



CITY OF BURTON

ZONING BOARD OF APPEALS

AUGUST 15, 2019

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. CALL TO ORDER

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jun 20, 2019 5:00 PM

E. VARIANCE

1. ZBA #19-16

By: Eric Hubbard
3349 E. Hemphill Rd. Burton, MI 48529

Re: 3349 E. Hemphill Rd. Burton, MI 48529
59-28-528-199 / 59-28-528-203 (Must be combined) R-1C Zone,

For: To convert an existing house into an accessory structure that will cause the accessory structure to be closer to the road than the house and will create three detached accessory buildings, only 2 allowed.

2. ZBA #19-17

By: Starlite Coney Island / Bill Carr Signs
4125 E. Court St.
Burton, MI 48509

Re: 4125 E. Court St. Burton, MI 48509
59-10-300-006 C-4 Zone

For: To construct an addition to the sign that will be 32 sq ft more of signage than the previously approved 119 sq ft.

3. ZBA #19-18

By: Bill Dwyer
P.O. Box 514
Oxford, MI 48371

Re: 2136 E. Buder Ave. Burton, MI 48529
59-32-503-228 R-1C Zone

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

F. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the 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, September 19, 2019, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

JUNE 20, 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	Excused	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Present	
Michaeline Ward-Terry	Vice Chairperson	Present	
Steve Welch	Chairman	Present	
Joey Richvalsky	Alt. Commissioner	Excused	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Planning & Zoning
Marcy Kimball, Clerk's Office Records Tech

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 16, 2019 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Christina Conley, Council Representative
AYES:	Jones, Conley, Rapacz, Walton, Ward-Terry, Welch, Fuhst
EXCUSED:	Hynes, Richvalsky

E. VARIANCE

1. ZBA #19-09
 By: Al Reno
 1088 W. Vienna Rd.
 Clio, MI

 Re: 4105 Davison Rd. Burton, MI 48509
 59-03-300-057, 59-03-300-056, 59-03-300-049 C-3 Zone,
 59-03-300-055 R-1B Zone (all parcels to be combined)

For: To conduct outdoor storage of unlicensed vehicles in conjunction with the automobile repair facility.

Duane Burnash from Covert Road stated I am strongly opposed to this. There are trucks, traffic and unlicensed parked cars all over. Car carriers are being loaded on Davison Road. This is making Davison Road an industrial site.

Gary Kautz from Woodrow Street stated he is opposed to this variance.

Gregory Kelly from Woodrow Street said This will run our property value down. The residents around this are who will suffer. Mr. Reno just want to make money at the people's cost.

Dan Peet from Delaney Street spoke regarding the wetland along the power line and water going into drains.

Kathleen Blue said the city already has it zoned, why change it. I am opposed to this.

Kathleen Campbell said I am opposed to the variance. If this is approved, it will diminish our property value.

Gary Card from Delaney Street spoke regarding the city allowing import cars, his access and property line.

Vaughn Smith from Clairwood Drive said he is a Councilman and Planning Committee member. We had this zoned in our Master Plan where we felt it belonged. If this is approved, how will this affect the Master Plan? Our vision of the city is a positive one for residents and citizens. Once you make this decision, the only recourse for citizens is litigation. Please think about your decision.

Sandra Lord from Covert Road stated Center Road from Center to Genesee is overrun with cars now, some are junk cars. What is he doing with these? It is an eyesore to our community. This area is already too busy due to the GM shop. I am opposed to this.

Mr. Reno said we work on 80 to 100 cars per day. We just hauled out 40 or more vehicles. Sometimes we scrap cars and get what we need from them to fix others.

Mrs. Abbey said we have received complaints about junk cars and noise. This is not a rezoning, it is a use variance only. Vehicles not being repaired should be gone before 30 days. If he is denied this variance, he can still repair automobiles at Muffler Man. The vehicles need to get out faster on all the properties. Fencing would protect the vision.

Tina Conley spoke regarding the junk cars on the property, collision work and auctioning off vehicles.

Mr. Reno stated we do auction off vehicles. We do work for Imlay City also.

Motion to conduct outdoor storage of unlicensed vehicles in conjunction with the automobile repair facility with the following conditions and contingent upon combining all four lots.

1. Disposal of any waste products should be monitored and regulated by MDEQ.
2. Hours of operation will be Monday through Friday 8 AM to 9 PM, Saturday and

Sunday 8 AM to 6 PM.

3. 6 Foot privacy fencing around the entire perimeter of all four lots, other than the front of the building, within 60 days.
4. Fifteen-day turnaround on cars contingent upon combining all four lots.
5. Lot needs to be tidied up and in some kind of order.

