



CITY OF BURTON

ZONING BOARD OF APPEALS

FEBRUARY 20, 2020

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:05 PM.

A. PLEDGE OF ALLEGIANCE WAS LED BY STEVE WELCH

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Don Jones	Alt. Commissioner	Present	
Christina Conley	Council Representative	Present	
Scott Hynes	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Excused	
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 Superintendent
Lindsey Bice, Records Tech

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Nov 21, 2019 5:00 PM

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

E. NOMINATIONS

1. 4730 : Nomination for Steve Welch Chairperson

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
AYES:	Jones, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Walton, Richvalsky

2. 4731 : Nomination for Michaeline Ward-Terry as Vice Chairperson

RESULT:	CARRIED [5 TO 2]
MOVER:	Christina Conley, Council Representative
SECONDER:	Scott Hynes, Commissioner
AYES:	Jones, Conley, Hynes, Ward-Terry, Welch
NAYS:	Rapacz, Fuhst
EXCUSED:	Walton, Richvalsky

3. Nominations for Rick Fuhst as Vice Chairperson

RESULT:	FAILED [2 TO 5]
MOVER:	Tim Rapacz, Commissioner
SECONDER:	Rick Fuhst, Commissioner
AYES:	Rapacz, Fuhst
NAYS:	Jones, Conley, Hynes, Ward-Terry, Welch
EXCUSED:	Walton, Richvalsky

F. VARIANCE

1. ZBA #20-01

By: Lyle Demo and TK Auto Buyers
2422 Blarney Dr Davison MI 48423

Re: 4307 Saginaw Burton MI 48529
59-32-552-003 C-2 Zone

For: To conduct an M-1 Light Industrial Use in a C-2 General Business zone for
Used Vehicle Sales

Tom Marks stated he is here representing TK Auto Buyers and Lyle Demo is here with him. We are in the process of purchasing George's Garage and plan on making improvements to it. They understand that they are not on the plan with their type of sales. They are currently down the road at 2101 Saginaw Street and sold that building so they are planning on moving. We have never done outside car sales, it has always been by order or inside. The George's Garage building works perfectly for what we are trying to do but does not fit into the DDA plan. What we propose is fixing the building up and having cars inside the building behind it. We have never put cars on the road and this building would not allow cars to be put on the road because there is not any frontage on Saginaw Street that would allow cars to be parked. I have drawn up some maps and we have spoke with the Burton Downtown Development Authority and they are on board with this. Auto Works, down the road, was approved to have a dealers license as well as T-Rods which has a wholesale license. We propose to sell cars, just not on the road and we would like to update the

property but did not want to put the money into it unless we could get something going here. George wants to sell and we want to buy the building but have a contingency of zoning approval. We have been in business for 20 years and have had no violations or complaints. With our inside sales, we average 75-100 sales per year so it has been a profitable business for us. I brought pictures of what we plan on doing to the building as well as the DDA's recommendation.

Mr. Welch stated for the record when they make an application, most of us go over and visit the site so we know what it looks like.

Mr. Marks stated George has been there a long time, he is at a point where he is no longer investing in the building. I feel whatever we do, it will be an improvement. The building is pretty old and it needs a facelift. If we don't do it, I am sure someone will but we have some plans that will make it more cosmetically pleasing and clean it up inside.

Mrs. Abbey stated because I just heard about the DDA five minutes ago, I would like to see what they said.

Mr. Marks stated we plan on bricking over the garage doors as part of their facelift, we do not feel like that is a safe place to exit the building. The plans to remodel include both the inside and outside of the building. The back building is just a metal building but with the size of it, it should be enough for us to park 2 rows of cars, which would be about 20 cars and is more inventory than we have ever kept at one time. After we clean them, we put them inside the building.

Mr. Welch asked Amber, do you have any questions for him after reading that?

Mrs. Abbey stated this is different from what I was told they had intended to do so I need to make sure I have some clarification. What type of license are you pursuing?

Mr. Marks stated used car.

Mrs. Abbey stated I know, but is it a B?

Mr. Marks stated it is a B and C.

Mrs. Abbey asked, what would stop you from putting cars outside?

