

CITY OF BURTON
SPECIAL ZONING BOARD OF APPEALS MINUTES
AUGUST 11, 1998, 5:30 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY Kalanquin AT 5:30 P.M.

MEMBERS PRESENT: Kalanquin, Berry, Scott, Parker, Centilli, Weatherford, Layman

MEMBERS ABSENT: None

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Clerk's Office

1. ZBA #98-45
- BY: CSS Investors, L.L.C.
5390 McCandlish Rd.
Grand Blanc, MI 48439
- RE: Part of Lot 10, Beechwood Estates
Sect. 2, C-1 Zoned, Belsay Rd. North of
Davison.
- FOR: To conduct a C-3 special use in a C-1
zoned area, for a car wash establishment.
(5 Votes)

Ian Hohloch, 4422 Hedgethorn Ct., Burton, MI, from CHMP, Inc. representing Chuck Sekrenes, spoke on the location of the proposed car wash and indicated it would be an improvement to the corner. The project would be multi-phase, with the car wash built first and that would help fund a new approximately 15,000 sq. ft. retail center. Mr. Hohloch spoke further that the site would have a privacy fence, lighting and pine trees planted to help as a noise buffer.

Mr. Hohloch stated that from an engineering and City standpoint, it will help improve the traffic flow on the corner by closing off the existing old gas station that is within 50 ft. of the corner. The C-1 zoning states that you could have a dry cleaner, coin operated laundromat and other such similar businesses. Mr. Hohloch stated further the 1975 ordinances have not kept up with the current trend in the market place of the City and it will not adversely impact the health, safety and welfare of the community. They met with the homeowners last night at a workshop and Mr. Sekrenes is willing to put a timer on the vacuums, which would be automatically shut off at 11:00 p.m. and then on again at 6:00 a.m. to help keep the noise level down.

Chuck Sekrenes, 5390 McCandlish Rd., Grand Blanc, MI, stated he developed Brookwood Pt. and Briar Creek Subdivisions and currently owns the whole piece of property. He spoke on the materials to be used for construction and stated the landscaping would be quite extensive. To do the retail center, this would help fund that and they hope to do that project sometime in 1999. Mr. Sekrenes said he feels this is a great location for this type of project and that it would be similar to the system on Center Rd.

AUDIENCE PARTICIPATION:

Dee Roat, 2104 Crestline Cr., Burton, MI, said she is on Lot 20 adjacent to the proposed building and feels a 24 hour car wash behind their homes would lower the property values. She indicated a lot of neighbors could not come due to the 5:30 meeting time with work schedules, but that many do not want this due to the 24 hours being open.

Ed Osterholzer, 2169 Crestline Dr., Burton, MI, said he is concerned with any detriment that would decrease their property values and with the Brookwood Golf Course across the street, it gives a country club atmosphere. Mr. Osterholzer stated he knows of Mr. Sekrenes construction, what he has done at Brookwood Pointe and that he is a builder of class homes. It is C-1 zoned and they could end up with a dry cleaners or laundromat. He thinks the buffer zones and pine trees would look good but he does not know how the 24 hours open would turn out.

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke regarding the noise at the corner. They hear the sounds although they do not live up there, so she cannot imagine would it would be like to live so many feet from this whether being 300, 500 or 1000 ft. She feels what is being considered on the agenda is a portion or part of Lot 10. She believes all of this parcel is Lot 10 and this portion that is currently developed is separate and has a separate ID# from the other lot. She sees this as different then coming in and trying to make use of the established building as has been brought to the Zoning Board of Appeals before on Davison Rd. Mrs. Dargel spoke regarding the ordinance as to protecting and conserving the character and the social and economic stability of our residential, commercial, industrial and other use areas. She is opposed to this consideration because you are asking to do a zoning by variance and this will not be a temporary thing. This is a dramatic change to go up against a residential neighborhood, a fine, long-standing established neighborhood. Mrs. Dargel spoke in length on C-3 zoning.

Larry Petrella, 1081 Howe Rd., Burton, MI, asked to see the building drawings and the lighting and inquired if that information was shown to the residents at the meeting the previous night. This is a great neighborhood and has been for many years and would not like to see anything change that.

