



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

FEBRUARY 15, 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 - Jan 18, 2018 5:00 PM

E. VARIANCE

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.

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.

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.

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, March 15, 2018, at 5:00 p.m.



CITY OF BURTON
BURTON ZONING BOARD OF APPEALS MEETING
JANUARY 18, 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

1. Roll Call

me	Title	Status	
	Commissioner	Excused	
	Commissioner	Present	
	Commissioner	Present	
	Commissioner	Excused	
	Commissioner	Present	
ard-Terry	Commissioner	Present	
el	Commissioner	Present	
r	Commissioner	Present	
ey	Council Representative	Present	

B. STAFF PRESENT

Amber Abbey, Planning/Zoning

Charles Abbey, DPW Deputy Director

Marcy Kimball, Clerk's Office

Chief Osterholzer, Police Dept.

Lt. Odette, Police Dept.

C. NOMINATIONS

1. Approve and Authorize _____ for Zoning Board of Appeals Chairperson from January 2018- December 2018.

Steve Welch was nominated for Chairperson.

RESULT: **CARRIED [5 TO 0]**
MOVER: Christina Conley, Council Representative
SECONDER: Scott Hynes, Commissioner
AYES: Hynes, Welch, Walton, Miller, Conley
EXCUSED: Parker, Rapacz
RECUSED: Ward-Terry, Standel

Minutes Acceptance: Minutes of Jan 18, 2018 5:00 PM (Approval of Minutes)

2. Approve and Authorize_____ for Zoning Board of Appeals Vice-Chairperson from January 2018- December 2018.

Michaeline Ward-Terry was nominated for Vice Chairperson.

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

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Nov 16, 2017 5:00 PM

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

E. VARIANCE

1. ZBA #18-01

By: Holy Redeemer Church
1227 E. Bristol Rd
Burton, MI 48529

Re: 1227 E. Bristol Rd. Burton, MI 48529
59-30-300-014, R-1C Zoned

For: To conduct an outdoor recreational event for the parish festival on May 31, thru June 3, 2018.

Motion was amended to include:

- Youth Supervision Policy: Children under the age of 17 years old must be accompanied by a parent or a supervising adult age 21 or older on Thursday, Friday and Saturday.
- Festival will close down at 9 PM.
- Allow the festival for one year only.
- No beer tent.
- Same amount of on duty and off duty officers and with DM Burr Security as last year.
- Contract with Burton Police Department to have a cruiser in the neighborhood for the

weekend.

- In the case that there is trouble and people are kicked out of the festival, a police car will remain in the neighborhood for the duration.

Ken Jubar, business manager of Holy Redeemer Church, discussed changes that would be made if approved another year. I have met with the Chief of Police and lieutenants to discuss security at the festival if it's approved. We would also close down the festival at 9 PM rather than 11 PM. We would also put in place a youth supervision policy. Any child under the age of 17 years old must be accompanied by a parent or a supervising adult age 21 or older on Thursday, Friday and Saturday. Sunday we close early. Security would be handled by on duty police officers and private security. The festival provides a recreational opportunity to the Burton community, provides fund that assists Holy Redeemer Church programs that enhance the community and provide support for those less fortunate.

Lisa Williams from Burton said some of the new rules that have been put in place each year has helped. I request that you keep those same rules. If someone is kicked out I would like to see them escorted out if they are walking. Otherwise they come to our neighborhood and cause trouble.

Marie Brown from Burton said this is a great community event. I think every town or village needs a venue. Tim Donlan of Grand Blanc Twp., said I am a Burton business owner and chairperson for the festival. Many families come to us and thank us for making this possible.

Mrs. Abbey reminded the commission of the 2016 stipulations:

Allow the festival for one year only

No beer tent

Festival shuts down 9 PM

Same amount of on duty and off duty officers and with DM Burr Security

Contract with Burton Police Department to have a cruiser in the neighborhood for the weekend

Dumpster, which may have been removed already.

Chief Osterholzer said his recommendation is closing everything down at 9 PM, the supervision policy of the youth and to keep all the other steps that have been put in place over the years. If there is trouble and we have to escort people out, a police cruiser will remain in the surrounding neighborhood for the duration in case there is more trouble. With this we recommend that the festival be allowed this year.

