



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

JANUARY 18, 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

1. Roll Call

B. STAFF PRESENT

C. NOMINATIONS

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

D. APPROVAL OF MINUTES

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

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.

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.

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

H. CALL TO ORDER



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

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

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Council Representative
SECONDER:	Michaeline Ward-Terry, Commissioner
AYES:	Haskins, Hynes, Welch, Rapacz, Walton, Ward-Terry, Standel
EXCUSED:	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.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Council Representative
SECONDER:	Scott Hynes, Commissioner
AYES:	Haskins, Hynes, Welch, Rapacz, Walton, Ward-Terry, Standel
EXCUSED:	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.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Deb Walton, Commissioner
AYES:	Haskins, Hynes, Welch, Rapacz, Walton, Ward-Terry, Standel
EXCUSED:	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: 10-31-17
Fee Paid: \$ 450.00
Receipt #: _____
Check #: 018629
Received by: JA
Date Mailed: _____

ZBA Case #: 18-01 5 Votes Required

HOLY REDEEMER CHURCH
1227 E. BRISTOL RD.
BURTON, MI 48529

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: 1-18-18 AT 5:00 P.M.

APPLICANTS NAME: Holy Redeemer Catholic Church

APPLICANTS ADDRESS: 1227 E. Bristol Road

CITY: BURTON, MI 48529

APPLICANTS PHONE: 810-743-3050

ADDRESS AND PARCEL OR LOT NUMBER: 1227 E. Bristol Road
BURTON, MI 48529

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: MAY 31, JUNE, 1, 2, 3, 2018
FOR OUR Parish Festival

APPLICANTS SIGNATURE: Kenneth Agubor

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

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

We have a Carnival That sets up rides
For The Festival.

Attachment: Back up 18-01 (3413 : ZBA #18-01)



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

Date Filed: 12-15-17
 Fee Paid: \$450.00
 Receipt #: _____
 Check #: _____
 Received by: JA
 Date Mailed: _____

ZBA Case #: 18-02 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: January 18, 2018 AT 5:00 P.M.

APPLICANTS NAME: 3055 E. Bristol, LLC

APPLICANTS ADDRESS: 3055 E. Bristol Rd.

CITY: Burton

APPLICANTS PHONE: 810-444-6172

ADDRESS AND PARCEL OR LOT NUMBER: 3055 E. Bristol Rd.; Parcel # 59-28-300-004

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: _____

Variance is requested from City Ordinance Section 157.043 pertaining to dimensional limitations on operations of other similar facilities.

To conduct medical marijuana facility that will be
will be w/in 500' of another facility.

APPLICANTS SIGNATURE: _____

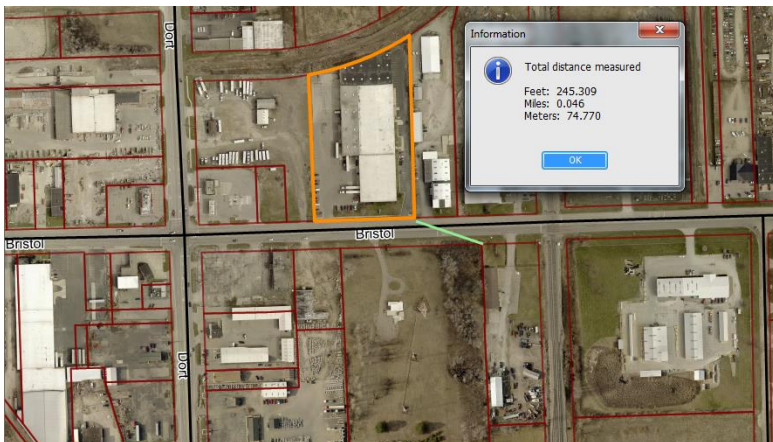
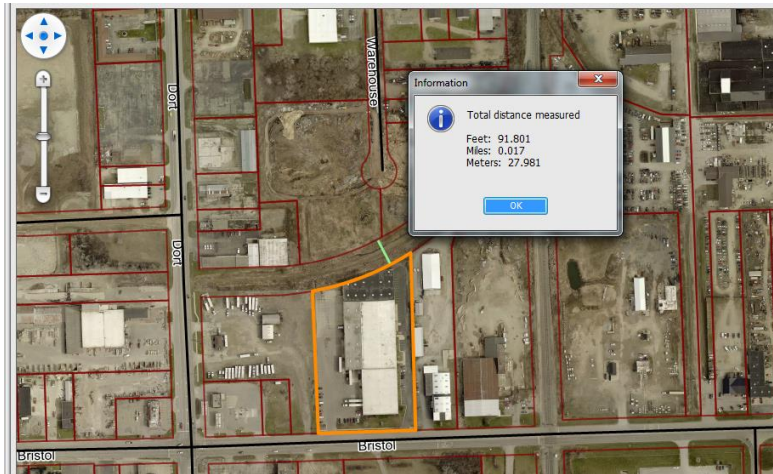
Stephen S. Landaal, Authorized Representative

