



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

APRIL 21, 2016

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

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Present	
Terry Parker	Commissioner	Present	
Scott Hynes	Commissioner	Present	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Present	
Michaeline Ward-Terry	Commissioner	Excused	
Donald Standel	Commissioner	Excused	

C. STAFF PRESENT

Amber Abbey, Planning/Zoning
Marcy Kimball, Records Tech

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Mar 17, 2016 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Haskins, Parker, Hynes, Weatherford, Welch, Rapacz, Walton
EXCUSED:	Ward-Terry, Standel

E. VARIANCE

1. ZBA #16-02

By: Best Car Company Importing
4199 Davison Rd.
Burton, MI 48509

Re: 4275 Davison Rd. Burton, MI 48509

59-03-582-011, C-2 Zoned

For: 1. To conduct a C-3 Special Use in a C-2 Zone for used car sales. 2. To conduct a used car sales lot on a property without a principal structure.

Vicky Nebel, owner of Best Car Company Importing stated as an importing company the Government requires us to take care of all recalls on vehicles before they can be released to customers. This lot would be for holding vehicles until the recalls are done. There will be no traffic, semi-delivering or activity on this lot. We will put a six foot fence all the way around the property because D.O.T. requires our vehicles to be on a locked, secured lot.

Mrs. Abbey stated I would recommend approval with the conditions that they guarantee a six foot privacy fence along the north property line, at least ten feet from the road, between the residential and that parcel of land. In the event they ever bring a car hauler there, I would like the condition placed that they never use Covert Road. Instead they would have to come in off Davison Road and exit off Davison Road. There are many residential properties on Covert Road, so when they are coming up to that corner they will need to have clear vision. I would like to see the vehicles set back at least ten feet from that property line.

Motion to conduct a C-3 Special Use in a C-2 Zone for used car sales. 2. To conduct a used car sales lot on a property without a principal structure with the following conditions.

1. A six foot privacy fence along the north property line between the residential and that parcel of land.
2. If a car hauler there is used, they would not use Covert Road but would use Davison Road for entering and exiting.
3. Cars setback at least ten feet from the property line.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Terry Parker, Commissioner
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Haskins, Parker, Hynes, Weatherford, Welch, Rapacz, Walton
EXCUSED:	Ward-Terry, Standel

2. ZBA #16-03

By: Milissa Poisson
P.O. Box 190295
Burton, MI 48519

Re: 3438 Camden Ave. Burton, MI 48529
59-30-552-004, R-1C Zoned

For: To use a recreational vehicle for living space stored in the driveway until the house is rebuilt/repairs complete from a fire.

Milissa Poisson stated there was a fire at her home on Camden Avenue. She would like to park an RV in the driveway. We are unsure at this time whether we will be demolishing the home or rebuilding. I am asking for 9 months to decide. It would depend on the damage there is to the home.

Mrs. Abbey said I think 9 months is too long to make a decision on whether or not they will rebuild or demo. I recommend a permit pulled within 6 months or the RV needs to go. If a permit to rebuild the home is pulled before the 6 months' time frame then the RV can remain at the location until the home is complete.

Motion to use a recreational vehicle for living space stored in the driveway until the house is rebuilt/repairs complete from a fire with the following conditions:

1. RV must be hooked to the sanitary sewer line.
2. A demo or building permit must be pulled by June 1, 2016 or the RV immediately removed.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Haskins, Parker, Hynes, Weatherford, Welch, Rapacz, Walton
EXCUSED:	Ward-Terry, Standel

3. ZBA #16-04

By: David Visser
2025 N. Genesee Rd.
Burton, MI 48509

Re: 5053 E. Court St. Burton, MI 48509
59-11-300-006, C-2 Zoned

For: 1. To conduct C-3 Special use in a C-2 General Business zone for used car sales lot.
2. To conduct an M-1 Light Industrial use in a C-2 General Business zone for wholesale of vehicles.

David Visser, owner 2025 N. Genesee Rd., stated he has someone who would like to lease wholesale cars and sell used cars on this lot. This lot would be fenced.

Mrs. Abbey said we believe that a C-2 Zone for this property is appropriate for the adjoining uses and for that parcel. We do not believe that any industrial use or a used car lot is appropriate for that property. We recommend denial. The C-2 Zone would be for offices, retail stores, restaurants, general uses, small business, etc. The only other option would be to apply for a zoning change which would have to go

before the Planning and Council.

RE: 5053 E. Court St. Burton, MI 48509 59-11-300-006, C-2 Zoned

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

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mr. Hynes stated I think we approved 6 vehicles at a time to be put up for sale at Northwest Tire on Dort Hwy. There seem to have more than that.

Mrs. Abbey said she will check into that. She said next month you will have an interpretation of the city ordinance brought before you. The administration made a decision that electric fences were not allowed in the City of Burton based on the administrations interpretation of the ordinance and someone is appealing this. I will be sending out documentation to the board. Our ordinance does not specifically say that electric fences are not allowed. However, there is a standard in industrial zoned property for unreasonable hazard. The decision that you make will set precedence for future properties within the City of Burton.

Mr. Welch stated there will be a free seminar on Wednesday, May 4, 2016 from 7-9 p.m. at The Rowe Building, 540 S. Saginaw St., STE 200, Flint MI. The issues discussed will be signs, wedding barns, changes to the Right to Farm Act and adaptive reuse of obsolete buildings. RSVP by noon on Friday, April 29, 2016 to Rachel at (800) 837-9131 or RYankee@rowepsc.com.

The next regularly scheduled meeting will be held on Thursday, May 19th, 2016, at 5:00 p.m.

Meeting was adjourned at 6:34 PM.