RESULT:	CARRIED AS AMENDED [6 TO 0]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Michaeline Ward-Terry, Commissioner
AYES:	Hynes, Welch, Ward-Terry, Standel, Miller, Conley
EXCUSED:	Parker, Rapacz
RECUSED:	Walton

2. ZBA #18-02

By: 3055 E. Bristol, LLC.
3055 E. Bristol Rd.
Burton, MI 48529

Re: 3055 E. Bristol Rd. Burton, MI 48529
59-28-300-004, M-2 Zoned

For: To conduct a medical marijuana facility that will be within 500' of another medical marijuana facility.

Applicant, Stephen Landaal spoke regarding the company history and the goals for the facility if approved:

- Total Health Collective
- Michigan's Qualifying Conditions
- Medical Marijuana as Medicine
- Success Story's
- America's Opioid Crisis
- Sustainable Job Creation
- Potential for Michigan Communities
- Tax Revenue around the Country
- Projected Michigan Tax Revenue
- Community Impact
- Proposed Facility Location and Layout
- Environmentally Responsible Facility Design
- Security Measures

Mr. Welch read a letter from Edward Ardnes regarding this case. He said I feel you should not deviate from the zoning ordinance. I feel it was put in place for a good reason. Special regulations of these uses is necessary to ensure that these adverse effects will not contribute to the downgrading of the surrounding neighborhood. The primary control of regulation is for the purpose of preventing a concentration of these facilities in any one area.

Mrs. Abbey said Mr. Landaal also included his tax bills if the commission would like look at these. The State has recognized this as a unique type of business. We are allowed to regulate the number of facilities. We chose to limit their location which would then limit their number. There are two properties within the 500 feet of him. One is 3280 Warehouse Drive which is in a radius of him. The two businesses would never be noticed by each other. That property would be a processing center. The other property is 3108 Bristol Road. This property is a grow facility and is not even noticeable. Therefore, his request is not unreasonable. There will not be traffic. I believe the request does not affect the intent of the ordinance. The administration recommends approval.

Mr. Hynes asked what direction do you want your community to go, do we want to be a home community with a retail background or do we want to be (as I have heard) "cannabis corners". How many Marijuana facilities do we have now? I know these businesses provide jobs and income too. There are plus and minuses on both ends of it.

Mrs. Abbey said prior to the new ordinance we had 5 provision centers and 6 grow facilities. Not all of them have reapplied yet, so I can't say that we have those today.

Ms. Ward-Terry said this is a different center. You have three different facilities, doing different things.

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

F. AUDIENCE PARTICIPATION

G. CALL TO ORDER

H. BOARD DISCUSSION

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

Meeting was adjourned at 5:48 PM.



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

Date Filed: 12-18-17
 Fee Paid: \$ 450.00
 Receipt #: Carl
 Check #: DA
 Received by: DA
 Date Mailed: _____

ZBA Case #: 18-03 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: Feb 15, 2018 AT 5:00 P.M.

APPLICANTS NAME: Paul Wagner

APPLICANTS ADDRESS: PO Box 331

CITY: Grand Blanc MI 48480

APPLICANTS PHONE: 810-701-7862

ADDRESS AND PARCEL OR LOT NUMBER: 3289 S. Center Rd

C-2 Zone, 59-27-551-037

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 an m-2 special use in a C-2 General business zone for operation of a lawn care company with outdoor storage.

