CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 17, 1996 AT7:00 P.M.

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

MEMBERS PRESENT: M. Scott, alternate; S. Layman, B. Kalanquin, I. Hohloch,
T. Parker and C. Cross.

MEMBERS ABSENT: B. Weatherford and H. Berry.

OTHERS PRESENT: City Attorney, D. Hamilton; T. Strasser, Dep. Planning Official; J. Brown.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of September 19, 1996, at 7:00 P.M.

Moved by Kalanquin, seconded by Cross to approve the above minutes as printed.
Motion carried 6-0.

B. AUDIENCE PARTICIPATION:

No one wished to speak.

C. BOARD DISCUSSION:

C. Cross spoke regarding the Board looking into members absences, he felt some
were contrary to the alternate system. He said he does not mean that a good
job is not being done.

Chairman Hohloch advised the applicants that a full Board was not present and
if anyone wished to have their variance postponed, they may do so.

D. YEARLY RENEWALS:

1. ZBA #96-73

By: Gene Lukonen
4445 E. Bristol Rd.
Burton, MI

Re: 59-27-400-003
R-1A Zoned

For: To operate a tree service from a
residential property. M-2 Heavy Industrial Use in an R-1A Zoned Area.
(5 Votes Required)

Mr. Lukonen asked to have this request postponed until the next regular meeting
of November 21, 1996.

Parker moved and Cross seconded a motion to postpone ZBA #96-73 until the next
regular meeting. Motion carried 6-0.REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 17, 1996 7:00 P.M.

2. ZBA #96-76

By: Laidlaw Environmental Service
(TS) Inc.
4475 Dort Hwy.
Burton, MI 48529

Re: 59-33-300-012
M-1 Zoned

For: An M-2 Special Use in an M-1 Zoned Area for the transfer of non-compacted solid waste from a container to a R.R. Gondola car, solely within the confines of a completely enclosed building.
(5 Votes Required)

David Hodge, Facility Manager, explained they load bulk non-hazardous waste
into railroad cars to be shipped to Utah. They employ twenty to twenty-five
employees. They will be spending approximately $200,000.00 to convert to this
type of disposal. They adhere to every environmental control over this waste.
If this request is denied they would have to consider moving to another location.

In the audience, Mr. Don Sanderlin, 4460 Killarney, explained he is the
sub-division representative. He will try to cover all of the questions the
residents of Killarney Park have. He asked if there would be twenty-four hour
security.Mr. Hodge said there is already around the clock security, including

week ends. Mr. Sanderlin said the City should be reimbursed by Laidlaw Inc.
for the expense of inspections at the site. C. Cross said he could answer this
part; He said one of the conditions will be that Laidlaw pay the city $50,000.
per year to cover the cost of hiring a Fire Marshall to make inspections.
Discussion on a "spill" followed. Mr. Hodge explained the procedure to handle
"spills", there are specific guidelines which they must follow. He asked
would they be asking for a tax abatement. Mr. Hodge said no. Mr. Sanderlin
asked if this was the only Board they must go before. I. Hohloch explained
they must apply to the Planning Commission for a Site Plan Review. Mr.
Sanderlin asked about hiring new employees, Mr. Hodge said not right away. Mr.
Sanderlin read a letter from Beverly Palm, 3294 Shannon Rd., who could not be
in attendance tonight, opposing approval of this request. Steven Johnson, 4437
Killarney Park Dr. questioned if there would be any changes of the plans that
would compromise the integrity of the blueprints and specifications. Chairman
Hohloch said the final plans would go before Planning Commission.
Mike Hall, 2123 S. Center said his company is taking care of the security work
for the past year on a 24 hour round the clock basis. It is a clean and safe
operation and there are no problems. He would like to see this approved.
L. Bertram, 3380 Shannon Road, spoke on some of his concerns, one of them
being how much more storage or more gondola's will there be. Mr. Hodge said
the trackage there would only hold 3 cars, it will be limited by this.
He spoke on underground waste water storage. He said this will be all above
ground as leaks are easier to be detected, much safer operation.

