



CITY OF BURTON

ZONING BOARD OF APPEALS

APRIL 16, 2015

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	
Robert Walls	Planning Chairman	Present	
Terry Parker	Commissioner	Excused	
Tracy Parker	Commissioner	Present	
Scott Hynes	Commissioner	Present	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Mar 19, 2015 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Tracy Parker, Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch
EXCUSED:	Parker, Rapacz, Olsen

E. VARIANCE

Mr. Welch offered option to delay variance request(s) due to being one board member short, if you choose to move forward today, the decision will be final.

Both parties agreed to continue.

1. 1443 : ZBA #15-05 to approve variance to conduct used car sales not in conjunction with new car sales.

By: William H. Dempsey
9411 Fair Oaks Goodrich, MI 48438

Re: 3481 S. Dort Hwy. Burton, MI 48529
59-28-300-007, M-2 Zone

For: To conduct used car sales not in conjunction with new car sales.

Attorney Mark Newman of 2351 Stonebridge Drive, Flint, MI 48532, representing William H. Dempsey due to illness and could not make it to the variance meeting. Mr. Dempsey's daughter Jill who is also the General Manager for the company has accompanied me tonight. This is not to be a retail used car lot, the company deals in the purchase and sale of cars through auction and wholesale to dealers. There will be no adverse affect from this business; there will be no increased traffic. There will be only employee traffic and cars being moved on and off the lot. No trespassing signs have been posted and not for sale signs will be posted immediately. Property has no other purpose other than to store vehicles off the street as dictated in local ordinances. Hardship indicators through a non-approval of the variance would be that the property would be useless to the owner.

Mrs. Rachel Frost from Administration stated: This is an industrial zone parcel, at one time the property's purpose was for a used car sale lot. The property is fenced in and recommends approval from the board.

Mr. Walls stated he drove by the property; requested information as to how long the property has been in use as a business since the lot is full of cars. Why are we just now receiving this request?

Mrs. Frost stated to my knowledge a few weeks, they were advised that the business needed to apply for the variance.

Attorney Newman said the property has been in use for a few weeks, when the lease was signed the items were then submitted for variance approval which was just over a month ago. Cars usually stored offsite at locations that Mr. Dempsey has access to. Initially the need for a variance was unknown and there was no ill intent on Mr. Dempsey's part.

Mr. Walls stated to the daughter of the owner that 6" numerical numbers indicating the address needs to be posted on the building.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Tracy Parker, Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch
EXCUSED:	Parker

2. 1444 : ZBA #15-06 To exceed the allowable square footage for accessory structure by 634 square feet for the purpose of construction a 40' x 60' pole barn, 484 sq. ft existing.

By: Robert Furno
1484 S. Belsay Rd. Burton, MI 48509

Re: 5376 Lippincott Blvd. Burton, MI 48519

For: To exceed the allowable square footage for accessory structures by 634 sq. ft. for the purpose of constructing a 40'x60' pole barn, 484 sq. ft. existing.

Mr. Robert Furno requested the variance to erect a pole barn to store vintage cars that are currently being stored elsewhere. He also indicated the need for additional storage space due to combining of his and his wife's households.

Mrs. Frost stated there had been a pole barn previously on the referenced parcel which had been demolished prior to Mr. Furno purchasing the property. Recommends approval.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch
EXCUSED:	Parker

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mr Welch announced there would be a Special Meeting on Tuesday, April 30th. Duane Haskins and Scott Hynes indicated the need for alternates for this meeting as they are unable to attend. Duane Haskins also indicated he would not be present for the May regularly scheduled meeting.