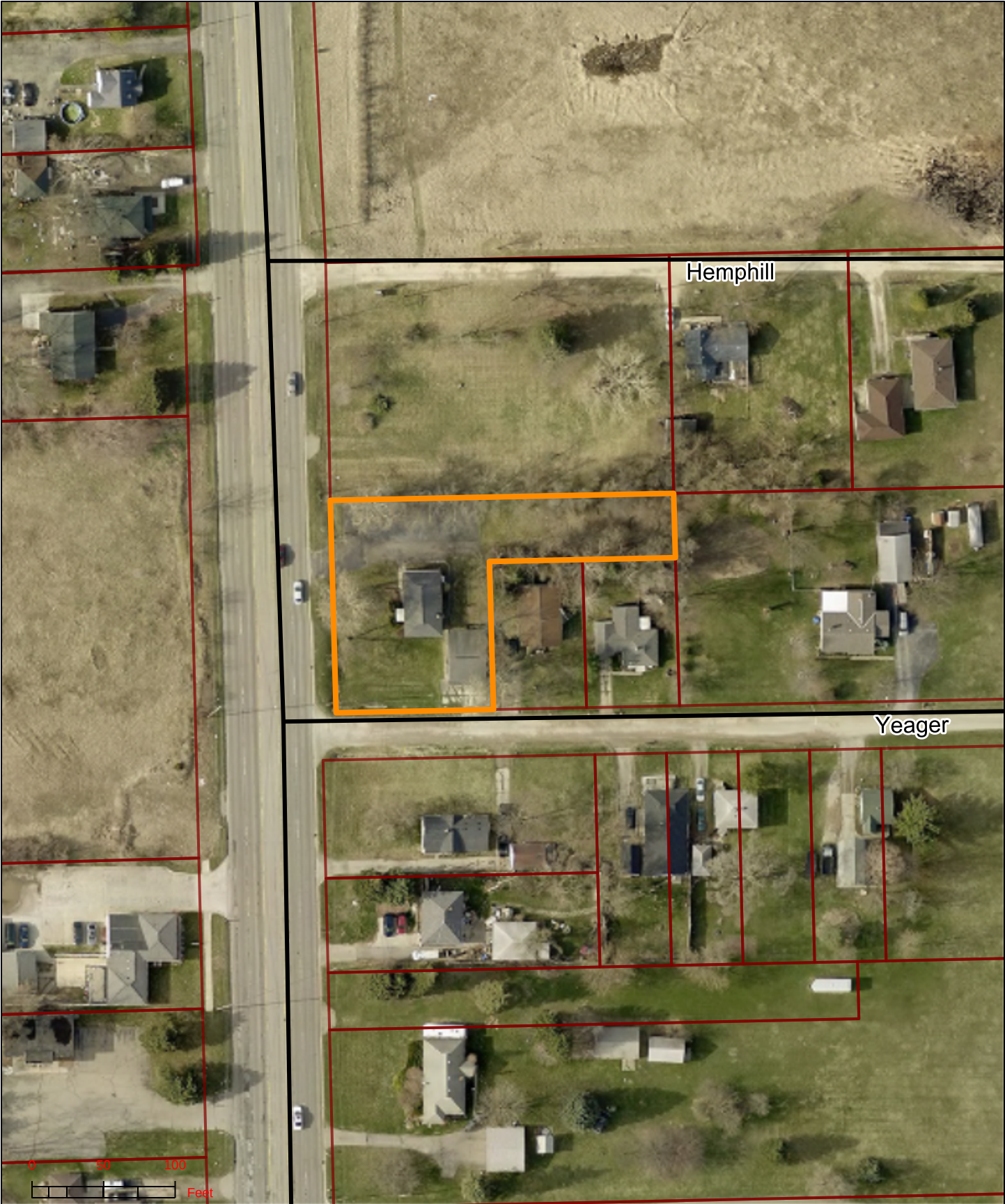
APPLICANTS SIGNATURE: Pe 9 -

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 18-03 (3491 : ZBA #18-03)

BURTON



Attachment: Back up 18-03 (3491 : ZBA #18-03)



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

Date Filed: 1-18-18
 Fee Paid: \$250.00
 Receipt #: _____
 Check #: _____
 Received by: AA
 Date Mailed: _____

ZBA Case #: 18-04 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: Feb 15th, 2018 AT 5:00 P.M.

APPLICANTS NAME: DAVID NELSON

APPLICANTS ADDRESS: 3148 S. Genesee Rd.

CITY: BURTON, MI 48519

APPLICANTS PHONE: 810) 493-5070

ADDRESS AND PARCEL OR LOT NUMBER: 3148 S. Genesee Rd.

B-1B 59-27-200-005

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 construct an addition to an
Accessory structure that will exceed the
allowable square footage allowed by
472 sq ft.