ZBA 96-76 (CONTD.)

Donna Glann, 1475 Ives asked if the City is prepared to handle a "spill".
C.Cross said it was. She asked what if this business is sold. Atty.
Hamilton explained the new owners would have to comply to the conditions
if this is approved. Chairman Hohloch concurred with C. Cross that this
variance is a non-negotiable item. L. Bertram said at the "Town Hall"
meeting the residents had many concerns and would these be addressed by
the ZBA. C. Cross said he has compiled all of their concerns and has
drawn up a motion to include all of these concerns and he would read it

to the audience later in the meeting. L. Petrella, 1081 Howe asked what specifically were the materials handled. Mr. Hodge said these were non-hazardous industrial wastes. They are analyzed and monitored yearly. L. Petrella asked if it were possible to obtain a list of what chemicals and wastes there will be there. I. Hohloch said he could go to the Fire Chief and get a list. Councilman Keith Cox, 4349 Chicory, asked about the blue boxes being cleaned and coming back. D. Hodge explained the care of the boxes. K. Cox asked who inspects the site now. Mr. Hodge said the DDQ comes in whenever they feel like it to make sure they are following all the federal and state requirements. K. Cox asked what all could they do if they have a temporary M-2 Use. Atty. Hamilton explained it would be restricted to what they are asking for. He further explained that the advantage to a yearly renewal was that we could monitor the operation closely. He then asked what if this was turned down when it came up for renewal. Chairman Hohloch said they would have to have a valid reason to do so, there must be some violations first.
Lola Bowman. 1322 Kenneth St., said she works for Laidlaw and is able to support her family, she spoke in favor of the variance request

T. Strasser said the DPW has no problem with approval of this request. C. Cross explained that as a resident and a councilman he wants what is best for Burton. He read the proposed stipulations that would be attached should this be approved. There was a short Board discussion.

Moved by Cross, seconded by Kalanquin to approve ZBA #96-76 with the following stipulations: That Laidlaw Environmental Service be granted a one year renewable variance to conduct a M-2 Use in a M-1 Zone as described in the attached operating procedures outline to permit the consolidation of loads of non-hazardous industrial waste from truck containers to rail gondola cars, wholly within an approved enclosed building, subject to the following conditions:

A. Building plans are to be approved by the City of Burton DPW., with architectural review of the structure if appropriate.
B. The operation shall be in compliance with all applicable local, state and federal regulations.

ZBA #96-76 (contd.)

C. The premises shall be open and available, with or without notice during

regular business hours or anytime there is any activity at the site.

D. Laidlaw Environmental Service shall be responsible to pay an oversite fee in the amount of $50,000.00 per year.

E. Laidlaw Environmental Service shall post a performance bond in the penal amount of $100,000.00, subject to the review and approval of the Burton City Attorney, to guarantee compliance with the provisions of this variance.

F. Laidlaw Environmental Service shall provide a security guard for the premises at all times the premises are not actively manned by company personnel.

G. The oversite fee set forth in Paragraph D shall be payable in quarterly installments, first payment shall be due upon issuance of the building permit by the City of Burton, thereafter, the quarterly instalment shall fall due each July 1, October 1, January 1 and April 1.

H. Maintain area surrounding fence.

I. The variance be on a yearly renewal basis.

J. No trucks to use Maple & Center for trucking, that Dort Highway be utilized.

Roll call showed motion carried 6-0.

