. Cross said he would like to see it "stick built" like a garage.

Moved by DePottey, supported by Kalanquin to approve ZBA #96-10 with the stipulation that the barn be "stick built" of wood construction to look like a garage. Motion carried 7-0.

2. ZBA #96-11

By: Vassar Road Associates
702 Church St.
Flint, MI 48502

Re: 59-01-200-005
RM Zoned
Ridgemoor Condominium II

For: (1) To reduce the front setback

on

proposed lot #25 to 83', 85'
required. (2) To reduce the

front

setback on proposed lot #26 to
82.5', 85' required.
(4 votes required)

Richard Hamilton explained that due to an easement given for a watermain going through the area it created a shortage of space for a cul-de-sac needed at the end of the sub-division. He presented a rendering of the proposed sub-division and explained his plans.

In the audience, P. Dargel, 6119 Hugh asked if any of the proposed lots were wetlands or flood plains. Mr. Hamilton told her they were not. C. Cross said this is not an uncommon problem with cul-de-sacs. W. DePottey said the water main caused the problem.

Moved by Parker, supported by Cross to approve ZBA #96-11 for a setback on Lot 25 at 80.6 feet and Lot 26 at 80.8 feet. Motion carried 7-0
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 21, 1996 7:00 P.M.

PAGE 5

3. ZBA #96-12
Sheet

By: Gary Sova - National Roofing &
Metal Co.
G-4130 Flint Asphalt Drive
Burton, MI 48529

Re: Lots 25 & 26
Bristol Road Industrial Park

For: Permission to construct a 24' x

36'

required

lean-to structure in the

parking.

rear yard setback for truck

Eave height will be 14' high.
Construction will be wood frame,
metal siding, and shingle roof.
(4 votes required)

Ronald Isaacson, architect for Gary Sova spoke for this case. He explained that Mr. Sova wished to build a temporary lean-to structure for parking of his vehicles. It would be open on three sides. It will be well landscaped. It will blend in with existing buildings. It will be taken down in 3 to 4 years.

No one in the audience wished to speak.
T. Strasser said this must go before Planning Commission. Mr. Sova is asking the Board for permission to construct in a year yard setback.

Moved by Cross, supported by Parker to approve ZBA #96-12 as written.
Motion carried 7-0.

4. ZBA #96-14

By: Jeff Chandler
4105 Davison Road
Burton, MI 48509

Re: 4105 Davison Road
Burton, MI 48509

For: To conduct a used car sales lot
not in conjunction with new car

sales,

see Ord. 19, Sect. 16.03, Item

3F.

(5 votes required)

Mr. Chandler explained that his business is wholesale only. He must get this Board's approval as it is required if he is to get a State License to wholesale cars. At the maximum he will only have ten (10) cars at one time at this site.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 21, 1996 7:00 P.M.

PAGE 6

4. ZBA #96-14 (contd.)

No one in the audience wished to speak. T. Strasser said there is a similar use nearby, he said it was a neat and clean operation. T. Parker said he would

like to see a stipulation if approval is granted that there be no more than five (5) cars on display with "for sale" signs on them. Board Discussion followed.

Moved by Parker supported by Weatherford to approve ZBA#96-14 with the stipulation that only 5 cars be displayed in front and the other 5 cars be parked in the rear. Motion carried 7-0.

5. ZBA #96-15
Car

By: Jeff Reich - Enterprise Rent-a-

G-3043 S. Dort Hwy.
Burton, MI 48529

Re: G-3043 S. Dort Hwy.
Burton, MI 48529

ribbon,
rental

For: Requesting fencing with razor
due to vandalism and theft of
cars.
(5 votes required)

Mr. Reich explained that in the last four months there have been alot of thefts of license plates, radios and various other items. It is a business nuisance. He would like the fence to prevent some of this from occuring. He said his company did this in Mt. Morris and it cut way down on the vandalism.

No one wished to speak in the audience. T. Strasser asked if they had tried any other security measures. Mr. Reich said they had. T. Strasser said the razor ribbon doesn't give a good esthetic appearance. Me. Reich explained it would be in back of the building.

Board discussion followed. B. Weatherford asked if there property would be fenced all the way back to Myrton Street. Mr. Reich said no and explained.

L. Foust spoke on putting in cyclone fencing without the razor ribbon.

B.

Kalanquin and C. Cross said they preferred barbed wire to razor ribbon. Discussion on barbed wire fencing followed.

Moved by Kalanquin, supported by Cross to approve ZBA #96-15 for a 6 foot fence with "V" barbed wire cradles on top. Motion carried 7-0.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 21, 1996 7:00 P.M.

