



CITY OF BURTON

ZONING BOARD OF APPEALS

FEBRUARY 19, 2015

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. PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jan 15, 2015 5:00 PM

E. VARIANCE

1. ZBA #15-03

By: Linda M. Vock
2251 Dudley Ave.
Burton, MI 48529

Re: 2251 Dudley Ave. Burton, MI 48529
59-32-552-185, R1-C Zone

For: To conduct an in-home sewing and alterations business.

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 five (5) minutes and to speak on the topics germane to City business.

G. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Tuesday, March 19, 2015, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

JANUARY 15, 2015

Council Chambers

Regular Meeting

5:00 PM

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

This meeting was opened by Commissioner Scott Hynes at 5:15 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Late	5:15 PM
Robert Walls	Planning Chairman	Present	
Terry Parker	Commissioner	Present	
Tracy Parker	Commissioner	Excused	
Scott Hynes	Commissioner	Excused	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Alternate Commissioner	Present	
Robert Olsen	Alternate Commissioner	Excused	

C. STAFF PRESENT

Amber Abbey, Deputy Planning and Zoning Official
Teresa Karsney, Clerk

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Nov 20, 2014 5:00 PM

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

E. VARIANCE

1. ZBA #15-01
By: Holy Redeemer Church
1227 E. Bristol Rd.
Burton, MI 48529

Re: 1227 E. Bristol Rd.
Burton, MI 48529
59-30-300-014

Minutes Acceptance: Minutes of Jan 15, 2015 5:00 PM (Approval of Minutes)

- For:
1. To conduct an outdoor recreational event for the 2015 Parish Festival. (5 votes required)
 2. To conduct the Parish Festival in 2016, 2017, 2018 and 2019. (5 votes required)

Mr. Jubar from Holy Redeemer Catholic Church stated that the last couple of years have been better policed. They have been hiring off duty Burton police officers along with the D.M. Burr Security Company.

Deb Walton of Burton stated that this festival use to be a family event. In 2012 the festival had to be shut down because of fights. Stores had to go into lockdown mode. You can't drive down the street because people walking from the festival won't get out of the way. They people from the festival are yelling swear words to you if you are out in your yard. They throw rocks at the vacant houses to see if they can break the windows out. They throw trash from the festival in your yard. They have vandalized mailboxes in the neighborhood. There is no one you can contact if there is a complaint at the festival. Holy Redeemer should have to pay for an extra Burton Police office to patrol the neighborhood for people leaving the festival. I would like to see it only be a 1 year permit, if there are no issues then make it a several year permit. When they start taking down the equipment it is all through the night. The neighbors who have children that have to go to school the next day.

Lisa Williams of Burton stated she use to go every year to the festival. The last time her and her son went her son asked if they could leave. He was so uncomfortable with the people who were hanging out. We now dread the festival, the noise the crowds of people and the sirens on the rides, the fights, the people who come into our neighborhood and throw trash on our lawns. One year mailboxes were set on fire, businesses had to go into lock down mode. I am asking you to consider the neighbors when you make the decision and if you grant a permit, give it for one year at a time for the festival. Last year was much better.

The recommendation of the administration is to allow this permit. Chief Osterholzer sent an email that the Police Department is good with this festival.

Mr. Haskins has to agree with the neighbors that Holy Redeemer should have to pay for a officer in their neighborhood to keep them safe. When he used to go it was a great community event. Things have changed in this day and age. I am not against this festival but it is not in my backyard. I think putting in the motion that Holy Redeemer has to pay to have an extra officer in the neighborhood for the residents that is a reasonable request.

Mr. Walls stated that he agrees with the neighbors also. He has not been to the festival but have been at Council meetings when the neighbors were complaining about the festival. Would like to postpone this until the Police Chief or Lieutenant Warden could be here.

Mrs. Abbey stated yes we could put in the motion to have any extra police officer on duty in the neighborhood and the expense of Holy Redeemer Church.

Mr. Jubar stated that Holy Redeemer would pay to have an extra officer in the neighborhood if necessary. You can check with the Police Chief there were only six arrest last year. Things have gotten better since 2012.

Mr. Welch asked what are reasonable hours to have the festival.

