

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MINUTES
NOVEMBER 9, 1995 AT 7:00 P.M.

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

MEMBERS PRESENT: W. DePottey, B. Weatherford, T. Hammon, I. Hohloch,
H. Berry, T. Parker and F. Edmonds.

OTHERS PRESENT: Richard Austin, Asst. City Attorney, T. Strasser, Dep.
Planning Official, J. Brown, Clerk's Office.

A. APPROVE THE MINUTES OF THE FOLLOWING MEETING:

1. Regular ZBA Meeting of October 19, 1995, at 7:00 P.M.

Moved by DePottey, Seconded by Weatherford. carried 7-0, to approve the
above
minutes as printed.

B. NEW APPLICATION POSTPONED FROM OCTOBER 19, 1995:

1. ZBA #95-63

Re: Waste Mgt. of Mich. Inc/
dba Valley Rubbish
3309 Associates Dr.
Burton, MI 48529

By: 3376 Associates, Lot 12 - 14
Associates Commercial Sites.
Sect. 29 M-1 Zoned.

the For: Grant a variance to permit

current defined use at the
subject property.
(5 Votes Required)

Moved by Hammon, seconded by Parker, carried 7-0 to postpone this request
until the end of the variance requests.

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B. NEW APPLICATIONS :

2. ZBA #95-67

By: Robert Palmateer
3242 Alpena
Burton, MI 48529

Re: 2005 Proper Lots 210, 211 &

Greater Flint Sub.
Sect, 32 R-1C Zoned.

square
structures
36'
allowed,

For: To exceed the allowable
footage for accessory
by 144 sq. ft. with a 28' x
Pole Barn, 864 sq. ft.
1008 sq. ft. requested.
(4 Votes required)

The applicant was not present at this time.
Moved by Hammon, seconded by Berry, carried 7-0 to postpone this request
to just prior to ZBA #95-63.

3. ZBA #95-68

By: Gary Cobe
3529 Brenthill
Grand Blanc, MI 48439

Re: 6165 E. Bristol
Q-266-B Sect. 25 SE Zoned.

height

For: To exceed the allowable
by 1'8", 14' average height
required, for an accessory
structure.
(4 Votes required)

Mr. Cobe explained that he built a storage area above his barn and now
the
height is above what is allowed. If this is denied, it will be a
financial
hardship as he will have to rebuild the barn.

No one in the audience wished to speak.
T. Strasser said the building looks nice, the DPW has no problems with
this
request. F. Edmonds said he felt the building is good looking and fits
in
the location.

Moved by Edmonds, seconded by Weatherford, carried 7-0 to approve ZBA
#95-68

as written.

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4. ZBA #95-69
Engineering

By: Spen-Tech Machine

Corp.
2475 E. Judd Rd.,
Burton, Mich. 48529

Re: 2475 E. Judd Road,
Q-344-E Sect. 32
M-1 Zoned

of
conjunction
lot or a

For: To permit outdoor storage

mobile homes not in
with a mobile home sales

mobile home park.
Ord. 19 Sect. 5.16, item 9
(5 votes required.)

Mr. Troy Spence, owner of Spen-Tech explained that he was not aware that he was not complying with the City ordinance. He is merely trying to utilize his excess property to earn money to help pay his taxes. He has been in business in Burton for 40 years, he feels he has been an asset to the City. If this is denied it will be a financial hardship. He said this property is zoned light industrial and presented pictures of his storage lot and other trailer lots in the area.

In the audience Sue Millard, 3442 Griffith Ct. said perhaps if he put up screening that would lessen the negative impact on the neighborhood. Mr. Kershaw of Swartz Creek asked if the trailers would be scrapped out on this property or simply used as a junk yard. Mr. Spence said he does want his property to look orderly. Sean Jackson, 4363 Columbine, spoke on this property becoming a junk yard for trailers. Richard Vickory, 2045 Judd Road, suggested planting trees as a screening method. Steve Ridley said he is an employee of Spen-Tech and he is against approval of this variance. He said there are cats living in these trailers. He also said Mr. Spence is behind on his taxes on this property. Larry Stevens, 3049 Vineland, asked about an IDD on this property, he also stated that if this is approved, it should be a temporary variance.

T. Strasser said he has been getting letters and telephone calls against this request. The DPW doesn't feel this is an appropriate use. Board discussion followed on making an orderly arrangement of the trailers; about security; about a short term variance; length of time each trailer will be on the property and numerous other things.

Moved by Parker, seconded by Weatherford, Roll call showed motion to deny ZBA #95-69 carried 4 yea, 3 no. Hammon, Berry and Edmonds voting no.

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C. NEW APPLICATIONS (contd.)

