



CITY OF BURTON

ZONING BOARD OF APPEALS

JANUARY 20, 2022

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. NOMINATIONS

1. Approve and Authorize_____ for Zoning Board of Appeals Chairperson from January 2022- December 2022.
2. Approve and Authorize_____ for Zoning Board of Appeals Vice Chairperson from January 2022- December 2022.

E. 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.

F. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Dec 16, 2021 5:00 PM

G. VARIANCE

1. ZBA #21-33
By: Jennings Harper
607 E. Second Ave. Apt. 706, Flint, MI 48502

Re: 2427 E. Judd Rd.
Parcel ID 59-32-527-004, Zoned M-1

For: To conduct an indoor recreational use with a reduction in the required number of parking spaces from 114 required to 46 available.

H. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, February 17, 2022, at 5:00 p.m.



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5271)

Meeting: 01/20/22 05:00 PM

Department: Clerk's Office

Category: Appointment

Prepared By: Lindsey Bice

Department Head: Racheal Boggs

D.1

DOC ID: 5271

**Approve and Authorize_____ for Zoning Board of
Appeals Chairperson from January 2022- December 2022.**



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5272)

Meeting: 01/20/22 05:00 PM

Department: Clerk's Office

Category: Appointment

Prepared By: Lindsey Bice

Department Head: Racheal Boggs

D.2

DOC ID: 5272 A

**Approve and Authorize_____ for Zoning Board of
Appeals Vice Chairperson from January 2022- December
2022.**



CITY OF BURTON

ZONING BOARD OF APPEALS

DECEMBER 16, 2021

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

B. ROLL CALL

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

C. STAFF PRESENT

Amber Abbey, Deputy DPW Director
Lindsey Bice, Clerk's Office
Leandra Swayne, DPW Records Tech

1. Statement

Mr. Welch announced that the meeting minutes will be approved at the end of the meeting and audience participation will take place at the beginning.

D. AUDIENCE PARTICIPATION

Denise Vaughn at 3202 S. Irish Road in Davison stated she is here speaking on behalf of Randy Ryan who purchased the property on Belsay Road. She purchased two lots and combined them as one. She would like to build the home that is pictured in the documents provided. We would like to be reconsidered for a variance.

Mr. Welch stated he will entertain a motion for ZBA Case #21-29 from the meeting held on November 18, 2021. It has to be made by someone who voted in the negative.

Mr. Burge asked if we can do this without notifying the other property owners.

Mrs. Abbey said, yes. It is a reconsideration, we are not holding another public hearing.

Mr. Richvalsky asked if it includes all the stipulations to the motion.

Minutes Acceptance: Minutes of Dec 16, 2021 5:00 PM (Approval of Minutes)

Mr. Welch said, yes. It is the exact motion from the November 18, 2021 meeting, we cannot change anything.

Mr. Burge motioned to reconsider ZBA case #21-29 for the point of discussion.

Mr. Rapacz asked if there is any evidence that the people who spoke at last month's meeting would be for this variance now.

Mr. Hynes stated he doesn't feel it is fair that the residents aren't here to speak on this.

1. Motion to Reconsider ZBA Case #21-29

RESULT:	FAILED [3 TO 4]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Joey Richvalsky, Alt. Commissioner
AYES:	Burge, Welch, Richvalsky
NAYS:	Smith, Hynes, Rapacz, Ward-Terry
EXCUSED:	Kautz, Fuhst

E. VARIANCE

1. ZBA #21-30

By: Ideal Properties
G4057 S. Dort Hwy. Burton MI 48529

Re: G4307 S. Dort Hwy., Burton, MI
Parcel ID 59-33-552-005, Zoned M-1

For: Request for a temporary office for salt sales, when required to have a principal structure.

Ken Belcher at G4057 S. Dort Highway in Burton stated he bought an additional piece of property to sell salt. He would like to put a temporary container office on the property because it is only used three months out of the year.

Mrs. Abbey stated the property existed as a salt barn prior to his purchase. For him, we do recommend approval on a temporary basis with a time frame set by the board.

Mr. Richvalsky asked, how long is needed?

Mr. Belcher stated we only sell salt out of there so customers are not tracking it into my Rock Bottom facility. I do not want to come back and do this every year. We will only be selling the salt for three months out of the year. Construction sites have the same type of building. I most likely will not be building a permanent structure there. I have spent a lot of money cleaning up the lot.

Mr. Rapacz asked if December 1st until April 30th would be a good time frame.