APPLICANTS SIGNATURE: David Nelson

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

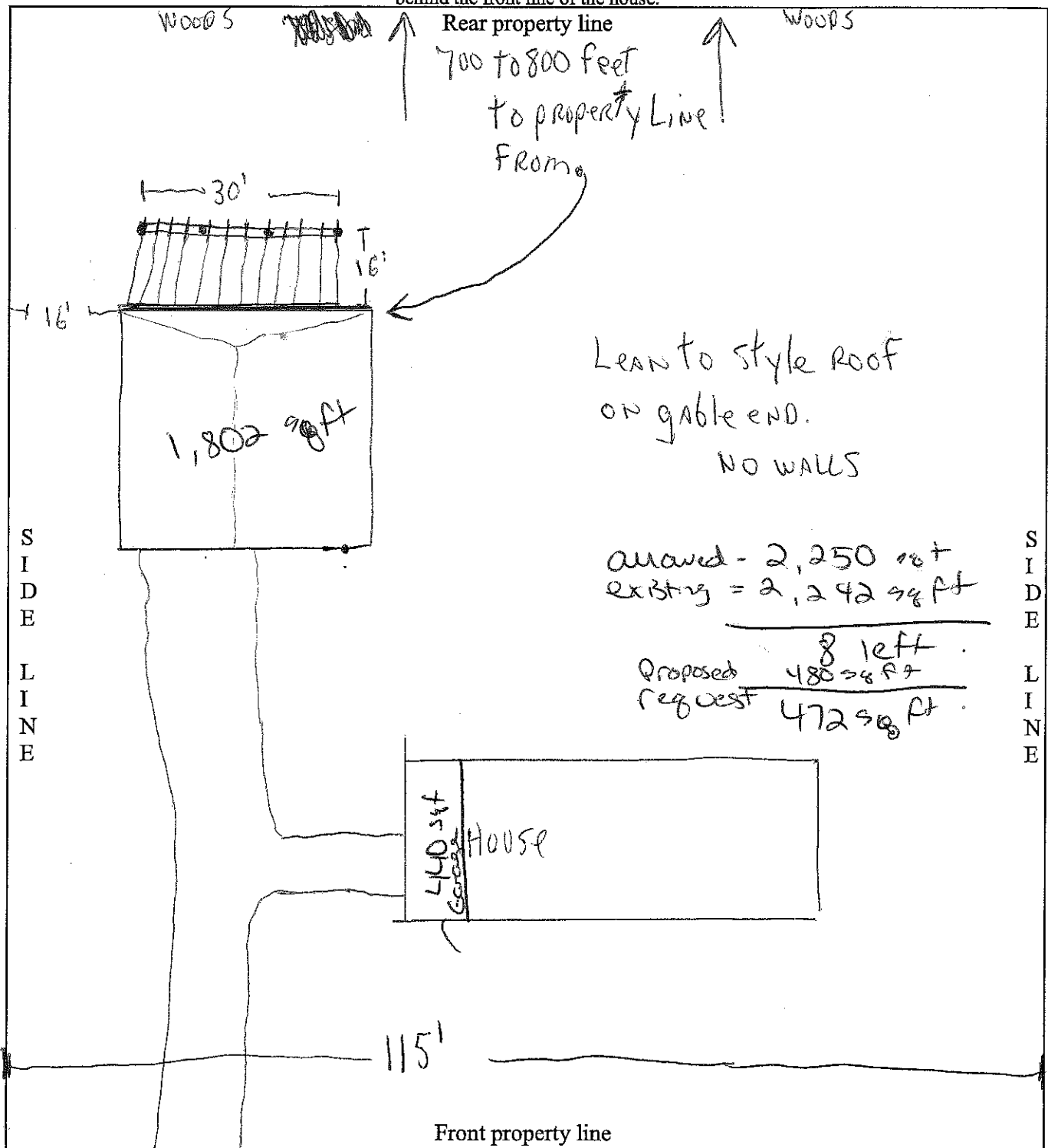
APPLICANT: Please explain your hardship or reason this variance is needed.

Place to put Landscape Trailer, + storage items

Attachment: Back up 18-04 (3492 : ZBA #18-04)

Site or Plot Plan

Include all existing and proposed buildings on the site. Include all dimensions to front, side and rear property lines from buildings. Include dimensions of the property. Any accessory structure must maintain 10-foot separation from the main dwelling and must be behind the front line of the house.



