



CITY OF BURTON

ZONING BOARD OF APPEALS

JUNE 17, 2021

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. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 20, 2021 5:00 PM

E. VARIANCE

1. ZBA #21-12
By: Nora Petriches
1430 Amy St. Burton MI

Re: 1430 Amy St. Burton MI

For: 1. To construct a detached accessory structure (Gazebo) that will exceed the allowed accessory structures, two existing already. 2. To exceed the buildable square footage by 216 square foot.
2. ZBA #21-13
By: Sukhi Narwal / MPL Holdings LLC
48495 Central Park Dr. Canton MI 48188

Re: 3408 S. Dort Hwy Burton MI 48529
59-29-400-017, Zoned C-2

For: 1. To conduct a M-1 light industrial use in a C-2 general business zone for a truck terminal. 2. To convert the existing accessory structure into the principle structure for office use, the structure does not meet setback requirements.

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, July 15, 2021, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

MAY 20, 2021

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:23 PM.

A. MEETING INFORMATION

Zoning Board of Appeals
Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m5f99559135e98cf7529e2544e627ddc0>

Thursday, May 20, 2021 5:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 182 380 1688

Password: Zone123 (9663123 from phones and video systems)

Join by video system

Dial 1823801688@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 182 380 1688

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Board Members attending through the virtual forum must state their name and physical location for the record.

Mr. Hynes, City Hall

Mr. Rapacz, City Hall

Mr. Fuhst, City Hall

Mr. Welch, City Hall

Mr. Kautz, Indian River, MI

Mrs. Conley, City Hall

Mr. Burge, City Hall

me	Title	Status	
	Planning Representative	Present	
	Alt. Commissioner	Remote	
ey	Council Representative	Present	
	Commissioner	Present	
	Commissioner	Present	
ard-Terry	Vice Chairperson	Excused	
	Chairman	Present	
ky	Alt. Commissioner	Excused	

Commissioner

Present

D. STAFF PRESENT

Amber Abbey, Deputy DPW Director
Lindsey Bice, Clerk's Office

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Apr 15, 2021 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tim Rapacz, Commissioner
SECONDER:	Rick Fuhst, Commissioner
AYES:	Burge, Kautz, Conley, Hynes, Rapacz, Welch, Fuhst
EXCUSED:	Ward-Terry, Richvalsky

F. VARIANCE

1. ZBA #21-11

By: Randy Reil
2271 Eugene St Burton MI 48519

Re: 2271 Eugene St. Burton MI 48519
Parcel ID 59-24-576-080

For: To exceed 5 cords of wood for personal use, requesting 30 cords.
Randy Reil at 2271 Eugene Street, Burton stated I am trying to figure out how much wood I am allowed to keep. I put in a 2020 EPA compliant stove and it must have dry firewood. I need to understand the city's definition of a full cord of wood and a face cord of wood. I need these determinations before I can tell you the volume of wood I will need in my yard.

Mrs. Abbey stated on your complaint, it stated exactly what we allow. A face cord of wood, not to exceed 4ft high, 8ft long and 18in wide. That is what our ordinance allows.

Mr. Reil discussed the time frame it takes to dry the wood he needs to burn in his stove.

Mr. Welch read into the record letters submitted for public comment against this variance from Nancy and Raymond Lindsay at 2322 Eugene Street, Jim and Juanita Vanitvelt at 6482 Milano St, Grace Stiess at 2248 Stonehedge Ct., Elaine Kinelrich 6485 Milano St., Mark Chisnel 2286 Eugene St., Chris Palm at 2293 Eugene St., Jay Miller 6495 Milamo St., and Roberta and Keith Seymour at 6455 Milano St.

Mrs. Abbey stated this stems from a code enforcement violation. He came in to apply for the variance within the ten days of the violation. I have concerns regarding the height of the wood as it is stacked today, as well as it being located in the front yard. There are also stacks of pallets that are not mentioned here. It does not look good. If this is allowed, there needs to be some strong restrictions regarding the location and height. The amount of wood was the only request made here.