RESULT:	FAILED [1 TO 6]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Deb Walton, Commissioner
AYES:	Jones
NAYS:	Conley, Rapacz, Walton, Ward-Terry, Welch, Fuhst
EXCUSED:	Hynes, Richvalsky

2. ZBA #19-10

By: Ketunkumaz Patel
4300 Newark Cir.
Grand Blanc, MI 48439

Re: 5446 Lapeer Rd. Burton, MI 48509
59-14-576-011, C-1 Zone

For: To conduct a pharmacy with a drive-thru window in a C-1 Local Business zone.

Ketunkumaz Patel stated they have many disabled clients that a drive through would really benefit. Lighting would not be a problem for nearby residents.

Mike Gallagher said he is in favor of this because a drive thru window would be a huge help to his wife who is disabled.

Sheri Gallagher said I am in favor of this because the drive thru window would help me. Also, I do not want to see another empty building.

Amber Abbey stated this is used to be Paliani's business. The drive thru shouldn't be a hindrance to the neighborhood. The business closes at 9 PM. There will be a fence between them and the residential home on Cutler. The administration recommends approval.

Motion to conduct a pharmacy with a drive-thru window in a C-1 Local Business zone.

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

3. ZBA #19-11

By: General Motors Corp.
4420 Davison Rd.
Burton, MI 48509

Re: 4420 Davison Rd. Burton, MI 48509

59-10-200-003, M-2 Zone,

For: To construct an additional free standing sign, only one allowed.

Roger Briddick stated I represent General Motors and Fairmont Sign. This is a rather large facility with a parts distribution center. A lot of trucks will be coming and going from the facility. General Motors wants to name the facility. We are already approved for one main identity sign. We need a second sign which will direct the trucks into the proper driveway. We are asking for a 24 square foot truck entrance sign.

Daniel Peake asked if the sign would be placed on Davison Road or Genesee Road also. I want to make sure it is well marked. Right now, we have semi's turning around in Davison Road.

Mr. Welch stated the sign they are asking for will be on Davison Road.

Ryan Peake asked how tall the sign will be and is it going to be lighted.

Mr. Briddick stated the sign we are requesting is a 4x6 ft. sign on two posts with a total overall height of 8 feet. It is not illuminated.

Irene Nazar asked where the signs will be placed.

Mr. Briddick said the current sign that will be installed is in the middle of the property. The truck entrance sign would be on the entrance on the west side of the facility on Davison Road.

Amber Abbey stated the first sign is already there and has been approved and permitted. This sign he is asking for is just for the frontage on Davison Road. The administration recommends approval.

Motion to construct an additional free-standing sign, only one allowed.

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

4. ZBA #19-12

By: Al Reno (Consumers Energy Property)
1088 W. Vienna Rd.
Clio, MI

Re: Vacant Davison Rd. Burton, MI 48509
59-03-300-058 C-3 Zone,

For: To conduct outdoor storage of unlicensed vehicles in conjunction with the automobile repair facility, not located on the same parcel of land.

Al Reno stated he needs room to park more vehicles.

Mr. Welch read a letter from Scott and Normalee Evans stating that he is opposed to

this variance stating that he lives right near there and doesn't want the lot filled with broken down vehicles. This will also probably bring in more lighting and security vehicles. I would think Consumers Energy would have some non-residential property that could be used for parking junk vehicles. I think this will bring the value of the neighborhood down since it would be just like putting a junk yard in the middle of it.

Daniel Peake stated they want to put this hard pack down so they can park the cars in there, otherwise the vehicles will sink. This is contamination. It changes the run off, water doesn't soak through it and it takes down the property value.

Ryan Peake asked how much of this property Mr. Reno intends to use and how much he is leasing. He is already parking cars on part of it.

Kathy Campbell said there are a lot of cars parked in different areas. It is going to downgrade the value of our property. I am a school bus driver and the noise is hard for the kids to sleep at night. It is very hard to turn left or right from Covert Road onto Davison Road. Woodrow has been very busy and cars speeding. I am opposed to this variance.

Melinda Burnash stated I am opposed to this. I live on Covert Road. If I have to turn right or left on Davison Road, I have to wait anywhere between 5 to 7 minutes to make a turn. The other morning around 6:55 AM there was a semi-truck doing no less than 55 miles per hour down Covert Road. This is a time when kids are getting on the bus. This is a neighborhood where we chose to live. I am also concerned about the vehicles that have been sitting there for who knows how long and the fluids and contamination leaking out of them. We are talking about land right now that no one wants to build on because they are brown fields.