Mr. Marks stated there is no room there. We would sign anything saying we wont sell cars outside there. There is enough room for customer parking, but I do not see anything visually being able to help us by having outside sales.

Mrs. Abbey asked, is George's going to be gone?

Mr. Marks stated yes, that is the plan.

Mrs. Abbey asked, so all of his vehicles would go with him?

Mr. Marks stated most the stuff is his stuff, we are not going to move it until we buy the building. We told him if this gets approved today, we will get rid of all those cars and we have also discussed fencing it.

Mrs. Abbey stated you said their is another use in that building? Because I am unaware of any other use.

Mr. Marks stated just repair, and he kept his license current.

Mrs. Abbey stated you said auto detail.

Mr. Marks stated Lyle is renting the building now, that is the plan, to do detail and car repair. He is in the process of getting his F license for repair.

Mrs. Abbey stated there is no approval for an auto detail there, that is why I am asking.

Mr. Marks stated we have worked together, even when we were down the road he had a clean up shop in our building.

Mrs. Abbey asked, you also repair cars?

Mr. Marks stated we use the place across the street for repair. I personally do not like to repair cars because of the liability but we have always had a certified mechanic that is signed on to work for us. Right now it is another car dealer who is across from our old location, Harvey Auto Sales. Lyle is in the process of getting his license for repair. Even if we don't put the sales there, he probably wants to continue. I just don't see transmission repair being a viable thing.

Mrs. Abbey stated from what I understood, George's was closed.

Mr. Marks stated he is there once in a while. He doesn't do a lot of work but he kept his license current.

Mrs. Abbey asked the board for the pictures they were provided by Mr. Marks. I was prepared to come here tonight to recommend denial based on the DDA's vision plan and their encouragement to move forward with that and the fact that the Planning Commission worked on the Master Plan. We created a central business district to remove these uses out of this area. It sounds like the DDA is on board and is okay with the idea. There are a few things I am not okay with, one of them is the vehicles being outside for sale. I am also not okay with the number of junk vehicles that are currently there and need to go. What I don't want to happen is when George leaves, we find out we have a use out of there that isn't allowed and then we bring in another auto repair in to continue the cycle of what he is doing. It talks in here about some retail uses that you plan to do, can you elaborate on that?

Mr. Marks stated we sell car and truck accessories, mud flaps, bed liners, etc. We would like to create a retail space within the building. It may have to be around back because that is where the parking is but this is a big part of our business.

Mrs. Abbey stated the front part of the building is supposed to be at the road, that is the traditional downtown that they are looking for so parking in the back is what you are intended to do. So, you would do retail space in the back of the building?

Mr. Marks stated in our opinion that is the front.

Mrs. Abbey stated there would be nothing from the front of this building that would look like a retail store at all.

Mr. Marks stated signs and truck accessories. But if we close up the garage door, we could probably put a window there instead of a garage door so you could see stuff.

We could move it to the front, we just thought when you walk in, it would be better in the back. But we are not opposed to putting the retail space where ever you want it.

Mrs. Abbey stated having the road frontage appear to be more of a retail space versus an auto repair is the DDA's vision plan.

Mr. Marks stated if that building sat further back we would have everything in front. The way the building is set up, there is four feet from the sidewalk to the building. I want to be practical about it. I don't want to commit to something we can't do.

Discussion ensued about adding a possible entrance to the front of the building to accommodate the retail space and the options of having the retail space in front of the building.

Mr. Marks stated we plan on paving the parking lot. We have all sorts of plans but until we get to the next step of being approved we are at a standstill. And we do want retail space.

Mrs. Abbey stated I wasn't present for the presentation they gave to the DDA so it is hard for me to judge what the DDA heard. What they talk about in the minutes is the retail space and the car detail shop. They don't talk about thinking you were going to do auto repair there at all so I don't know if their thinking is that George's is going out, no one is going to be doing auto repair. The only thing we will have here is detailing, retail and a license hanging on the wall, I do not know if that is what their impression was. So it is hard for me to say if the DDA was on board or if they weren't on board.

Mr. Welch stated I am writing all this down, we can add all these contingencies.

