



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

OCTOBER 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

B. ROLL CALL

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Sep 20, 2018 5:00 PM

E. VARIANCE

1. ZBA #18-24

By: Sameer Dabish
1066 E. carpenter Rd.
Flint, MI 48505

Re: 2014 S. Center Rd. Burton, MI 48509
59-21-527-001, C-2 Zone

For: To conduct a medical marijuana provisioning center that will be within 200' of a residential property and within 1,000' of a church.

2. ZBA #18-25

By: Jason and Heide Fleury
4250 Pebble Creek Blvd.
Grand Blanc, MI 48439

Re: 4250 Pebble Creek Blvd. Grand Blanc, MI 48439
59-35-578-042, R-1A Zone

For: To conduct an M-1 special use in an R-1A Single Family Residential zone
to allow more than 2 adult dogs.

3. ZBA #18-26

By: Vash Investments Group, LLC.
4040 Bristol Rd.
Burton, MI 48519

Re: 4040 Bristol Rd. Burton, MI 48519
59-34-100-004, C-2 Zone

For: To conduct an M-1 special use in C-2 General Business zone to allow
outside storage of Recreational Vehicles

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



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

SEPTEMBER 20, 2018

MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Christina Conley	Council Representative	Present	
Scott Hynes	Commissioner	Present	
Terry Parker	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Present	
Michaeline Ward-Terry	Vice Chairperson	Present	
Steve Welch	Chairman	Present	
Donald Standel	Alt. Commissioner	Excused	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Charles Abbey, Deputy DPW Director
Rik Hayman, Chief of Staff
Marcy Kimball, Clerk's Office

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Aug 16, 2018 5:00 PM

Minutes of August 16, 2018 approved as amended: Add meeting adjourned time.

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

E. VARIANCE

1. ZBA #18-20

By: Steve Campanella

6429 E. Hill Rd.
Grand Blanc, MI

Re: Vacant Lot on Vassar Rd. Burton, MI 48519
59-36-200-003, SE Zone

For: 1. To construct an addition to a pole barn that has non-confirming rights without a principal structure. 2. To exceed the allowable square footage of an accessory structures by 60 sq ft, 2,500 sq ft allowed, 2,560 sq ft requested. 3. To store and/or park a recreational vehicles in a yard without a principal rear yard

Steve Campanella from Grand Blanc stated we would like to purchase this building and use it for a hobby/woodshop. I have a project car and truck and I need a building to work on these. There will not be a noise issue. I am not doing any business out of it. There is almost two acres there and I would like to expand the building. I also have an RV that I would like to park outside behind the building. No one would see it.

Mr. Abbey went over the history on the property. He said the pole barn now has non-confirming rights to remain as it sits today. The need for the variance is the enlargement of a non-confirming structure. This is not allowed in the zoning ordinance. The allowable square footage of the accessory structure for this parcel is 2,500 sq. ft. Existing structure is 1,280 sq. ft. and the proposed addition is 1,280 sq. ft. The request is for 60 sq. ft. more than the allowable. The storage of recreational vehicles is required to be in the rear yard. Since there is no principle structure, there is technically no rear yard. Therefore, any outside storage of the RV would violate the zoning ordinance. Since the pole barn exists and is in good condition, the improvement with an addition to the pole barn would be acceptable. We have recently allowed for additional square footage for parcels over one acre. Therefore, allowing a variance even at a small amount would not be recommended. We would prefer that the RV be stored inside the structure, however, as long as the RV remains behind the rear of the pole barn we would recommend approval.

Motion amended to include #4. No outside storage other than an RV, which must be parked behind the building.

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

2. ZBA #18-21

By: Todd Stamm
4380 Meadows Ave.
Grand Blanc, MI 48439

Re: 4380 Meadows Ave. Grand Blanc, MI 48439
59-35-551-066, R-1A Zone

For: To construct deck that will be 20' from the rear property line, 35' required.

Mr. Stamm stated I have already started building my deck and I apologize for not pulling a permit. I have lived in the home for about three years and have one of the smallest lots on this road. My house is 60 feet from the road and I have 45 feet behind my house. The existing deck is not very secure so I wanted to rebuild the deck with composite and make it bigger.

