



CITY OF BURTON

ZONING BOARD OF APPEALS

JULY 18, 2019

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.
1. 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. CALL TO ORDER

C. STAFF PRESENT

D. APPROVAL OF MINUTES

E. VARIANCE

1. ZBA#19-13

By: Daniel Peake
2111 Delaney St.
Burton, MI 48509

Re: 2111 Delaney St. Burton, MI 48509
59-03-300-040 R-1B Zone,

For: To construct a 4' chain-link fence in the front yard, objection received from
adjoin property owner.

2. ZBA #19-14

By: Allen Automotive, LLC.
2447 E. Judd Rd.
Burton, MI 48529

Re: This is not a specific property request. The request is for the City as a
whole.

For: An interpretation of the zoning ordinance as it relates to the distance requirements under the commercial medical marijuana facilities portion of the ordinance.

3. ZBA #19-15

By: Doris Dell
4243 Keene Dr.
Burton, MI 48519

Re: 4243 Keene Dr. Burton, MI 48519
59-34-551-045 R-1B Zone,

For: To conduct an M-1 special use in an R-1B Single Family Residential zone to allow more than 2 adult dogs.

F. 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.

G. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, August 15, 2019, at 5:00 p.m.



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

Date Filed: 6-5-19
 Fee Paid: N/A
 Receipt #: _____
 Check #: _____
 Received by: AA
 Date Mailed: _____

ZBA Case #: 19-13 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: July 18, 2019 AT 5:00 P.M.

APPLICANTS NAME: Denise L. Peake

APPLICANTS ADDRESS: 2111 Delaney St

CITY: Burton, MI 48509

APPLICANTS PHONE: 810 429 5716

ADDRESS AND PARCEL OR LOT NUMBER: 2111 Delaney St.

59-03-300-040 R-1B

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: to construct a 4' chainlink
fence in the front yard, objection
received.

APPLICANTS SIGNATURE: Denise L. Peake

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

Attachment: Back up 19-13 (4460 : ZBA #19-13)



APPLICATION & NOTICE FOR CONSTRUCTION OF A FRONT YARD FENCE

DATE PERMIT CAN BE ISSUED: 6-10-19DATE FILED: 5-28-19FEE PAID: -RECEIPT NO.: -CHECK NO.: -APPLICANTS NAME: Daniel PeatrAPPLICANTS ADDRESS: 2111 Delaney*DATE MAILED: 5-28-19APPLICANT'S PHONE NO.: 810 4295716MAILED BY: JBLEGAL DESCRIPTION OF PROPERTY: 59-03-300-040 2111 DelaneyFENCE DESCRIPTION: HEIGHT: 4' WOOD ☐ CHAINLINK ☒ VINYL ☐LOCATION OF THE FENCE: North SideAPPLICANT'S SIGNATURE: Daniel Peatr

*NOTE: The adjoining property owner shall, within seven (7) days of the notice, request a hearing before the Zoning Board of Appeals, in writing to the Building Division, 4093 Manor Drive, Burton, Michigan 48519 – if you have any objections to this application. Postmark notice five to seven (5-7) days prior to mandatory seven (7) day objection period.

Adjoining properties:

1. 2117 Delaney - Cheryl Dushane
2. 2103 Delaney - Paul & Dawn Zuhlke
3. _____
4. _____

Objection blank: (Complete Below & Return, if you object)

