



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

JUNE 21, 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 - May 17, 2018 5:00 PM

E. VARIANCE

1. ZBA #18-12

By: Nicholas Burnett
6134 Vassar Rd.
Grand Blanc, MI 48439

Re: 1426 Kenneth St. Burton, MI 48529
59-30-578-216, R-1C Zoned

For: To construct a covered deck that will be 10' from the front property line, 20' required.

2. ZBA #18-14

By: Scott Bromfield
1421 E. Williamson Ave.
Burton, MI 48529

Re: 1421 E. Williamson Ave. Burton, MI 48529
59-31-527-107, R-1C Zoned

For: To construct a 26' x 32' attached garage that will exceed the allowable square footage by 230 sq ft., 538 sq ft allowed.

3. ZBA #18-15

By: Disabled American Veterans Chapter 3
4270 Bristol Rd.
Burton, MI 48519

Re: 4270 Bristol Rd. Burton, MI 48519
59-34-200-021, C-3 Zoned

For: To conduct a temporary flea market June 22nd thru October 31, 2018.

4. ZBA #18-16

By: Isla Investment Services
P.O. Box 686
Flint, MI 48501

Re: 3408 S. Dort Hwy. Burton, MI 48529
59-29-400-017, C-2 Zoned

For: To conduct an open air business in a C-2 General Business zone for a flea market that will include self-storage units on site for the vendors.

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, July 19, 2018, at 5:00 p.m.

H. CALL TO ORDER



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

MAY 17, 2018

MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Vice Chair Michaeline Ward-Terry at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

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

C. STAFF PRESENT

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

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Apr 19, 2018 5:00 PM

Approved amended minutes to show Michaeline Ward-Terry as Vice-Chair.

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

E. VARIANCE

1. ZBA #18-10

By: Greg Benjamin
6011 E. Atherton Rd.
Burton, MI 48519

Minutes Acceptance: Minutes of May 17, 2018 5:00 PM (Approval of Minutes)

Re: 6011 E. Atherton Rd. Burton, MI 48519
59-24-551-023, C-1 Zoned

For: To conduct an outdoor recreational event September 14th through 23rd, 2018

Motion to approve ZBA #18-10 outdoor recreational event on September 15, 2018 and September 20-23, 2018 with the extended time of midnight on September 15, 2018 and September 21 and 22, 2018.

Greg Benjamin of Burton stated I am asking to conduct this event September 15, 2018 and September 20-23, 2018. I would like the time extended from 11 PM to 12 AM on Friday and Saturday. I have had no trouble whatsoever in the last two years with this event. We have raised over \$10,000 for the Old Newsboys and \$7,200 for animal shelters in Genesee County so far. I am also asking if I can have this waived so that I do not have to come here every year for approval, instead come every 5 years.

Mrs. Abbey stated the administration has no issue with the event dates of September 15, 2018 and September 20-23, 2018. We would not want to open it up to the 9-day event. He will have the tent on the property from September 14 through the 23rd; however, it would only be utilized on the days of the event. A couple of years ago City Council approved for outdoor recreational events, the 5-year approval through the administration, if the Zoning Board has already approved them the first year and there was no complaints or issues. So far, there has been no issues or complaints.

RESULT:	CARRIED [6 TO 1]
MOVER:	Terry Parker, Commissioner
SECONDER:	Donald Standel, Commissioner
AYES:	Conley, Miller, Parker, Rapacz, Standel, Ward-Terry
NAYS:	Walton
EXCUSED:	Hynes, Welch

2. ZBA #18-11

By: Loren Austin Jr.
4356 S. Saginaw St.
Burton, MI 48529

Re: 4356 S. Saginaw St. Burton, MI 48529
59-32-554-003, C-2 Zoned

For: To keep temp signs/banners at this location.

Motion to allow the existing banners to stay up around the business sign.

Loren Austin of Burton said I have had my banners flying for 25 years and all of a sudden, they say I have to take them down. The sign across the front that has our

name on it was removed in order to put a new roof on and that will be put back up. The two banners were on each side of my sign.

Mrs. Abbey stated in an attempt to clean up the signage around the City of Burton the Code Enforcement Officer has been trying to remove all temporary signs as required by the City of Burton sign ordinance. The particular banners he has on his property are not as visually disturbing as some of the other ones. He keeps them nice; they are not in bad condition and not faded. The ordinance does say they are not allowed so we had to cite him, same as everyone else. In this particular case we wouldn't have a problem with him putting these out as long as they are kept in good condition but only the ones he has existing at the time and only from the building to the sign pole. The administration recommends approval.

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

3. ZBA #18-12

By: Nicholas Burnett
6134 Vassar Rd.
Grand Blanc, MI 48439

Re: 1426 Kenneth St. Burton, MI 48529
59-30-578-216, R-1C Zoned

For: To construct a covered deck that will be 10' from the front property line, 20' required.

Motion to postpone ZBA #18-12.

Applicant was not present.

Mrs. Abbey stated the applicant does not have to be present. You can postpone because you have questions you can do that. This request is not unusual in the City of Burton. The property lines are very small. To put a 10-foot deck on the front of the property would require a variance. The administration would recommend approval if you chose to move forward.

