



# CITY OF BURTON

## ZONING BOARD OF APPEALS

JANUARY 20, 2022

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 |         |
| Gary Kautz            | Alt. Commissioner       | Present |         |
| Scott Hynes           | Commissioner            | Present |         |
| Tim Rapacz            | Commissioner            | Excused |         |
| Michaeline Ward-Terry | Vice Chairperson        | Excused |         |
| Steve Welch           | Chairman                | Present |         |
| Joey Richvalsky       | Alt. Commissioner       | Present |         |
| Rick Fuhst            | Commissioner            | Present |         |

### C. STAFF PRESENT

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

### D. NOMINATIONS

1. Approve and Authorize\_\_\_\_\_ for Zoning Board of Appeals Chairperson from January 2022- December 2022.

|                 |                                                      |                                |
|-----------------|------------------------------------------------------|--------------------------------|
| <b>RESULT:</b>  | <b>POSTPONED [UNANIMOUS]</b>                         | <b>Next: 2/17/2022 5:00 PM</b> |
| <b>AYES:</b>    | Smith, Burge, Kautz, Hynes, Welch, Richvalsky, Fuhst |                                |
| <b>EXCUSED:</b> | Rapacz, Ward-Terry                                   |                                |

2. Approve and Authorize\_\_\_\_\_ for Zoning Board of Appeals Vice Chairperson from January 2022- December 2022.

|                 |                                                      |                                |
|-----------------|------------------------------------------------------|--------------------------------|
| <b>RESULT:</b>  | <b>POSTPONED [UNANIMOUS]</b>                         | <b>Next: 2/17/2022 5:00 PM</b> |
| <b>AYES:</b>    | Smith, Burge, Kautz, Hynes, Welch, Richvalsky, Fuhst |                                |
| <b>EXCUSED:</b> | Rapacz, Ward-Terry                                   |                                |

### E. AUDIENCE PARTICIPATION

No Audience Participation.

**F. APPROVAL OF MINUTES**

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

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                          |
| <b>MOVER:</b>    | Scott Hynes, Commissioner                            |
| <b>SECONDER:</b> | Kevin Burge, Planning Representative                 |
| <b>AYES:</b>     | Smith, Burge, Kautz, Hynes, Welch, Richvalsky, Fuhst |
| <b>EXCUSED:</b>  | Rapacz, Ward-Terry                                   |

**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.

Chris Stritmatter of 423 State Road, Davison stated Mr. Harper is applying for a variance for his skate park. I provided some photos for the board. When you hear recreational use, sometimes you have a preconceived notion. This facility is tricked out with ramps and has been turned into one of the top skate park facilities in the state. He has spent \$95,000 on the interior of this building. The requirement of 114 spaces would create a hardship because of the condition it is in now. You would not have a skate park with that many spaces filled at any given time because of how the use is with the clientele. Mr. Harper does plan on expanding at some point but he needs to be able to open his business first. This facility would bring a lot of people to Burton. He has an approval from the building owner to expand the parking lot if necessary, but 114 spaces for this type of facility would create a practical difficulty.

Ann Marie Kern of 4184 Quinlan Drive stated she is a business and property owner located near this property. I do not feel that 114 spaces would be necessary for this type of business. Having to add the additional parking spaces onto his property would require Mr. Harper to expand his parking lot onto an area of property which is currently wooded. I, along with other business owners in the area enjoy the wooded lot. We would like for Mr. Harper to be afforded the opportunity to open his business with lesser parking spots so he has the opportunity to succeed.

Trevor Colman of 4204 Quinlan Drive stated he is renting a space to operate his business down the road from Mr. Harper's business. I have a friend who owned a skate park in Lake Orion. The amount of people per square foot that you can have in a skate park differs dramatically from the average recreational facility. The skaters need room to skate. It has been refreshing to have this building occupied by Mr. Harper and his team. They have worked hard to clean up the property and have been neighborly. They are bringing a business to the area that has a positive impact for kids and health. The wooded lot that would have to get paved would essentially be for no reason, as it most likely would not get used. The wildlife in that area would lose its home. I support Mr. Harper being able to open his business with a reduced number of parking spaces.

Mr. Welch read into the record a public comment submitted by Allen Appliance, Jeremy Fairchild in support of Mr. Harper's variance to open his business with a reduced number of parking spaces.

Mrs. Abbey stated the property that Mr. Harper is intending to occupy, 2427 Judd Road, has ten spaces. The other 36 spaces are through a shared parking agreement with 2501 Judd Road. While we feel the reduction in spaces is justified, we still need those spaces to get onto his property and not have to go through a shared parking agreement. As of now, Mr. Harper will have to shuttle people from 2501 to 2427. They are not adjoining properties. I am not saying the parking spaces on his property will not work for him, we can only go by what the ordinance says. I did my best to get it down to as low as I could for what the space provides and that is why it is at 114. I do agree that a reduction is probably necessary for a business like this. It is not a roller skating rink, what he does is significantly different than that type of business as far as the number of people that go there at the same time. He still needs spaces on his property. This is a unique business that will bring a lot of people to Burton. We also want him to be successful. Having 10 spaces on his property is not going to help him be successful. For one year, if we can allow him this reprieve of the ten spaces on his property and the shared parking agreement, he has told me he would be able to install some spaces on his property. The other part of this would be that we would recommend reducing him down to a number of spaces that is more permanent to the business not the square footage of the building. You may talk that number out with Mr. Harper, we previously discussed 85 or 75 spaces being sufficient for guests and employees.

Mr. Richvalsky asked if the parking along Quinlan was allowed to be used.

