



CITY OF BURTON

ZONING BOARD OF APPEALS

APRIL 18, 2019

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. CALL TO ORDER

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

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Mar 21, 2019 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Jones, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Walton

E. VARIANCE

1. ZBA #19-07
By: 1426 LLC.
3150 E. Maple Ave.
Burton, MI 48529

Re: 3150 E. Maple Ave. Burton, MI 48529
59-33-300-003, M-2 Zone

For: To conduct a medical marijuana facility that will be within 200' of residential properties.

Rob Nudd, on behalf of 1426 LLC said the area that we are missing for our zoning is

all wetlands and floodplains. These areas can never be built on. This is why we are requesting the variance.

Amber Abbey stated this variance is only for the small parcel that has the building on it. In this particular case, there are both wetlands and floodplains on the property, between the property line and the residential property. This would affect the residential properties ability to expand onto that area. From the property line to the end of the wetlands it is 294 feet. The wetland area does make him have that buffer that is required; however, we do measure property line to property line. The administration supports this variance because of the unique situation of the setup of the properties.

Mr. Jones said the property is very neat but I am concerned about the residents that he backs up to.

Mr. Rapacz asked if the building would need to be fenced. Will the wetlands and the floodplain keep him from expanding anywhere near the residents and keep the residents from building anywhere near them? From what I understand there is always a natural buffer between them.

Mrs. Abbey stated that is correct, unless FEMA changes the floodplain. There is a creek that goes through there so it is very unlikely that will change.

Mr. Hynes asked what is the intention of the property. I recommend there be no provisioning centers there.

Mr. Nudd said at this time I do not have a specific intention. More than likely, it would not be a dispensary.

Motion to grant the variance to conduct a medical marijuana facility, due to the uniqueness of the property and the wetland buffer, with a stipulation that there will not be a provisioning center on this property.

RESULT:	CARRIED [6 TO 1]
AYES:	Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
NAYS:	Jones
EXCUSED:	Walton

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mr. Welch stated I will be attending a conference with Mrs. Abbey. Medical marijuana is one of the topics that will be discussed. The last seminar that we attended was in 2010 by the Genesee County Planning Commission.

The next regularly scheduled meeting will be held on Thursday, May 16, 2019, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

MARCH 21, 2019

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. CALL TO ORDER

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

C. STAFF PRESENT

Amber Abbey, Planning & Zoning
Marcy Kimball, Records Tech

D. APPOINTMENTS

1. Nomination for Chairperson

Motion to nominate Steve Welch for Chairperson of the Zoning Board of Appeals, term ending December 2020.

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

2. Nomination for Vice Chairperson

Motion to nominate Michaeline Ward-Terry for Vice Chairperson of the Zoning Board of Appeals, term ending December 2020.

Minutes Acceptance: Minutes of Mar 21, 2019 5:00 PM (Approval of Minutes)

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

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 21, 2019 5:00 PM

RESULT:	ACCEPTED [6 TO 0]
MOVER:	Deb Walton, Commissioner
SECONDER:	Donald Standel, Alt. Commissioner
AYES:	Jones, Rapacz, Walton, Welch, Standel, Fuhst
ABSTAIN:	Ward-Terry
EXCUSED:	Conley, Hynes

F. VARIANCE

1. ZBA #19-06

By: Gasso Development
20320 W. 8 Mile Rd.
Southfield, MI 48075

Re: 3009 S. Dort Hwy. Burton MI 48529
59-28-501-185, C-2 Zone

For: To expand an existing free standing sign that will exceed the allowable square footage, 208 sq ft requested, 155 sq ft allowed.

Motion to approve ZBA #19-06 as written.

Najah Gasso of Gasso Development said we have had this property since 2005. Since Rite-Aid left it has been difficult. We now have a very interested party that I believe will be good for the area. There is a national company grocery store/dollar store that is interested in this space. One of their conditions was that they would need a larger sign.

Mrs. Abbey stated with this property he has 310 foot of frontage on a state highway as well as frontage on Atherton Road. The frontage for his size of sign is only accounted for on Dort Hwy. When the sign ordinance went into effect, it includes every major commercial road speeds as only being around 45 MPH. In this area, the state highway has become 50 MPH. People are traveling faster so signage needs to be larger in some cases. The administration recommends approval.

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

G. AUDIENCE PARTICIPATION

H. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, April 18, 2019, at 5:00 p.m.

Minutes Acceptance: Minutes of Mar 21, 2019 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: 3-12-19
 Fee Paid: \$450.00
 Receipt #: 20
 Check #: 20
 Received by: AK
 Date Mailed: 3-27-19 *JP*

ZBA Case #: 19-07 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: April 18, 2019 AT 5:00 P.M.