Chairman Hohloch adjourned for a five minute recess.
Meeting resumed at 8:15 PM

E. NEW APPLICATIONS:

1. ZBA 96-74

By: Arthur E. Hendriksen
3191 S.Genesee Rd.
Burton, Mi 48509

Re: 3191 S. Genesee Rd., Lot 20
City Gardens
Sect. 26 R-1B Zoned

For: To exceed the allowable square footage for accessory structures by 758 sq. ft. with a 30' x 40' garage. 864 sq. ft. allowed; 1652 sq. ft. requested.
(4 Votes required)

Mildred Hendriksen spoke for this case. She said they need storage space for

two cars, a van, a boat and a trailer. Now everything is being stored outside.

ZBA #96-74 (contd.)

No one in the audience wished to speak.

T. Strasser said he would like to see garage type construction. Mr. Hendriksen said it would be.

M. Scott asked about the things in the yard. Mrs. hendriksen said they will get rid of them. C. Cross asked about the height of the sidewalls, they will be 8 foot with loft storage. T. Strasser explained about the cement floor which is already poured. Lengthy discussion on the junk and debris in the yard followed.

Moved by Parker, seconded by Cross to approve ZBA #96-74 with the stipulation that the site be cleaned up to the satisfaction of the DPW within thirty days from this date prior to issuance of building permit. Motion carried 6-0.

2. ZBA #96-75

By: Joseph Couturier
1444 N. Genesee Rd.
Burton, MI 48509

By: 59-11-100-012
R-1A Zoned

For: To exceed the allowable square footage for accessory structures by 336 sq. ft. with a 24' x 26' garage. 864 sq. ft. allowed, 1200 sq. ft. proposed.
(4 Votes Required)

Mr. Couturier explained he needs the garage for extra storage room. It will be wood construction with vinyl siding and shingle roof to match his house.

No one in the audience wished to speak

T. Strasser said it was going to be a garage type construction and the he has close to an acre and the DPW can see no problems with approval. Chairman Hohloch said this was a large lot, C. Cross said Mr. Couturier keeps a neat home, he has no problem with approval, B. Kalanquin concurred.

Moved by Kalanquin, supported by Parker to approve ZBA #96-75 as written. Motion carried 6-0.

3. ZBA #96-77

By: JoMeg Corporation
8323 Office Park
Grand Blanc, MI 48439

Re: 2017 Boatfield,
59-32-100-001
C-2 Zoned

For: A C-3 Use in a C-2 zoned area;
Used Car Sales not in conjunction
with new car sales.
Sect. 16.03 Item 3F.
(5 Votes required)

Woody Mattar of Flushing explained that he would like to obtain a State license to wholesale cars and to do so he must have permission from a municipality to sell used cars at a specific location. He does not intend to retail used cars it is merely a formality that he is requesting this variance. He does not own the property on Boatfield, he is merely using the address of a business friend so that he can obtain a wholesaler's license.

In the audience, Kathryn Berry, 2036 Boatfield, spoke on the high number of cars that are parked in the street and on the property. She feels this will increase traffic on the street which already has heavy traffic. Vanessa Mercier, 2046 Boatfield, concurred, she feels it is a safety problem for the children living on the street.

T. Strasser explained Mr. Mattar will only be wholesaling used cars. He must

get a license from the State of MI to do this. He will not have any cars at
this location. DPW has no problem with this request.

Lengthy Board discussion followed. Chairman Hohloch explained to the Kathryn Berry and Vanessa Mercier that if this is not approved they will still
have the same problems with the cars at this business. There are steps they
can take to try to remedy this problem. Parker said what Mr. Mattar desires
to do does not affect the property, Mr. Briggs is the problem.

Moved by Cross, seconded by Kalanquin to deny ZBA #96-77. Roll call showed
motion to deny failed; Hohloch & Parker voting no.

More discussion followed. Moved by Parker to approve ZBA #96-77 for wholesale
license only, no retail used cars to be allowed at this location. Motion died for lack of a second.
Mr. Mattar said he would make it easy for the Board and withdraw his request.
There was no need for any further action by the Board.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, November 21, 1996, 7:00 P.M.

Meeting adjourned at 9:07 PM.
Jeanette A. Brown, Clerk's Office