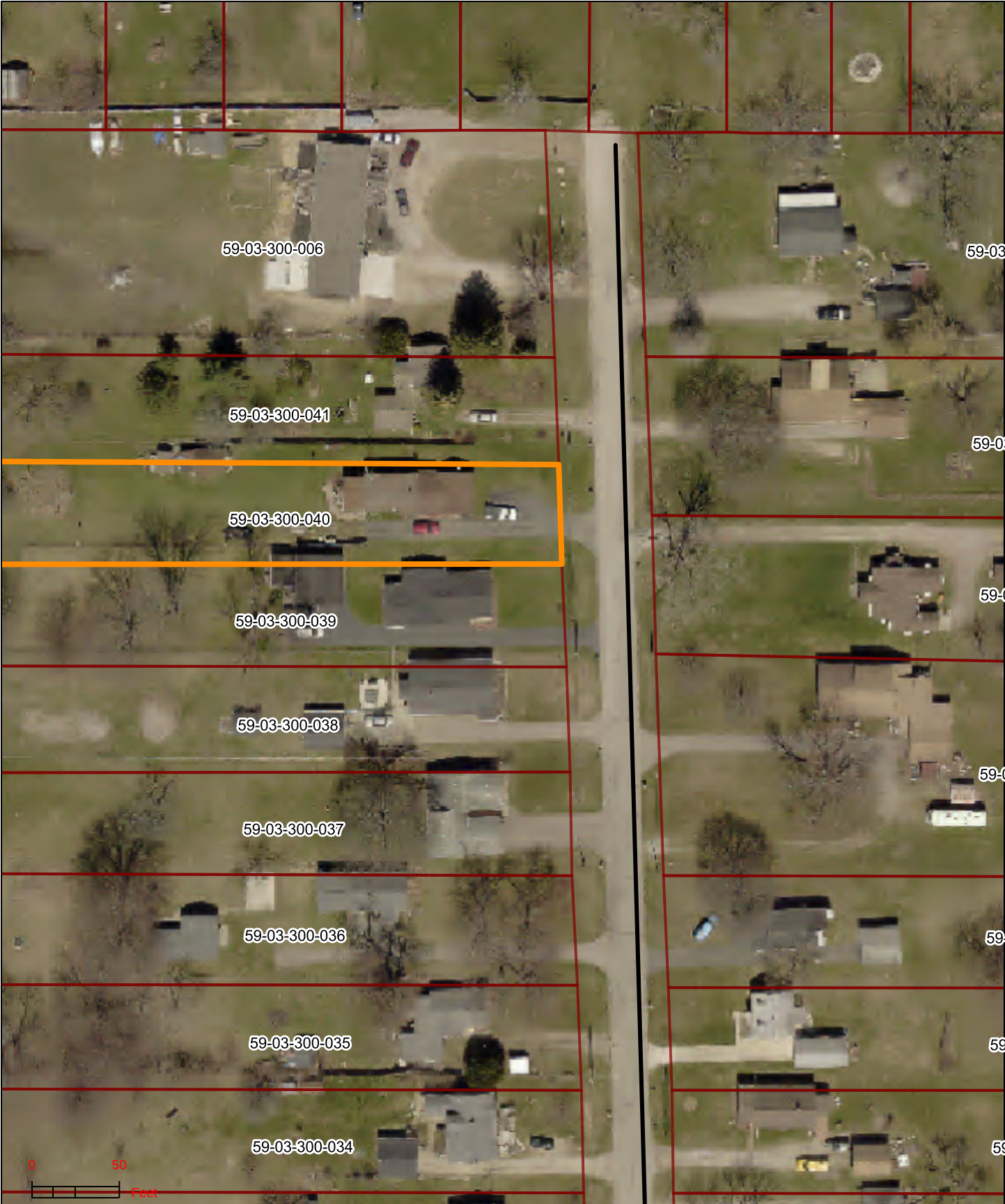
I, Cheryl Du Shane an adjoining property owner at 2117 Delaney St wish to object to this application and request a hearing at Burton City Hall, 4303 South Center Road. The date and time will be determined by the Department of Public Works.

SIGNATURE: Cheryl Du ShaneDATE: June 3, 2019TELEPHONE NO.: 288-8638

NOTICE GIVEN BY – BUILDING DIVISION OFFICIAL: _____

Attachment: Back up 19-13 (4460 : ZBA #19-13)

BURTON



Attachment: Back up 19-13 (4460 : ZBA #19-13)



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

Date Filed: 6-14-19.
 Fee Paid: \$200.00
 Receipt #: _____
 Check #: 17361
 Received by: AA.
 Date Mailed: _____

ZBA Case #: 19-14

majority Present.
 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: July 18, 2019 AT 5:00 P.M.