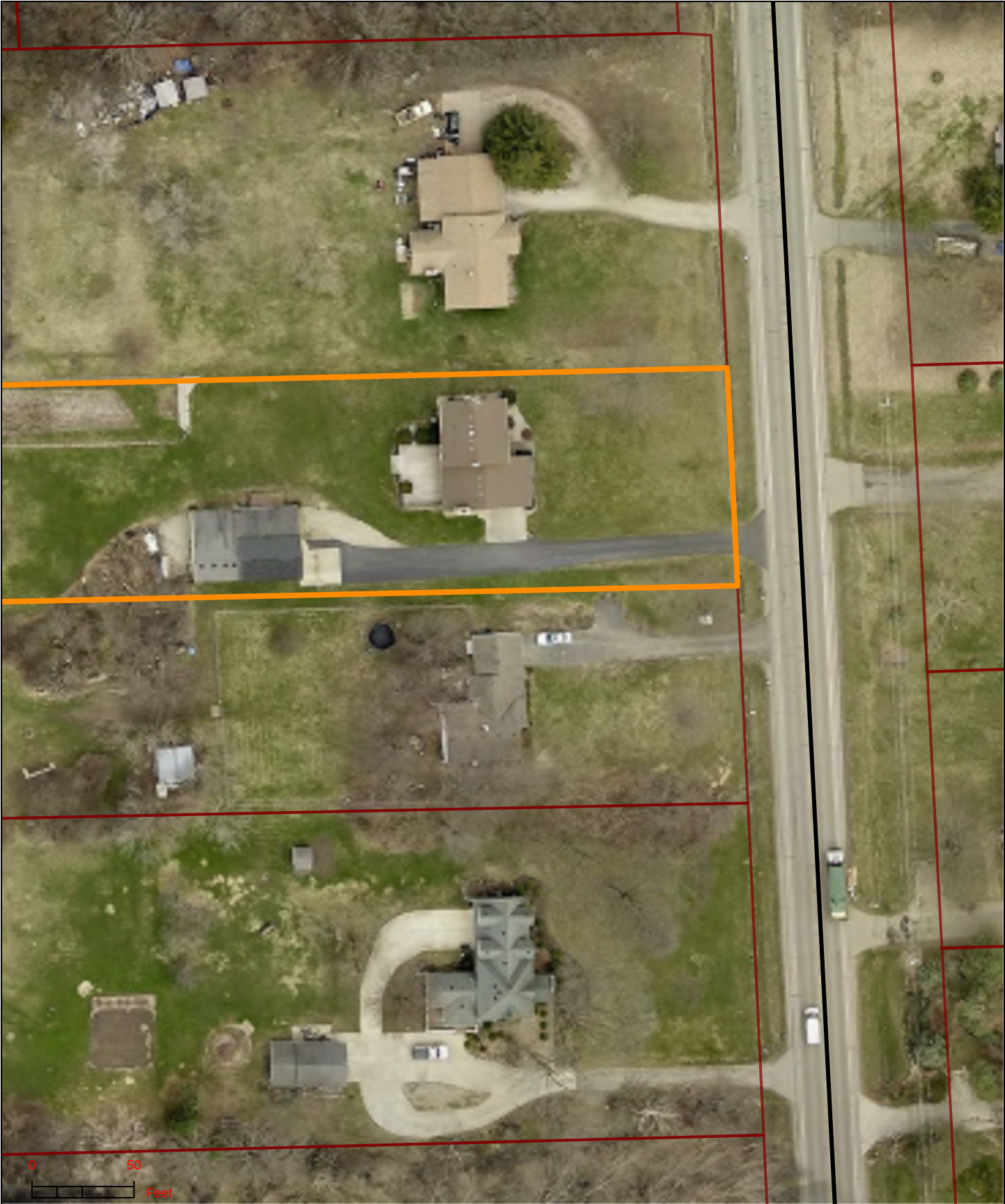
Attachment: Back up 18-04 (3492 : ZBA #18-04)

BURTON



Attachment: Back up 18-04 (3492 : ZBA #18-04)

BURTON



Attachment: Back up 18-04 (3492 : ZBA #18-04)



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

Date Filed: 1-19-18 12:11
 Fee Paid: 450.00
 Receipt #: _____
 Check #: 15716
 Received by: _____
 Date Mailed: _____

RECEIVED
 CITY OF BURTON
 2018 JAN 19 PM 12:17

ZBA Case #: 18-05 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: February 15, 2018 AT 3:00 P.M.

APPLICANTS NAME: Allen Automotive LLC

APPLICANTS ADDRESS: 2447 E. Judd Road

CITY: Burton, MI 48529

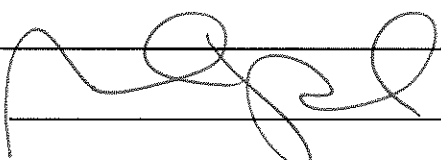
APPLICANTS PHONE: 810-813-7897

ADDRESS AND PARCEL OR LOT NUMBER: 2447 E. Judd Road, Burton, MI 48529

59-32-527-003, m-1 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: See Exhibit 1

APPLICANTS SIGNATURE:  1-16-18

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

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

Also see Exhibit 1

Attachment: Back up 18-05 (3493 : ZBA #18-05)

EXHIBIT 1

The subject property is located in the M-1, light industrial zoning district. The applicant presently uses the property for new appliance sales, appliance repair/refurbishing. The present use is primarily retail sales, but the present location of the business is ill-suited for retail sales so the applicant is looking to move his business and market the property for other light industrial uses such as medical marijuana facilities.