Mr. Welch asked the administration if this is approved, does the variance stand for temporary salt sales every year? Can we consider that?

Mrs. Abbey stated right now, it's for temporary office sales. As it sits, it is a permanent variance unless you state otherwise.

Mrs. Ward-Terry suggested setting the variance as December 1st through April 30th yearly so the applicant does not have to come back every year.

Mrs. Abbey stated with it being a permanent variance, you do not need to add the yearly part. This is a one time variance.

Mr. Burge referenced the pictures provided by the applicant and questioned why the temporary office is already in place and being used if it is not yet approved.

Mr. Belcher explained that when he purchased the property he applied for the permit but did not understand that he had to wait for this date. He cannot run his operation without that structure there.

Mr. Burge stated he cannot support a temporary business on a yearly basis. I know every case is on an individual basis, but I do not want to see these start popping up at every landscaping business we have. We will have temporary containers all over the city before long.

Mr. Belcher explained that the container is dropped off when the season begins and will be picked up by the end of the season or the date set that it needs to be removed by each year.

Mr. Hynes suggested setting a three year stipulation.

Mrs. Abbey stated the board is allowed to set those time frames. I do not know what would change in three years.

Mrs. Ward-Terry motioned to grant ZBA case #21-30 with the stipulation that the temporary office be dropped off not before December 1st each year and be picked up no later than April 30th each year.

RESULT:	CARRIED [6 TO 1]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Vaughn Smith, Council Representative
AYES:	Smith, Hynes, Rapacz, Ward-Terry, Welch, Richvalsky
NAYS:	Burge
EXCUSED:	Kautz, Fuhst

2. ZBA #21-31

By: Michael Forystek, FWL Leasing LLC
4171 Holiday Dr., Flint MI

Re: 3289 S. Saginaw St., Burton, MI
Parcel ID 59-29-300-024, Zoned C-2

For: To conduct a P-1 vehicle parking use in a C-2 general business zone district, to park vehicles.

Greg Obloy at 2777 Franklin Road in Southfield stated he is here on behalf of the applicant. They are looking to store GM vehicles on a temporary basis due to the chip shortage. There may be a shed and some fencing put up but no permanent structures.

Sam Solomon at 6326 Somerset in Flushing stated he represents Racer Trust, they own the property. The applicant leases from us, as they do in many other locations.

Mrs. Abbey stated most people are aware that there is a chip shortage and vehicles are being stored all over the place. This particular property is a Racer Trust property which means that it was part of an environmental trust that was created so GM can shell off the properties to a trust. Now that trust has to sell those properties in a fashion that creates some type of economic development for the community. Nothing has been of interest to this property for many years. Anything that has interest in this property that improves the aesthetics of it on a temporary basis, we would recommend approval. I would insist that we put a time restriction on this.

Mr. Burge asked the applicant how long they would need the property for.

Mr. Obloy stated a one year time frame would suffice.

Mr. Rapacz asked about the conditions that are on the property due to the trust.

Mrs. Abbey stated there are conditions that it has to create jobs and regarding the environmental impact to the property. This variance is for the property to only be leased. They are not buying the property.

Mr. Richvalsky stated that the DDA does not see this as bad for our visionary plan, as long as it is on a temporary basis and not something long term.

Mr. Burge motioned to approve ZBA case #21-31 with the stipulation that it goes no longer than one year.

RESULT:	CARRIED [6 TO 1]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Scott Hynes, Commissioner
AYES:	Smith, Burge, Hynes, Ward-Terry, Welch, Richvalsky
NAYS:	Rapacz
EXCUSED:	Kautz, Fuhst

3. ZBA #21-32

By: Michael Forystek, FWL Leasing LLC
4171 Holiday Dr., Flint MI

Re: Donegal and Davison, Burton, MI
Parcel ID 59-10-100-030 & 59-10-100-031, Zoned M-2

For: To conduct a P-1 vehicle parking use in a M-2 general industrial zone district, to park vehicles.

Greg Obloy at 2777 Franklin Road in Southfield stated this is very similar to the last application. They are looking to park vehicles due to the chip shortage and again, it will be a one year time frame.

James Coleman at 2398 Egleston in Burton stated he looked at the Racer Trust website on this property and saw they did some environmental clean-up. There are ongoing case studies of watersheds over the years. For a temporary use, they have spent a massive amount of money on the material they have been bringing onto this property for the past couple of months. I would like to know that the lessee is going

to take over any environmental issues to this property for the year they lease. In Racer's publication it stated there is contamination on the south east corner .