The next special scheduled meeting will be held on Thursday April 30th, 2015 at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

MARCH 19, 2015

Council Chambers

Regular Meeting

5:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

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A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Present	
Robert Walls	Planning Chairman	Present	
Terry Parker	Commissioner	Present	
Tracy Parker	Commissioner	Present	
Scott Hynes	Commissioner	Present	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Alternate Commissioner	Excused	
Robert Olsen	Alternate Commissioner	Excused	

C. STAFF PRESENT

Rik Haymand, Chief of Staff
Teresa McCrea, Record Tech
Teresa Karsney, Clerk

Rachel Frost - Substitute Deputy Planning
Stuart Worthing, Bldg/Code Enforcement Inspector

D. APPROVAL OF MINUTES

- Zoning Board of Appeals - Regular Meeting - Feb 19, 2015 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
AYES:	Haskins, Walls, Parker, Parker, Hynes, Weatherford, Welch
EXCUSED:	Rapacz, Olsen

E. VARIANCE

- ZBA #15-04
By: Lon & Victoria Neoville / Debi Watkins
4199 Davison Rd.
Burton, MI 48509

Re: 2115 Covert Rd. Burton, MI 48509
59-03-300-079 / R-1B Zone

- For:
1. To conduct a C-3, Highway Oriented Business in an R-1B, Single Family Residential zone for a used car sales lot.
 2. To conduct used car sales not in conjunction with new car sales.
 3. To conduct used car sales without a permanent commercial building on the same lot.

Mr. Welch read the "Attention Applicant" section of the agenda in reference to variance and proving entitlement too.

Lon Neoville of Best Car Company is looking for additional parking space for Import Cars, important to note that the cars will not be sold on the premises. Would use equal space to granite building, there will be no entrance from Covert Rd; entrance would be from their current entrance. Cars set 10-30 days before release, strictly parking only; there will be no activity with prospective buyers.

Jeff Wright addresses Council whom own property on Covert Rd. Concerns addressed by Mr. Wright were as follows:

1. Vehicles are being parked up along property owners land, entire area was consumed with parked cars, cars were parked bumper to bumper.
2. Covert Rd is not a thoroughfare, and not ideal for requested variance purpose, Mr. Wright referenced the business as a used car lot/wholesale lot.
3. Noise levels from car haulers loading at night, process is noisy and lasts throughout the night, as relayed to him by his son whose property backs up to where the cars have been parked recently.
4. It is a residential area and not suitable for a "car lot."
5. Concerns in reference to wildlife moving in and their effect on the neighborhood.
6. Cars are not stored in a secured area; major concern is the potential crime moving into area; attracted to cars to break in and steal parts.

For the stated reasons above Mr. Wright and his son are against the "re-zoning."

Gary Thomas of Burton addresses council, he is a resident of the affected area. Mr. Thomas stated that it is a decent neighborhood, and that is the point, it's a neighborhood. Unable to find one redeeming feature that would enhance their property value. Concerned about business expanding in the future, what's to say it would not?

Jeff Walters of Burton addresses Council; he states that the parked vehicles have come right up to his back fence of his yard. Having issues with persons coming through his yard, he feels this would increase interest drawing people into the lot, his dogs make him aware when people are back there, which is frequent. Look out back window of home all they see are cars. Do not want the cars there or the "riffraff." Concerned those hoodlums will be going through there looking for easy prey, taking items off cars which is already a problem, he is against this variance.

Wade Miller of Burton addresses council; he is a resident affected by the car lot, comes right up to the back of his property, stated he is against this variance. Neighbors work hard to keep the neighborhood good. This variance will bring more traffic and this is not the place for it. There are areas in Flint that would be more suitable.

Mr. Welch addressed audience requesting others that would like to address the council.

Marcie Woodbeck of Burton stated she just recently purchased a home on Covert, was assured it was a nice/quiet and safe place to live. Stated it is a holding area for

cars, agrees with the possibility of future crime, the noise, the dirt, due to the activity on the lot. Ms. Woodbeck stated there is 22 acres of land on Davison Rd for sale more suitable for a car lot.

Ms. Butters of Burton stated the new parking lot will be her backyard, assuming the entrance will be at her side yard. It's a residential area, its noisy enough with the trucking company. She is afraid of kids jumping fence stealing parts and jumping fence into her yard. Would appreciate this variance not going through.

Barbara Yale of Burton stated she lives right off Covert. The car haulers will increase noise level and it will no longer be a quiet neighborhood.