Gary Card said Al Reno is using part of Consumers Energy's land. I was informed by Consumers Power that the only agreement they had with him was the north end of his property only and that he has nothing to do with their property from Davison Road to Woodrow.

Duane Burnash spoke regarding trucks looking and unloading right on Davison Road. Now we are talking about bringing unlicensed salvage vehicles in. It appears as though we are bringing in the junkyards of Dort Hwy. into our neighborhood.

Al Reno stated we work on at least 70 cars that move in and off the lot every day.

Motion to conduct outdoor storage of unlicensed vehicles in conjunction with the automobile repair facility, not located on the same parcel of land with the following conditions:

1. Six-foot privacy fence will be put up on three sides of the property, specified by administration.
2. Hours of operation would be 8 AM to 6 PM Monday through Friday and 8 AM to 4 PM on Saturday only.
3. No more than 80 cars on this parcel at any one time and they must be parked neatly.
4. Progress check in six months with the review at the January 16, 2020 meeting.

RESULT:	FAILED [4 TO 3]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Deb Walton, Commissioner
AYES:	Jones, Walton, Ward-Terry, Welch
NAYS:	Conley, Rapacz, Fuhst
EXCUSED:	Hynes, Richvalsky

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Ms. Ward-Terry said we do welcome audience participation. You live in this area and these are your neighbors, this is an open forum so feel free to come here and talk.

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

Minutes Acceptance: Minutes of Jun 20, 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: 7-10-19
 Fee Paid: \$ 250.00
 Receipt #: Cash
 Check #: Cash
 Received by: _____
 Date Mailed: _____

ZBA Case #: 19-16 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: Aug 15, 2019 AT 5:00 P.M.

APPLICANTS NAME: ERIC HUBBARD

APPLICANTS ADDRESS: 3349 E. Hemphill RD.

CITY: BURTON

APPLICANTS PHONE: (810) 743-4647 (810) 513-7243

ADDRESS AND PARCEL OR LOT NUMBER: 3349 E. Hemphill

59-28-528-199 / 59-28-528-203 - must be
R-1C R-1C Combined

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 convert an existing home
into a garage that will create
the Accessory Structure to be closer
to the road than the House and will
create 3 detached accessory buildings