APPLICANTS NAME: Allen Automotive LLC

APPLICANTS ADDRESS: 2447 E. Judd Road

CITY: Burton, MI 48529

APPLICANTS PHONE: 810-813-7897

ADDRESS AND PARCEL OR LOT NUMBER: 2447 E. Judd Road, Burton, MI 48529

**This is not a specific property request. City as a whole!*

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: Applicant requests an interpretation of the Zoning ordinance.
 Please see Exhibit 1 for a detailed explanation.

APPLICANTS SIGNATURE:  6-5-19

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

Also see Exhibit 1

Attachment: Back up 19-14 (4461 : ZBA #19-14)

EXHIBIT 1 – REQUEST FOR INTERPRETATION § 157.154(B)(2)(a)

In February, Allen Automotive LLC asked the Zoning Board of Appeals for a variance from the zoning requirements that a marihuana establishment be at least 500 feet from any other marihuana establishment and 1000 feet from any school.

The variance was denied, but Allen Automotive pointed out that the subject property is located in the M-1, and Bendle High School is located approximately 664 feet from the subject property if measured as the crow flies (but the ordinance requires 1000 feet separation). It is also located approximately 480 feet (just 20 feet shy of the 500-foot restriction) from an existing medical marijuana transaction facility located at 4232 S. Dort Highway if measured as the crow flies.

However, if the measurement was not a strict interpretation of straight lines a person would not normally travel; the facility may qualify under the ordinance. Rather, if the mode of travel was used, and the distance measured as vehicles would travel, then Bendle High School is approximately 3696 feet from the subject parcel. The existing marihuana facility is approximately 1056 feet if measured in this way.

Allen Automotive now asks the ZBA to clarify that the City measures “as the crow flies” for measurement restrictions from schools and other marihuana facilities under the Marihuana Ordinance of the City of burton; and how that protects the public health, safety, and welfare of the City.

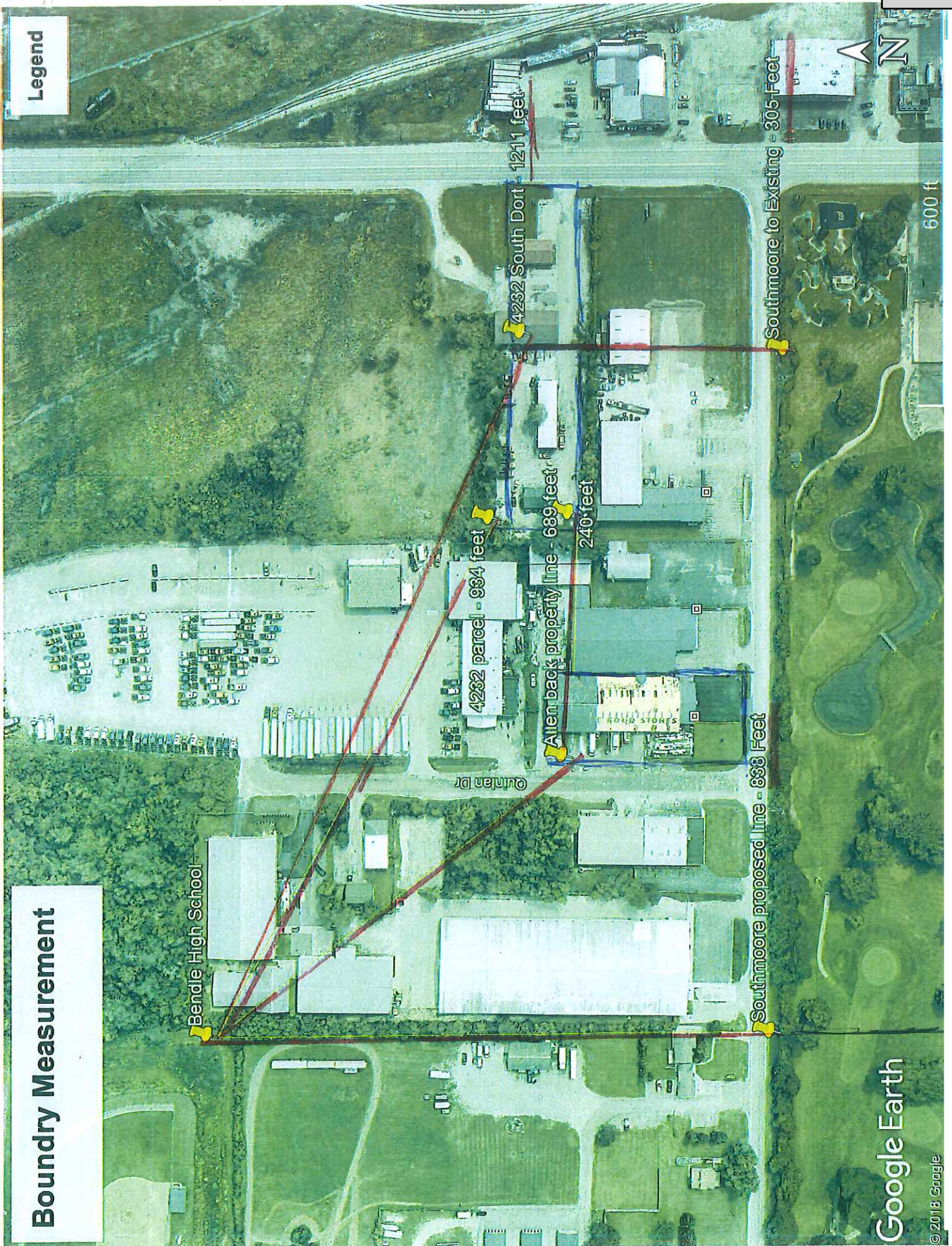
The subject property is located in the area of the City that is ideally suited to accommodate any of the medical marihuana facilities. Allen Automotive wishes to maximize the value of the subject property by marketing it for medical marihuana facilities, but by denying the variance under a strict interpretation of “as the crow flies” this is not possible.