Mr. Kautz stated with the wood being dropped off by truck, how is it being dried on

Minutes Acceptance: Minutes of May 20, 2021 5:00 PM (Approval of Minutes)

location?

Mr. Reil stated I requested the wood be dropped off by Chip Drop. I went to work and they had dropped seven loads of logs in my front yard. That is where this mess came from. I started processing it immediately to try to get it cleaned up. The wood I already have stacked is at 5ft, and I am trying to get that down to 4ft stacks. The pallets are to put the cut wood on so they get air flow underneath. I have longer logs that I was planning to take to make boards out of. By the end of July, all the logs will be cut and stacked. There are no more trucks coming. I normally pick up smaller quantities of free wood myself around the neighborhood and process it before I get anymore.

Mr. Burge stated he has spoken with friends that use between five to seven cord of wood to heat their home in the winter time and it is aged for one year. Mr. Reil's process would require him to run his chainsaw quite a bit. This would be bothersome to the neighbors.

Discussion ensued regarding the applicant's process of cutting wood, his current situation of wood on his property, how long it takes the applicant to dry wood before he can burn it and the amount of wood it would take to keep his system going.

Mr. Reil stated what he has cut and stacked in his yard right now is what he will need to make it through this winter. To make sure the wood is dry enough to burn, you have to stay two years ahead.

Mr. Welch stated you would need 28 face cords to make your system work.

Mr. Rapacz asked where the applicant was planning on planing the big logs down to boards, on-site or take them elsewhere.

Mr. Reil stated he will haul it to Chesaning.

Mr. Welch stated I am assuming you read Ordinance 157-063, correct?

Mr. Reil stated I read it but did not understand all of it.

Mr. Welch asked, you did not understand that there are no lumber piles or crates allowed in your front yard?

Mr. Reil stated the question I have is with my front yard or side yard. Because I am on a corner lot, $\frac{3}{4}$ of my yard is my front yard. I had spoken with the Code Enforcer previously and was told if it was to the left of my driveway, it was considered my side yard. I have abided by what he told me.

Mr. Welch clarified that it has to be behind the front of his house.

Mrs. Abbey stated you have two front yards. Everything in front of your house on both Eugene and Milano, are considered front yards.

Mr. Kautz stated I am looking at a sketch provided by the applicant. It appears to me to be some sort of lumber mill processing facility to ultimately cut, split and sell wood in some form. He mentioned planing wood and transporting it to Chesaning. I am looking at this and baffled as to what you are doing.

Mr. Reil stated I have been heating with a wood stove since I was a kid. Using wood

that is not dry, is not very efficient. That is why I waited and purchased the stove that I bought. The wood has to be not less than 20% dry.

Mr. Kautz stated the wood is sitting outside in the weather, how can it get dry without a drying facility?

Mr. Reil stated it dries with the sun and the wind getting to it.

Mr. Welch stated what we are discussing is a variance whether to allow you to have 30 face cords of wood as opposed to five.

Discussion ensued regarding the type of furnace, buying wood from companies, how the wood is stacked, and the drying process.

Mr. Hynes stated we have to represent the community. Why do you think your neighbors would write such strong letters but you stated they never came to speak with you.

Mr. Reil stated no one has said anything to me.

Mr. Burge asked, how many face cords of wood do you have ready to go for this winter?

Mr. Reil stated there are thirteen face cords for this winter.

Mr. Burge suggested the applicant could start his three year process with the thirteen face cords of wood he currently has.

Mr. Welch stated there is an ordinance. Regardless of what happens tonight, you still have to push all the lumber back, move all the crate piles and obey the ordinance. We are here tonight to address allowing him 30 face cords instead of five.

Discussion ensued regarding taking wood to Chesaning to get milled, how much wood the applicant will need, possible restrictions to address with a motion.

Mr. Kautz stated I do not see how putting any restrictions on this will improve the situation. He is in violation of the ordinance now. I would like to make a motion to approve ZBA Case #21-11.

Mr. Hynes stated I liked his calculation at thirteen. I was going to add we could make the operation from 9am-5pm but he is not retired. I would like to find a happy medium.

Mr. Rapacz agreed.

Mr. Burge asked if the system could work on thirteen face cords of wood.