Mr. Rapacz asked who chooses how many feet for the setback?

Mr. Abbey stated it is in our building ordinance. We have setback requirements on every type of building, every type of encroachment on property lines. This is to protect existing neighbor's property lines.

Mr. Abbey said the home was built in 2001 and there was never a permit pulled for the existing deck. The old deck was 11 ft. x 14ft. The current owner removed that deck and the new deck was started without a permit. Notice was given to the property owner to get a permit and that is when the rear setback encroachment was identified. There are not any rear neighbors at this time. The properties adjoining are woods and a farm field. The deck is 20 feet from the rear setback and requires 35 feet. If this were approved, the building official would need to inspect the deck. The administration recommends approval.

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

3. ZBA #18-22

By: AWS Khamis (Cricket Wireless)
2470 S. Center Rd
Burton, MI 48519

Re: 2470 S. Center Rd Burton, MI 48519
59-21-578-042, C-2 Zone

For: To allow temporary signs to be placed in front of the business.

Steve Clarfelt, District Manager of Cricket Wireless, said we have been at this location for five months. This is currently our eighth location that we have opened. There has been a lack of traffic and business at this location. At most of our other locations we have 12-foot Cricket flags. If this were allowed it would be on the other

side of the sidewalk so it would not block traffic. We are just trying to bring awareness to our new location in Burton.

Mr. Abbey stated the business applied for their license on March 12, 2018. They put up temporary signs and the Code Enforcer gave them notice for the signs on March 26, 2018. The signs were removed before April 9, 2018. The business received occupancy April 16, 2018. Recent modification of the sign ordinance was made, however the sign ordinance did not allow for temporary signs, banners or flags. The Council is looking at proposed changes that would allow temporary signs for a certain amount of time. This time has not yet been determined. If the signs were approved tonight, we would strongly recommend the following 2 stipulations; the number of signs to be on the property and the time frame of no more than 90 days for the signs to be up. The signs cannot be placed in the public right of way.

Mr. Clarfelt stated if this were approved, the signs would be put up around 10:00 AM and removed every evening before 8 PM. We would like to be able to put up four signs.

Mr. Hynes and Ms. Walton expressed their concern with the distraction from the signs, the appearance and the amount of signs allowed.

Mr. Clarfelt stated we do have a box of brand new flags and would replace them if they became worn or faded.

Mr. Rapacz asked how much traffic the signs generate.

Mr. Clarfelt said they do make a difference. They generate about two times the customers.

Mr. Abbey stated we do get many complaints about banners and signs. I am not opposed to allowing them for a short term.

Motion amended to allow for no more than two signs to be up from 10 AM to 8 PM, Monday through Saturday, for a period of no more than 90 days.

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

4. ZBA #18-23

By: Holy Redeemer
1227 Bristol Rd.
Burton, MI 48529

Re: 1227 Bristol Rd. Burton, MI 48529
59-30-300-014, R-1C Zone

For: To conduct an outdoor recreational event for the purpose of the Parish
Festival from May 30th through June 2nd, 2019

Mr. Abbey said the police chief has been notified. The recommendations for the 2019 festival are as follows; as long as they keep the same requirements as last year, if they are not given the stipulation of a one year approval the future festivals up to five years would go through an administrative approval. This would include an application for the festival at a lower rate from the ZBA. Notices sent to everyone within 300 feet of the property. They can object in writing within two weeks of the notice. If objection is received, the applicant will be denied administratively. Notices given to the police chief and the building official. If there is any objection from either of them, the applicant will be denied administratively. If denied administratively, the applicant may choose to move to the ZBA for a public hearing at full cost. If no objections are received or if no stipulations are requested, the administration can put any stipulations on the applicant. If the applicant does not agree to the stipulations, they may appeal to the ZBA for a public hearing. Administration recommends approval based on the Police Chief and the building officials recommendation to keep the same stipulations as the prior year. This approval is for one year.

