



CITY OF BURTON

ZONING BOARD OF APPEALS

AUGUST 18, 2022

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:01 PM.

A. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Vaughn Smith	Council Representative	Present	
Kevin Burge	Planning Representative	Present	
Gary Kautz	Alt. Commissioner	Excused	
Scott Hynes	Commissioner	Excused	
Tim Rapacz	Vice Chairperson	Present	
Michaeline Ward-Terry	Commissioner	Present	
Steve Welch	Chairman	Present	
Joey Richvalsky	Alt. Commissioner	Present	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Leandra Swayne, DPW Records Tech
Katie Malin, Clerk's Office
Joy Roe, Clerk's Office

D. AUDIENCE PARTICIPATION

None.

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jul 21, 2022 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Rick Fuhst, Commissioner
AYES:	Smith, Burge, Rapacz, Ward-Terry, Welch, Richvalsky, Fuhst
EXCUSED:	Kautz, Hynes

F. VARIANCE

1. ZBA #22-15
By: Hassan Daher
6057 N. Evangeline St., Dearborn Heights, MI 48127

Re: 3030 E. Atherton Rd., Burton, MI 48529
59-28-501-003, Lots 5 thru 8, Zoned C-2

For: To conduct an M-1 use in a C-2 zone, for auto dealership

Attorney Adam Mourtada, on behalf of the Daher Holdings, 13265 Michigan Ave.
Dearborn Michigan 48126.

Mrs. Swayne stated some history about the property, the layout of the current structure on the property, and the owner owns a vacant parcel facing Myrton right behind it that is not part of the variance tonight.

Mr. Welch clarifies the vacant parcel is not going to be taken into consideration for parking.

Mrs. Swayne agrees and stated, that parcel is not included in the variance.

Mrs. Swayne asked the applicant, are the cars going to be facing Atherton or Myrton? Are they going to be inside all the time or are they going to be pulled out and then pulled back in?

Mrs. Swayne also stated that it would be logical to have them facing Atherton instead of Myrton, so they aren't facing the residential road. She further states they are required to have eight parking places based on the one parking place for every 400 square feet of the building. Every car must be in a parking spot at all times. Placing the for auto dealership behind the variance means that another M1 use won't be able to be at this location under the variance. She suggests if this variance is approved, the stipulation should be added, as long as the facility stays in conjunction with the auto repair shop that is already there.

Attorney Mourtada states the vehicles will not be placed outside. His understanding is they will be inside the property while being repaired, they will find a buyer, then when the buyer shows up, they will park it outside and finish the transaction. He told his client about the restrictions and that he can't be parking the vehicles outside or he will be fined.

Discussion ensues about the surface of where the cars are going to be parked, the procedure of what happens when multiple vehicles are being worked on and can't be moved, the number of employees and parking spots already taken, storage, and excess inventory.

Mr. Welch asks is it going to be a problem regulating which cars they are selling, and which are they working on?

Mrs. Swayne stated as long as the cars are being placed in a parking spot, on an approved parking surface, not in disrepair or junk vehicles sitting out anywhere other than in a parking space, because that is the only time code enforcement would have to enforce an inoperable vehicle or vehicle not parked in an actual parking space.

Discussion ensued about the procedure of how the owner will mark vehicles for sale.

Mr. Richvalsky stated it's been a mechanics shop since it was built, was it specifically

designated for that use at that time when they built it? It was never built as a retail or dealership at all, they never sold cars there, they just repaired them, correct?

Mrs. Swayne answered that is correct, a service garage and it was a non-conforming right that was formed at that time in the 80s.

Mr. Richvalsky asked when that property became vacant did that use become obsolete and can no longer be used as that or was it specific to that owner for that precise use?

Mrs. Swayne stated she would have to look that up, in the 80s it was Watson Front End Repair and now it is H Tech and it is in there as an admin site plan review in '08 for that use, for a new business coming in.

Mr. Richvalsky stated it was approved for that change of ownership. It was the same kind of facility, they pulled them in and out and nobody parking outside.

Mr. Welch stated that's why this variance is to conduct an M1 use in a C2 zone with the admin stipulation that they have to continue with the use and repair, they can't just sell cars.

Discussion ensued about how many cars will fit in the building, clarification that the owner wants to fix and sell cars at the same time, parking spots, expanding the parking lot to the vacant lot, whether it is a full-time business or a hobby/part-time business, what type of vehicles would he be selling, and what type of clientele would the owner be going after.

Mr. Welch stated would there be a day that he would have to show five or six cars and have them parked on the side street along the road.

Attorney Mourtada said no. I told him specifically that is not an option.

Mr. Smith stated that his concern is when it gets busy and they have blockages, he likes Mr. Richvalsky's idea about expanding the parking lot first, but the traffic jams once he gets busy are a concern.

Mr. Richvalsky stated the combining of the two lots would make it easier for the board to make that kind of decision. There are too many loose ends to make a decision about what he wants because it's permanent.

Discussion ensues about the congestion, constant moving of vehicles, cars being on the side road, and the policing of the vehicles.

Mr. Burge stated when a car dealer gets a deal, he is getting it. He could go from 10 to 200 vehicles. He can't see having two or three cars waiting for parts, having seven ready, where is he going to put them.

Mr. Welch asks the administration would it be improper to put the stipulation that he has to combine the two lots first?

Mrs. Swayne stated it is not part of the request right now, so the applicant would have to come before you again.

Discussion ensued about the vacant lots and whether they are suitable to be combined with this variance, and the correct zoning of the property.

Mrs. Ward-Terry re-stated the motion with the contingency that it is the auto repair shop and the other is secondary. That he is not to have vehicles that are inoperable parked around anywhere on the parking lot. He is to have only vehicles that he is ready to sell when they are ready to go. Any vehicles must stay inside, they can't have inoperable vehicles outside.

RESULT:	FAILED [2 TO 5]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Joey Richvalsky, Alt. Commissioner
AYES:	Welch, Fuhst
NAYS:	Smith, Burge, Rapacz, Ward-Terry, Richvalsky
EXCUSED:	Kautz, Hynes

G. BOARD DISCUSSION

Zoning Board of Appeals discussed training opportunities.

The next regularly scheduled meeting will be held on Thursday, September 15, 2022, at 5:00 p.m.