Betty Khouri, 5410 N. Sycamore, Burton, MI, said she is overwhelmed with the proposal. They have been land owners since the mid fifty's and has lived there for 33 years. They have one of the finest neighborhoods in the community where they have a country atmosphere but still close to the City. We knew when we purchased the land that some of it was commercial, C-1. We cannot object, but you are asking for a variance to a C-3 which gives them usage for outside. An office, doctors building or daycare center, something where the hours would not affect the neighborhood she can understand. The consideration of this plan is overwhelming to her and none of the neighbors have even seen the site plans which she feels is so important. She indicated to please give them a chance to know what is happening in their back yards.

Rosalie Branch, 2219 Crestline, Burton, MI, said she and her husband bought their property in 1992. They looked all over the City and chose Beechwood because of the country look, big lots and beautiful homes, well maintained through the years. She is opposed to the car wash and would rather have a doctors office, daycare or something similar.

Ruth Edwards, 2127 N. Belsay Rd., Burton, MI, said she lives 5 doors down and has never seen the plans. She spoke on the traffic and number of accidents at the corner. She inquired as to the 24 hours being open and stated she loves the community and wants to keep it that way.

Linda Burris-Croley, 6223 Crabtree Lane, Burton, MI, spoke on the noise and mentioned the residents behind Home Depot deal with a tremendous amount of noise from that establishment and have not been able to get any relief or help from the City. They were told once an established business is in there is not much that can be done.

Ruth Murray, 2235 Crestline Dr., Burton, MI, said after last night's meeting they drove through the Center Rd. car wash area to see what it was like. It was not in a residential neighborhood and seemed right where it belonged, on a commercial road, and that is where we would like to see this.

Henry Peterson, 2059 Crestline Dr., Burton, MI, said he is opposed to the car wash because of the 24 hour operation and it is not attended. If there is noise there is no one there to do something about it unless you call the police.

Leona Stevens, 3049 Vineland, Burton, MI, said she hopes the Board will go along with the residents because once you have a commercial business like this in a neighborhood, it will drive the residents out.

Ken Olsen, 5399 N. Sycamore, Burton, MI, spoke regarding the noise and indicated he agrees with all the other residents comments.

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke regarding the need to show the hardship. She said the applicant stated he owns the entire parcel. If he sees it as a hardship, it is self-imposed because the date of purchase was early June of this year, 1998. He chose a C-1.

Kalanquin read aloud a letter from Robert J. Horton, 2064 Crestline Cr., Burton, MI, who indicated he is opposed to the applicant's request.

Ian Hohloch said he appreciates the comments of the residents but not to lose sight of what could go in there. A daycare or professional office would be wonderful, but under C-1, a cinder block, window faced, lit, 24 hour coin operated laundromat can go in there. This is a considerable improvement over that use and the traffic would be the same.

Strasser stated if approved, this will go directly to the Planning Commission meeting scheduled after this meeting. The size of the pine trees will be 6 ft. tall to start with. The issue of driveways, pulling in and out, is entirely up to the Genesee County Road Commission for both Davison and Belsay Rd. Strasser indicated they somewhat agree with the residents on the issue of noise but not on the building. Mr. Sekrenes does very nice work. This is not a site plan review at this meeting, you are only looking at allowing the type of use on that property. A resident brought up noise such as boom boxes/radios, and that cannot be controlled. The residents have one of the finest subdivisions in the area. There primary issue is the noise.

BOARD DISCUSSION:

Parker indicated he disagrees with Mr. Hohloch's statement on our ordinances and antiquated. He knows they are in the process of updating the master plan and there may be some changes on that corner, but for the purpose of C-1, it is to promote such business developments so far as possible and appropriate in each area, uses are prohibited which would create hazards offensive and loud noises, vibrations, smoke and heavy traffic and feels that corner should be C-1. A C-3 use is for larger parcels of property. Mr. Parker spoke regarding the property of We Three being zoned a C-3 which abuts to a residential neighborhood but there is a large area between where the buildings are and the uses are done inside a building. A C-3 use outside in that close proximity to a residential neighborhood he cannot support that. Parker said one thing they have neglected on this Board is seeing down the road and spoke of the City's limited funding and policing. Mr. Strasser has indicated before to be cautious of what they can and cannot enforce.

Motion by Layman, seconded by Parker to deny ZBA #98-45.

Motion carried, 6-1. (Berry - no).

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Thursday, August 20, 1998 at 6:00 P.M.

MEETING ADJOURNED AT 6:20 P.M.

JRA