



CITY OF BURTON

ZONING BOARD OF APPEALS

FEBRUARY 19, 2015

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Commissioner Steve Welch at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Present	
Robert Walls	Planning Chairman	Present	
Terry Parker	Commissioner	Present	
Tracy Parker	Commissioner	Present	
Scott Hynes	Commissioner	Present	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Alternate Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Deputy Planning Official
Rik Hayman, Chief of Staff

Rachel Frost, Substitute Deputy Planning
Teresa Karsney, Clerk

D. APPROVAL OF MINUTES

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

RESULT:	ACCEPTED [7 TO 0]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
RECUSED:	Parker

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.

Ms. Vock was here for the ZBA to answer questions. She stated that she is not putting out a sign and would only have one customer at a time. She has a large driveway so it should not be an issue.

Mr. Welch read aloud a letter received from the neighbor dated 2/14/15. "I'm writing in regards to the ZBA Case #15-03, Linda M. Vock requesting that she be able to run an in home sewing and alteration business. I live across the street from the applicant at 2246 Dudley. I have no objections for her to run the sewing business from her home. Sincerely Janelle Karsten."

Mrs. Abbey said that the Administration is recommending approval.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Tim Rapacz, Alternate Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
EXCUSED:	Parker

F. AUDIENCE PARTICIPATION

Mr. Jubar, Business Manager from Holy Redeemer Catholic Church is here to ask the Zoning Board of Appeals to reconsider their decision of the denial of a variance to allow Holy Redeemer to have the annual parish festival in May 2015. At the last meeting for the board there was considerable discussion of the trouble in 2012 festival, but in 2013 and 2014 the festival had no significant trouble. Holy Redeemer has partnered with the Burton City Police Department to insure the festival is safe. I have already received a proposal from the Burton Police Department for the suggested coverage at the festival. Last year we used off duty Burton Police Officers, one on duty officer and D.M. Burr private security. He has spoke with Lieutenant Warden and worked out a plan. He also wanted to remind the board that the neighbors who spoke out against the festival, also suggest giving Holy Redeemer only the 2015 variance and deny the request for the remaining four years. They suggested to the Board if there is no significant trouble with the 2015 festival to grant the remaining four years in 2016. He stated there was discussion concerning the negative impact that may be created by the beer tent. We have already decided if we receive the variance, we will not have a beer tent this year. I am sure the Back to Bricks and the Crim Festival causes significant inconveniences for those who live along the route that these events take. However the good that these events create far out weighs any inconveniences to those who are neighbors to these events, our festival also creates inconveniences for the neighbors, but I firmly believe the good the festival creates far out weighs those inconveniences. He handed out to the board a list of what Holy Redeemer does with money from the festival. The Parish festival is our one major fund raisers for the year. It helps pay our bills and at the same time it provides entertainment to the Burton Community.

Lisa Williams of Burton stated that she is for a permit for one year. Yes there are inconveniences and she can deal with the noise and traffic for a long weekend. What bothers her are the break ins and other crime in the neighborhood. All she is asking is that we have Holy Redeemer pay for an extra patrol car to be in the neighborhood throughout the nights and over the weekend.

Deb Walton of Burton said that the people who are here from Holy Redeemer don't live in Burton, when they go home we still live there. She is asking for a permit for only one year. This does hurt our way of living, we are the taxpayers. She is glad they are not going to have a beer tent. She is asking for an extra police officer in the neighborhood at the expense of Holy Redeemer and that you set rules and time when the festival can be open.

Father Steve Anderson of Grand Blanc stated he is the pastor at Holy Redeemer Catholic Church. It is true that a lot of the church members don't live in Burton. Holy Redeemer brings in millions of dollars from people coming in from other communities to invest in Burton. He spoke on the relationship of the neighbors with the church. He said they can call him any time if there is problem with the church. Holy Redeemer has partnered with the schools in the area. What Holy Redeemer does it make a positive impact to the City. If there is something you didn't want us to do at the festival, the church would not want to do it either. He was surprised that it was turned down for the one year because even the people who were against the event, still said it should be approved for one year. If something happened at the festival he wouldn't allow it to continue, he would discontinue the festival. He said that Deb Walton has a positive relationship with Mike Murray, the attorney, for the Church. He said the church is a positive presence in Burton and he hopes we can reconsider this matter.

G. BOARD DISCUSSION

Mr. Rapacz stated he is one of people who voted no on the variance last month and wanted to explain his thought process. He has no problem with the festival, he had a problem with 4 or 5 year permits without any restrictions. He said if something happened in the middle of that 4 or 5 year permit you can't do anything about it. He doesn't have a problem with the times of the festival or if they should have a beer tent. He felt it should be up to this committee to decide on your security, the church should make sure the festival and the neighborhood is safe. He said if they only have a one year permit they will make sure the festival is safe because they have to come back again next year to renew the permit. He doesn't want the festival not to happen because they do a lot of good for the community.

Ms. Weatherford stated that she is the other member that voted no. She said we are here to listen to what everybody has to say. She said, what was said here about what went on in the neighborhood during the festival, she would not want that in her neighborhood. So that is why she voted no. She also does not agree with a 5 year variance, feels it should be 1 year at a time. She said as long as the neighborhood is looked after when the festival closes at night she would be for having the festival.

1. Motion to reconsider ZBA case #15-01, item #1 that was heard on January 15, 2015.

RESULT:	CARRIED [7 TO 0]
MOVER:	Tim Rapacz, Alternate Commissioner
SECONDER:	Scott Hynes, Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
RECUSED:	Parker

2. Motion to allow the festival for 1 year, with no beer tent, the festival shut down by 9:00 p.m. on Thursday, midnight on Friday and Saturday, 9:00 p.m. on Sunday. The same amount of on duty and off duty Burton officers in the festival as last year with D.M. Burr security also. Holy Redeemer to contract with Burton Police Department to have a cruiser in the neighborhood for the weekend.

RESULT:	CARRIED [7 TO 0]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Duane Haskins, Council Representative
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
EXCUSED:	Olsen
RECUSED:	Parker

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

Meeting: 02/19/15 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Rachel Frost
Department Head: Greg Kray

E.1

ADOPTED

AGENDA ITEM (ID # 1346)

DOC ID: 1346

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.

ATTACHMENTS:

- ZBA Case 15-03 (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Tim Rapacz, Alternate Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
EXCUSED:	Tracy Parker