



CITY OF BURTON

ZONING BOARD OF APPEALS

DECEMBER 17, 2020

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.
2. 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. MEETING INFORMATION

Zoning Board of Appeals
Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=mf03471e0ccff95b67915a5f64c63a63>

Thursday, Dec 17, 2020 5:00 pm | 2 hours | (UTC-05:00) Eastern Time (US & Canada)

Meeting number: 126 432 1314

Password: ZBA2020 (9222020 from phones and video systems)

bbb9e3448e394214b3fa9372dd96e96e

Join by video system

Dial 1264321314@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 126 432 1314

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. STAFF PRESENT

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Nov 19, 2020 5:00 PM

F. VARIANCE

1. ZBA #20-10
By: Jerry and Ashley Bell
4370 S Belsay Rd Burton MI

Re: 4370 S Belsay Rd Burton MI
59-35-400-018, SE Zoned

For: To Construct an accessory structure that will exceed allowable height, 16'8" requested, 16' allowed
2. ZBA #20-11
By: Emerald Real Estate Development
3364 Associates Dr. Burton MI

Re: Parcel 59-29-551-013
Parcel 59-29-551-027
(To be combine)

For: To conduct a medical marijuana grow facility that will be within 500' of another marijuana facility
3. ZBA #20-12
By: Dennis Odom
G-3085 S. Dort Hwy. Burton MI

Re: G-3085 S. Dort Hwy. Burton MI
59-28-501-151, C-2 Zoned

For: To conduct an M-1 light industrial use in a C-2 General Business Zone to sell used vehicles.

G. 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.

Public comment may be sent to: publiccomment@burtonmi.gov. Comments received prior to the meeting will be read into the record.

H. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, January 21, 2021, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

NOVEMBER 19, 2020

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
Gary Kautz	Alt. Commissioner	Excused	
Christina Conley	Council Representative	Present	
Scott Hynes	Commissioner	Present	
Tim Rapacz	Commissioner	Remote	
Michaeline Ward-Terry	Vice Chairperson	Excused	
Steve Welch	Chairman	Present	
Joey Richvalsky	Alt. Commissioner	Present	
Rick Fuhst	Commissioner	Present	
Kevin Burge	Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Deputy DPW Director
Racheal Boggs, City Clerk

D. APPROVAL OF MINUTES

Mr. Richvalsky provided two corrections to the minutes of September 17, 2020. He was misquoted regarding the square footage of the GM plant and SDD and SDM licenses.

Minutes Acceptance: Minutes of Nov 19, 2020 5:00 PM (Approval of Minutes)

1. Zoning Board of Appeals - Regular Meeting - Sep 17, 2020 5:00 PM

RESULT: **ACCEPTED AS AMENDED [UNANIMOUS]**
MOVER: Scott Hynes, Commissioner
SECONDER: Rick Fuhst, Commissioner
AYES: Conley, Hynes, Rapacz, Welch, Richvalsky, Fuhst, Burge
EXCUSED: Kautz, Ward-Terry

2. Zoning Board of Appeals - Regular Meeting - Oct 15, 2020 5:00 PM

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

E. VARIANCE

1. ZBA #20-09

By: Lily G LLC / Northgate Packaging
 3367 Corunna Rd
 Flint MI 48532

Re: 4274 E. Court St Burton MI 48509
 Parcel 59-15-100-021

For: To conduct an M-1 light industrial use in a C-4 planned shopping center for a warehousing processing and packaging use.

Win Cooper of Cooper Commercial in Flint stated he is here to speak about the old Lowe's building. Northgate Packaging, formerly Security Packaging would be the occupant of the building. They are a longstanding company in this area. They do automotive work with their largest company being General Motors. Their customer is located in the new facility at Genesee and Davison Road. They particularly like this location because it is close to their customer. This is a vacant building in the City of Burton. The building was constructed as retail but it is tucked in behind the mall and that retail section is struggling particularly with COVID. There is a change in the way people are doing business today. There is a shift away from retail and that has been accelerated by COVID. The demand is just not there for retail in this location. Northgate thinks this is a good fit for them and they believe they fit into and do not harm the neighborhood or community. They believe their use is less intense and will cause less traffic than Lowe's did. They will have 8-10 trucks. They plan to start with about 20 employees and anticipate to have 100 at some point. They have a program called Be Ready Enrichment for their employees that includes counseling, legal services, acquiring vehicles and homes. I hope you will vote to put this building back into use.

Larry Petrella of Burton stated he lives behind the property. He expressed concerns regarding the deed restriction with the property next to the building, wetlands, flooding in his backyard and his own property value. He also posed questions regarding outside loading, hours of business, noise and gas fumes.

