



# CITY OF BURTON

## BURTON ZONING BOARD OF APPEALS MEETING

DECEMBER 21, 2017

### AGENDA

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**Council Chambers**

**Regular Meeting**

**5:00 PM**

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**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 - Nov 16, 2017 5:00 PM

#### **E. NOMINATIONS**

1. Approve and Authorize \_\_\_\_\_ for the Zoning Board of Appeals Commission Chairperson for January 2018-December 2018 term.
2. Approve and Authorize \_\_\_\_\_ for the Zoning Board of Appeals Commission Vice Chairperson for January 2018-December 2018 term.

#### **F. VARIANCE**

1. ZBA #17-19

By: NDB Investments / Nicholas Burnett  
3490 Greenly  
Burton, MI 48529

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.

**G. 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.

**H. BOARD DISCUSSION**

The next regularly scheduled meeting will be held on Thursday, Jan. 18th, 2018, at 5:00 p.m.



# CITY OF BURTON

## BURTON ZONING BOARD OF APPEALS MEETING

NOVEMBER 16, 2017

### 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           | Excused |         |
| Scott Hynes           | Commissioner           | Present |         |
| Steve Welch           | Commissioner           | Present |         |
| Tim Rapacz            | Commissioner           | Present |         |
| Deb Walton            | Commissioner           | Present |         |
| Michaeline Ward-Terry | Commissioner           | Present |         |
| Donald Standel        | Commissioner           | Present |         |
| Timothy Miller        | Commissioner           | Excused |         |

#### C. STAFF PRESENT

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

#### D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Oct 19, 2017 5:00 PM

|                  |                                                            |
|------------------|------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                |
| <b>MOVER:</b>    | Scott Hynes, Commissioner                                  |
| <b>SECONDER:</b> | Tim Rapacz, Commissioner                                   |
| <b>AYES:</b>     | Haskins, Hynes, Welch, Rapacz, Walton, Ward-Terry, Standel |
| <b>EXCUSED:</b>  | Parker, Miller                                             |

#### E. VARIANCE

1. ZBA #17-16

By: Mr. & Mrs. David Morgan  
6122 Bellingham  
Burton, MI 48519

Re: 6122 Bellingham Burton, MI 48519

59-25-554-023, R-1B Zoned

For: To construct an attached garage that will be 4' from the side property line, 10' required.

Dan Morgan of Burton was present to represent Dave Morgan.

Mrs. Abbey said all of the properties in that area are about the same size leaving very little room for attached garages. This is a unique situation. The administration recommends approval.

|                  |                                                            |
|------------------|------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                 |
| <b>MOVER:</b>    | Duane Haskins, Council Representative                      |
| <b>SECONDER:</b> | Michaeline Ward-Terry, Commissioner                        |
| <b>AYES:</b>     | Haskins, Hynes, Welch, Rapacz, Walton, Ward-Terry, Standel |
| <b>EXCUSED:</b>  | Parker, Miller                                             |

## 2. ZBA #17-17

By: Kurt Pfeiffer  
5223 Wishing Well Dr.  
Grand Blanc, MI 48439

Re: 4274 Davison Rd. Burton, MI 48509  
59-10-200-001, R-1C Zoned

For: To conduct an M-1 Light Industrial use in an R-1C Single Family Residential zone for outdoor sales of used automobiles.

Mrs. Abbey stated in March 2017 we came before you for your approval to do a car detail shop on this existing property. This property is still residential until the property owner decides to request the rezoning. I don't have issues with the use because there are several other uses like this in the area, my issues are with the property. There is a water issue. Not enough gravel is there and mud is being carried onto the road. Just today there were several large water puddles in the area, so clearly there is some type of drainage issue. My suggestion would be to add some stipulations if approved. A minimum of six inches of gravel needs to be added to the parking lot and they need to get the proper approval from our office. Also, no vehicles should go any closer to the residential home that is still on the property than what the building is.

Mr. Haskins said when the auto detailing was approved the mud issue was brought up. They said they were going to take care of this at that time. My question is why wasn't this corrected, and how many cars should we allowed him to have there at one time.

Mr. Pfeiffer stated I have had someone bring gravel in and it didn't correct the problem. We are checking into paving or asphalt now.

Mrs. Abbey said you could stipulate how many will be allowed. I would also suggest that you stipulate a time frame that the work needs to be done in.