Also for your consideration, please see the additional documentation and pictures provided and incorporated into Exhibit 1.

Attachment: Back up 19-14 (4461 : ZBA #19-14)

Legend

Boundry Measurement

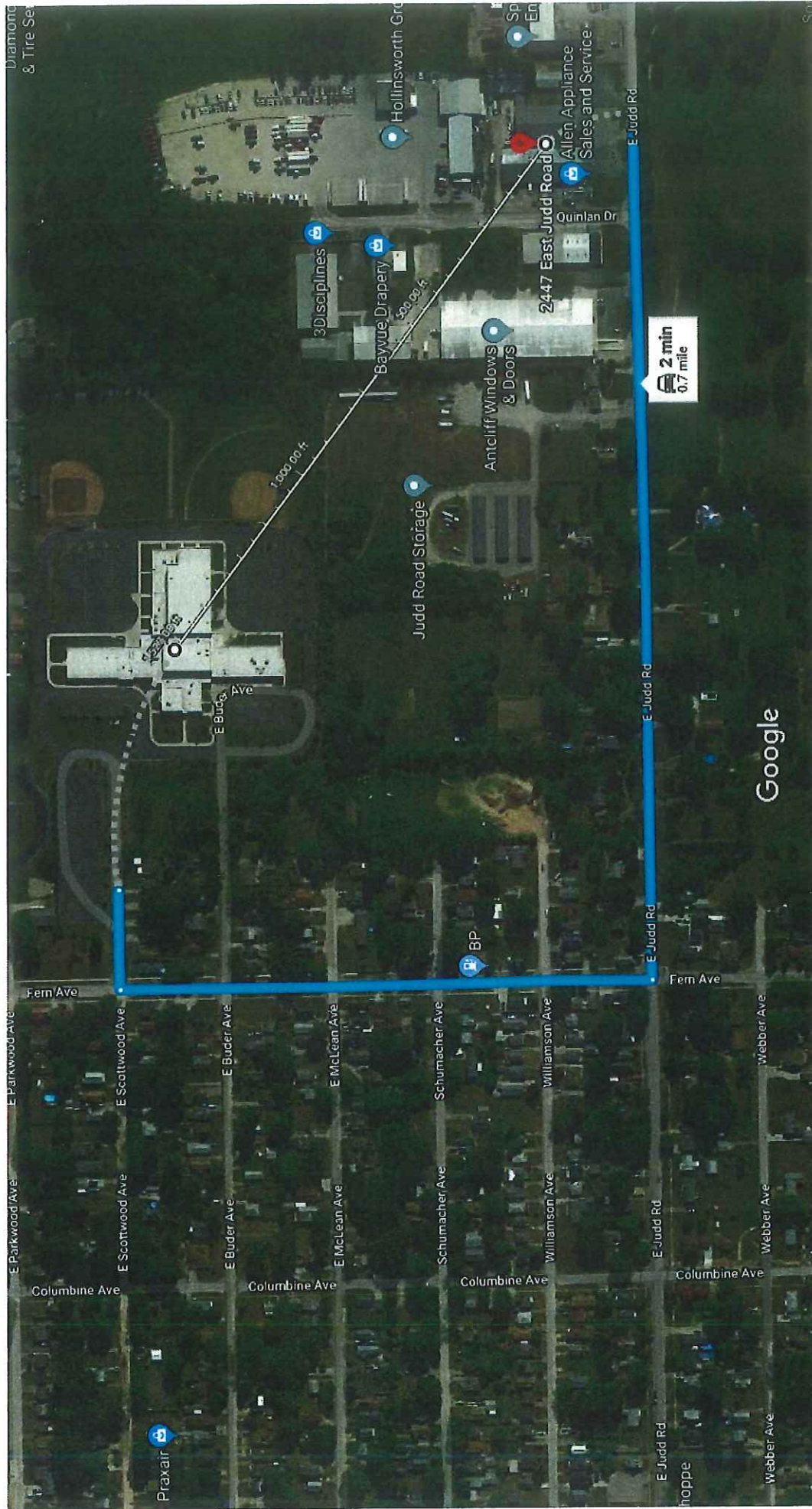


Attachment: Back up 19-14 (4461 : ZBA #19-14)



Bendle High School to 2447 E Judd Rd, Burton, MI 48529

Drive 0.7 mile, 2 min



Imagery ©2018 DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2018 Google 200 ft



via Fern Ave and E Judd Rd

Fastest route

2 min

0.7 mile



Imagery ©2018 DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2018 Google 100 ft