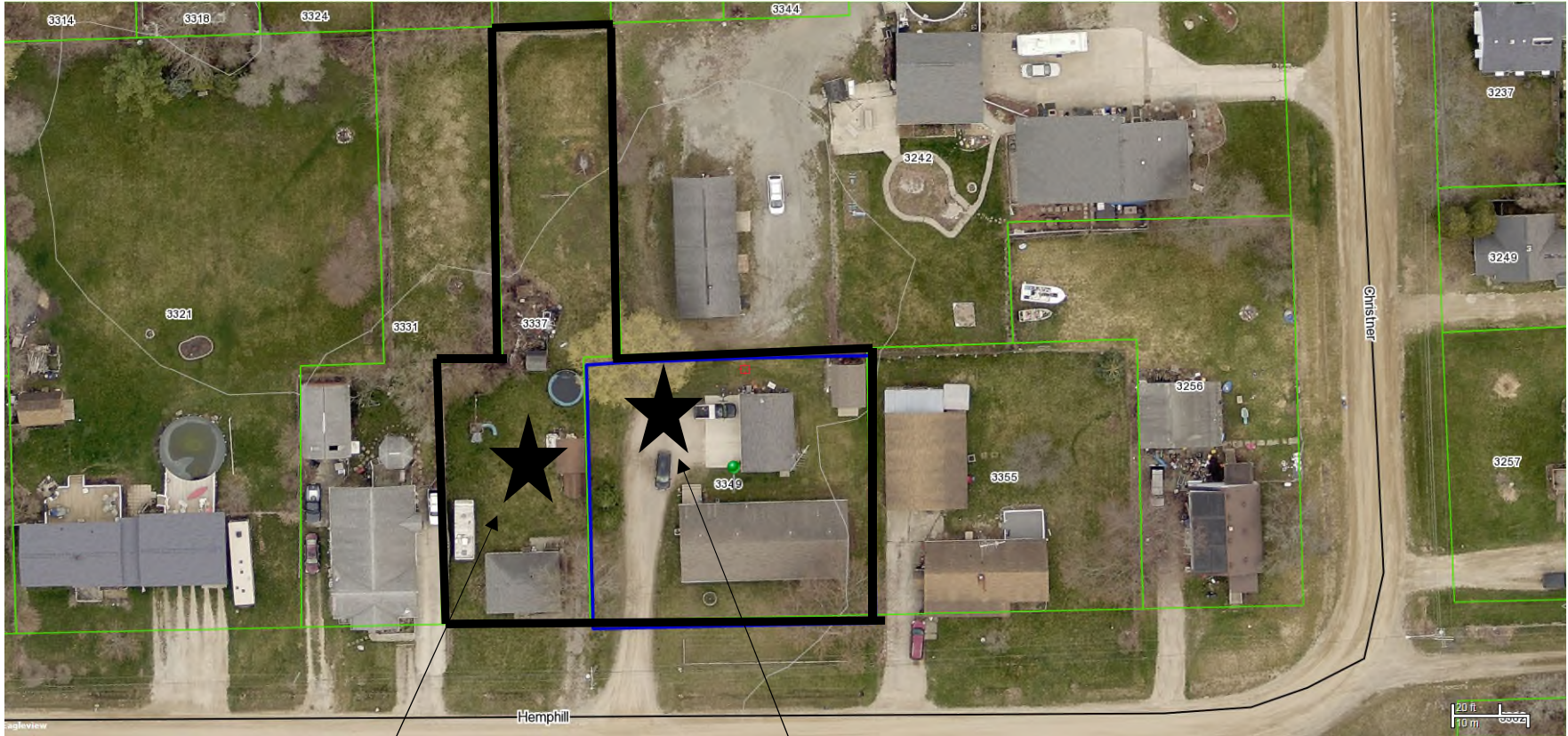
APPLICANTS SIGNATURE: _____

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

2 ana !

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

Attachment: Back up 19-16 (4487 : ZBA #19-16)



59-28-528-199 –
Parcel with Garage

59-28-528-203 –
Parcel with House

Attachment: Back up 19-16 (4487 : ZBA #19-16)



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

Date Filed: 7-16-19
 Fee Paid: 450.00
 Receipt #: pd.
 Check #: _____
 Received by: _____
 Date Mailed: _____

ZBA Case #: 19-17 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: 15 AUG 2019 AT 5:00 P.M.

APPLICANTS NAME: STARLITE CONEY ISLAND (BILL CARR SIGNS, INC)

APPLICANTS ADDRESS: 4125 E COURT ST

CITY: BURTON MI 48509

APPLICANTS PHONE: _____

ADDRESS AND PARCEL OR LOT NUMBER: 4125 E COURT ST BURTON MI 48509

C-4 / 59-10-300-006

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: AN ADDITIONAL 32 SQ FT OF SIGNAGE FOR AN ELECTRONIC MESSAGE
CENTER (EMC) PLEASE SEE ATTACHED DRAWING

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.

WOULD LIKE THE ABILITY TO ADVERTISE DAILY SPECIALS AND DRAW MORE ATTENTION TO
THE BUSINESS

Attachment: Back up 19-17 (4488 : ZBA #19-17)

PROJECT STARLITE

JOB ADDING EMC TO EXISTING SIGN

WO#

Proposed



Existing



Adding Electronic Message Board to Existing Sign

Size: 48.00" x 96.00"

Square footage: 32 sq.ft.

CUSTOMER APPROVAL: _____ DATE: _____



Distribution or exhibition of this design other than personnel of your company is expressly forbidden under stated agreement. In the event that such an exhibition should occur, Bill Carr Signs will be compensated for minimum of \$500 to 15% of the proposed sign project.

Salesperson Jamie Elfstrom

COMPUTER CODE Starlite add EMC for Permit

DRAWING SCALE: See Above DATE: 07-12-19 DESIGNED BY: GFB

719 W. TWELFTH STREET, FLINT, MICHIGAN 48503 810-232-1569 FAX: 810-232-6879 www.billcarrsigns.com





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

Date Filed: 7-17-19
 Fee Paid: 450.00
 Receipt #: Card
 Check #: AA
 Received by: AA
 Date Mailed: _____

ZBA Case #: 19-18 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: August 15, 2019 AT 5:00 P.M.

APPLICANTS NAME: Bill Dwyer

APPLICANTS ADDRESS: P.O. BOX 514

CITY: OXFORD 48371

APPLICANTS PHONE: 248-660-5721 Bill's # 248-420-8998

ADDRESS AND PARCEL OR LOT NUMBER: 2136 E. BODER

R-1C / 59-32-503-228

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: Too have 2 extra Dogs
for emotional support

To conduct an m-1 special use in an R-1C
Zone for a kennel (4 adult Dogs)

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 19-18 (4489 : ZBA #19-18)

BURTON



Attachment: Back up 19-18 (4489 : ZBA #19-18)