



CITY OF BURTON

ZONING BOARD OF APPEALS

JANUARY 19, 2023

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

C. STAFF PRESENT

Racheal Boggs, City Clerk
Amber Abbey, Deputy DPW Director
Leandra Swayne, Planning & Zoning

D. AUDIENCE PARTICIPATION

None.

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Dec 15, 2022 5:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Kevin Burge, Planning Representative
SECONDER: Tim Rapacz, Vice Chairperson
AYES: Smith, Burge, Kautz, Hynes, Rapacz, Ward-Terry, Welch, Richvalsky, Fuhst

F. NOMINATIONS

1. Motion to nominate Steve Welch for Chair Person of the Zoning Board of Appeals January 2023 to December 2023.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Rapacz, Vice Chairperson
SECONDER:	Scott Hynes, Commissioner
AYES:	Smith, Burge, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Kautz, Richvalsky

2. Motion to nominate Tim Rapacz for Vice Chair Person of the Zoning Board of Appeals January 2023 to December 2023.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Tim Rapacz, Vice Chairperson
AYES:	Smith, Burge, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Kautz, Richvalsky

G. VARIANCE

1. ZBA #22-22

By: Service Meds – MMAD LLC
G-3085 S. Dort Hwy., Burton, MI

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

For: To conduct a medical, adult use marijuana provisioning center within 200' of more than one residential home.

Attorney, Bruce Leach spoke on behalf of Dennis Odom in regards to approving the requested variance for the medical marijuana facility, stating: The commercial strip has several failing business, abandoned buildings, and buildings in disrepair. Photos of their vision of the remodeled building, economic hardship, and petition was declared.

Dennis Odom, owner of the property at G3085 S. Dort Hwy spoke regarding the request to conduct a medical and adult use medical marijuana facility. He states that the current business is not profitable and would like to improve the area.

Ray Garlic of 2120 Windimer in Flint spoke in favor of Mr. Odom's proposal for a variance.

Tommy Irish of 3061 Myrton Street in Burton spoke in favor of the variance.

Cheryl Benway of 5199 Genesee Road in Flint spoke in favor of approval of the variance.

Mrs. Swayne stated that this is about a building use and not the character of the applicant. There is not a need for another medical marijuana facility on Dort Highway and getting a signed petition does not grant approval. The administration recommends denial.

Mr. Burge asked if there has been an attempt to sell cars at the location.

Mr. Odom replied my money dried up and I was not able to buy the cars.

Mr. Hynes stated that the market is saturated and I don't think that you are going to get the outcome you want. How are you going to finance and differentiate yourself from the others.

Mr. Odom stated he has more parking and will help bring in other business.

Mrs. Ward-Terry stated I would like to make a motion to approve ZBA 22-22 due to the in hardship of the existing business and suffering in a blighted area. It is unreasonably burdensome to him to continue in the business he is in and in granting the variance the public safety is secured because the public deserves better business in the area.

RESULT:	FAILED [3 TO 4]
AYES:	Hynes, Rapacz, Ward-Terry
NAYS:	Smith, Burge, Welch, Fuhst
EXCUSED:	Kautz, Richvalsky

H. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, February 16, 2023, at 5:00 p.m.

Mr. Smith announces there will be a zoom meeting presentation at 6pm with Retail Strategies.

Mr. Welch states a couple of the board member's terms are expiring and letters need to be submitted so it can be added to the agenda.

Mr. Burge stated the Hot Fudge Run is coming up.