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

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

Property is currently zoned M-2 General Industrial. Variance is needed solely to allow tenant operations in existing facility within 500' of other anticipated like operations in the same Zoning District. Newly enacted City Ordinance does not specifically address operations in M-2. No other variance or deviation from existing ordinances or regulations is required. No detrimental or significant impact will be realized from granting this dimensional variance from other previous and currently nonoperational and unconstructed locations. Neighborhood essential character will remain unchanged based upon current and anticipated composition of business operations.

Attachment: Back up 18-02 (3414 : ZBA #18-02)



Attachment: Back up 18-02 (3414 : ZBA #18-02)

Total Health Collective

Medical Marijuana and the Community

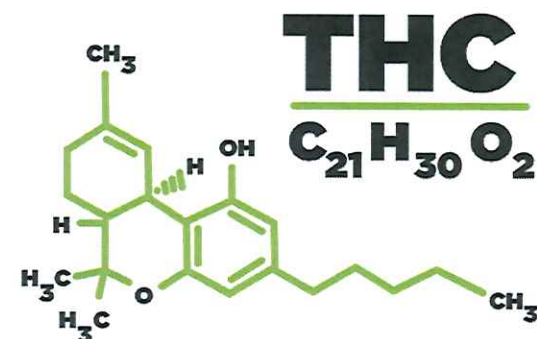
Michigan's Qualifying Conditions

- Cancer
- HIV/AIDS
- Hepatitis C
- Amyotrophic Lateral Sclerosis (ALS)
- Crohn's Disease
- Severe and Chronic Pain
- Severe Nausea
- Seizures
- Severe Muscle Spasms
- PTSD
- Glaucoma

Medical Marijuana as Medicine

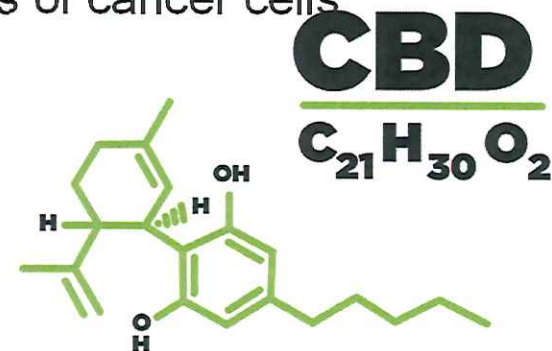
THC Has Been Demonstrated To -

- Increase appetite and reduce nausea
- Decrease pain, inflammation, and muscle control problems
- Reduce the size and slow the growth of certain types of cancer cells



CBD Has Been Demonstrated To -

- Reduce pain and inflammation
- Control epileptic seizures
- Potentially treat mental illness and addictions



Success Story - Charlotte Figi, Dravet Syndrome

Pre-Marijuana

- 1200+ grand mal seizures / month
- Several incidents of heart failure

Post-Marijuana

- 2-3 seizures / month
- Regained speaking, walking, and eating abilities



"I want to scream it from the rooftops. I want other people, other parents, to know that this is a viable option." - Matt Figi, Charlotte's father

Success Story - Stryder, Ehlers-Danlos Syndrome

Pre-Marijuana

Crippled by severe medical issues including -

- Regular night time seizures
- Fatigue/exhaustion
- Inability to communicate

Post-Marijuana

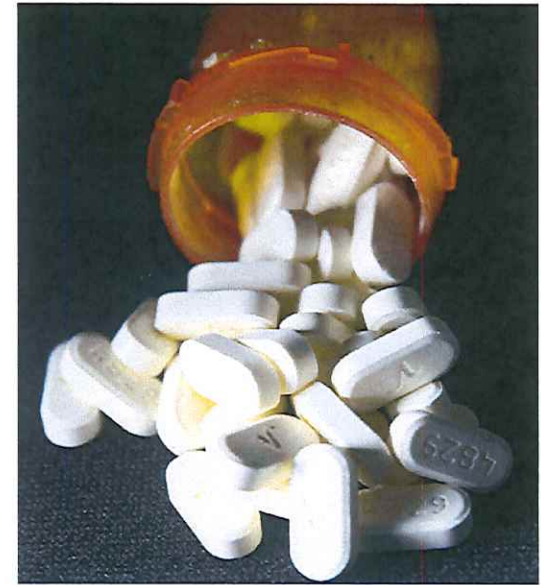
- Indica oils have reduced seizures, allowed Stryder to sleep, and vastly improved quality of life