via M-54 S and E Judd Rd

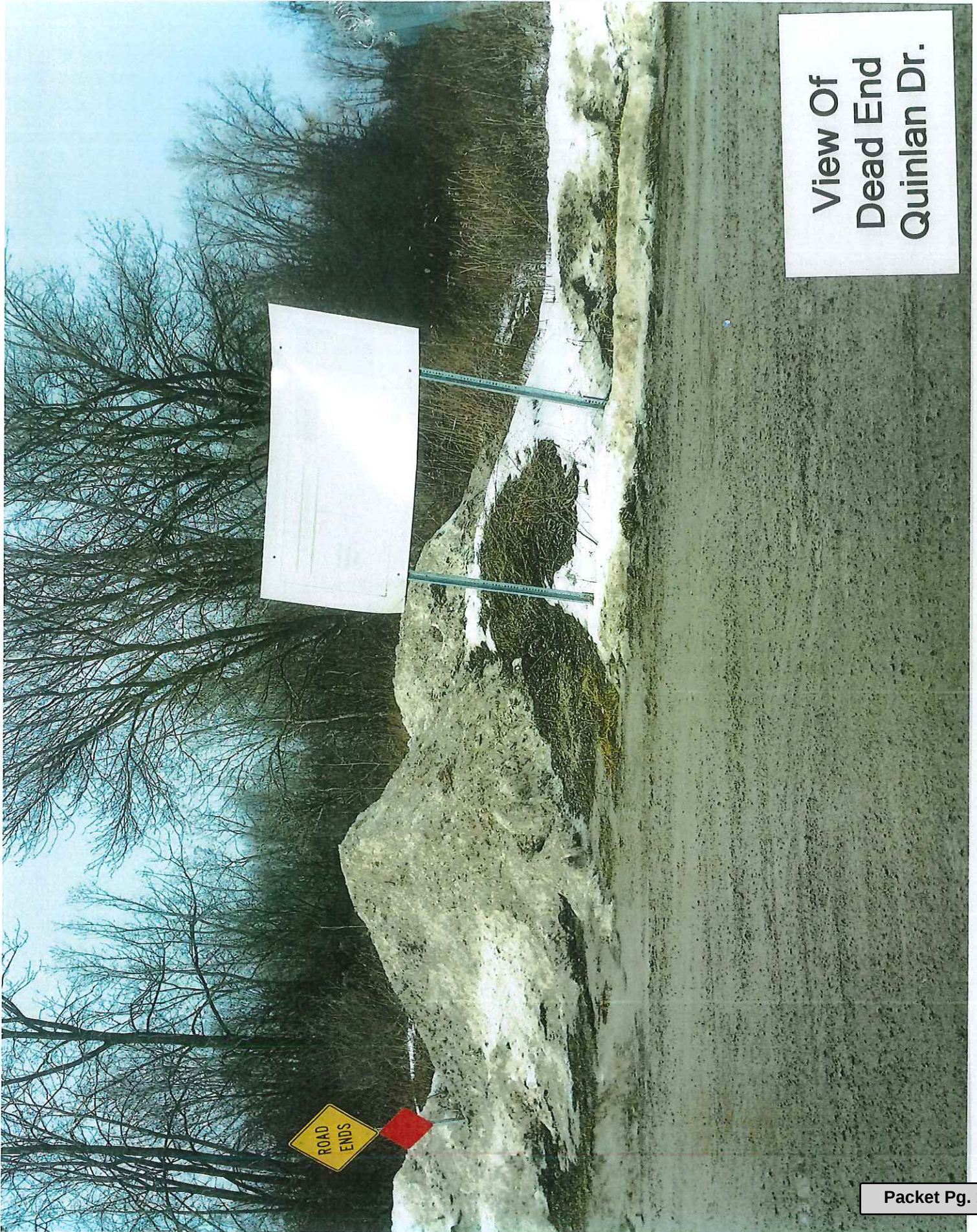
Fastest route

1 min

0.2 mile

View of
South Bendle