**ZBA #17-17 was approved with the following stipulations:**

- At least six inches of gravel will be added within thirty days.
- Drive isles and access/entrance to be asphalt or pavement in place by June 1, 2018.
- Fifteen cars maximum for sale on the dealership portion of the lot not to impede on the detailing business portion.
- No vehicles behind the commercial building.

|                  |                                                            |
|------------------|------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                 |
| <b>MOVER:</b>    | Duane Haskins, Council Representative                      |
| <b>SECONDER:</b> | Scott Hynes, Commissioner                                  |
| <b>AYES:</b>     | Haskins, Hynes, Welch, Rapacz, Walton, Ward-Terry, Standel |
| <b>EXCUSED:</b>  | Parker, Miller                                             |

3. ZBA #17-18

By: Thomas Hendrickson  
4470 Saginaw St.  
Burton, MI 48529

Re: 4470 Saginaw St. Burton, MI 48529  
59-32-300-005, C-2 Zoned

For: To conduct an M-1 Light Industrial use in a C-2 General Business zone for outdoor sales of used automobiles (Wholesale).

Mike Machala of Grand Blanc stated I am representing Thomas Hendrickson. Mr. Hendrickson said he would lease me a space to hang a wholesale dealership license. I am not going to have any cars there.

Steve Coates said he was going to speak against this because it doesn't fit into the DDA's strategic plan for the framework of growth and investment along the business corridor. However, if it is just a sign, I am not against it. There are water issues on that property because of the approach coming in when the water loop was redone. When water comes down S. Saginaw Street and hits that approach it comes down our sidewalk and goes into our basement.

Richard Deminer of Flint, representing 4440 Shubert, spoke regarding putting a car lot where Burton Auto Parts used to be. We are having an issue with water over there and on Wells Street. I would like to know what part of the property they are going to use, if they have to fence this property and are there any other stipulations that they have. This property butts up to my property.

Mrs. Abbey stated I would like to add the stipulation that no vehicles be retailed for sale there. If for some reason they put a vehicle out for sale there, that would put

their variance in jeopardy. The DDA would be against retail sale here because it is not within their vision plan. If this stipulation is added, the administration recommends approval.

**ZBA #17-18 was approved with the following stipulations:**

- No vehicles will be retailed for sale on this property.

|                  |                                                            |
|------------------|------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                 |
| <b>MOVER:</b>    | Michaeline Ward-Terry, Commissioner                        |
| <b>SECONDER:</b> | Deb Walton, Commissioner                                   |
| <b>AYES:</b>     | Haskins, Hynes, Welch, Rapacz, Walton, Ward-Terry, Standel |
| <b>EXCUSED:</b>  | Parker, Miller                                             |

**F. AUDIENCE PARTICIPATION**

Danny Condon of Burton said this in regards to ZBA #17-16. I would like to see them put up some kind of fire protection wall to that building due to the fact that the house that's next to that garage has a big tree in front of it. If it catches on fire, there is a house behind it, one on the corner and my home could catch on fire.

Mr. Haskins asked what code is on this.

Mrs. Abbey stated the gentleman is going to be 5 foot 6 inches from the property line. Because he has an overhang of a foot he is actually closer. His wall itself is not within the 5 foot from the property line. I told him I would have to talk to the building inspector to see if that 6 inches would make a difference. I also explained to him that the Zoning Board of Appeals can put restrictions on someone, but they can't necessarily put building code restrictions on them. In the south end of Burton, those structures only have to be five feet from the property line.

**G. BOARD DISCUSSION**

The next regularly scheduled meeting will be held on Thursday, December 21th, 2017, at 5:00 p.m.

Meeting was adjourned at 5:40 PM.



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

Date Filed: 11-16-17  
 Fee Paid: 450.00  
 Receipt #: Cagd.  
 Check #: NA.  
 Received by: NA.  
 Date Mailed: \_\_\_\_\_

ZBA Case #: 17-19 5 Votes Required

**APPLICATION FOR ZONING BOARD OF APPEALS HEARING:**

**PLEASE PRINT**

DATE OF ZONING BOARD OF APPEALS HEARING: December 21<sup>st</sup> AT 5:00 P.M.

