



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

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.