Mr. Reil stated I cannot make the wood dry any faster than it dries.

Mr. Burge stated we are trying to come to a compromise. It's not going to be 30.

Discussion ensued on possible alternatives.

Mr. Welch asked if it is a problem to enforce checking on the amount of face cords kept on his property at all times.

Mrs. Abbey said, yes. If you give him an amount, the code enforcement officer will try to drive by there to keep an eye on it when he can. Hopefully, the neighbors will help with this.

Mr. Hynes suggested the applicant be allowed half of his request on his property and have to find a secondary location to keep the other half, as well as process it.

Mr. Kautz withdrew his motion and Mr. Rapacz supported the withdrawal.

Mr. Fuhst asked if the applicant would be able to build another structure on his property to store the wood in.

Mrs. Abbey said, yes. The Ordinance is for outside storage of wood.

Discussion ensued regarding building another structure to store wood.

Mr. Hynes motioned to allow 15 face cords of wood, as stated according to our City Ordinance. Any additional face cords or processing must be done off premises.

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

G. AUDIENCE PARTICIPATION

Public comment may be sent to publiccomment@burtonmi.gov. Comments received prior to the meeting will be read into the record.

No audience participation.

H. BOARD DISCUSSION

Mr. Burge stated the Memorial Day festivities are well on their way. It will be an all day affair at City Hall.

The next regularly scheduled meeting will be held on Thursday, June 17, 2021, at 5:00 p.m.



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5113)

Meeting: 06/17/21 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

E.1

DOC ID: 5113

ZBA #21-12

By: Nora Petriches
1430 Amy St. Burton MI

Re: 1430 Amy St. Burton MI

For: 1. To construct a detached accessory structure (Gazebo) that will exceed the allowed accessory structures, two existing already. 2. To exceed the buildable square footage by 216 square foot.

ATTACHMENTS:

- BackUp 21-12 (PDF)



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

Date Filed: 4-30-2021
Fee Paid: 250
Receipt #: _____
Check #: 4576
Received by: J. Wayne
Date Mailed: _____

E.1.a

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 21-12 4 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: JUNE 17TH AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: NORA PETRICHES

APPLICANTS ADDRESS: 1430 Amy ST

CITY: BURTON MI

APPLICANTS PHONE: 810 962 2146

APPLICANTS EMAIL: NORAPETRI@COMCAST.NET

ADDRESS AND PARCEL OR LOT NUMBER: 1430 Amy ST

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 BUILD A 18 x 12 GAZEBO
ON EXISTING PATIO

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: NORA PETRI

Attachment: BackUp 21-12 (5113 : ZBA #21-12)

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.

ALREADY HAVE 2 ACCESSORY STRUCTURES
+ WOULD LIKE TO BUILD A THIRD
TO PROVIDE A SHED AREA FOR
SEATING

OWNER ACKNOWLEDGMENT:

I, NORA PETRICHES am the owner of property
known as: 1430 Amy ST located in the City of Burton. I give permission
to _____ 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: _____

