

CITY OF BURTON  
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES  
JUNE 17, 2010, 5:00 P.M., COUNCIL CHAMBERS  
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Chairman Steve Welch called the meeting to order at 5:00 pm.

MEMBERS PRESENT: Welch, Bennett, Tracy Parker, Hynes, Spose and Haskins.

MEMBERS ABSENT: Grantner, Weatherford and Terry Parker.

OTHERS PRESENT: A. Frost, DPW Representative and J. Adams, Deputy City Clerk.

Moved by Bennett and seconded by Spose to approve the ZBA Meeting minutes of May 6, 2010 at 5:00 p.m. Motion carried 6-0.

Mr. Welch stated because there is not a full Board present tonight, the applicants can have their case heard tonight or at the next ZBA Meeting if they would like to.

NEW APPLICATIONS:

1. ZBA #10-07

BY: Winans Inc, Barry Catrell  
1460 E. Hemphill  
Burton, MI 48529

RE: 1480 Hemphill, Parcel #59-30-576-013  
Lots 48 through 54 of Baker Park

FOR: To construct a storage building 5' from the  
rear property line; 30' required.  
(4 votes required)

Barry Catrell, 1460 E. Hemphill, Burton, stated he wants to build a 40 ft. x 120 ft. pole barn with concrete floors. It will match the existing building. The setback I am asking for (5 ft. variance) matches the existing building.

AUDIENCE PARTICIPATION:

John Stapish, PO Box 190134, Burton, stated the Board should approve the variance request. It would cover up the debris, trash and 4 ft. tall weeds on Allen St. behind the gas station.

Ms. Frost stated he will clean up the area and it would be a great addition. He is going where the existing building is and we recommend approval.

BOARD DISCUSSION:

Mr. Welch said he spoke to Mr. Grantner and the Planning Commission approved it.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Hynes and seconded by Tracy Parker to approve ZBA #10-07. Motion carried 6-0.

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2. ZBA #10-08

BY: Allstar Sportsbar, Joe Simaan  
4312 S. Dort  
Burton, MI 48529

RE: Parcel #59-32-400-030

FOR: To allow a C-3 use, "outdoor recreation"  
in an R-1C zoning for volleyball courts.  
(5 votes required)

Joe Simaan, 4312 S. Dort, Burton, acknowledged his variance request.

Ms. Frost said the property already has additional outdoor recreational uses, therefore, we recommend approval.

AUDIENCE PARTICIPATION:

Tom Ketcham, 2360 E. Judd Rd., Burton, stated he has a problem with noise coming from the bar especially on Thursday nights, which is college night. There are 200 college kids there. If they put in volleyball courts, they will have a mess up there. The speakers on the patio keep us up till 2:00 a.m. in the morning that makes it very hard to get up for work. The putt-putt golf course and batting cages close early. He has no problem with that. Then there is the noise from the bar. Mr. Ketcham acknowledged his home is the first house on Judd Rd. He strongly opposes the variance request.

BOARD DISCUSSION:

Mr. Bennett said he lives at 2295 Judd Rd. He knew it was karaoke night when the previous owner had the establishment. It was horrible to listen to and went till 1:00 a.m. in the morning.

Mr. Hynes asked if the volleyball courts are where the basketball courts use to be.

Mr. Simaan replied yes. They will not be opened till 2:00 a.m.

Mr. Hynes asked if that could be part of the motion. Mr. Welch acknowledged yes.

Ms. Frost said the Board could place restrictions and timeframes.

Mr. Hynes said he gets a lot of complaints about noise at Sharkey's on Center and Bristol Rd.

Mr. Spose said he has the same concerns. A time limit would be beneficial for everyone. He suggests sometime between 10:00 p.m. and 11:00 p.m.

Mr. Simaan said 11:00 p.m. would be the latest it would be open.

Mr. Bennett asked Mr. Simaan if he would have loud speakers.

Mr. Simaan said loud speakers are by the putt-putt and one night we may have left them on. That could have been Thursday the 10<sup>th</sup>.

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Mr. Hynes said the problem he has with 11:00 p.m. is that it is going to take them a half hour to get off of the courts and get cleaned up. They are still going to be loud and it will be about midnight before the operation is over. Mr. Hynes referenced Sharkey's and indicated the need for the Board to be consistent with their rulings.

Mr. Haskins said the only complaints he ever heard about on Sharkey's was the speakers on the patio. He doesn't see a need to be playing volleyball past 10:00 p.m. If it was a weekend and they wanted to go to 11:00 p.m., I wouldn't have any problems with that, but during the week, I don't see why they need to play past 10:00 p.m. We don't want to hinder the residents, but we also want the businesses to prosper too.

Mr. Hynes and Mr. Spose both stated they would like to see a 10:00 p.m. time.  
Mr. Hynes addressed netting for a sound barrier. He said some nettings are solid.  
Mr. Simaan acknowledged there is no netting.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Hynes and seconded by Haskins to approve ZBA #10-08 with restrictions of no playing past 10:00 p.m. on the volleyball courts. Motion carried 6-0.

Mr. Simaan said he had no idea noise was reaching residents till last week. They will shut the back door so the loud noise doesn't carry.

Mr. Bennett asked if karaoke was an indoor event. Mr. Simaan responded it is indoors but they leave the door open. He will have it closed.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION:

Mr. Welch indicated Mr. Bennett's term expires this month of June. If Mr. Bennett or anyone else would like to put their name in for the 3 year term, contact the Clerk's office.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, July 15, 2010 at 5:00 p.m.**

Meeting adjourned at 5:25 pm.

jra