Kenneth Jubar from Holly, MI. stated I am the business manager of Holy Redeemer. We are requesting another variance for the parish festival May 30 to June 2, 2019. For the 2018 festival, we established a youth supervision policy, which requires all visitors age 17, and under to be accompanied at all times by a parent or supervising adult 20 or older. A supervising adult who is not a parent cannot have more than 3 youths that they are responsible for. We also closed at 9 PM. We will continue to close at 9 PM each day if the variance for 2019 festival is granted. Security will be handled by on duty Burton Police Officers and DM Burr Private Security. Parking lots and surrounding community will be patrolled to provide additional security. Last year I discussed Holy Redeemer's Community Outreach Program. So far, in 2018, on average each month we provide food to 165 households through our partnership with the Food Bank of Eastern Michigan. This last fiscal year, we spent \$58,500 on our outreach program. We assist clients with application for grants from the Michigan Energy Assistance program. We have received approval for 68 grants worth \$45,346 for our clients. The ME Program makes a onetime payment to those families to catch them up on their utility bills. This festival provides funds that will assist us with our programs that enhance our community and provide support for those less fortunate within our parish boundaries. At last year's festival, we had one domestic incident. The Burton Police took care of the incident so quick; we did not even know it happened. We had extra security in the parking lots and extra patrol around the surrounding neighborhood and church. We are convinced that we have a safe, family friendly environment now. We would continue with the 9 PM shutdown and with the security that the Burton Police has suggested and offered.

Lisa Williams of Burton said she has seen many problems at the festival over the years, but last year was fantastic. With all the changes that they have made, we barely even knew it was going on.

Mr. Parker stated the whole idea behind this festival is for fundraising for a non-profit organization. It costs them \$450 every year to come here for approval and this takes away from their fundraising. They have already said that they would not have the festival if there were problems. They want it to work just as much as we do. In my opinion, I think we should give them the 5-year approval so they can save money and raise more money because that is what the whole thing is about anyway.

Ms. Ward-Terry said we need to make sure our community is safe. The festival may have went great this past year, but we do not know what will happen each year. I think we owe it to the community to stay with the one-year approval for the 2019 festival.

Motion amended to include approval for a one-year period.

RESULT:	CARRIED [7 TO 0]
MOVER:	Terry Parker, Commissioner
SECONDER:	Scott Hynes, Commissioner
AYES:	Conley, Hynes, Parker, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Standel
RECUSED:	Walton

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mr. Parker said I will be out of state for 6-7 months so I will need to resign. Next month will be my last meeting. I have been on this committee since 1995 and have thoroughly enjoyed it.

Mr. Welch stated thank you for your service, you will be sorely missed. If anyone would like to apply for the position, please submit your intentions to the clerk's office.

Mr. Hayman said on behalf of the Mayor, she also wanted to thank you for your service.

Ms. Walton stated a class for the Zoning board would really make a big difference, especially with the new people coming on. It would answer many questions that we all have.

The next regularly scheduled meeting will be held on Thursday, October 18, 2018, at 5:00 p.m.

Meeting was adjourned at 6:05 PM.

Minutes Acceptance: Minutes of Sep 20, 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: 9-13-18
 Fee Paid: 450.00
 Receipt #: _____
 Check #: _____
 Received by: _____
 Date Mailed: 10-1-18

ZBA Case #: 18-24 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

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

APPLICANTS NAME: Sameer Dabish

APPLICANTS ADDRESS: 1066 East Carpenter Rd. Flint, MI 48505

CITY: Flint

APPLICANTS PHONE: Mobile: (810) 423-7056 Work: (810) 785-7598

ADDRESS AND PARCEL OR LOT NUMBER: 2014 Center Street, Burton, MI 48509 Parcel ID #59-21-527-001

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: The property is zoned correctly (C2) under Burton's Medical Marijuana Ordinance, but falls short of the buffering distance requirements for residential (just West) and religious institutions (just East).