Address: _____

City: _____

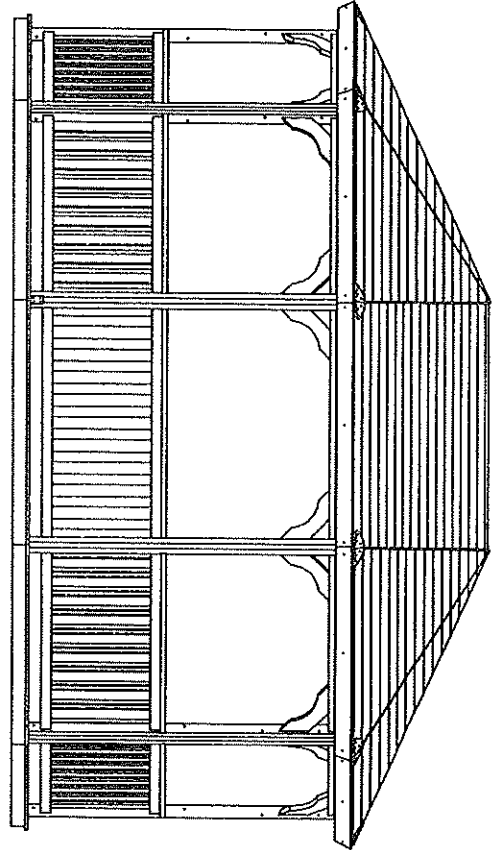
Phone: _____

Email: _____

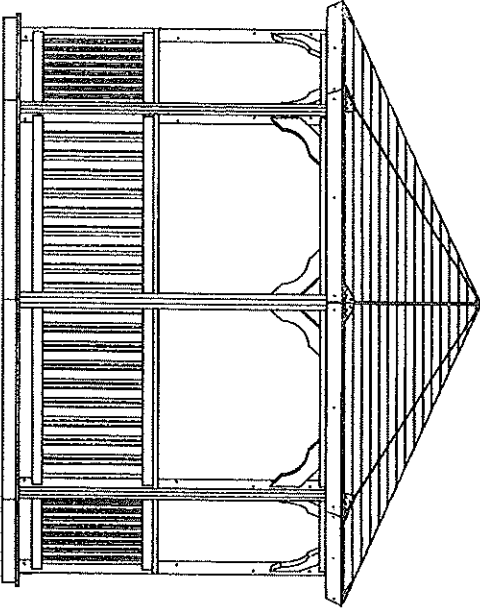
SIGNATURE: Nora Petriches

DATE: 4-30-21

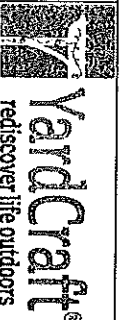
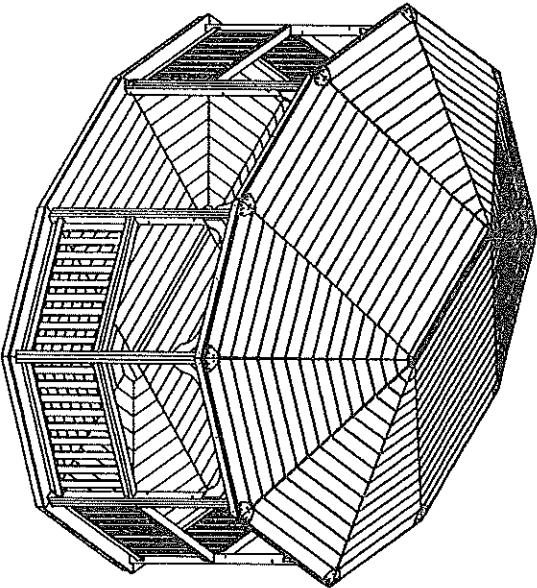
Attachment: BackUp 21-12 (5113 : ZBA #21-12)



Front Elevation



Side Elevation



191 JALYN DRIVE NEW HOLLAND, PA 17357
PH: 1-866-210-9273

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CONTRACTOR:
YardCraft

DRAWING TITLE:
Elevation

PROJECT:
12x18 Oval Cedar
Gazebo

COMMENTS:

REVISIONS:	DATE:	BY:

