



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

MAY 19, 2016

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	Present	
Scott Hynes	Commissioner	Present	
Bobbie Weatherford	Commissioner	Excused	
Steve Welch	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Present	
Michaeline Ward-Terry	Commissioner	Present	
Donald Standel	Commissioner	Excused	

C. STAFF PRESENT

Amber Abbey, Planning/Zoning
Richard Hayman, Chief of Staff
Marcy Kimball, Records Tech

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Apr 21, 2016 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Terry Parker, Commissioner
SECONDER:	Duane Haskins, Council Representative
AYES:	Haskins, Parker, Hynes, Welch, Rapacz, Walton, Ward-Terry
EXCUSED:	Weatherford, Standel

E. VARIANCE

1. ZBA #16-05

By: Raidan Sobh
3201 S. Dort Hwy.
Burton, MI 48529

Re: 3201 S. Dort Hwy. Burton, MI 48529
59-28-501-163, C-2 Zoned

For: To conduct C-3 Special use in a C-2 General Business zone for used car sales lot.

Raidon Sobh stated this will be for wholesale only, not retail. The cars will not be on the lot.

Mrs. Abbey stated I recommend approval. It is an appropriate use for that area.

Motion to approve ZBA #16-05 to conduct C-3 Special use in a C-2 General Business zone for used car sales lot.

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

2. ZBA #16-06

By: Weichert, Realtors – Grant Hamady
4265 E. Court St
Burton, MI 48509

Re: 4265 E. Court St Burton, MI 48509
59-10-576-021, R-O Zoned

For: To construct a 20' x 14' accessory structure in an R-O restricted office zone, accessory structures are prohibited.

Grant Hamady said your approval on this storage structure will enhance the appearance of our property.

Mrs. Abbey recommends approval.

Motion to approve ZBA #16-06 to construct a 20' x 14' accessory structure in an R-O restricted office zone, accessory structures are prohibited.

RESULT:	CARRIED [UNANIMOUS]
SECONDER:	Tim Rapacz, Michaeline Ward-Terry
AYES:	Haskins, Parker, Hynes, Welch, Rapacz, Walton, Ward-Terry
EXCUSED:	Weatherford, Standel

3. ZBA #16-07

By: Electric Guard Dog, LLC.
121 Executive Center Drive, Suite 230
Columbia, SC 29210

Re: Interpretation of Ordinance

For: Interpretation of section 157.089 section (C) of the City of Burton Zoning Ordinance regarding the use of electric fences.

Cindy Williams spoke regarding an electric fence installed. She said it is just a crime deterrent, not medically harmful. If allowed we would have a warning electric fence sign put up.

Mrs. Abbey stated this many municipalities prohibit electric fences through their ordinances. Electric fencing is an unreasonable hazard in our opinion. If this is approved that would allow electric fencing for any use in industrial zone. They have been given notice to take this fence down. We would not expect them to do this if they applied for a site specific variance on that specific fence on that specific property and it was approved.

Cindy Williams withdrew her request to appeal the interpretation of the ordinance.

4. ZBA #16-08

By: Michael Laragy, Bristol Storage
4070 Bristol Rd.
Burton, MI 48519

Re: 4070 Bristol Rd. Burton, MI 48519
59-34-100-007, C-2 Zoned

For: 1. To expand an existing self-storage facility onto an additional parcel of land that is C-2 General Business zone. 2. To not put in the sidewalk until adjoining parcels are developed.

Mrs. Abbey recommended approval on both #1 and #2.

Motion to approve ZBA #16-08 1. To expand an existing self-storage facility onto an additional parcel of land that is C-2 General Business zone. 2. To not put in the sidewalk until adjoining parcels are developed.

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

5. ZBA #16-09

By: Greg Benjamin
1355 Blanch St.
Burton, MI 48509

Re: 6011 Atherton Rd. Burton, MI 48509
59-24-551-023, C-1 Zoned

For: To conduct an outdoor recreational event for "Burtucky Days" on September 21st through 25th, 2016.

Greg Benjamin I am asking for permission to put a tent up and have a band for the "Burtucky Days" event. If approved I will have 8 to 12 security people at this event.

Mrs. Abbey stated the tent will need to be at least 50 feet away from the center line of Belsay Road and cannot visually impede traffic in any way. This the first time they have asked to put up an outside tent for this event. If approved they will be able to apply for the administrative outdoor events permit for the next five years unless otherwise specified. There would still be a notification period involved. I also recommend a contingency on the time that the tent remains open. The noise ordinance would still be in force. I recommend approval with contingencies.

Motion to approve ZBA #16-09. To conduct an outdoor recreational event for "Burtucky Days" on September 21-25, 2016 with the following contingencies: 1. Exterior tent activities to shut down no later than 10 PM on weekdays, no later than 11 PM on Friday and Saturday, no later than 10 PM on Sunday 2. Annual request and renewal for outdoor recreational tent.