Medical marijuana facilities are permitted after site plan approval in this zoning district provided they are at least 500 feet from any other commercial medical marijuana transaction facility or 1000 feet from any school. The applicant seeks a variance from those two requirements.

Bendle High School is located approximately 664 feet from the subject property if measured as the crow flies (but the ordinance requires 1000 feet separation). It is also located approximately 480 feet (just 20 feet shy of the 500 foot restriction) from an existing medical marijuana transaction facility located at 4232 S. Dort Highway if measured as the crow flies. Of course, no one would fly from one location to another nor is there pedestrian access from the subject property to Bendle High School or the existing medical marijuana facility. Rather, the mode of travel would be by vehicle and the distance, measured as vehicles would travel, shows that Bendle High School is located approximately 3696 feet from the subject parcel. The existing transaction facility is located approximately 1056 feet if measured in this way.

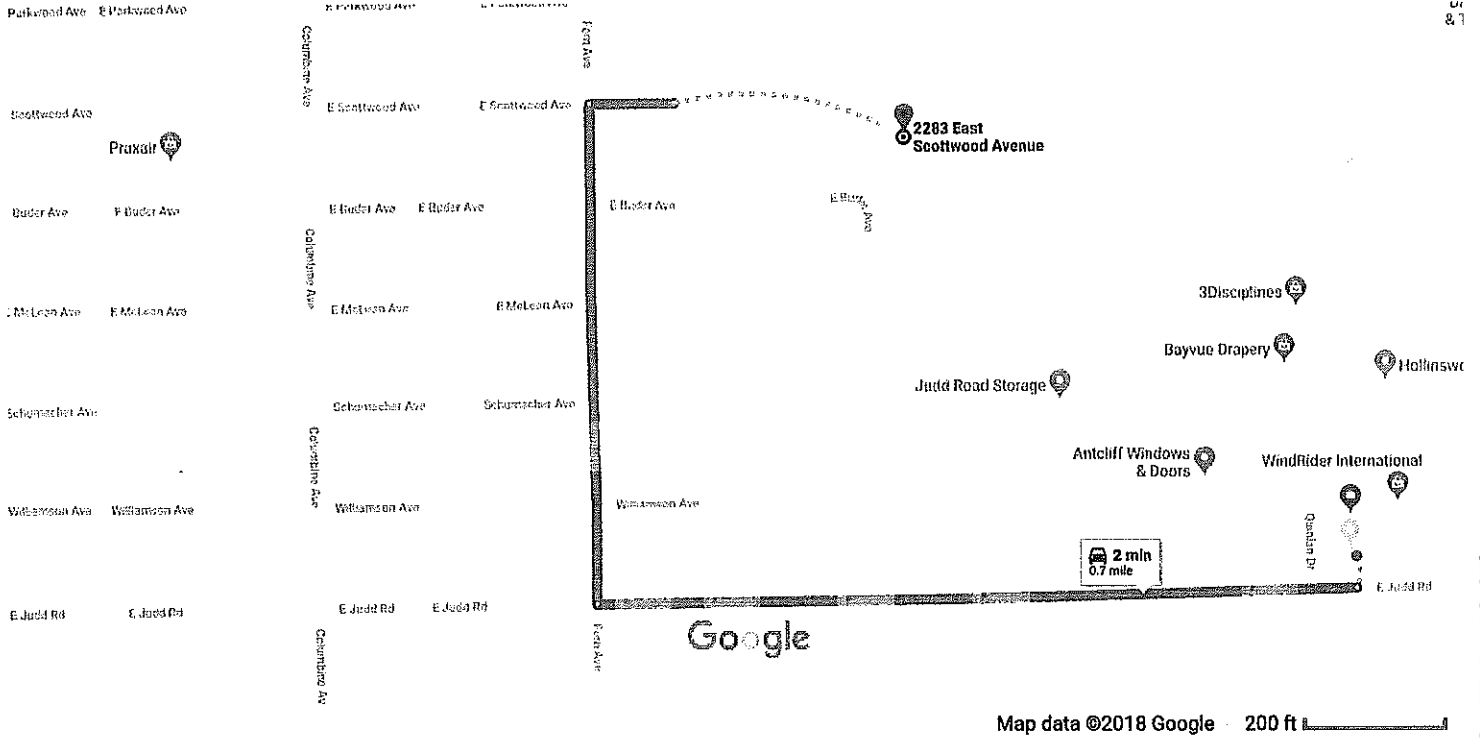
The subject property is located in the area of the City that is ideally suited to accommodate any of the medical marijuana facilities. There are existing buildings on the subject parcel which could be used for medical marijuana facilities or transitioned with rather minor changes into places where medical marijuana facilities could operate. The applicant wishes to maximize the value of the subject property by marketing it for medical marijuana facilities, but the locational restrictions prohibit it from doing so.