“Stryder's success has been unmatched and I will always be an advocate for something that is natural and less harmful as well as effective.” - Angela, Stryder's mother

America's Opioid Crisis

- *National Institute on Drug Abuse* - Over 50,000 Americans died in 2016 due to opioid overdose
- Michigan opioid overdose deaths increased 54% between 2015 and 2016
- *Journal of American Medical Association* - In states with medical marijuana laws, opioid overdose death rates decreased significantly
- *Health Affairs* - Medical marijuana reduces prescription drug use, equating to annual insurance expense savings of more than \$165m



Sustainable Job Creation

Currently there are 29 states with legalized medical and / or recreational marijuana -

- Colorado - 100,000 to 150,000 jobs
- California - 44,000 full-time jobs
- Washington - 22,952 jobs
- Michigan - 20,000 projected jobs

These jobs employ all varieties of skilled and unskilled labor -

- From growers, retail employees, construction, security, HVAC, and facilities workers to tech entrepreneurs, scientists, legal and administrative services, and governmental departments

Potential for Michigan Communities

- Access to high quality medicine for qualified patients
- Sustainable job creation
- Municipal and state tax revenue
 - Estimated the Michigan medical marijuana market is \$837 million
 - Dispensaries will pay a 3% tax on gross sales
 - Possibly on top of the existing 6% sales tax
- Highly regulated and controlled system will be a model for other states
- Community development

Tax Revenue Around the Country



Medical market worth an estimated \$7.2 billion in 2016

- Projected to grow at a compound annual rate of 17% to \$13.3 billion in 2020
- Colorado grossed \$1.3 billion in sales and \$200 million in tax revenue in 2016

Tax revenue from marijuana goes to support local education and infrastructure

Marijuana prohibition costs American taxpayers \$41.8 billion in 2016

In Michigan, taxes on provisioning centers will generate significant revenue to be allocated among the state and municipalities

Projected Michigan Tax Revenue

Starting next year with five new license types

- Grower, Processor, Provisioning Center, Transporter, Safety Compliance Facility

The tax is expected to generate about \$74 million

- \$24 million in marijuana taxes
- \$50 million in state sales taxes

The state will collect 3% Excise Tax on gross receipts and 6% Sales Tax

State – 30% County – 30% City – 25% State Police – 5% Sheriff – 5%

Local Police – 5%

Community Impact

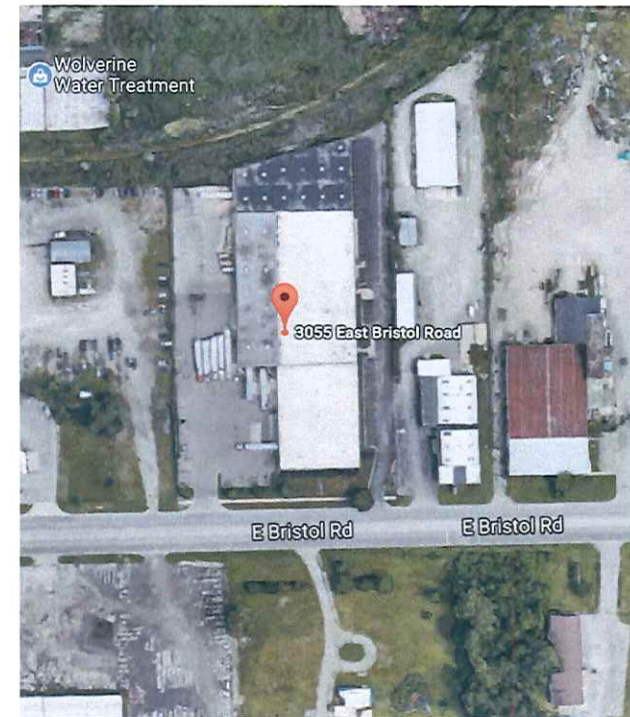
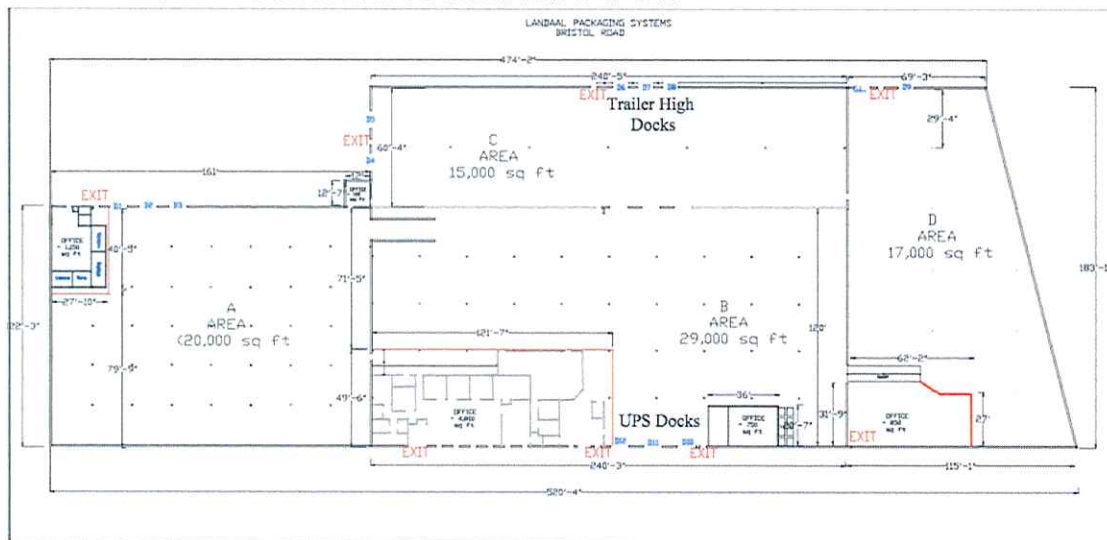
Total Health Collective will give back to the community through -