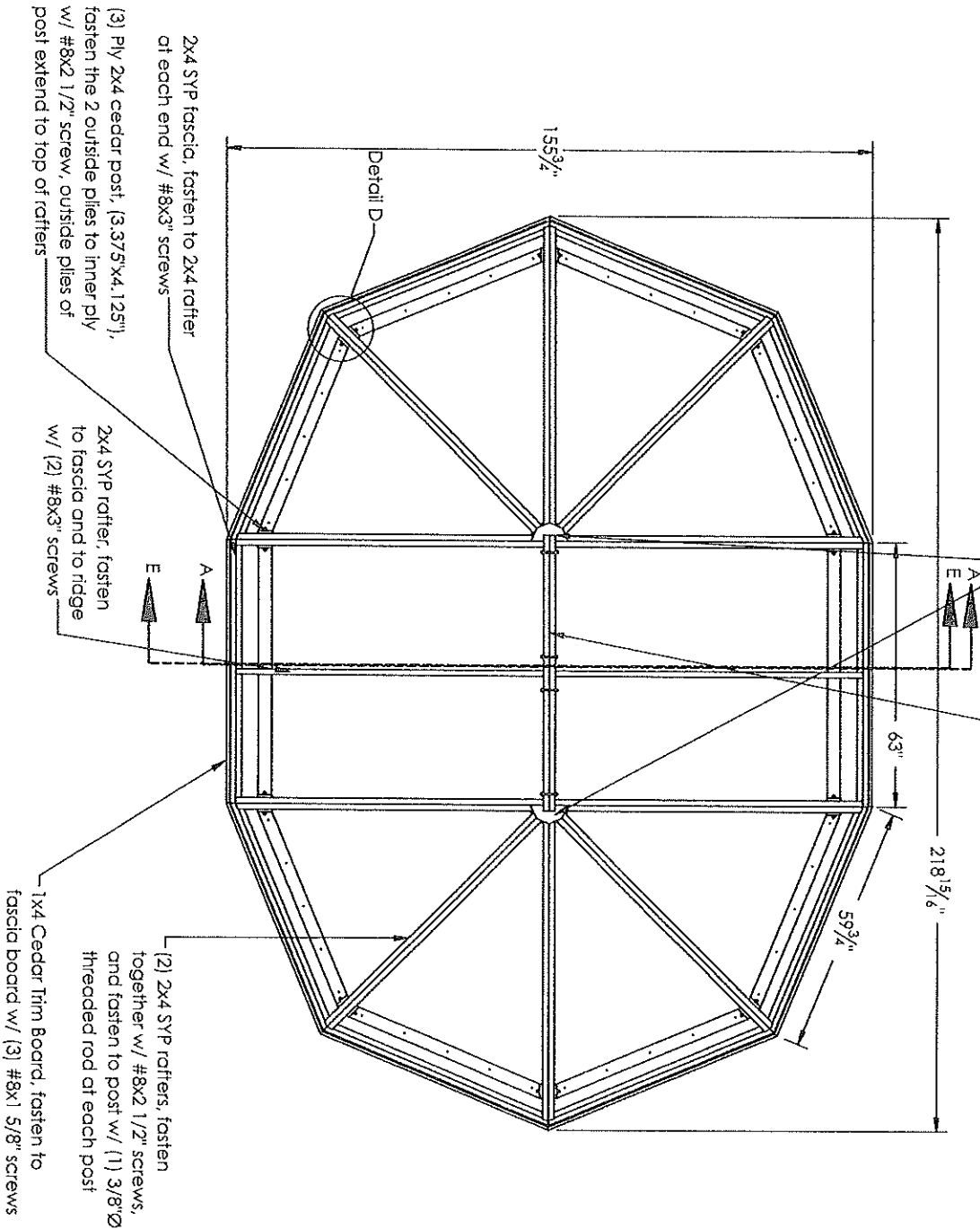
DRAWING NUMBER: 17-294

DATE:	PAGE:
10/27/2017	1 of 6

BY:	SCALE:
JR.	1:48

(4) Ply 2x8 SYP compression ring, 2nd ply fasten to 1st ply w/ #8x2 1/2" screws, 3rd ply to 2nd ply w/ #8x3" screws, 4th ply to 3rd ply w/ #8x3" screws, and to each ply of rafter w/ (1) #8x3" screw from bottom

