



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

APRIL 19, 2018

AGENDA

Council Chambers

Regular Meeting

5:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

ATTENTION APPLICANT:

In order to prove you are entitled to a variance, you should be prepared to show how your property meets the conditions listed:

1. The difficulty must be unique to your property and not generally shared by others in the same zoning district, and would constitute a hardship.
1. The variance will not adversely affect the public health, safety and welfare, or be contrary to the spirit and intent of the Ordinance.

The burden of demonstrating that the above conditions exist on your property falls on you, the applicant. The Zoning Board of Appeals will not argue or present your case for you.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 15, 2018 5:00 PM

E. VARIANCE

1. ZBA #18-06

By: 4086 Davison, LLC.
6560 Orchard Lake Rd.
West Bloomfield, MI 48322

Re: 4086 Davison Rd. Burton, MI 48509
59-10-100-034, C-2 Zoned

For: To conduct a medical marijuana facility that will be within 200' of residential houses.

2. ZBA #18-07

By: Kesha Norman
3214 Shawnee Ave.
Flint, MI 48507

Re: 3268 Cheyenne. Burton, MI 48529
59-29-577-073, R-1C Zoned

For: To conduct a cosmetology school in an R-1C Single Family Residential zone

3. ZBA #18-08

By: NDB Investments / Nicholas Burnett
6134 Vassar Rd.
Grand Blanc, MI 48439

Re: 1339 Connell. Burton, MI 48529
59-30-578-236, R-1C Zoned

For: To conduct an RM- Multi Family use in an R-1C Single Family Residential zone for a parking lot for overflow parking of the adult foster care facility.

4. ZBA #18-09

By: Jody Johnsen
9471 Ridge Rd.
Goodrich, MI 48438

Re: 4371 Saginaw St Burton, MI 48529
59-32-552-008, C-2 Zoned

For: To conduct an M-1 Light Industrial Special Use in a C-2 General Business zone for an indoor climate controlled self-storage facility.

F. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Burton Zoning Board of Appeals. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

G. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, May 17, 2018 at 5:00 p.m.



CITY OF BURTON
BURTON ZONING BOARD OF APPEALS MEETING
FEBRUARY 15, 2018
MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Commissioner Steve Welch at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

ame	Title	Status	A	vec
	Commissioner	Present		
	Commissioner	Present		
	Commissioner	Present		
	Commissioner	Excused		
	Commissioner	Present		
ard-Terry	Commissioner	Present		
el	Commissioner	Present		
ley	Council Member	Present		
r	Commissioner	Excused		

C. STAFF PRESENT

Amber Abbey, Planning/Zoning
 Bette Bigsby, Acting Clerk
 Charles Abbey, Assistant DPW Director
 Marcy Kimball, Records Tech
 Officer Jones
 Officer Viviano

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jan 18, 2018 5:00 PM

Approved with the correction on roll call under nominations for Chairperson: Ms. Ward-Terry and Mr. Standel was not recused the vote was unanimous in favor of the motion.

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Donald Standel, Commissioner
AYES:	Hynes, Welch, Rapacz, Walton, Ward-Terry, Standel, Conley
EXCUSED:	Parker, Miller

E. VARIANCE

Minutes Acceptance: Minutes of Feb 15, 2018 5:00 PM (Approval of Minutes)

1. ZBA #18-03

By: Paul Wagner
P.O. Box 331
Grand Blanc, MI 48480

Re: 3289 S. Center Rd. Burton, MI 48519
59-27-551-037, C-2 Zoned

For: To conduct an M-2 special use in a C-2 general business zone for operation of a lawn care company with outdoor storage.

Mr. Wagner said I am asking for permission to have my equipment, meaning trucks and trailers, outside in that C-2 District.

Dennis Petty of Yeager Dr. said I have a petition that we have all signed and am opposed to this variance. It is too industrial for our quiet neighborhood. I am concerned about the noise level late at night, property values decreasing, grass clippings dumped, smell and chemicals. They turn around in people's yards and tear our road up with the heavy equipment.

Ms. Tannenbaum of Yeager Dr. said I am opposed to this variance. They are out late at night and are very loud. They park the trucks in the street and block the lane, making it a one-way street.

Ms. Lizott of E. Hemphill Rd. said I am a full time wheelchair user and am worried about the heavy traffic. I use MTA Your Ride bus and worry if they will be able to get down my road. They are not allowed to pull into people's driveway, but if they can't get down the road it will affect my independence with using the MTA Transportation.

Ms. Vecellio of Yeager Dr. said there are a lot of elderly people living on this small, private road. We have had issues with people needing an ambulance. Mr. Wagner parks up on the hill and walks down the road to get his mail. Meanwhile, we have to wait for him to move his vehicle. The property looks like a dump. I am concerned that it is ruining our property values. Someone needs to make him fix his place up.