68' - Residential, 200' required 185' - Church, 1,000' required
752' - Church, 1,000' required

APPLICANTS SIGNATURE: _____

AuthenticSign

Sameer Dabish

8/29/2018 2:48:56 PM EDT

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

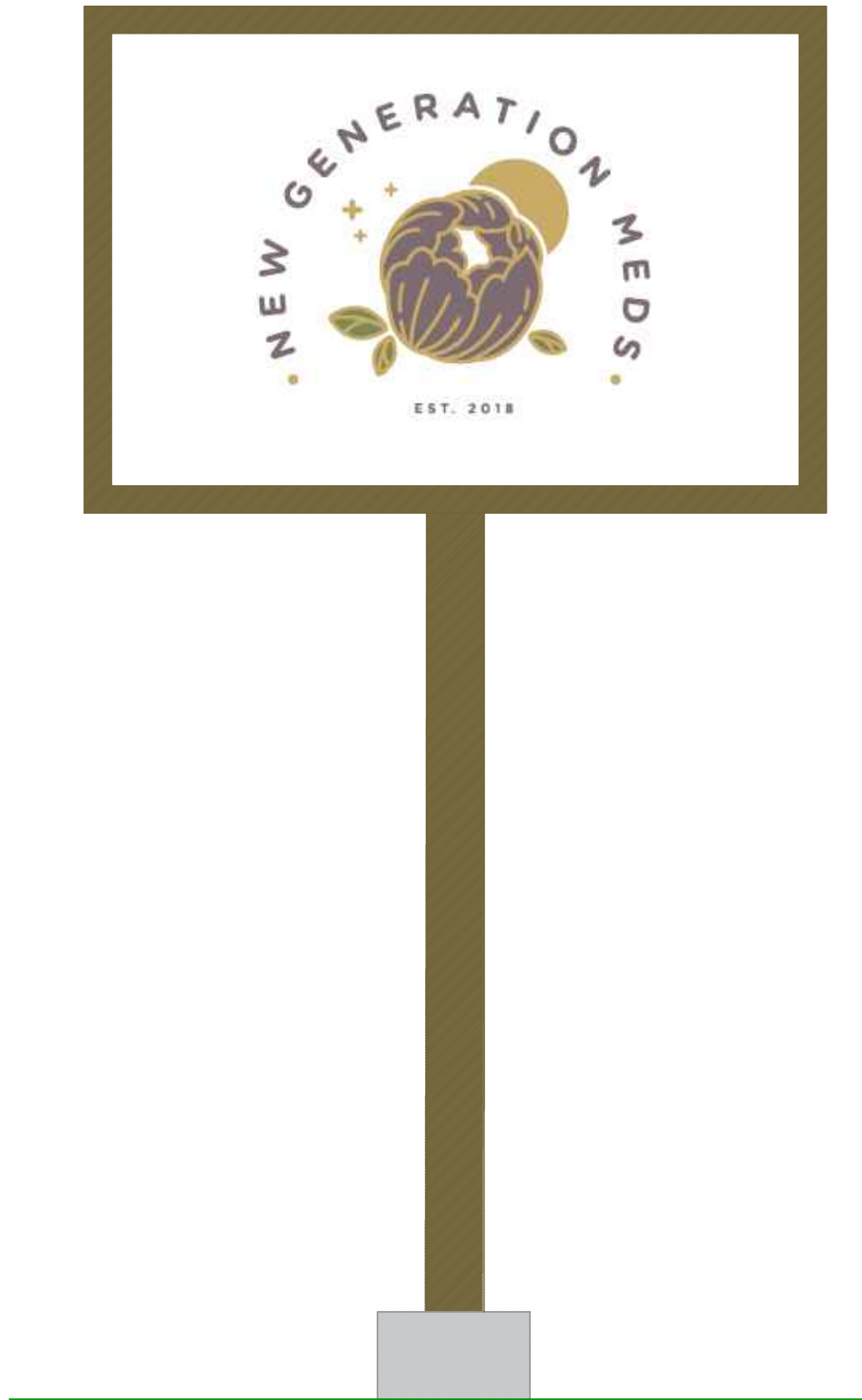
APPLICANT: Please explain your hardship or reason this variance is needed.

The property is a prime location for a provisioning center. The property is blighted and was witness to a robbery/ homicide and has been
shuttered since the incident nearly 3 years ago. MGM Facility Management is in talks with the surrounding resident(s) and the
religious institution to arrive at a true partnership to transform the property into a aesthetically pleasing provisioning center, that works for
all concerned parties. MGM Facility managements goals is to add stability and security to the surrounding community while providing
a valued professional service to patrons living in and around the City of Burton.