Locational restrictions are designed to provide buffers that separate one land use from incompatible land uses. They are also meant to prevent "bundling" similar uses. Granting this variance will not undermine either goal.

Google Maps

Your location to 2283 E Scottwood Ave, Burton, MI 48529

Drive 0.7 mile, 2 min



via E Judd Rd and Fern Ave

Fastest route

2 min

0.7 mile

Bendle HS. 0.7 mile = 3,696 feet!

(ordinance requires 1,000 feet)

Attachment: Back up 18-05 (3493 : ZBA #18-05)

Google Maps

Your location to 4232 S Dort Hwy, Burton, MI 48529

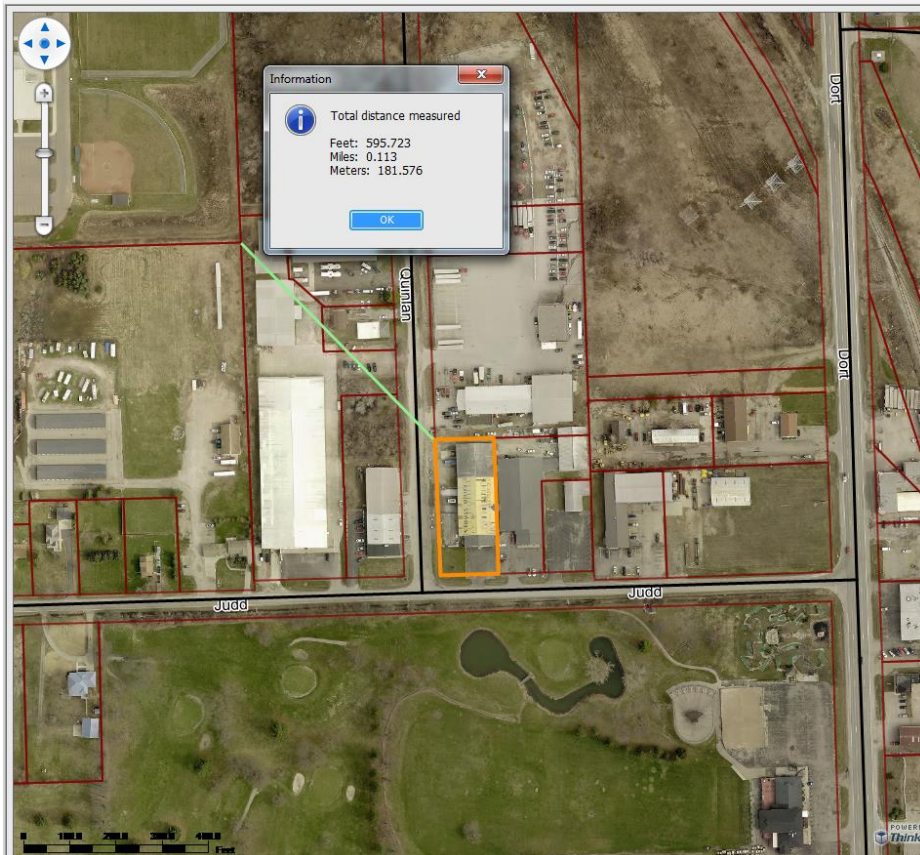
Drive 0.2 mile, 1 min



• 2 Miles = 1,056 feet

(ordinance requires 500 feet)

Attachment: Back up 18-05 (3493 : ZBA #18-05)



Distance to the School Property

Attachment: Back up 18-05 (3493 : ZBA #18-05)



Distance to the other facility