APPLICANTS NAME: 1426 LLC

APPLICANTS ADDRESS: 3150 E Maple Ave.

CITY: Burton MI 48529

APPLICANTS PHONE: 810-577-8728

ADDRESS AND PARCEL OR LOT NUMBER: 3150 E Maple Ave Burton MI 48529
59-33-300-003

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 medical
marijuana facility that will be within
200' of Residential

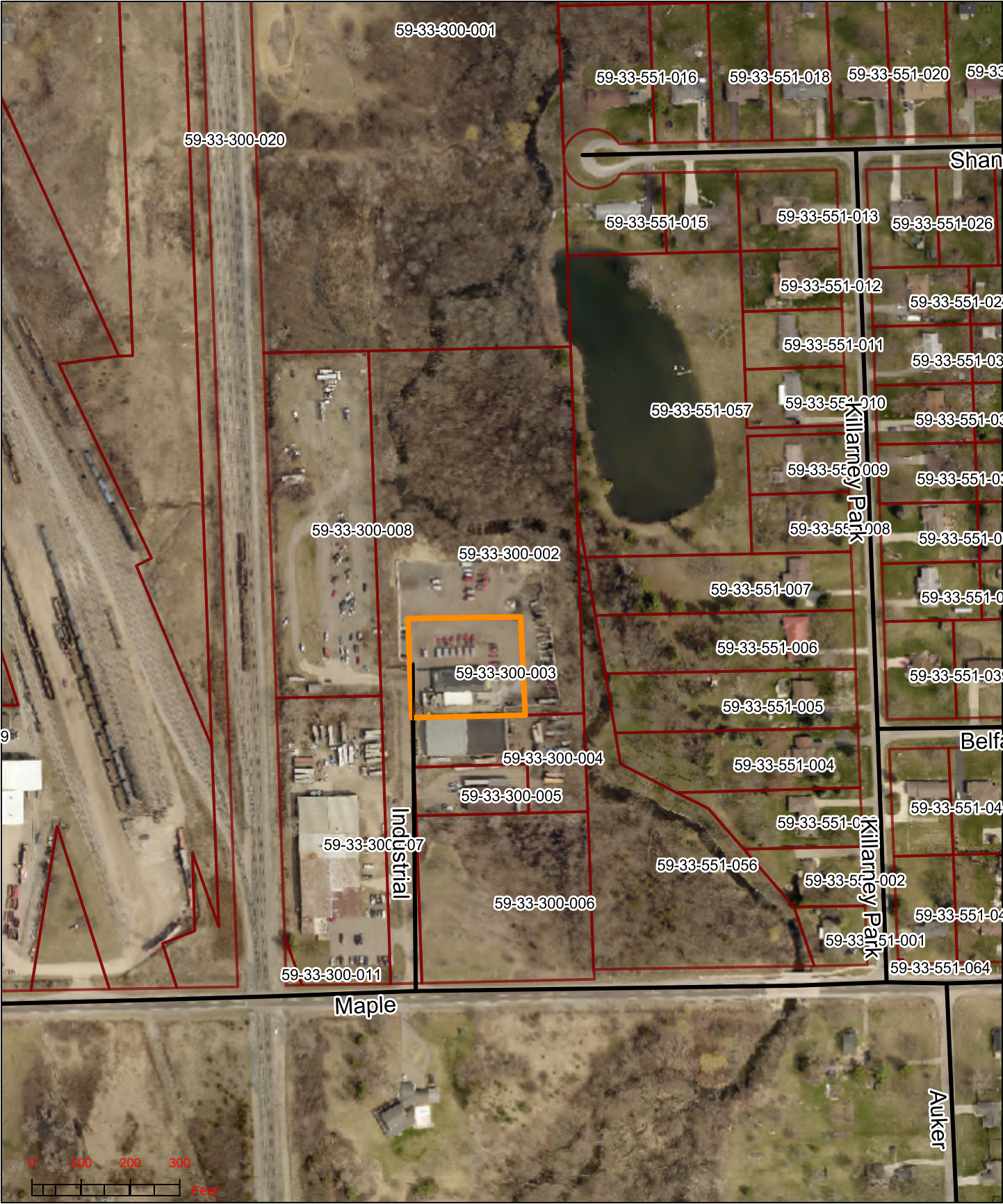
APPLICANTS SIGNATURE: [Signature]

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 19-07 (4308 : ZBA #19-07)

BURTON



Attachment: Back up 19-07 (4308 : ZBA #19-07)