Mr. Jubar stated the festival starts on Thursday and runs through Sunday. On Thursday they are usually done by 9:00 p.m. Friday and Saturday they would shut down by midnight. On Sunday it usually shuts down early. They wouldn't mind if they put a time limit on it.

Mr. Walls asked if they there was no beer tent would the church be happy.

Mr. Jubar stated yes the church would be fine with no beer tent.

Mr. Haskins didn't feel the problems came from the beer tent.

Mr. Parker stated this festival has been going on the for a long time and there was a problem three years ago. It is the major fund raiser for the church. It bring joy to the citizens of Burton. I feel since Mr. Jubar has already had conversations with the Burton Police Department then I think we should just have it for 1 year permit. Things have changed over the years. This would give Holy Redeemer another year to prove that yes we can make this work.

Mr. Welch asked if there was no beer tent would the church loose a lot of revenue?

Mr. Jubar stated that most of the revenue does not come from the beer tent. On Thursday last year we had 3 off duty Burton officers working the festival , Friday and Saturday 5 off duty and 1 on duty Burton officers. Since 2012 we are spending a lot more money on security so people do feel safe. The Bishop in Lansing stated that if there any incident like there was in 2012 your festival is done. We want to be a good neighbor and don't want to create problems for the citizens of Burton. Mr. Parker is right, this is our major fund raiser for the Church. That neighborhood is changing and we want to reach out to all the people in Burton.

Motion by Mr. Walls, seconded by Mr. Parker to allow the festival for 1 year, with no beer tent, police cruiser in the neighborhood, the festival shut down by 9:00 p.m. on Thursday, midnight on Friday and Saturday, 9:00 p.m. on Sunday. Must have a patrol officer in the neighborhood and the same amount of on duty and off duty Burton officers in the festival as last year with the D.M. Burr security also.

RESULT: **FAILED [4 TO 2]**
MOVER: Robert Walls, Planning Chairman
SECONDER: Terry Parker, Commissioner
AYES: Haskins, Walls, Parker, Welch
NAYS: Weatherford, Rapacz
EXCUSED: Parker, Hynes, Olsen

2. Motion by Mr. Walls, seconded by Mr. Parker to conduct the Parish Festival in 2016, 2017, 2018, 2019.

RESULT: **FAILED [0 TO 6]**
MOVER: Robert Walls, Planning Chairman
SECONDER: Terry Parker, Commissioner
NAYS: Haskins, Walls, Parker, Weatherford, Welch, Rapacz
EXCUSED: Parker, Hynes, Olsen

3. ZBA #15-02

By: Tim Short // DBA Auto-Riffic
 3048 Hemphill Rd.
 Burton, MI 48529

Re: 3048 Hemphill Rd.
 Burton, MI 48529
 59-28-300-009 / M-2 Zone

For: To conduct used car sales not in conjunction with new car sales. (5 votes required)

Mr. Short stated that he wants to open a used car lot for collectors and special interest. It is not a regular used car lot. He would like to move his current business from Lexington Michigan to the City of Burton. Most of the time the cars will all be inside the building but they do have a rear gated lot. Most of their sales are on the internet. Will not have cars parked out front for sale.

Mrs. Abbey stated the administration is recommending approval of this item.

Motion by Mr. Parker, seconded by Mr. Rapacz to conduct used car sales at 3048 Hemphill Rd. Burton, MI 48529.

RESULT: **CARRIED [UNANIMOUS]**
MOVER: Terry Parker, Commissioner
SECONDER: Tim Rapacz, Alternate Commissioner
AYES: Haskins, Walls, Parker, Weatherford, Welch, Rapacz
EXCUSED: Parker, Hynes, Olsen

F. AUDIENCE PARTICIPATION

Mrs. Abbey stated that if Holy Redeemer wanted to have this item reconsidered that a person who voted no would have to bring it back for discussion.

G. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Tuesday, February 19, 2015, at 5:00 p.m.

Minutes Acceptance: Minutes of Jan 15, 2015 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 1346)

Meeting: 02/19/15 05:00 PM

Department: Department of Public Works

Category: Variance

Prepared By: Rachel Frost

Department Head: Greg Kray

E.1

DOC ID: 1346

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