Mrs. Abbey stated there are spaces along Quinlan but they are not legal spaces and we cannot count them. We can assume people are going to park there.

Discussion ensued regarding the parking spaces along Quinlan Drive.

Mr. Richvalsky stated he is asking for a temporary parking variance so I thought that could be added as well.

Mrs. Abbey stated he is asking for a temporary as well as a permanent variance for parking. That is why I am suggesting reducing the number down from 114 spaces.

Mr. Burge asked the applicant if the facility is already built inside.

Jennings Harper of 607 E. Second Ave., Flint stated it is complete on the inside. I had a professional contractor come in and design a state of the art grade A facility. It is the premier indoor facility of the entire state.

Mr. Burge asked, how many parking spaces will you need on your best day? What will your hours be?

Mr. Harper stated around 75, I could keep a limit. While we are getting started we will be okay with the 46 we have available. Our hours will be 10AM-10PM.

Mr. Burge suggested a no loitering sign be posted in the parking lot.

Mr. Welch asked the applicant to explain the parking agreement. Is there a signed contract?

Mr. Harper stated there is not yet a signed contract but he has verbally agreed to give him one.

Mrs. Abbey stated we can make it a contingency that we see the signed contract at DPW before occupancy is given.

Mr. Welch questioned how long that contract would hold for.

Mr. Stritmatter stated it would be for as long as Mr. Harper holds the lease.

Mr. Welch asked, how long is the lease?

Mr. Harper stated three years.

Mr. Kautz asked for clarification if the shuttle service will be provided during all hours of operation. Will the kids be required to go on the shuttle if they are parked in the other lot? It seems it may be a safety concern to have the kids walking down the street at night.

Mr. Harper stated they will have the option. Most of the time kids will be dropped off by their parents at the front doors. I also have my chauffeurs license.

Mr. Stritmatter stated anyone under the age of 18 will have to have a parent sign a waiver to be there as well. Mr. Harper has gone over all of the safety concerns.

Mr. Welch asked if the ten spots on the property plus the additional 36 would be enough to get the business started.

Mr. Harper stated that would get things going.

Mr. Smith stated obviously you have a vision. Why did you choose this building with the scarcity of parking spaces? What is your past experience with this type of business?

Mr. Harper stated I have been skateboarding for 25 years. This is something I have always wanted to see come to this area. I have been looking for a building since I opened my store five years ago in Downtown Flint. I have a sponsored skate board team and I wanted to find us a private place to skate. I haven't been able to find anything in five years and happened to stumble across this building one day. It is just outside of the marijuana zoning. When I told the owner of the building I wanted to build a skate park here he was ecstatic because everyone who has been interested in the building wanted it for marijuana. It is the only indoor skate park that is heated in Michigan. This is something that has been my dream to do. People are very excited about the park. It is safe for kids. The company out of Oregon that I used for materials shared a post of the park and it has gone viral.

Mr. Smith asked, how far will you draw people in from?

Mr. Harper stated people will come from all over Michigan. If it is getting out of hand then we won't be able to let them in and will be able to keep it controlled to a minimum.

Mr. Smith asked if there are tournaments in this type of sport.

Mr. Harper said, yes. Contests are a big thing at indoor skate parks. They are great for the community.

Mr. Smith asked for information regarding a sponsored team.

Mr. Harper stated some skate shops have a private facility for their teams to skate at. This building is big enough that we are able to do it publicly.

Mr. Smith asked if this sport is continuing to grow.

Mr. Stritmatter stated it is in the Olympics now.

Mr. Burge stated I heard the administration say they wanted a number put on this.

Mrs. Abbey stated temporarily they are asking for 46. Permanently we discussed reducing the number down from the 114 spaces because they will not need all of those. Instead of having them come back we can set the permanent number now.

Mr. Burge stated permanently, I would like to make an amendment to it to include 75 parking spaces.

The applicant and the administration agreed that 75 spaces would be sufficient.

Mr. Burge added the contingency that the variance would be for 75 total parking spaces up from the 46 spaces once the temporary variance has expired.

Mr. Stritmatter asked if the 75 total spaces includes the 36 spaces from the shared parking agreement or do they all need to be on Mr. Harpers property.

Discussion ensued regarding hours of operation and spectators at tournaments.

Mr. Welch asked, how long do you expect it to take before you will need to add on the parking spaces?

Mr. Stritmatter stated I think a reasonable time of one year to get those additional parking spaces on the property would be sufficient.

Mr. Smith suggested making the variance for the length of the lease, three years, in order to help promote the success of this business.

Mrs. Abbey stated her concern is not with Mr. Harper, it is with the current business that is allowing him to use the extra spaces. They could sell off their business tomorrow and he may not have access to those spaces. That business owner is going to only give him what they want to. Until it is a recorded shared parking agreement, it is not a legal document. The agreement has to be written so that if the other business changes hands, Mr. Harper still keeps access to those parking spaces.

Mr. Richvalsky motioned to approve ZBA case #21-33 to temporarily allow the business to operate with 46 parking spaces with a three year contingency to allow them to put in a total of 75 parking spaces reducing this from the required 114 spaces, and they will provided a three year recorded shared parking agreement to the Burton Department of Public Works prior to opening.

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Joey Richvalsky, Alt. Commissioner                   |
| <b>SECONDER:</b> | Vaughn Smith, Council Representative                 |
| <b>AYES:</b>     | Smith, Burge, Kautz, Hynes, Welch, Richvalsky, Fuhst |
| <b>EXCUSED:</b>  | Rapacz, Ward-Terry                                   |

#### **H. BOARD DISCUSSION**

No Board Discussion.

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

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