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

F. AUDIENCE PARTICIPATION

David Visser of Burton spoke regarding ZBA #16-04 for zoning change to have a used car sales and wholesale of vehicles at 5053 Court St. Burton, MI. Mr. Visser asked the committee to reconsider. He showed photos of his properties, letters from adjacent neighbors in favor of the automobile import/export business and the proposed site improvements for his property at 5053 E. Court St.

Rick Swihart of Burton owns property around Mr. Visser's property. We support his idea. We do not like to see unused, vacant property. I feel it would be a benefit to the area.

Andrew Johnson from Clio stated I would be the actual lessee of the property. I have known Mr. Visser and his family for 40 years. The business will be neat and clean and will look totally different than it does now.

G. BOARD DISCUSSION

- H. Motion to reconsider ZBA #16-04: 1. To conduct C-3 Special use in a C-2 General Business zone for used car sales lot. 2. To conduct an M-1 Light Industrial use in a C-2 General Business zone for wholesale of vehicles.

RESULT:	CARRIED [5 TO 2]
MOVER:	Tim Rapacz, Commissioner
SECONDER:	Deb Walton, Commissioner
AYES:	Hynes, Welch, Rapacz, Walton, Ward-Terry
NAYS:	Haskins, Parker
EXCUSED:	Weatherford, Standel

- I. Motion to approve ZBA #16-04: 1. To conduct C-3 Special use in a C-2 General Business zone for used car sales lot. 2. To conduct an M-1 Light Industrial use in a C-2 General Business zone for wholesale of vehicles the following contingencies: 1. Fencing all the way around the property with a screening fence between the residential and the business. 2. Stripe lines for the parking of the vehicles so the vehicles neatly parked. 3. Access to emergencies vehicles. 4. Landscaping.

Mr. Parker asked what has changed since the last motion was made to deny this. Mrs. Abbey did not think that this was a good use for that property. I don't see that anything has changed.

Mrs. Walton stated Mr. Visser did bring up all of the strip malls that are empty. Are we going to force him to put up a strip mall up on that property? I can see this going back for taxes. The businesses on Covert Road don't look as nice as any of Mr. Visser's businesses. Also the people that just spoke are in approval of it. Aren't we here in the city to help people? I think we should reconsider it.

Mrs. Ward-Terry said she agrees. There is quite a bit of blight in the city. Sometimes we will have to make some recommendations to allow citizens to use the property in other ways in order to get businesses into the city. If the people in the surrounding area say that they agree that this would be a good thing for that area, isn't it our responsibility to reconsider if there's a need?

Mr. Hynes stated there are retail businesses coming back into Burton. There is Family Farm and Fleet, the old 84 Lumber is being utilized now and on Belsay Road there are new properties. Retail is not dead here, I don't want to give that impression. A lot of retail has shipped because of Amazon, but there is still a lot of retail coming in. We have to ask what the right balance on that road is. I also understand that vacant properties are not good either.

Mr. Parker said we have a Master Plan and a zoning map. We do that because that's what we think we need to do in order to make things work in our city. If we want to revisit our Master Plan or zoning map, maybe that's something we need to look at. When we have a Master Plan and a zoning map we have to go with what we have. When a zoning administrator tells me they don't think it's right for that piece of property, I have to say OK, we've got that. There have been strides to do that in certain parts of the city. You look down Center Road and it's zoned commercial yet there's residential

properties also. I don't know how to justify one against the other. However, I think we need to stay with what our zoning map says in order to make things work within our city.

Mr. Hynes stated the housing is coming back so I feel this needs to be considered also.

Mrs. Abbey said the first time Mr. Visser came to me and also came before you, he was not specific to what they wanted to do. I feel like that threw up a red flag. My recommendation was based on the information they brought to us for their case. With what they have shown us tonight I feel more comfortable with it. If approved I would recommend some contingencies such as striped parking spaces, to have the ability for emergency vehicles to get in there as opposed to having vehicles in the way, and landscaping nicely to make it look like a new car lot as opposed to a used car lot.

Mr. Parker stated I voted against this based on the information I was given that night. I still have reservations because it will not be Mr. Visser on that piece of property but I think he will be in charge and do the right thing. I am changing my vote due to the diligence that Mr. Visser put forth to give us more information.

RESULT:	CARRIED [5 TO 2]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Deb Walton, Commissioner
AYES:	Parker, Welch, Rapacz, Walton, Ward-Terry
NAYS:	Haskins, Hynes
EXCUSED:	Weatherford, Standel

The next regularly scheduled meeting will be held on Thursday, June 16th, 2016, at 5:00 PM.

Meeting was adjourned at 6:35 PM.