Mr. Vesellio of Yeager Dr. said he is concerned with the blight that is there now and blocking the road making it a one way.

Ms. Oden of Yeager Dr. said I have been there over 20 years. I never thought our neighborhood would turn into this. We all have a big investment in our home. We have a right to have peace and safety. We didn't have a problem until he moved in.

Ms. Swinehart of E. Hemphill Rd. said I am concerned with the change in our neighborhood. We shouldn't have to live this way. We were a peaceful neighborhood and took care of each other. Since Mr. Wagner has moved in it has changed. He drives his vehicles on E. Hemphill Rd. to get to his property. This is a private road that we maintain. We gravel it, grade it and plow the road. We do not want him using our road to get to his property. He is leaving ruts in the yard 3 inches deep or more, making our neighborhood look bad. I am concerned with the chemicals coming from his building.

Ms. Murdaugh of Yeager Dr. said I am bothered every time I turn down my road and look at the blight of this property. I am ashamed that this is a representation of a business in Burton. It is the main drag; the parade goes down there. He has Waist high brown weeds and cones in the road that look tacky. I don't think he should be using that driveway for business purposes. It is like there is business being conducted on our private road.

Mr. Krzesowiak of E. Hemphill Rd. said he has lived on this road for 10 years. The reason he moved here was because it was a nice quiet private road. I am against this variance.

Ms. Nolan of Yeager Dr. said every window I look out I see all that equipment. I go out in my backyard and see more equipment. It is not very pleasant.

Ms. Krzesowiak of E. Hemphill Rd. said I am concerned about the chemicals and how they will be disposed of. What will this do to our water? Our well water has a lot of arsenic in it and we all have reverse osmosis's. What will this business add to our water? The neighborhood is very dirty looking now and there is hostility between the neighbors now. This is a problem and I am opposed to the variance 100 percent.

Mr. Welch read a letter dated Feb. 15, 2018 from Ms. Dosh of S. Center Rd. stating this area has residential homes with families and not zoned commercial. I feel this will decrease the value of my property and also create a nuisance and daily noise. This will cause more traffic and could open the door to other commercial business's in this area. There are many locations in the city for commercial type businesses. I am completely against allowing this variance.

Mrs. Abbey said Center Rd. is a very unique road. It has C-2 zones, R-O zones and also residential. This property is zoned C-2 and is assessed as residential use and commercial use. A business can be running there. This is a matter of allowing outdoor storage only. The property does not front Hemphill Rd.; however, they are saying he is using this road. If approved tonight he would have to go through the Fire Department for the chemical storage. It would be inspected every year or every three years. If approved, he would also be required to be approved through Genesee County Drain Commission for an industrial discharge permit. That would be for anything that goes down the drain or anything that is dumped. Right now, there is a residential use there, therefore if someone wanted to move into that home, they could. The garage is part of that residential use. The administration recommends approval with the following stipulations.

- 6 ft. wolmanized privacy fence around the entire storage yard within 60 days.
- No commercial vehicles to ever access off Yeager or Hemphill Drive.
- No parking in the driveway on Yeager Drive.
- Restriction of time of operation at the location.

Mrs. Walton asked about the construction going on there now.

Mrs. Abbey said they do have a permit for construction to put in a garage door.

The motion was amended to include the following stipulations:

- 6 ft. wolmanized privacy fence around the entire storage yard within 60 days.
- No commercial vehicles to ever access off Yeager or Hemphill Drive.
- No parking in the driveway on Yeager Drive.
- Restriction of time of operation at the location to be 8 AM to 8PM weekday's, 8 AM to 10 PM Saturday's and 8 AM to 6 PM on Sunday's.

RESULT:	FAILED [0 TO 7]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Donald Standel, Commissioner
NAYS:	Parker, Hynes, Welch, Walton, Ward-Terry, Standel, Conley
EXCUSED:	Rapacz, Miller

2. ZBA #18-04

By: David Nelson
3148 S. Genesee Rd.
Burton, MI 48519

Re: 3148 S. Genesee Rd. Burton, MI 48519
59-27-200-005, R-1B Zoned

For: To construct an addition to an accessory structure that will exceed the allowable square footage allowed by 472 sq ft.

Mr. Nelson said he would like to build a metal roof off the back of my accessory structure. I have a utility trailer parked behind the building and I would like to keep it out of the weather. It wouldn't be seen from the road or in the neighbor's view.

Mrs. Abbey said a few years ago, they increased the amount of square footage the properties were allowed to have, however they stopped at one acre. If you have one acre or above, you are allowed 2,250 sq. ft. total. There is no unique situation and the hardship is shared by all the adjoining properties so the administration recommends denial.