- Providing patients access to high-quality, safe medicine
- Assisting vulnerable populations
- Providing community services
- Philanthropic contributions
- Preferentially hiring veterans
- Training staff to monitor substance abuse
- Doctor and patient education on the benefits, risks, and contradictions associated with marijuana use

Proposed Facility Location and Layout

3055 East Bristol Rd. Burton, MI 48529

- Industrial/Manufacturing Warehouse
- 81,000 Square Feet
- Low Traffic/Industrial Area



Attachment: Back up 18-02 (3414 : ZBA #18-02)

Environmentally Responsible Facility Design

All aspects of Total Health Collective's cultivation, processing, and provisioning operations will minimize environmental impact by -

- Cultivating using the latest, most resource-efficient technologies available
- Processing using safe, non-volatile methodologies
- Product odor and noise mitigation through extensive filtration systems
 - Carbon filters, ozone generation, and vapor barriers
- Prohibiting medical marijuana product consumption on the premises
- Utilizing tinted windows to prevent public view
- Limiting excess signage

Security Measures



Facility Surveillance and Monitoring

- Security alarm / surveillance system protecting patients, products, and employees
- Video surveillance cameras will capture clear images of entrances and exits
- 24 hour streaming of all surveillance video cameras
- Perimeter alarms and motion detectors
- Electronic monitoring and panic buttons

Standard Operating Procedures

- Comprehensive Security Plan for patient, caregiver, and employee safety
- Consistent employee and patient identification checkpoints
- Role-based controlled facility access and loitering prevention
- Surveillance and security SOPs to protect the premises, patients, caregivers, and employees
- Advanced, industry-specific security and surveillance measures to prevent product diversion
- Developing relationships with local law enforcement

Conclusion

- Qualifying Medical Symptoms
- Benefits of THC and CBD
- Medical Marijuana Success Stories
- America's Opioid Crisis
- Potential for Michigan Communities
- Tax Revenue Around the Country and Michigan
- Sustainable Job Creation
- Environmentally Responsible Facility Design
- Security Measures

Citations

Cannabis Facts

<https://www.drugabuse.gov/publications/drugfacts/marijuana-medicine>

<https://www.medicalmarijuanainc.com/industry-overview/>

Success Stories

<https://www.painnewsnetwork.org/stories/2015/7/29/success-stories-of-real-medical-marijuana-patients>

<http://www.cnn.com/2013/08/07/health/charlotte-child-medical-marijuana/index.html>

Michigan Information

<http://www.michigan.gov/lara/0,4601,7-154-78089---,00.html>

https://www.southbendtribune.com/news/local/new-laws-in-michigan-shake-up-the-marijuana-industry/article_21fd1838-50a3-5281-a65a-06ebba9ca838.html

http://house.michigan.gov/hfa/PDF/Alpha/Medical_Marihuana_Legislative_Analysis.pdf