APPLICANTS NAME: NdB Investments Nicholas Burnett

APPLICANTS ADDRESS: 1345 Cornell St. Burton MI 48529

CITY: 3490 Greenly

APPLICANTS PHONE: 810-964-1430

ADDRESS AND PARCEL OR LOT NUMBER: 1339 Cornell

59-30-578-236 R-1C zone

NOTE: ZBA meets on the 3<sup>rd</sup> 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 an R-m multi family use in a R-1C single family residential zone for an adult foster care parking lot.

APPLICANTS SIGNATURE: [Signature]

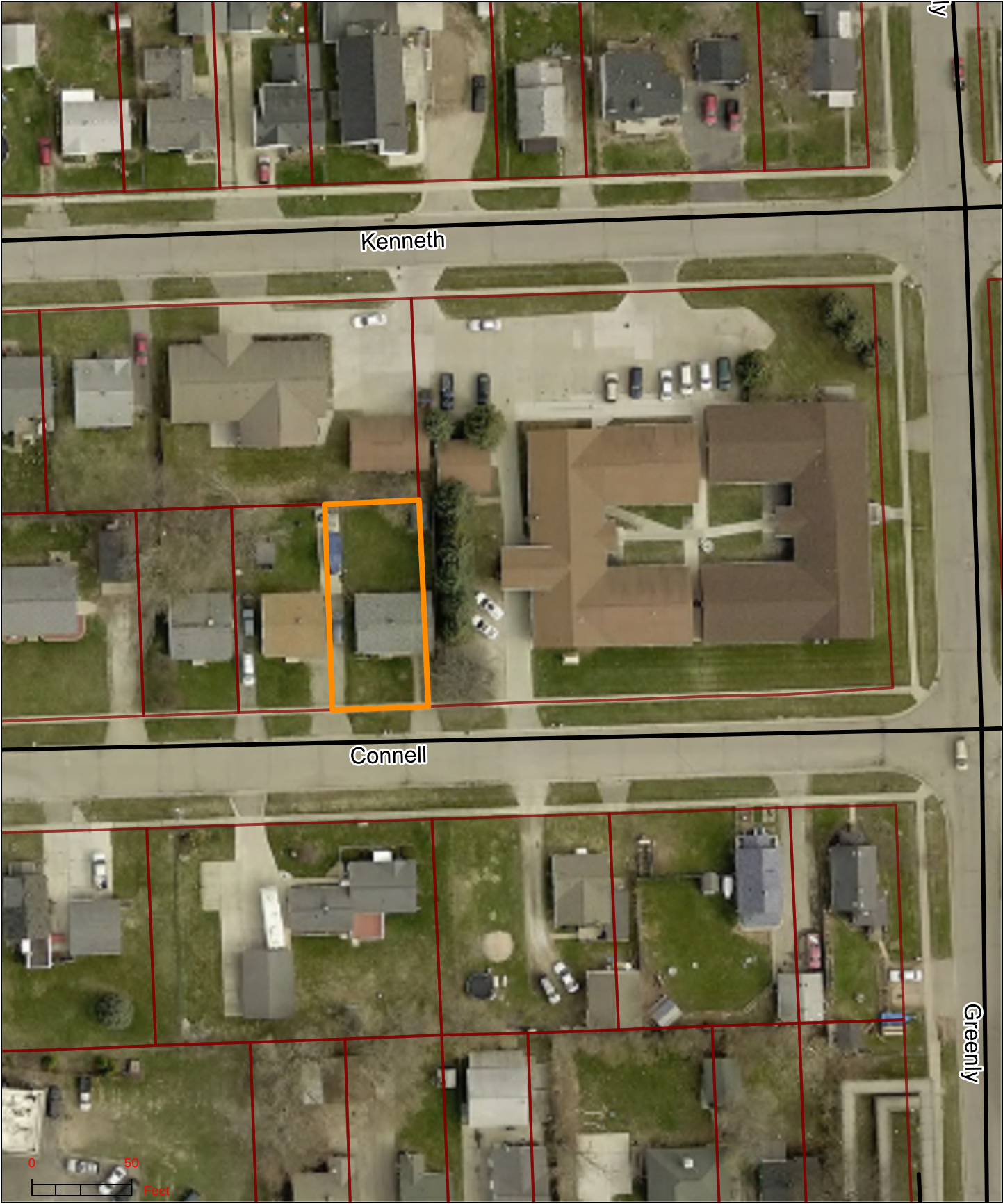
MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Attachment: Back up 17-19 (3373 : ZBA #17-19)

# BURTON



Attachment: Back up 17-19 (3373 : ZBA #17-19)