Attachment: Back up 18-24 (4056 : ZBA #18-24)



NEW EAST ELEVATION



NEW PYLON SIGN



EXISTING EAST ELEVATION



EXISTING PYLON SIGNS

FINEOUT
DESIGN GROUP LLC

MARK@FINEOUTDESIGNGROUP.COM
517.575.3030

for: NEW GENERATION MEDS

2014 S. CENTER RD.
BURTON MI 48519



CITY OF BURTON
4093 MANOR DR.
BURTON MI 48519
810.742.9230

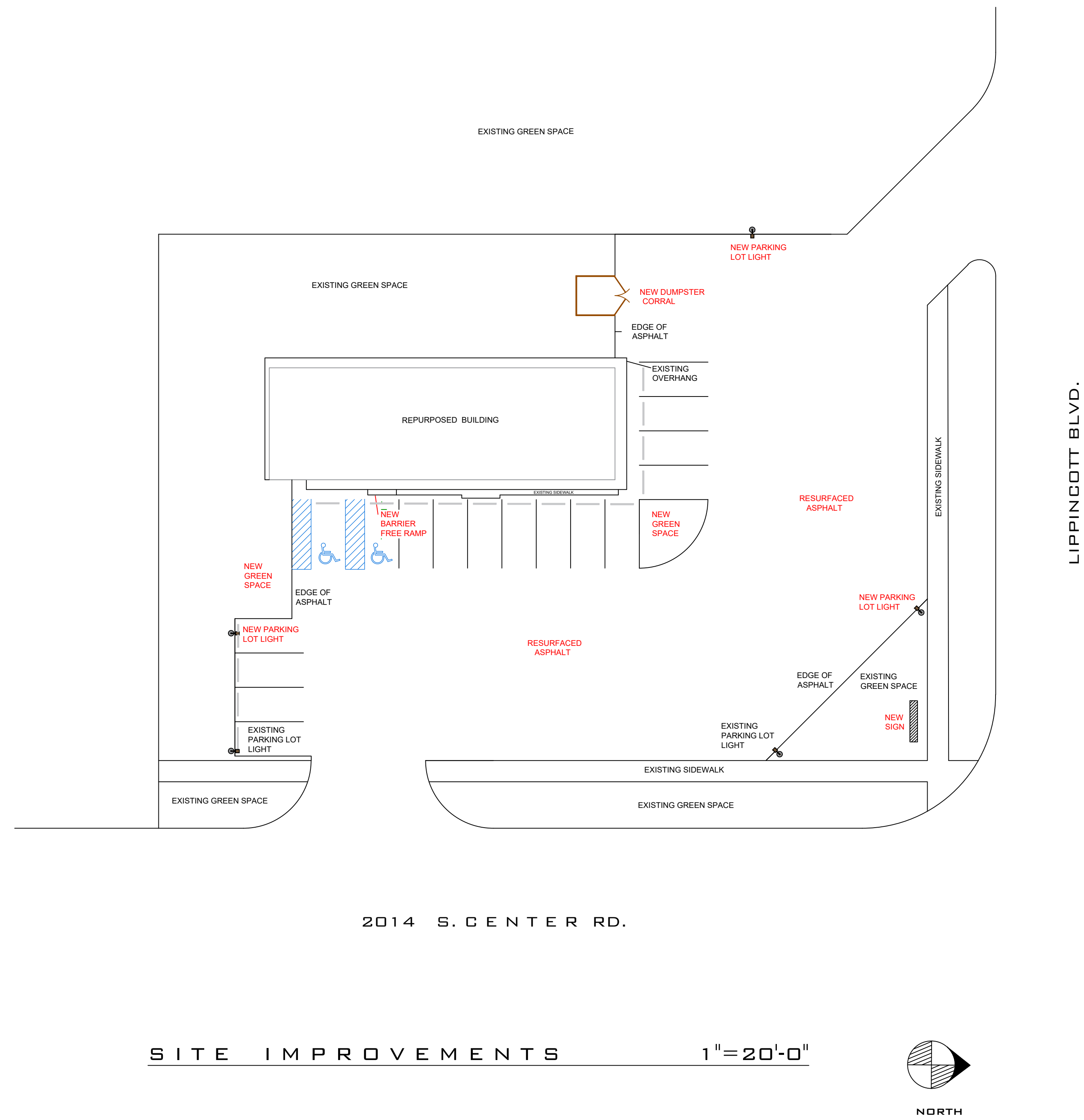
EXTERIOR
IMPROVEMENTS

09/08/18

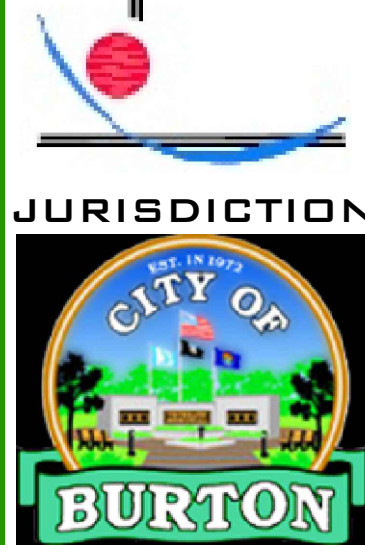
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FINEOUT
DESIGN GROUP LLC

MARK@FINEOUTDESIGNGROUP.COM
517.575.3030



for: NEW GENERATION MEDS
2014 S. CENTER RD.
BURTON MI 48519



CITY OF BURTON
4093 MANOR DR.
BURTON MI 48519
810.742.9230

SITE
IMPROVEMENTS

09/08/18



Attachment: Back up 18-24 (4056 : ZBA #18-24)



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

Date Filed: 9-19-18
 Fee Paid: \$ 450.00
 Receipt #: -
 Check #: Cash
 Received by: [Signature]
 Date Mailed: 10-1-18

ZBA Case #: 18-25 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

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

APPLICANTS NAME: Jason and Heidi Fleury

APPLICANTS ADDRESS: 4250 Pebble Creek Blvd.

CITY: Grand Blanc

APPLICANTS PHONE: 810-391-6527

ADDRESS AND PARCEL OR LOT NUMBER: 4250 Pebble Creek Blvd.

Grand Blanc MI 48439 / 59-35-578-042

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: Allow more than two dogs
To conduct an m-1 Special Use in
an R-1A Single Family Residential Zone
to allow more than 2 adult dogs.

APPLICANTS SIGNATURE: Heidi Fleury

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

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

Our dogs are our family and we have children who love
and care for them on a daily basis. We have
