CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

APRIL 19, 2018

MINUTES

Council Chambers | **Regular Meeting** | **5:00 PM**

4303 S. CENTER ROAD
BURTON, MI 48519

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

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Christina Conley	Council Representative	Present	
Scott Hynes	Commissioner	Present	
Timothy Miller	Commissioner	Excused	
Terry Parker	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Donald Standel	Commissioner	Excused	
Deb Walton	Commissioner	Present	
Michaeline Ward-Terry	Vice Chair	Present	
Steve Welch	Chair	Present	

C. STAFF PRESENT

Amber Abbey, Planning/Zoning
Marcy Kimball, Clerk's Office

D. APPROVAL OF MINUTES

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

   Motion to accept the February 15, 2018 amended minutes.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Tim Rapacz, Commissioner
SECONDER:	Terry Parker, Commissioner
AYES:	Conley, Hynes, Parker, Rapacz, Walton, Ward-Terry, Welch
EXCUSED:	Miller, Standel

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.

Motion to approve ZBA #18-06 with the following stipulation: demolish all houses within 200 feet of the facility within 45 days of the special use approval.

Mrs. Abbey stated 4086 Davison would require a special use to conduct a medical marijuana facility. The applicant said that they wanted to purchase the two homes next to it and demolish them; however, you cannot apply for a special use as long as the houses exist. This is why he has come to you for a variance. He would have to demolish the houses in order to meet the requirement of the ordinance for special use. He does not want to demolish the houses unless the Planning Commission approves the special use. The administration recommends approval with the stipulation that all houses within 200 feet of the facility be demolished within 45 days of the special use approval.

Ms. Conley said the building has been vacant for quite a while. Will it be fixed and are they planning to replace all the glass with something else.

Mrs. Abbey said they would still have to go through the building approval just like any other business. The building department will inspect it and make sure it is brought up to any standard code that is required.

Chris Hindo of West Bloomfield, Michigan said they would make sure the building is solid. Security is one of the biggest things on our list.

Mr. Hynes asked if there are any other marijuana facilities within three miles of this location.

Mrs. Abbey stated yes, but our ordinance only requires 500 feet.

RESULT:	**CARRIED [4 TO 3]**
MOVER:	Terry Parker, Commissioner
SECONDER:	Michaeline Ward-Terry, Vice Chair
AYES:	Parker, Walton, Ward-Terry, Welch
NAYS:	Conley, Hynes, Rapacz
EXCUSED:	Miller, Standel

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

Motion was approved with the following stipulations: One year approval and reexamined after one year, any traffic and access off Hemphill Road only and no operational hours after 9 p.m.

Robert Braden of Burton said I am opposed to anything that would change the zoning change in our neighborhood. This should be in a commercial area not residential area.

Mr. Welch said this would not change the zoning. This would just be a variance for that zone.

Mrs. Abbey stated one of my concerns is that the property owner does not live there. They are not asking for an in-home business. This would be more of a residential property being used as commercial use. This is on the corner of Hemphill and Cheyenne and their driveway access is off a major road. If this is approved the administration would recommend stipulations that there would be no access to the property off Cheyenne Street with any traffic coming off of Hemphill with approved hard surface parking spaces to accommodate for parking and to revisit this in one year to ensure there are not issues in that neighborhood.

Mr. Rapacz asked how many people would be using this at any given time.

Ms. Norman said I am the owner of this property and there would only be 2 to 3 students there at one time. Teach to Reach is a 501 C-3 nonprofit organization registered through the State of Michigan. We do a lot of community work and many times it is mobile. Therefore, it would not be in this location. Our goal is to expand and if this happens, we would move it to a different location. There would be no real traffic at this location. We have been doing community work for seven years and have never had any problems. The hours of operation would be Tuesday through Saturday 9 a.m. to 5:00 p.m. On occasion, there may be an evening, but no later than 9 p.m.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Michaeline Ward-Terry, Vice Chair
SECONDER:	Scott Hynes, Commissioner
AYES:	Conley, Hynes, Parker, Rapacz, Walton, Ward-Terry, Welch
EXCUSED:	Miller, Standel

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.