RESULT:	TABLED [4 TO 3]	Next: 6/21/2018 5:00 PM
AYES:	Miller, Parker, Walton, Ward-Terry	
NAYS:	Conley, Rapacz, Standel	
EXCUSED:	Hynes, Welch	

4. ZBA #18-13

By: Speedway, LLC.
500 Speedway Dr.
Enon, OH 45323

Re: 1001 S. Center Rd. Burton, MI 48509
59-15-100-001, C-4 Zoned

For: 1. To construct a new building that will be 10' from the rear property line, 25' required. 2. To construct a new building that will be 10' from the side property line, 25' required.

Motion to approve as written.

John Ziegan with Osborn Engineering from Ohio stated at the Planning Commission meeting last week we were approved. The Site Plan, pending approval here is demolition of existing store, existing canopies and everything above ground and above ground. The rebuild would consist of a larger convenience store, the gas dispensers would be side by side, which would be safer and would clear traffic congestion. We want to keep the building itself as far away from the road as possible to allow for that extra pavement for the gas station and parking spaces. We are under contract to purchase property behind this lot, but because of the existing development, the driveway to the shopping mall, Speedway can only get as close as they are today with the property line. We are asking for approval to construct a new building that will be 10 foot, 1 inch from the rear property line because of the Michigan Fire Code requirements. We are limited on the side setback because we have to allow room around the billboard for access and safety.

Mrs. Abbey stated Speedway came to us asking to demo and rebuild by purchasing part of the Mall property. We made suggestions such as to move the driveway down and to bring in an entrance off the mall parking lot so that not all entrances and exits come out onto Center Road. The entrance onto Court Street will stay. The existing building itself is probably two feet from the property line; however, they do not get a nonconforming right because the building is being demo'd. We like the idea that we can improve an existing property and also make it safer. The administration recommends approval.

Mr. Miller asked about the land contract Speedway is under.

Mr. Ziegan stated it is under land contract and is pending until they can get Planning and Zoning approval.

Mr. Parker asked about the side yard setbacks being to a parking lot.

Mrs. Abbey said it does not matter that the setbacks are to a parking lot. Tomorrow it may not be a parking lot. It is about property line, not about what is there now.

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

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mrs. Walton asked Mrs. Abbey for an update on 4086 Davison Road, where they were approved for the marijuana facility. She said the homes on this property have not been demolished yet.

They go before the Planning Commission next month. The contingency that this board gave was 45 days from the date of the Planning Commission action. We were not going to require they demo it because if they do not get the special use then the demo would be unnecessary. If this is approved, then that is where their time would start.

The next regularly scheduled meeting will be held on Thursday, June 21, 2018, at 5:00 p.m.

Meeting was adjourned at 5:37 PM.

Minutes Acceptance: Minutes of May 17, 2018 5:00 PM (Approval of Minutes)



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

Date Filed: 4-5-18
 Fee Paid: \$250.00
 Receipt #: Card
 Check #: Card
 Received by: JA
 Date Mailed: _____

ZBA Case #: 18-12 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: May 17th, 2018 AT 5:00 P.M.

APPLICANTS NAME: Nicholas Burnett

APPLICANTS ADDRESS: 6134 Vassar Rd

CITY: Grand Blanc

APPLICANTS PHONE: 810-964-1430

ADDRESS AND PARCEL OR LOT NUMBER: 1426 Kenneth St. Burton MI
59-30-578-216 R-1C 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: To construct a covered deck
that will be 10' from the front
property line, 20' required

APPLICANTS SIGNATURE: [Signature]