Mrs. Abbey stated the Lowe's building has been vacant for almost two years now. The city has hired the Retail Coach to recruit businesses to this area however, due to COVID, there hasn't been much interest. We do have concerns with the industrial use going in there. One is the semi truck parking. How many? Where will they park? We are concerned with the residential homes near them. The city would have to authorize any access off of Howe Road and we would not do that. I don't believe they would ever want to use Howe Road when they have access to Court Street directly. What will the property look like after this? We will have to discuss aesthetics before giving a full recommendation for approval. Also, we are familiar with Northgate. The problem is if they move out and another packaging or warehouse company comes in, what will it look like then? I would like to put the stipulation that this variance is for Northgate Packaging only and any change of ownership would require at least a consideration by the board.

Mr. Welch asked if they have submitted any plans.

Mrs. Abbey said, no. This does not require site plan review in front of the Planning Commission once you approve it because they are not doing any exterior construction. That may be a condition you want to put on to take care of some of the site issues you might have. You may also put restrictions on right now and that saves the site plan review requirement. If we can, let's try to take care of it here unless you feel there is something more.

Mr. Welch asked for clarification regarding the use of 8-10 trucks and hours of operation.

Mr. Cooper stated they will have 8-10 trucks operating throughout the day. The southwest corner is where the truck dock is and that is where the trucks will be parked. They do not intend to change the look of the outside of the building at this time. If that changes, they will seek approval. Employees will park in the front of the building. There is a buffer between the building and the residential homes and they believe they will be a better neighbor than Lowe's; less noise, less customers and traffic. There is no outdoor PA system. I have worked with this company for a long time and they take care of their properties. As far as hours, right now they will be doing first shift. They intend to have a second shift but do not intend to have third shift. I believe the hours will be 7:30AM to 10:00PM with second shift.

Further discussion ensued regarding trucks, loading and parking.

Mr. Welch asked about the ownership of the property. Is this a lease? How long is the lease?

Mr. Cooper stated currently, Lowe's owns the property. If the variance is approved, Northgate will purchase the property and Lowe's will no longer own it. Northgate will be the only tenant on this property.

Mrs. Conley asked if trucks will only use the light on Court Street to enter the property. They aren't going to cut through the mall, correct?

Mr. Cooper said, no. They don't have the right to do that.

Mrs. Abbey stated that is private property. The city cannot restrict it but, the owner absolutely can.

Mr. Cooper stated Northgate has ensured me that the drivers will be instructed to use the driveway at the light.

Discussion continued regarding trucks using proper entrances, number of employees potentially increasing the number of trucks, which direction trucks will turn after leaving the property, amount of traffic and/or accidents at Court and Center.

Mr. Hynes asked when operations will begin.

Mr. Cooper stated the first quarter of 2021.

Mr. Fuhst asked if Genesee Road can support semi traffic.

Mrs. Abbey stated it is built to support it but it is not an all season road. They would not be able to use Genesee Road in the winter time. There are laws in place for this and the Police enforces it.

Mr. Rapacz stated he agrees that this variance should be for Northgate only and that if they sell the property, the variance does not transfer. He asked for clarification regarding the site plan review.

Mrs. Abbey stated they are required to do an administrative site plan review. A site plan is not required because there are no changes to the exterior and you have covered the rest of it with stipulations.

Mr. Burge stated there wouldn't be anything else for Planning to approve. It is an existing building and a parking lot. If they wanted to build on, it would require a site plan review. I have read about this company and it sounds like a good place to work.

Board discussion regarding trucks, hours and deed restriction.

The board made the following stipulations to the motion: Maintain the 100 ft buffer at Howe Road, restrict semi parking behind the front face of building and this is a single party variance for Northgate only.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Commissioner
SECONDER:	Scott Hynes, Commissioner
AYES:	Conley, Hynes, Rapacz, Welch, Richvalsky, Fuhst, Burge
EXCUSED:	Kautz, Ward-Terry

F. AUDIENCE PARTICIPATION

Public comment may be sent to: publiccomment@burtonmi.gov. Comments received prior to the meeting will be read into the record.

No audience participation.

G. BOARD DISCUSSION

Mrs. Abbey stated for next months meeting, the applicant will not be in the room as of right now. It will be a virtual meeting. The board can choose to attend in person or virtually. It is possible this could change depending on the Governor's Orders. We already have applicants.

Mr. Welch wished everyone a Happy Thanksgiving.

The next regularly scheduled meeting will be held on Thursday, December 17, 2020, at 5:00 p.m.