Mrs. Abbey stated from my understanding based on a conversation I had with Steve Black, they have been cleared by environmental on that property. I think Mr. Solomon could better address the concerns of Mr. Coleman. As temporary approval, we recommend approval.

Mr. Solomon stated the trust was set-up in 2011, it is an environmental clean-up trust for the community. We own the environmental issues forever. If you meet the six criteria to buy a piece of property from us, you can do that but we will still own the environmental part of it. We will tell you, put your building in a certain area because of the environmental issues in another area.

Mrs. Abbey stated she has a letter in her office from August 17, 2017 from the Department of Environmental Quality giving the Racer Trust a notice of approval of no further action required for this particular property.

Mr. Burge motioned to approve ZBA case #21-32 with the stipulation that it will be for one year starting December 16, 2021.

RESULT:	CARRIED [6 TO 1]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Joey Richvalsky, Alt. Commissioner
AYES:	Smith, Burge, Hynes, Ward-Terry, Welch, Richvalsky
NAYS:	Rapacz
EXCUSED:	Kautz, Fuhst

F. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Nov 18, 2021 5:00 PM

RESULT:	ACCEPTED [6 TO 0]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Scott Hynes, Commissioner
AYES:	Smith, Burge, Hynes, Rapacz, Welch, Richvalsky
ABSTAIN:	Ward-Terry
EXCUSED:	Kautz, Fuhst

G. BOARD DISCUSSION

Mr. Smith stated he watched last months meeting, after watching what transpired he did not feel comfortable overturning the decision from last month. Having the minutes available really helped be able to make an informed decision as well.

The next regularly scheduled meeting will be held on Thursday, January 20, 2022, at 5:00 p.m.

Minutes Acceptance: Minutes of Dec 16, 2021 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5270)

Meeting: 01/20/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

G.1

DOC ID: 5270

ZBA #21-33

By: Jennings Harper
607 E. Second Ave. Apt. 706, Flint, MI 48502

Re: 2427 E. Judd Rd.
Parcel ID 59-32-527-004, Zoned M-1

For: To conduct an indoor recreational use with a reduction in the required number of parking spaces from 114 required to 46 available.

ATTACHMENTS:

- Backup 21-33 (PDF)



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

Date Filed: 12-10-2021
 Fee Paid: \$450
 Receipt #: _____
 Check #: _____
 Received by: Shwartz
 Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 21-33 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: JANUARY 20TH 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Jennings Harper

APPLICANTS ADDRESS: 607 E. Second Ave. Apt. 706

CITY: Flint, Mi 48502

APPLICANTS PHONE: 810-309-7641

APPLICANTS EMAIL: jennings.harper@brushalleyskateshop.com

ADDRESS AND PARCEL OR LOT NUMBER: 2427 E. Judd rd
Burton, Mi 48529

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: Notification of property at 305' ft.

We need to rent a parking lot to add to our number of available spots. So we can just open long enough to generate enough revenue to pave parking spots on our property. Thanky

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: Jennings Harper

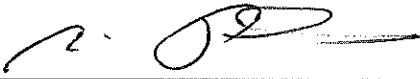
Attachment: Backup 21-33 (5270 : ZBA #21-33)

OWNER ACKNOWLEDGMENT:

I, Morris Peterson am the owner of property
 known as: 2501 E Judd located in the City of Burton. I give permission
 to Jennings Harper 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: Morris Peterson
 Address: 108 a E. Third St.
 City: Flint, Mi 48502
 Phone: 810-820-9592
 Email: mobusiness24@gmail.com

SIGNATURE: 

DATE: 12/10/21

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.

Hello, My name is Jennings Harper. I am currently trying to provide a safe indoor skateboarding/scooter park that would be state of the art and one of a kind in the area. I have owned Brush Alley Skateshop in Downtown Flint for almost 5 years. There is an issue with the amount of parking spots we have. We do not have enough. I have got permission to rent 30+ spaces in a lot at a building that is 5 feet past 300 feet. There is land on our property that we can clear and pave for the necessary amount of spaces required. We would just need this Variance temporarily so we could open to generate revenue to pave our property for parking. We will also have a second retail shop on location as well. I have been trying to make this a possibility for years. I've taken out a personal loan and a business loan to get the park built. It is being built by some of the best carpenters in the country. Their name is Ramped Construction. We are in the process of getting a commercial fire alarm set up also. We can offer a free shuttle ride from the lot to our building as well. If possible.

Thank you.

Sincerely,
Jennings Harper

Attachment: Backup 21-33 (5270 : ZBA #21-33)