

CITY OF BURTON
SPECIAL ZONING BOARD OF APPEALS MEETING MINUTES
JULY 22, 1999 / 6:00 P.M., COUNCIL CHAMBERS

THE MEETING WAS CALLED TO ORDER BY WILLIAM KALANQUIN AT 6:12 P.M.

MEMBERS PRESENT: Kalanquin, Layman, Berry, Parker, Wright, Centilli

MEMBERS ABSENT: B. Weatherford, Scott

OTHERS PRESENT: J. Adams, Clerk's Office.

Due to the absence of a DPW representative, the following motion was made:

Moved by Wright, seconded by Parker to continue with the ZBA meeting.
Motion carried, 6-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke regarding an East Village Publication she picked up at the Farmers Market that spoke in reference to different neighborhoods across town. It stated that one of the things neighborhoods look to, and demand of their city, is that the city strictly enforce the Building Codes and Zoning Ordinance because strict enforcement will result in a more attractive neighborhood. Mrs. Dargel stated she feels that is what the City of Burton's Zoning Board of Appeals does do.

Mrs. Dargel spoke further regarding an unsuccessful applicant of the Zoning Board that came before the Council to do some grumbling. She stated that when they come before you they are asking for a deviance from the Zoning Ordinance. If indeed the ZBA does not give it to them, the applicant then has the right to take it to Circuit Court. The residents of this community look to the Zoning Board to uphold the ordinance that is in effect. Mrs. Dargel reiterated again that the Zoning Board does a good job.

APPLICATION:

ZBA #99-44

BY: Neil Martz, Rep. For Z1-MAR Group
6384 S. Belsay Rd.
Grand Blanc, MI 48439

RE: 2374 Red Arrow
Parcel #59-29-400-001

FOR: Temporary use for concrete rubble storage with two
crush operations at times agreeable with Burton
DPW. Ordinance 19, Sect. 21.05, Item 2 e.
(5 Votes)

Neil Martz, 6384 S. Belsay Rd., said he is one of the owners of Z-Mar Corporation. He presented the Board with a map outlining the 50 acres he is trying to negotiate with the owner for. Mr. Martz said he is asking for a one year temporary use to allow his organization to enter back onto the property, work with the City Police & Fire Departments, and the DPW, to try to minimize congregating, burning of tires and buildings, and start to clean up the property. He wants to do something with the property other than letting it sit there to attract dumping, motorcross racing and other unwanted things. The temporary use for concrete rubble is to try and find a non-moveable, non-friendly way to fortify the property to keep people off the property.

Mr. Martz said he attended a Council Meeting 60 days ago when they had the building on the demolition list. He asked that the City give him the opportunity to bring in a structural engineer to evaluate the structural capabilities of the building. If it is not worth saving they will knock it down, and if the frame is worth saving, they will go through the site plan review process and put a permanent use on there.

Mr. Martz said he has no desire to go onto the Ogema area or the area to the west of residential area. He spoke further of trying to open access onto Dort Hwy.

Mr. Martz spoke further regarding the use of the concrete, current condition of the property, and possible residential housing in the future.

AUDIENCE PARTICIPATION:

Deborah Egan, 3328 Ogema St., Burton, MI, stated she lives in the last house on Ogema for six years, and it is next to this property. She hopes the Board will not allow the applicant to come in and destroy the peace in the neighborhood. The dust is already horrendous with the unpaved street and she cannot imagine what it will be with dump trucks and the dust and grime that this will stir up. Add that to the concrete dust and noise of the crushers, it will create and pose a nuisance. Mrs. Egan stated further, she can hear the concrete company on Dort Hwy. and their loud speakers which is further away than this proposed operation.

Mrs. Dargel inquired regarding the zoning.

Mr. Martz said it is zoned heavy industrial. This property is not part of her neighborhood and there is specific industrial standards that have to be adhered to for any industrial operation within the City. Mr. Martz spoke further of different steps to minimize the concrete dust. The crushing operation will be done at times that will have as minimum impact on the abutting households, and will most likely be done in the winter such as other crushing operations that exist within the City.

BOARD DISCUSSION:

Mr. Berry inquired if he will use the old building for storage and equipment.

Mr. Martz said at this time he can not use the building because he has not run a site plan that allows him to use the building. The building has had a couple of fires and if it is non-recoverable, it will be tore down. If recoverable, he has to go through site plan review.

Mr. Berry inquired if he is asking for is a barricade off of Dort Hwy. to get back in.

Mr. Martz said he does not want to touch the Ogema side at all and he will try not to bring in any traffic in that area. He is not planning on putting any use within 600 ft. of the stock pile.

Mr. Centilli inquired as to clarification of the concrete operation.

Mr. Martz said he is asking for two times to bring in a crushing plant at a time the DPW says it is agreeable with them. It will probably be in the winter.

Mr. Centilli inquired as to staying 500 ft. from Ogema, and the access from Red Arrow Rd. off of Dort Hwy.

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Mrs. Layman inquired regarding the noise decimal.

Mr. Martz said years ago it was relatively noisy. He spoke with DPW and there does not seem to be any problem with the newer crushing operations conducted in the City. Mr. Martz stated it would be done during the day, and spoke of the Board limiting hours of the crushing operation.

Mr. Wright asked for Mr. Martz to clarify his statements of utilizing broken concrete as a barrier to try and control the property.

Mr. Martz spoke regarding creating the perimeters of the property with concrete.

Discussion followed regarding the crushing procedures and operations.

Mr. Parker questioned the possible future residential development.

Mr. Martz said he would never attempt to use Red Arrow Road to access into the subdivision. If he did anything with the frontage on Ogema Street, he would develop single family home sites, and either sell the home sites off to a person to build the house, put the house there himself, or some combination thereof. Mr. Martz stated further, he does not think there is enough room on the frontage of Ogema or Red Arrow to get more than 4 or 5 lots.

Brief discussion followed regarding clean-up of the site, liability and barriers for the site.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Berry, seconded by Wright to approve ZBA #99-44, with the stipulation the DPW approves the crushing dates, and the applicant stay 500 ft. off of Ogema St.

Motion carried, 5-1. Layman – no.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, August 19, 1999 at 6:00 P.M.**

MEETING ADJOURNED AT 7:54 P.M.

jra