Minutes Acceptance: Minutes of Nov 19, 2020 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 4950)

Meeting: 12/17/20 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.1

DOC ID: 4950

ZBA #20-10

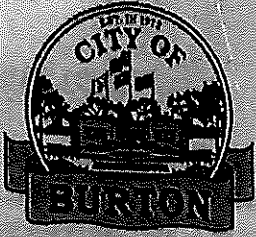
By: Jerry and Ashley Bell
4370 S Belsay Rd Burton MI

Re: 4370 S Belsay Rd Burton MI
59-35-400-018, SE Zoned

For: To Construct an accessory structure that will exceed allowable height, 16'8"
requested, 16' allowed

ATTACHMENTS:

- Backup 20-10 (PDF)



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

Date Filed: 11/3/2020
 Fee Paid: 250
 Receipt #: _____
 Check #: 1604
 Received by: L. SWAYNE
 Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 20-10 4 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: DECEMBER 17, 2020 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Jerry & Ashley Bell

APPLICANTS ADDRESS: 4370 S. Belsay rd

CITY: Burton, mi 48519

APPLICANTS PHONE: 810 610 6990

APPLICANTS EMAIL: Bellperformance600@gmail.com

ADDRESS AND PARCEL OR LOT NUMBER: 4370 S. Belsay rd
Burton mi 48519

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: We are asking for A additional
8 inches in building height

To construct an accessory structure that
will exceed allowable height, 16'8" requested, 16'
allow d.

I hereby certify that the proposed application is authorized by the owner of record and that I have been authorized by the owner to make this application as his agent. I agree the statements made on the attached application are true, and if found not to be true, any permit that may be issued may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this permit application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Commission. Mandatory attendance at the above meeting is acknowledged.

APPLICANTS SIGNATURE: J Bell

Attachment: Backup 20-10 (4950 : ZBA #20-10)

APPLICANT:

Please explain your hardship or reason this variance is needed and attach to the application. Any information provided to the board will be public information and will be given to the board approximately 2 weeks prior to the meeting.

I ordered a pole barn kit from DIY in Ohio. They claimed they would send a kit that meets all building codes & regulations. I personally need 14 foot ceilings since we bought the kit to store & work on our box trucks for our moving company. Everything meets code except the height. To change the height of the building would cost us thousands of dollars and we would not be able to use it for its intended purpose. There are trees near it much taller & the neighbors house is much taller along with surrounding homes as well. With the reasons stated above taken into consideration we are at your mercy & kindly ask for the variance of ~~setback~~ additional height of 8'.

Thank you

J. Bell

Attachment: Backup 20-10 (4950 : ZBA #20-10)

OWNER ACKNOWLEDGMENT:

I, Jerry Bell am the owner of property
known as: _____ located in the City of Burton. I give permission
to _____ to make an application to the Zoning Board of
Appeals on behalf of my property. I understand unless specified by the Zoning Board of Appeals, any action
taken by the board is permanently associated with this property in accordance with the State of Michigan
Zoning Enabling Act.

If I need to be contacted for any reason please contact me at:

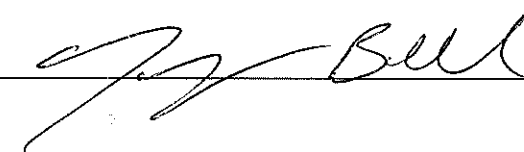
Owner Name: Jerry Bell

Address: 4370 S. Belsay Rd

City: Burton mi 48519

Phone: 810 610 6990

Email: Bellperformance600@gmail.com

SIGNATURE: 

DATE: _____

Attachment: Backup 20-10 (4950 : ZBA #20-10)



Attachment: Backup 20-10 (4950 : ZBA #20-10)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 4951)

Meeting: 12/17/20 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.2

DOC ID: 4951

ZBA #20-11

By: Emerald Real Estate Development
3364 Associates Dr. Burton MI

Re: Parcel 59-29-551-013
Parcel 59-29-551-027
(To be combine)

For: To conduct a medical marijuana grow facility that will be within 500' of another
marijuana facility

ATTACHMENTS:

- Backup 20-11 (PDF)



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

Date Filed: 11/13/2020
Fee Paid: 450 - CASH
Receipt #: _____
Check #: CASH
Received by: Z. SWAYNE
Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 20-11 4 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: DECEMBER 17 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Scott Smith do Emerald Real Estate Dev WT

APPLICANTS ADDRESS: 3364 Associates Dr

CITY: BURTON, MI 48529

APPLICANTS PHONE: 810 397 9498

APPLICANTS EMAIL: emeraldLawn1989@yahoo.com

ADDRESS AND PARCEL OR LOT NUMBER: 59-29-551-027 to be
59-29-551-013 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: GAIN APPROVAL FOR MEDICAL MARIJUANA
GROWING IN BUILDINGS.

① TO COMBINE PARCEL 59-29-551-027 + 59-29-551-013 ② TO CONDUCT
A MARIJUANA GROW FACILITY THAT WILL BE WITHIN 500'
OF ANOTHER MARIJUANA FACILITY.

I hereby certify that the proposed application is authorized by the owner of record and that I have been authorized by the owner to make this application as his agent. I agree the statements made on the attached application are true, and if found not to be true, any permit that may be issued may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this permit application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Commission. Mandatory attendance at the above meeting is acknowledged.