6. ZBA #96-16

By: Thomas A. Smith
2350 S. Center Road
Burton, MI 48519

Re: 2350 S. Center Road
Lots 105, 106, 107, and 108
Supervisors Plat (77)
R-0 Zoned

For: To grant a variance to allow a
daily car rental business to
operate from above address.
Variance is requested for this

use

and user only. C-3 special use

in

an R-0 District.
(5 votes required)

Mr. Smith explained that this business is 60% finance office and 40% car rental business. He said that in the future he would be buying the property next to this and tearing down the house and making more parking.

No one in the audience wished to speak on this case. T. Strasser said the DPW has no problems with this request but that Mr. Smith must make application to the Planning Commission for a "change of use".

Board discussion followed including on postponement until after it had been to Planning Commission. DePottey spoke for approval now.

Moved by DePottey, supported by Foust to approve ZBA #96-16 as written. Motion carried 7-0.

7. ZBA #96-17

By: Leland A. Keeney
3084 Eastgate
Burton, MI 48519

Re: Lot #170 Eastgate #7
Sect. 26 R-1B Zoned

For: To exceed the allowable square
footage for accessory structures
by 182 sq. ft. 24' x 36' Pole
Barn proposed.
(4 Votes required)

Mr. Keeney explained he needs more storage space for personal items. It will

match the house. He will have straight access from his driveway. At this time he is paying for storage of his other cars.
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 21, 1996 7:00 P.M.

PAGE 8

7. ZBA #96-17 (contd.)

In the audience, James Place, 3104 Eastgate expressed concerns about allowing this pole barn. Chairman Berry said there had been another complaint from a neighbor concerning this pole barn.

T. Strasser said this does exceed the ordinance but if approved he would like to see a conventional type garage construction.

Board discussion followed.

Moved by Parker, supported by Cross to approve ZBA #96-17 with the stipulation that it have a garage type appearance with vinyl siding and shingled roof. Motion carried 7-0.

8. ZBA #96-18

By: Jeffrey D. Sanderlin
3334 E. Atherton
Burton, MI 48519

Re: Lots 6 & 7 Blk B
Southgate Sub. Sect. 28
R-1C Zoned

For: To conduct a Firewood Sales
Lot. C-3 Special Use in an
R-1C zoned area.
See Ord. 19 Sect. 16.03
Item 3A.
(5 Votes required)

Mr. Sanderlin explained he has been laid off from his job with a tree removal contractor and he was selling firewood to supplement his income. He intends to fence in his property with a privacy fence because he said there is a high crime rate in his area. All of the firewood is behind his house. He also explained he does not run his equipment before ten in the morning and after five in the evening.

There was no one in the audience who wished to speak on this case. T. Strasser

said this was "light industrial use" in a residential neighborhood. He also reminded the Board of another similar business that was given a variance and now there are problems that must be resolved by the city. C. Cross spoke on another similar business that is causing the city problems. L. Foust asked if Mr. Sanderlin intended to increase his business, Mr. Sanderlin said yes. Lengthy discussion on crime and other problems followed.

Moved by Parker, supported by Cross to deny ZBA #96-18. Motion carried 7-0.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 21, 1996

PAGE 9

C. ZBA #96-8 By: Blessed Sacrament Church
Tabled from beginning of meeting.

Jim Cokley, 5404 Sycamore spoke for Blessed Sacrament Church. He said everything is the same, there have been no complaints.

No one in the audience wished to speak on this request. T. Strasser said the DPW have no objections, they have received no complaints. C. Cross said since they have moved the festival off the blacktop there have been no problems.

Moved by Kalanquin, supported by Cross to approve ZBA #96-8. Motion carried 7-0.

D. AUDIENCE PARTICIPATION:

Donald Sanderlin, 4460 Killarney Park Drive spoke about the problems his son has had with the City.
Donna Land, 1475 Ives asked if the neighbors would be notified again when Mr. Noyce's variance request would be heard again. She was advised no. T. Strasser told her when it would likely come before the Board again.
Pauline Dargel, 6119 Hugh spoke on ZBA #96-6.

E. BOARD DISCUSSION:

T. Parker asked the Board how they felt about moving Audience Participation to the beginning of the meeting. Discussion followed. C. Cross felt that Board Discussion should be moved to the beginning also. It will eliminate the audience from staying to "re-hash" cases that have been heard that particular meeting. Moved by Parker, supported by Cross to move Audience participation and Board discussion to the beginning of the meeting immediately after the minutes are approved.

W. DePottey told the Board that this was his last meeting and he said it had been a pleasure to serve the City. He hoped he had made a positive impact on the city with his decisions. He felt it was time to leave the Board

as this term expires because some of the regular attendees have begun to influence his decisions, he finds himself taking an opposite stand as they are and he feels this is not good for the city. He also related that not once has any person, employee or administrator ever pressured him or tried to influence his vote.

H. Berry said it has been the Board's pleasure to have had Mr. DePottey serve on this Board. He received a round of applause.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, April 18, 1996 7:00 P.M.

Meeting adjourned at 10:10 PM.

Submitted by: Jeanette Brown, Clerk's Office