4. ZBA #95-70

By: Apex Sign Group, Inc. for
Wallis Motor Lodge East
6200 N. Dort Hwy.
Flint, MI 48505

Re: 1237 S. Center Rd.
59-15-300-001 C-2 Zoned

For: (1) To exceed the height
requirement with a high rise

sign

by 40'. 30' required, 70'
requested.

footage

(2) To exceed the square
requirements by 144 sq. ft.

150'

required, 194 sq. ft.

requested.

(4 Votes required)

Apex Sign representative explained that Wallis Motor Lodge needed to attract customers from I-69 and therefore needed a larger, higher sign. He gave as examples other larger signs along the express-way.

In the audience, Steve Ridley, 1439 S. Packard and Larry Petrella, 1081 Howe Road spoke against higher, larger signs.

T. Strasser said that Wallis have done fine things for Burton. He cannot see that a hardship has been proven and Burton is becoming saturated with large signs.

Board discussion followed. Members felt that the present sign is visible from the express-way and a larger one is not necessary. The representative said they would be willing to compromise on the size of the sign. Hammon said he did not want to deny the right of a business to advertise.

Motion by Hammon, seconded by Berry to approve items 1 & 2 of ZBA #95-70 was withdrawn to give Apex Sign Group, Inc. time to draft plans for a smaller sign.

Motion by Hammon, seconded by Berry, carried 7-0 to postpone ZBA #95-70 until the next regular meeting.

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POSTPONED FROM BEGINNING OF THIS MEETING:

1. ZBA #95-67

Re: Robert Palmateer
3242 Alpena
Burton, MI 48529

Mr. Palmateer was not present.

Moved by DePottey, seconded by Hammon, carried 7-0 to postpone ZBA #95-67 until the next regular meeting of December 14, 1995.

Chairman Hohloch recessed the meeting for 15 minutes at 8:25 P.M.

City Attorney Richard Hamilton entered at this time, Assistant Richard Austin exited the meeting at the same time.

Meeting reconvened at 8:40 P.M.

2. ZBA #95-63

Re: Waste Mgt. of Mich., Inc/
dba Valley Rubbish

Attorney Michele Riley, George Gallagher and Mr. Fargas, environmentalist spoke for Valley Rubbish. M. Riley reviewed the uses, and said they were still consistent with M-1 uses. She also stated Valley does have a valid permit from the State to operate this business. She further stated that no hazardous materials come into this site. She said truck traffic is expected in this area and allowed. If this is denied, it will be a financial hardship, there are 50 to 60 employees working there.

In the audience Attorney Steven Iamarino spoke against approval of this variance request. He said Valley Rubbish has started an unauthorized business, also that a valid permit from the State does not give right to put this business anywhere they want to. He said this business is adversely affecting the area. He read from the Planning Commission minutes in 1991 the stipulations on approval of this site plan. He stated that Valley Rubbish is exceeding the use that was granted by the Planning Commission.

Carmine Avantini, Principle Planner of McKenna & Associates reviewed the Use Variance request criteria. He said a variance should not be approved

for this type of business in this area. Valley Rubbish should look for a suitable site.

In the audience the following spoke against approval:

Wayne Millard, 3442 Griffith Ct.

Jessie Smith, 2188 Scottwood

Richard Vickery, 2050 Judd

David White, 2155 Whittemore

Kalena Hanson, 1127 LaSalle, Latch Kay program Director

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Nelson Pierson, Griffith Court

Maureen Holmes, Presented Petitions against approval.

Belinda White, 2155 Whittemore

Steve Ridley, Packard

Mike and Margaret Connelly, parents of Griffith Court student submitted a letter against approval.

Michelle Riley rebutted. She read from a letter of February, 1992 from the

County Planning Commission approving of this use. George Gallagher said the Burton City Planning Commission was aware of the intended use and gave

their approval. He said he is attempting to correct the problems.

City Attorney Hamilton clarified the functions that are approved for this property. Lengthy Board discussion followed. It was felt that the stipulations in the 1991 Planning Commission approval should be adhered to, strictly corrugated material to be recycled. It was felt that this variance approval would adversely affect the Health, safety and welfare of the residents.

Moved by Parker, seconded by Berry, Roll call showed motion carried 6-1 to deny ZBA #95-63 as written. Edmonds voting no.

D. AUDIENCE PARTICIPATION:

L. Stephens, 3049 Vineland spoke on the trucks parked at Valley Rubbish, and the enforcement of the ordinance.

F. BOARD DISCUSSION:

The December ZBA meeting has been set for December 14, 1995.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, December 14, 1995, 7:00 P.M.

Meeting adjourned at 10:15 PM.

Jeanette Brown,
Clerk's Office