RESULT:	FAILED [0 TO 7]
MOVER:	Terry Parker, Commissioner
SECONDER:	Michaeline Ward-Terry, Commissioner
NAYS:	Parker, Hynes, Welch, Walton, Ward-Terry, Standel, Conley
EXCUSED:	Rapacz, Miller

3. ZBA #18-05

By: Allen Automotive, LLC.
2447 E. Judd Rd.

Burton, MI 48529

Re: 2447 E. Judd Rd. Burton, MI 48529
59-32-527-003, M-1 Zoned

For: 1. To conduct a medical marijuana facility that will be within 1,000' of a school
2. To conduct a medical marijuana facility that will be within 500' of another medical marijuana facility.

Mike Galander, speaking on behalf of Allen Automotive, said Mr. Allen presently operates Allen Appliance on Judd Rd that faces Southmoor Golf Course. Mr. Allen has been looking at selling this business. He would like to market the property for a medical marijuana facility. If you compare Southmoor's Corporate Cannibus Park that was approved to what Allen's Appliance is asking for, Southmoor is huge. The only other presently existing medical marijuana facility in this area is at 4232 S. Dort. Southmoor's Park would be within a 1,000 ft. restriction and have been approved.

Mrs. Abbey said they have not applied nor have they been approved for any medical marijuana use on that property. The property was split and that portion of the property that was rezoned only was not within 1,000 feet of the school. This rezoning does not front Judd Road, it only fronts Dort Hwy. Southmoor Golf Course should not be a consideration at all with this case. The administration has always taken a strong stance against the proximity to the schools so we recommend denial.

John Zizka said I am the vice president of Antcliff Windows and Doors located on Judd Road between Dort Hwy. and Saginaw St. I am strongly opposed in conducting a medical marijuana facility on our street. I have been on this street for 35 years and my father in law started this business 55 years ago. In the last year we put over \$250,000 into the exterior appearance of our business. As far as Allen's Appliance, I have never seen a for sale sign at that property and now they are selling cars. My first concern is with the number of grow shops and dispensaries already in the City of Burton and Judd Road is a busy road. I am concerned for our children and the impression this makes on them, for the traffic and crime this could bring to our street.

Mr. Welch said the motion is for both #1 and #2, these will be combined.

RESULT:	FAILED [0 TO 7]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Terry Parker, Commissioner
NAYS:	Parker, Hynes, Welch, Walton, Ward-Terry, Standel, Conley
EXCUSED:	Rapacz, Miller

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Minutes Acceptance: Minutes of Feb 15, 2018 5:00 PM (Approval of Minutes)

None.

The next regularly scheduled meeting will be held on Thursday, March 15, 2018, at 5:00 p.m.

Meeting was adjourned at 6:05 PM.

Minutes Acceptance: Minutes of Feb 15, 2018 5:00 PM (Approval of Minutes)



City of Burton
 Department of Public Works
 4093 Manor Drive
 Genesee County, Burton, Michigan 48519
 (810) 742-9230

Date Filed: 3-15-18
 Fee Paid: 450.00
 Receipt #: _____
 Check #: 2227
 Received by: _____
 Date Mailed: 3-29-18

ZBA Case #: 18-06 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: Apr. 1 19th AT 5:00 P.M.

APPLICANTS NAME: 4086 Davison LLC

APPLICANTS ADDRESS: 6560 Orchard Lake Rd

CITY: West Bloomfield MI 48322

APPLICANTS PHONE: (248) 939-1444

ADDRESS AND PARCEL OR LOT NUMBER: 4086 Davison Rd
59-10-100-034 / C-2 zone.

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

VARIANCE REQUESTED: To Waive 200 ft Buffer
Requirement from Residential Use for purpose
of Provisioning Center / To conduct a medical marijuana
facility that will be within 200' of a residential
house.

APPLICANTS SIGNATURE: [Signature]

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

At this step we do have the Commercial Building
(4086 Davison) along w/ Both Residential properties (4060 & 4066
Davison) under contract to demo but would like to get a
Variance so Application can be submitted.

Attachment: Back up 18-06 (3643 : ZBA #18-06)

BURTON



Attachment: Back up 18-06 (3643 : ZBA #18-06)



City of Burton
 Department of Public Works
 4093 Manor Drive
 Genesee County, Burton, Michigan 48519
 (810) 742-9230

Date Filed: 3-16-18
 Fee Paid: \$ 450.00
 Receipt #: _____
 Check #: _____
 Received by: _____
 Date Mailed: 3-29-18

ZBA Case #: 18-07 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: April 19th, 2018 AT 5:00 P.M.

APPLICANTS NAME: Kesha Norman

APPLICANTS ADDRESS: G-3214 Shawnee Ave

CITY: Flint, MI 48507

APPLICANTS PHONE: (810) 391-9912

ADDRESS AND PARCEL OR LOT NUMBER: G-3268 Cheyenne Ave Burton, MI
5929577073 1 R-1C Zone. 48529

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

VARIANCE REQUESTED: TO conduct a cosmetology school
in an R-1C Single family residential
Zone.