Motion to approve ZBA #18-08 with the stipulation that it meets the 4/17/2018 proposed site plan by Sedgewick & Ferweda Architects.

Ms. Garrison of Burton said I am opposed to this because they are overloaded now. They do not have enough parking now. They park in the roads, block mailboxes and they do not obey the laws.

Ms. Deminer of Burton said I am opposed to this. I think it will make my property value go down. They park wherever they want, across the sidewalks, in the parkway and on the streets. The employees run the stop signs and there have been accidents there. This area is not large enough for this business. The staff is very disrespectful. They have cut across my front yard to go out the driveway on the west side.

Ms. Southard stated she objects to this and feels it will bring her property value down.

Mr. Cogdale of Burton said I live across the street from this.

Mr. Burnette stated we would put a 10-foot green belt between the property next door and this property. This would have a privacy fence, shrubbery and a curb line. As far as water shed, there is already sanitary sewer behind the existing building that we would tie into. It would be all one-way directional traffic coming in from Connell and out on Greenley Street. There is already a current drive on Greenley Street but we would have to widen it. There would be a privacy fence and shrubbery along the Kenneth Road side, which will give privacy to the neighbors across the street. The dumpster would be emptied during the day, not at night.

Mr. Southard of Burton said I do not want that lot changed. It is already bad with the noise and disrespectable staff.

Mrs. Abbey stated the issue is parking. This plan would take care of the parking issue. The administration recommends approval based on this plan.

RESULT:	**CARRIED [5 TO 2]**
MOVER:	Terry Parker, Commissioner
SECONDER:	Scott Hynes, Commissioner
AYES:	Hynes, Parker, Rapacz, Ward-Terry, Welch
NAYS:	Conley, Walton
EXCUSED:	Miller, Standel

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.

Motion to approve ZBA #18-09 with the stipulation that it meets the April 8, 2018 proposed site plan by NIB Architects Inc. that was presented tonight. Also, with the addition of some type of screening to protect the neighbors from lights shining on their homes.

Mr. Richvalsky said I am the next-door neighbor and the listing broker of this property. I am in full support of this proposal. We are not asking for a zoning change but for a specific use.

Greg Fenner stated my business is on Saginaw Street and I am on the DDA Commission. One of our concerns was that we wanted retail business. This would be a storage business but they would also have a retail space in the building. I am in favor of this proposed plan. It will enhance the building and they would be using the back instead of coming in off Saginaw Street. The DDA is in favor of this.

Mrs. Abbey said out of respect for the DDA Commission, the Planning Commission, through their Master Plan process, agreed to take any use variances to the DDA to ask what their recommendation was. They want to make sure it stays within their vision plan. The DDA board was in complete agreement with it. There will be upgrading the building, removing unnecessary curb cuts along Saginaw Street and improving the front of the building. Parking will be in the front as well as an existing access off Shubert. There should also be a screen of type to block the truck lights from shining into the neighbors' homes after dark. The administration recommends approval based on these stipulations.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Terry Parker, Commissioner
SECONDER:	Christina Conley, Council Representative
AYES:	Conley, Hynes, Parker, Rapacz, Walton, Ward-Terry, Welch
EXCUSED:	Miller, Standel

F. AUDIENCE PARTICIPATION

Joseph Richvalsky stated the DDA Commission fully intends to work with the City, the Zoning Commission and City Council. As a group we will make this City better.

G. BOARD DISCUSSION

Mr. Hynes spoke regarding properties that need to be demolished.

Mr. Parker asked about the specific variances that the board has given to properties and what happens when they change ownership.

Mrs. Abbey said variances go with the property. This is why the variances need to include very specific allowable use.

Ms. Ward-Terry said she hopes that Mr. Burnette address the problem with his staff being so disrespectable.

Mrs. Abbey said I will ask the Police Department to patrol that area and take care of any problems.

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

Meeting was adjourned at 6:22 PM.

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