two senior dogs (Bernese mountain dogs) a miniature Aussie who
is 3 1/2 years old and a Bernese mountain dog puppy. We have
an acre fenced in with privacy fence on both sides of our
neighbors. NO neighbors have addressed us with concern with

Attachment: Back up 18-25 (4057 : ZBA #18-25)

Dogs being a nuisance. Dogs live inside our home and are never housed outside. They are also well trained. In our community and are apart of many Biker groups. Our puppy visits the kids at Myers Elementary so that the kids can have a ready buddy. Removing them from our home would be emotionally hard on our family and our Subdivision (Friends who all know our dogs and kids and what they mean to us). Thank you for your time and we look forward to meeting you all.

Oct + 18th



Attachment: Back up 18-25 (4057 : ZBA #18-25)



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

Date Filed: 9-20-18
 Fee Paid: \$450.00
 Receipt #: _____
 Check #: 21418
 Received by: [Signature]
 Date Mailed: 10-1-18

ZBA Case #: 18-26 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

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

APPLICANTS NAME: Vash Investment Group LLC

APPLICANTS ADDRESS: 4040 E. Bristol Rd

CITY: Burton, MI. 48519

APPLICANTS PHONE: (810) 820-8028

ADDRESS AND PARCEL OR LOT NUMBER: 4040 E. Bristol Rd Burton, MI.
48519. Parcel # 59-34-100-004 / 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: TO UTILIZE VACANT PROPERTY LOCATED
BEHIND OFFICE BUILDING WAREHOUSE FOR TEMPORARY OUTSIDE
STORAGE.

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.

LIKE TO UTILIZE VACANT PROPERTY SUCH AS MY
NEIGHBORS

Attachment: Back up 18-26 (4058 : ZBA #18-26)



Attachment: Back up 18-26 (4058 : ZBA #18-26)