APPLICANTS SIGNATURE: Kesha Norman

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

Please see Attached letter of explanation.
Attachment 1

Attachment: Back up 18-07 (3644 : ZBA #18-07)



Teach 2 Reach Inc (School of Cosmetology)
G-3268 Cheyenne Ave. Burton, MI 48529
Ph. (810) 391-9912

City of Burton
Department of Public Works
4093 Manor Drive
Genesee County Burton, MI 48519
(810) 742-9230

Re: Attachment 1: Application for zoning board of appeals hearing; Reason for variance

March 14, 2018

Greetings,

Teach 2 Reach is a non-profit organization that gives back to our community through the means of teaching cosmetology skills to underprivileged and underserved members of our community. Teach 2 Reach is an organization that focuses on preparing individuals for employment while helping to keep kids off the streets and providing a safe haven for creative learning and positive achievement.

Teach 2 Reach has been impacting its community since 2011. However, in order to continue, we need the support of our Burton community. Listed below are the reasons for the variance request:

1. **Teach 2 Reach is a non-profit organization that provides free services to a small population** – with the variance, it will allow the organization to continue to operate while allowing us to remain in an affordable and compatible space until the organization expands and moves.
2. **Teach 2 Reach maintains a safe environment conducive to learning** –the variance will allow the organization to maintain its involvement and support for community and neighborhood watch programs.
3. **Teach 2 Reach provides education that is affordable and accessible for all** – the variance will allow the organization to provide quality and accessible services to members of the community by being located in the heart of the neighborhood and in close proximity to the bus route; making transportation affordable and accessible.
4. **Teach 2 Reach has a small qualified staff** – Although the organization has expectations to grow and expand to a larger facility, the small location allows the organization to



Teach 2 Reach Inc (School of Cosmetology)
G-3268 Cheyenne Ave. Burton, MI 48529
Ph. (810) 391-9912

carry out its mission while utilizing a small qualified staff. Currently, there is only one instructor and the variance will help ensure and maintain the limitations of services provided.

Overall, the variance is needed to continue the work started for the betterment of our youth and our community. If the organization is granted this opportunity, the organization and myself, Kesha Norman will ensure to uphold the integrity and values of our great community. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kesha Norman".

Kesha Norman
Teach 2 Reach Inc.

Attachment: Back up 18-07 (3644 : ZBA #18-07)

BURTON



Attachment: Back up 18-07 (3644 : ZBA #18-07)



City of Burton
 Department of Public Works
 4093 Manor Drive
 Genesee County, Burton, Michigan 48519
 (810) 742-9230

Date Filed: 3-22-18
 Fee Paid: \$ 450.00
 Receipt #: _____
 Check #: 1000
 Received by: AA
 Date Mailed: _____

ZBA Case #: 18-08 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: April 19, 2018 AT 5:00 P.M.

APPLICANTS NAME: Nicholas Burnett / NBD Investments, LLC

APPLICANTS ADDRESS: 6134 Vassar Rd.

CITY: Grand Blanc

APPLICANTS PHONE: 810-964-1430

ADDRESS AND PARCEL OR LOT NUMBER: 1339 Connell
59-30-578-236

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

VARIANCE REQUESTED: TO convert an R-M multi-family use in an R-1C Single family Residential Zone for a parking lot to be used for overflow parking of adult foster care facility

APPLICANTS SIGNATURE: Nicholas Burnett

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

current parking lot is not sufficient size, additional lot is needed for more parking to reduce parking lot & street congestion from visitors.

Attachment: Back up 18-08 (3645 : ZBA #18-08)

BURTON



Attachment: Back up 18-08 (3645 : ZBA #18-08)



City of Burton
 Department of Public Works
 4093 Manor Drive
 Genesee County, Burton, Michigan 48519
 (810) 742-9230

Date Filed: 3-23-18
 Fee Paid: 450.00
 Receipt #: _____
 Check #: _____
 Received by: _____
 Date Mailed: _____

ZBA Case #: 18-09 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: 4-19-18 AT 5 P.M.

APPLICANTS NAME: Jody Johnson

APPLICANTS ADDRESS: 9471 Ridge Rd

CITY: Goodrich MI 48438

APPLICANTS PHONE: 810 853 2995

ADDRESS AND PARCEL OR LOT NUMBER: 64371 S. Saginaw ST.
Burton, MI 48529 59-32-552-008
C-2 Zone.

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

VARIANCE REQUESTED: Specific use Variance of industrial
use in a C2 Commercial district for a
self storage facility

APPLICANTS SIGNATURE: [Signature]

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

Attachment: Back up 18-09 (3646 : ZBA #18-09)

BURTON



Attachment: Back up 18-09 (3646 : ZBA #18-09)