Holly Miller of Burton started by saying what is preventing this business from having an entrance on Covert, this is a subdivision and there is no reason to "re-zone" to commercial and cause property values to go down for the homeowners on Covert. Not only affect homes on Covert, but traffic will hurt the entire area. Neighborhood established in the 60's, neighbors have worked hard to keep nice. How much will you gain in tax revenue from the commercial business, in comparison to what you will lose when the residential value go down, and how much are you willing to lose?

Robin Clark of Burton stated her street is used as a thoroughfare for construction; they already have 18 wheelers up and down her street and don't need anymore. Her street is a family oriented street and would like to keep it that way. Ms. Clark also stated there is a presence of "riffraff" from other side of center. She would like to keep neighborhood nice. The car lot is not a pretty site, it's nice they want to have a business but put your business elsewhere please.

Deanna Raysin of Burton stated aside from crime and safety issue, her children get on the bus at corner of Covert and Woodrow. Being a residential street, there is a bus stop every fifth street. Vehicles already drive too fast, the increased traffic from the business concerns her.

Vicki Noeville addresses council; Ms. Noeville (of Best Car Company), is only asking for a variance for the parking area behind the building stone specialist. Ms. Noeville stated the following:

1. Only an acre and a half used for lot, does not go up to back yards.
2. Area will remain residential.
3. There will be no entrance on Covert Rd.
4. There will be no big trucks back there, just parking area.
5. Noise residents hear are from RTS Trucking.
6. We do have 18 wheelers unload at night.
7. We will be installing an overhead door in back of our building only entrance/exit for that over flow parking lot.
8. We are not a wholesale company, do not buy and sell, we are a broker for DOT, no retail business there, no customers on and off the lot.
9. Will have a privacy fence erected so no one will see the cars.

Mr. Wright speaks a second time. Variance request was made for the whole parcel, not a portion. "Is the whole property being re-zoned."

Clarification provided by Mr. Haskins, there is a 30 foot buffer between residential and lot.

Mrs. Frost - clarified that property is not being re-zoned and that this variance is not

a good use for a residential neighborhood and recommends denial.

Mr. Walls speaks stating he would not want this business in his back yard. When Mr. Walls drove by there were cars were parked up against the property boundary lines. He questions buffer zone when he has seen cars parked in the zone.

Mr. Haskins stated what comes first in this city is the residents, he is unable to support due to the concerns represented by the residents.

Mr. Welch clarifies it is not re-zoning, it's a variance and restrictions can be applied as the council feels necessary.

Mr. Hynes also expressed concerns of the multitude of cars present upon his visit to the site.

RESULT:	FAILED [0 TO 7]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Terry Parker, Commissioner
NAYS:	Haskins, Walls, Parker, Parker, Hynes, Weatherford, Welch
EXCUSED:	Rapacz, Olsen

F. AUDIENCE PARTICIPATION

None

G. BOARD DISCUSSION

Mr. Parker will not be at the next meeting, Mr. Welch stated an alternate will be needed.

Mrs. Karsney introduces Ms. McCrea from the Clerk's office who will be notating the meetings in the future.

The next regularly scheduled meeting will be held on Tuesday, April 16, 2015, at 5:00 p.m.



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

Meeting: 04/16/15 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Amber Abbey
Department Head: Greg Kray

E.1

ADOPTED

AGENDA ITEM (ID # 1443)

DOC ID: 1443

ZBA #15-05

By: William H. Dempsey
9411 Fair Oaks Goodrich, MI 48438

Re: 3481 S. Dort Hwy. Burton, MI 48529
59-28-300-007, M-2 Zone

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EXCUSED:	Terry Parker



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

Meeting: 04/16/15 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Amber Abbey
Department Head: Greg Kray

E.2

ADOPTED

AGENDA ITEM (ID # 1444)

DOC ID: 1444

ZBA #15-06

By: Robert Furno
1484 S. Belsay Rd. Burton, MI 48509

Re: 5376 Lippincott Blvd. Burton, MI 48519

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