Elementary with
Southmoor Golf Behind





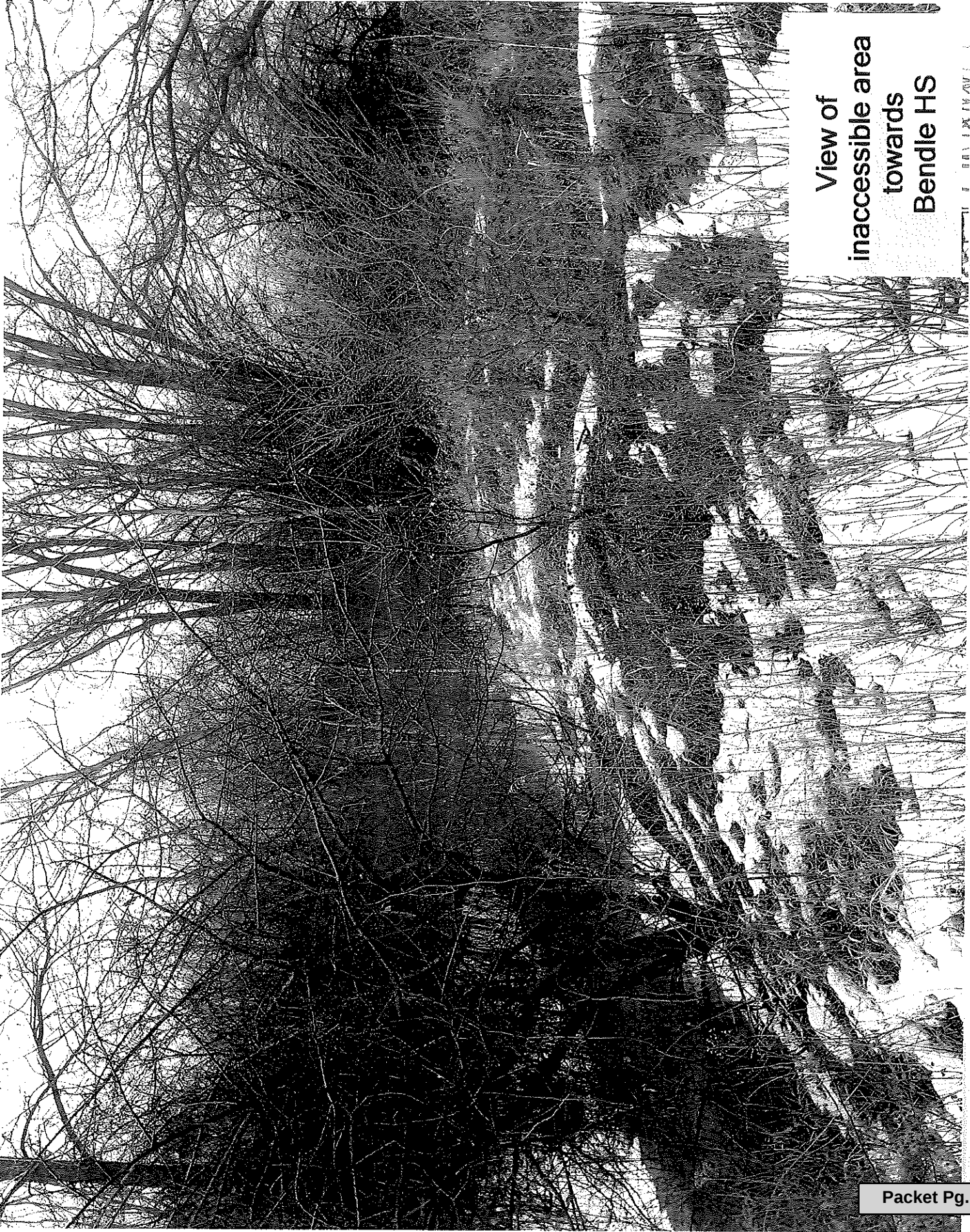
View Of
Dead End
Quinlan Dr.