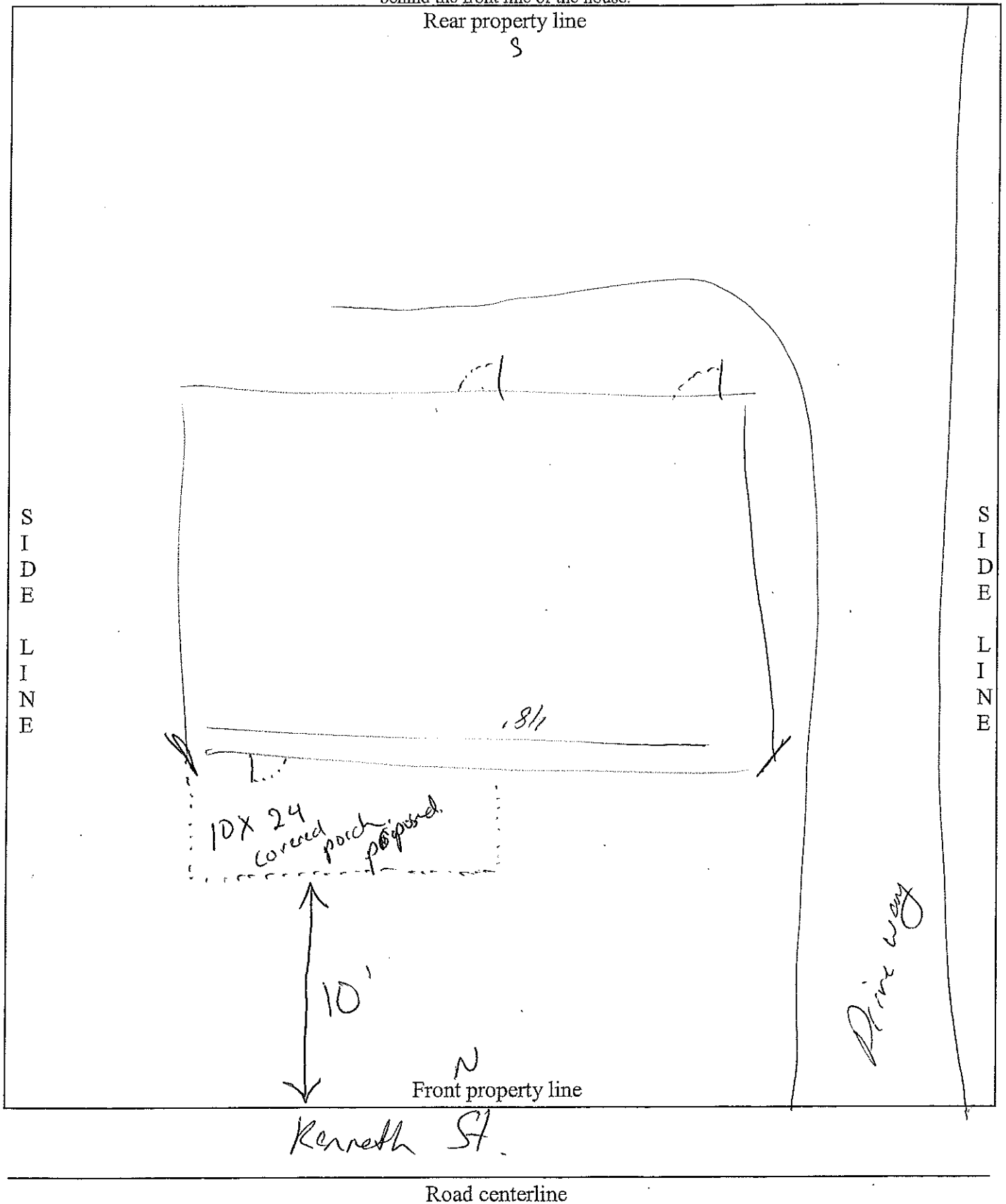
MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

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

Attachment: Back up 18-12 (3728 : ZBA #18-12)

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 18-12 (3728 : ZBA #18-12)

BURTON



Attachment: Back up 18-12 (3728 : ZBA #18-12)

This is a notice for a Zoning Board of Appeals Request, for a variance from the terms of the cities zoning ordinance. You may appear at the meeting and voice your opinion or concerns, be represented by counsel or submit a written statement prior to the meeting to:

Department of Public Works
4093 Manor Dr.
Burton, MI 48519

The meeting time & place is as follows:

Date: June 21, 2018
Time: 5:00 p.m.
Place: Burton City Hall
4303 S. Center Rd.
Burton, MI. 48519
Council Chambers

ZBA Case #: 18-14

Applicant's Name: Scott Bromfield

Address: 1421 E. Williamson Ave. Burton, MI 48529

Location of Request: 1421 E. Williamson Ave. Burton, MI 48529
59-31-527-107, R-1C Zoned

Nature of Request: To construct a 26' x 32' attached garage that will exceed the allowable square footage by 230 sq ft., 538 sq ft allowed.

Attachment: ZC#18-14 (3851 : ZBA #18-14)

Back by May 18

E.3.a



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

Date Filed: 5-9-18
Fee Paid: \$ 450.00
Receipt #: _____
Check #: _____
Received by: _____
Date Mailed: _____

ZBA Case #: 18-15 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: June 21st AT 5:00 P.M.

APPLICANTS NAME: DISABLED AMERICAN VETERANS CHAPT. 3

APPLICANTS ADDRESS: 4200 BRISTOL RD

CITY: BURTON, MI 48519

APPLICANTS PHONE: 810 743 2322

ADDRESS AND PARCEL OR LOT NUMBER: _____

59-34-200-021 C-3 Zoned

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 a flea market
June 22nd until Oct, 31, 2018.

APPLICANTS SIGNATURE: Thomas [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 18-15 (3852 : ZBA #18-15)



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

Date Filed: 5-25-18
 Fee Paid: 450.00
 Receipt #: _____
 Check #: _____
 Received by: _____
 Date Mailed: _____

ZBA Case #: 18-116 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: June 21, 2018 AT 5:00 P.M.

APPLICANTS NAME: ISLA INVESTMENT SERVICES

APPLICANTS ADDRESS: PO BOX 686

CITY: FLINT MI 48501

APPLICANTS PHONE: 810 285-0180

ADDRESS AND PARCEL OR LOT NUMBER: G 3408 DART HWY
59-29-400-017, C-2 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: 1. TO conduct an open air
business in a C-2 zone for a
fla market, that will include
self storage units on-site for the vendors

APPLICANTS 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 18-16 (3854 : ZBA #18-16)

