



# 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

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

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

#### 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.

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.

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|------------------|-----------------------------------------------------------|
| <b>RESULT:</b>   | <b>FAILED [0 TO 7]</b>                                    |
| <b>MOVER:</b>    | Scott Hynes, Commissioner                                 |
| <b>SECONDER:</b> | Donald Standel, Commissioner                              |
| <b>NAYS:</b>     | Parker, Hynes, Welch, Walton, Ward-Terry, Standel, Conley |
| <b>EXCUSED:</b>  | 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.

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|------------------|-----------------------------------------------------------|
| <b>RESULT:</b>   | <b>FAILED [0 TO 7]</b>                                    |
| <b>MOVER:</b>    | Terry Parker, Commissioner                                |
| <b>SECONDER:</b> | Michaeline Ward-Terry, Commissioner                       |
| <b>NAYS:</b>     | Parker, Hynes, Welch, Walton, Ward-Terry, Standel, Conley |
| <b>EXCUSED:</b>  | 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.

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

#### F. AUDIENCE PARTICIPATION

None.

#### G. BOARD DISCUSSION

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.

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