APPLICANTS SIGNATURE: _____

Attachment: Backup 20-11 (4951 : ZBA #20-11)

APPLICANT:

Please explain your hardship or reason this variance is needed and attach to the application. Any information provided to the board will be public information and will be given to the board approximately 2 weeks prior to the meeting.

I have two different opportunities to expand
Business and partner with medical Marijuana
Grow Business owners + our street is a dead end
Commercial Location that has been deemed ideal
for this type of Business Approval. Several other
Variances of this nature have been approved as
well on our street ~~and~~ ~~for~~ allow operations
of said businesses to exist in closer proximity
than code allows without variance.

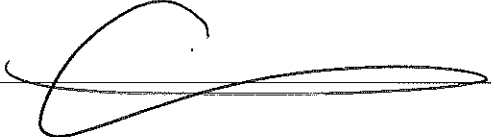
Attachment: Backup 20-11 (4951 : ZBA #20-11)

OWNER ACKNOWLEDGMENT:

I, Scott Smith, President Emerald Real Estate Development am the owner of property
 known as: 3364 Associates DR located in the City of Burton. I give permission
 to Scott Smith to make an application to the Zoning Board of
 Appeals on behalf of my property. I understand unless specified by the Zoning Board of Appeals, any action
 taken by the board is permanently associated with this property in accordance with the State of Michigan
 Zoning Enabling Act.

If I need to be contacted for any reason please contact me at:

Owner Name: Scott Smith
 Address: 3364 Associates DR
 City: BURTON, MI 48529
 Phone: 810 397-9498
 Email: emeraldawn1989@yahoo.com

SIGNATURE: 

DATE: 11-13-20

Attachment: Backup 20-11 (4951 : ZBA #20-11)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 4952)

Meeting: 12/17/20 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.3

DOC ID: 4952

ZBA #20-12

By: Dennis Odom
G-3085 S. Dort Hwy. Burton MI

Re: G-3085 S. Dort Hwy. Burton MI
59-28-501-151, C-2 Zoned

For: To conduct an M-1 light industrial use in a C-2 General Business Zone to sell used vehicles.

ATTACHMENTS:

- Backup 20-12 (PDF)



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

Date Filed: 11-20-20
 Fee Paid: 9450.00
 Receipt #: DD A11
 Check #: _____
 Received by: _____
 Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 20-12 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: December 17th AT 5:00 P.M.

PLEASE PRINT

APPLICANTS NAME: Dennis E. Odum

APPLICANTS ADDRESS: 6-3085 S. Port Hwy

CITY: Burton

APPLICANTS PHONE: (810) 391-2359 - Cell (810) 275-7042

APPLICANTS EMAIL: odumdennis513@yahoo.com

ADDRESS AND PARCEL OR LOT NUMBER: 59-28-501-151
3085 S. Port

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: I'm requesting the ability to sell
cars on my lot.

To conduct an m-1 light Industrial use in a
C-2 General Business Zone to sell used vehicles.

I hereby certify that the proposed application is authorized by the owner of record and that I have been authorized by the owner to make this application as his agent. I agree the statements made on the attached application are true, and if found not to be true, any permit that may be issued may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this permit application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Commission. Mandatory attendance at the above meeting is acknowledged.

APPLICANTS SIGNATURE: Dennis E. Odum

Attachment: Backup 20-12 (4952 : ZBA #20-12)

APPLICANT:

Please explain your hardship or reason this variance is needed and attach to the application. Any information provided to the board will be public information and will be given to the board approximately 2 weeks prior to the meeting.

As a pawn shop I am currently licensed to buy and sell merchandise. I have customers trying to sell their cars to me. I have to say no at this time because I can't legally sell them on my lot. Please do consider allowing me to do so. It would be of great benefit to me to be able to have a few cars here. As you know there is plenty of traffic here on Port Hwy.

Thank You For Your
Time!!!

Don E. O

Attachment: Backup 20-12 (4952 : ZBA #20-12)

OWNER ACKNOWLEDGMENT:

I, Neil Helmkey am the owner of property
known as: 59-28-501-151 located in the City of Burton. I give permission
to Dennis Odom to make an application to the Zoning Board of
Appeals on behalf of my property. I understand unless specified by the Zoning Board of Appeals, any action
taken by the board is permanently associated with this property in accordance with the State of Michigan
Zoning Enabling Act.

If I need to be contacted for any reason please contact me at:

Owner Name: Neil Helmkey
Address: 12974 Croftshurst Drive
City: Grand Blanc, MI 48439
Phone: (810) 577-5310
Email: _____

SIGNATURE: _____

DATE: 11/20/2020

Attachment: Backup 20-12 (4952 : ZBA #20-12)