Mrs. Abbey stated if you are doing contingencies I would suggest adding that the repairs be done before the license is approved to sell the cars there, which I believe is what the DDA expected. Once you sign the paper you don't have any leverage except fighting in court, which we do not want to do. I would suggest some of these items be done in advance of that license being sent.

Mr. Welch stated I would recommend the maker of the motion state that there are no cars to be parked outside, have a front entrance door on Saginaw Street so it looks like a retail shop, have the repairs done before the license is approved.

Mrs. Abbey stated yes, he said he is going to pave the parking lot. I think the DDA's encouragement was that all these improvements were going to be made.

Mr. Welch asked what specifically in there are the DDA's recommendations for approval?

Mrs. Abbey stated it appeared to me that they expected the applicants to come back before them when they have a proposed plan.

Mr. Welch asked if everyone has that?

Mr. Hynes stated we may want to elaborate more on the retail frontage.

Mrs. Abbey stated how about we have the facade improvements approved by the DDA prior to issuing the license. Then they can get the look that they are interested in having at the front and that secures what they were looking for.

Mr. Welch stated you have mentioned other cases so I wanted to make note that on the ZBA there is no precedence set, each case is individually determined on their own merit.

Mrs. Abbey stated American Auto Works went in before the DDA had a vision plan, before the master plan was done.

Mrs. Ward-Terry made a motion with contingencies that the inside sales to order would be retail on front of the building, no cars would be parked outside, and the Saginaw Street improvements would be made before licensing. Which means the frontage of the store would be done first. This is to be contingent on the DDA plan and the detailing will be done in the retailing space. Cars will be parked inside.

Mrs. Abbey added that all vehicles listed for sale must be parked inside.

Mr. Rapacz asked to Mrs. Abbey, the DDA minutes that we are looking at say "I know Amber is concerned about having the cars sitting out so maybe there could be a note from us that we know he will not be doing that. They have a lot of small dealerships that are limited on the amount of cars they are allowed to sit out but always exceed that amount and don't follow the laws and rules." What in the world is he referring to?

Mrs. Abbey stated I am not sure what that means. When people came into my office I explained to them that they never told me the vehicles were only going to be sold inside. This was a conversation about having used vehicles at the property, the concern is always about the number of vehicles you have.

Mr. Rapacz asked, do we have any idea what Mr. Fenner means by they have a lot of small dealerships that are limited but they don't follow the laws and rules?

Mrs. Abbey stated I do not know about them.

Mr. Rapacz stated I am trying to figure out who they is that he is referring to.

Mrs. Abbey stated I couldn't answer that, you would have to ask Mr. Fenner. I did not have a conversation with Mr. Fenner about this, I had a conversation with the applicants about it. I do not believe he was talking about the applicants specifically, I think he was talking about dealerships in general.

Mr. Rapacz asked, does that mean even if we set this rule it wouldn't be enforceable?

Mrs. Abbey stated it is absolutely enforceable. As soon as we see a vehicle there for sale we will tow it and then I revoke their variance.

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

G. AUDIENCE PARTICIPATION

Joey Richvalsky of Richvalsky and Sons Reality and DDA Chair stated on this matter, the garage has been an eye sore. We are going to be paving Saginaw Street and having the garage updated is a job well done before it is done. However, it better be done with your stipulations of course. The point I want to make is, any change there is good. The car lots along the road that they are talking about is basically everyone on South Saginaw Street, if you go there it's an automotive based, it is not the retail like we desire. What we would like to see is more useful uses there. This has been there and it has not been updated. Let's leave it there, upgrade it and put some stipulations on it. That is basically what the DDA would like to see. With that being said the DDA does approve of this.

H. BOARD DISCUSSION

Mr. Welch stated I would like to congratulate Scott Hynes and Michaeline and myself for re-appointment to the ZBA. I would like to thank Don Jones for your service on the board. We do have an opening now for an alternate, if anyone is interested there are applications at the clerks office.

Mr. Hynes asked to Mrs. Abbey, the Flex High that just went in, they have a trailer there that has been there for four months. Is that supposed to be there?

Mrs. Abbey stated no, they were working on Flex High and they had it there for that. I haven't been by there in a while. If it is still there I will send code enforcement out to get rid of it.

The next regularly scheduled meeting will be held on Thursday, March 19, 2020, at 5:00 p.m.