Attachment: Back up 19-14 (4461 : ZBA #19-14)



View of
inaccessible area
towards
Bendle HS

Attachment: Back up 19-14 (4461 : ZBA #19-14)



View of
inaccessible area
towards
Bendle HS

Attachment: Back up 19-14 (4461 : ZBA #19-14)



View of
inaccessible area
towards
Bendle HS

View of
South Bendle
Elementary with
Southmoor Golf Behind



Attachment: Back up 19-14 (4461 : ZBA #19-14)

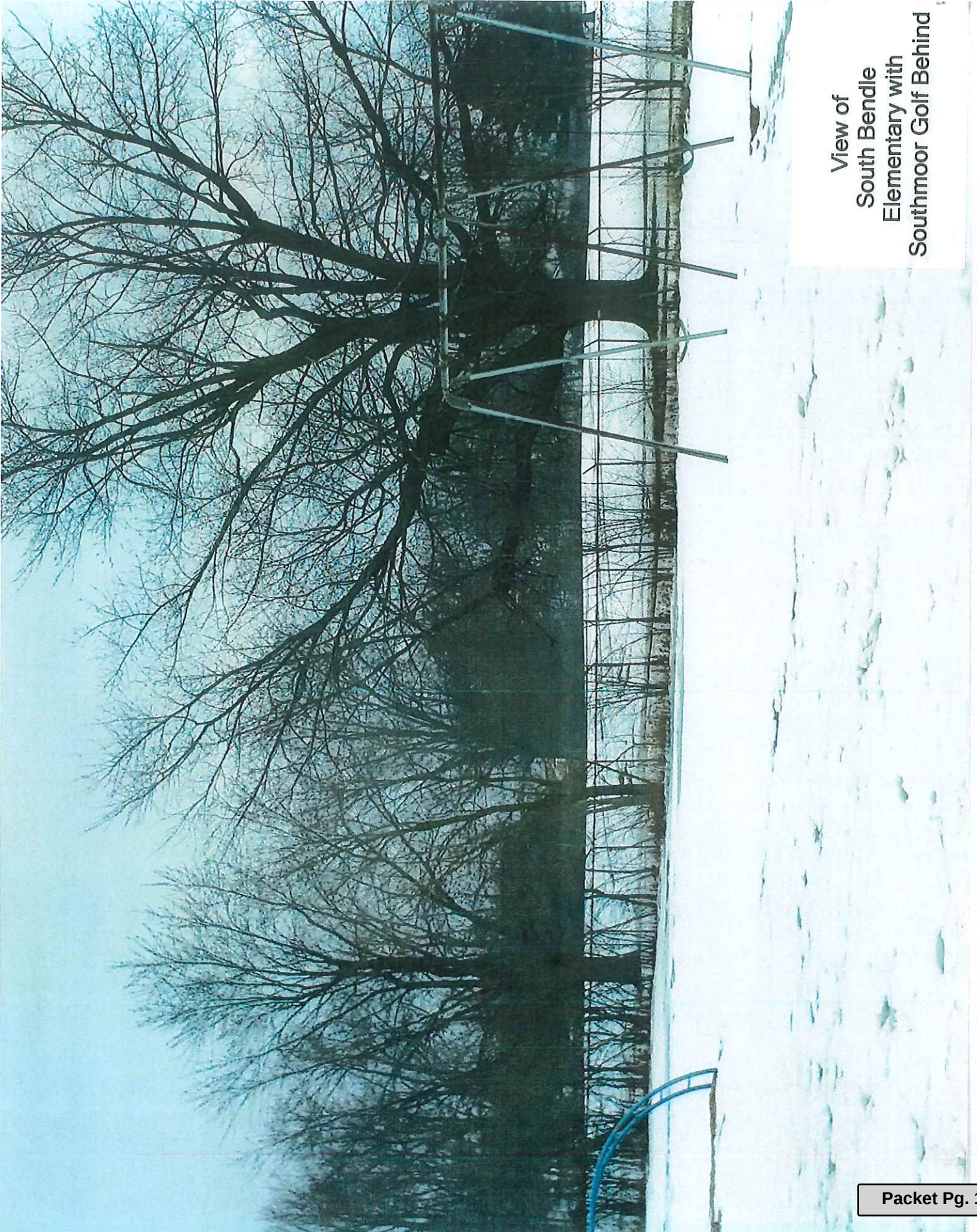
View of
South Bendle
Elementary with
Southmoor Golf Behind



Attachment: Back up 19-14 (4461 : ZBA #19-14)



View of
South Bendle
Elementary with
Southmoor Golf Behind



View of
South Bendle
Elementary with
Southmoor Golf Behind

Attachment: Back up 19-14 (4461 : ZBA #19-14)



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

Date Filed: _____
 Fee Paid: _____
 Receipt #: _____
 Check #: _____
 Received by: _____
 Date Mailed: _____

ZBA Case #: _____ Votes Required _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: July 18, 2019 AT 5:00 P.M.

APPLICANTS NAME: Allen Automotive LLC

APPLICANTS ADDRESS: 2447 E. Judd Road

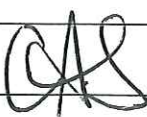
CITY: Burton, MI 48529

APPLICANTS PHONE: 810-813-7897

ADDRESS AND PARCEL OR LOT NUMBER: 2447 E. Judd Road, 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: Applicant requests an interpretation of the Zoning ordinance.
Please see Exhibit 1 for a detailed explanantion.

APPLICANTS SIGNATURE:  6-5-14

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

Also see Exhibit 1

Attachment: Back up 19-14 (4461 : ZBA #19-14)



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

Date Filed: 6-20-19
 Fee Paid: 450.00
 Receipt #: Cash
 Check #: AA
 Received by: AA
 Date Mailed: _____

ZBA Case #: 19-15 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: July 18, 2019 AT 5:00 P.M.

APPLICANTS NAME: Dodis Dell

APPLICANTS ADDRESS: 4243 Keene Drive

CITY: Burton M.

APPLICANTS PHONE: 510 744 4498

ADDRESS AND PARCEL OR LOT NUMBER: 4243 Keene Dr.

59-34-551-045 R-1B zone.

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: FOR TREE Small Dogs -
to keep Four (4) Dogs in a residential
zone, M-1 special use zone required

APPLICANTS SIGNATURE: [Signature]

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

Attachment: Back up 19-15 (4462 : ZBA #19-15)

BURTON



Attachment: Back up 19-15 (4462 : ZBA #19-15)