(2) 2x4 SYP Ridge, fasten together with (4) 3/8" Ø x 3 1/2" thru bolts



Roof Framing Plan



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PH: 1-866-210-9273

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CONTRACTOR:
YardCraft

DRAWING TITLE:
Roof Framing Plan

PROJECT:
12x18 Oval Cedar
Gazebo

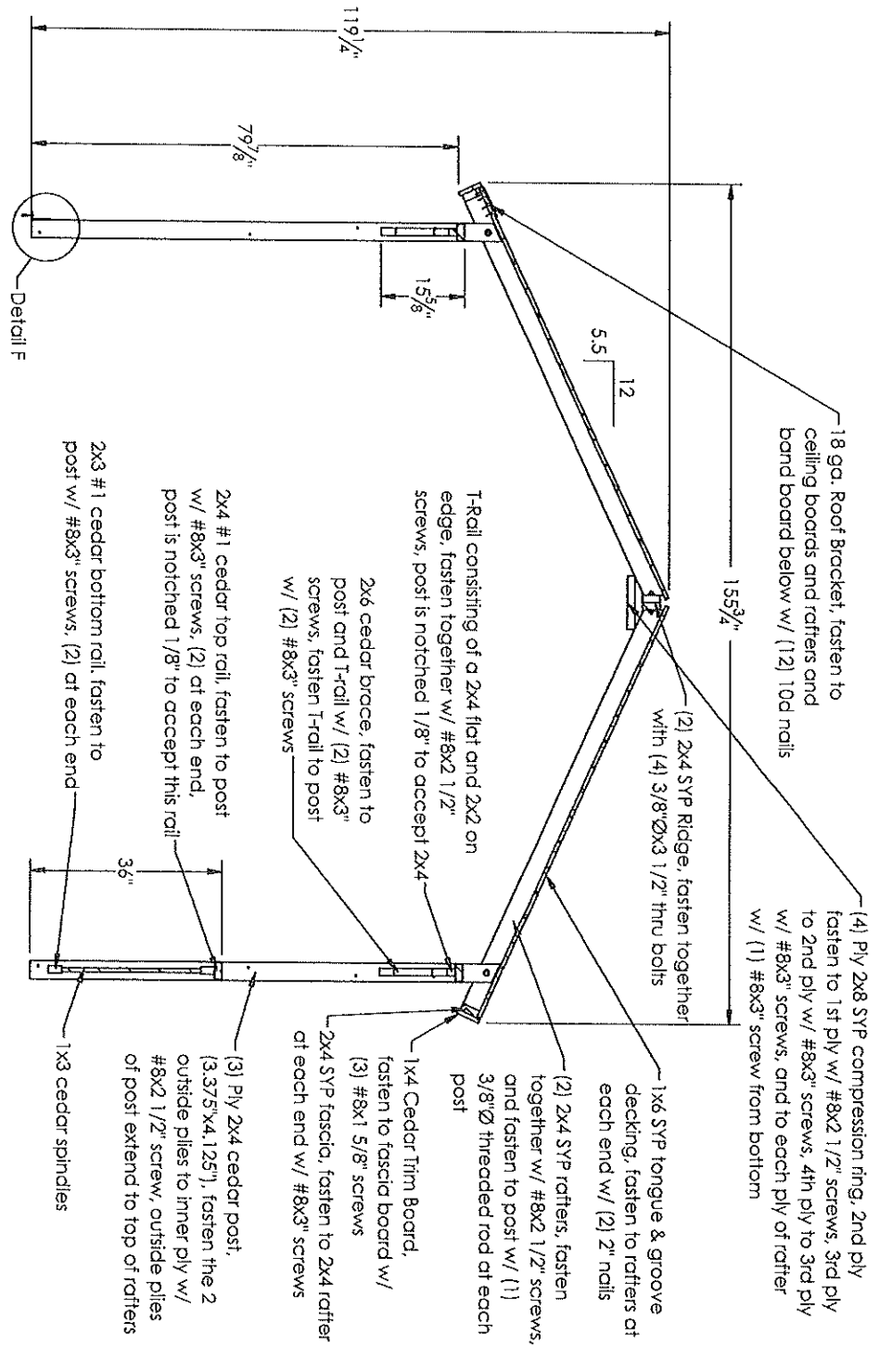
COMMENTS:

REVISIONS: DATE: BY:

DRAWING NUMBER: 17-294

DATE: 10/27/2017 PAGE: 3 of 6

BY: JR. SCALE: 1/40



CROSS SECTION E-E

Without Floor

Detail F

Without Floor



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CONTRACTOR:
YardCraft

DRAWING TITLE:
Cross Section Without Floor

PROJECT:
12x18 Oval Cedar Gazebo

COMMENTS:

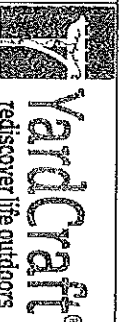
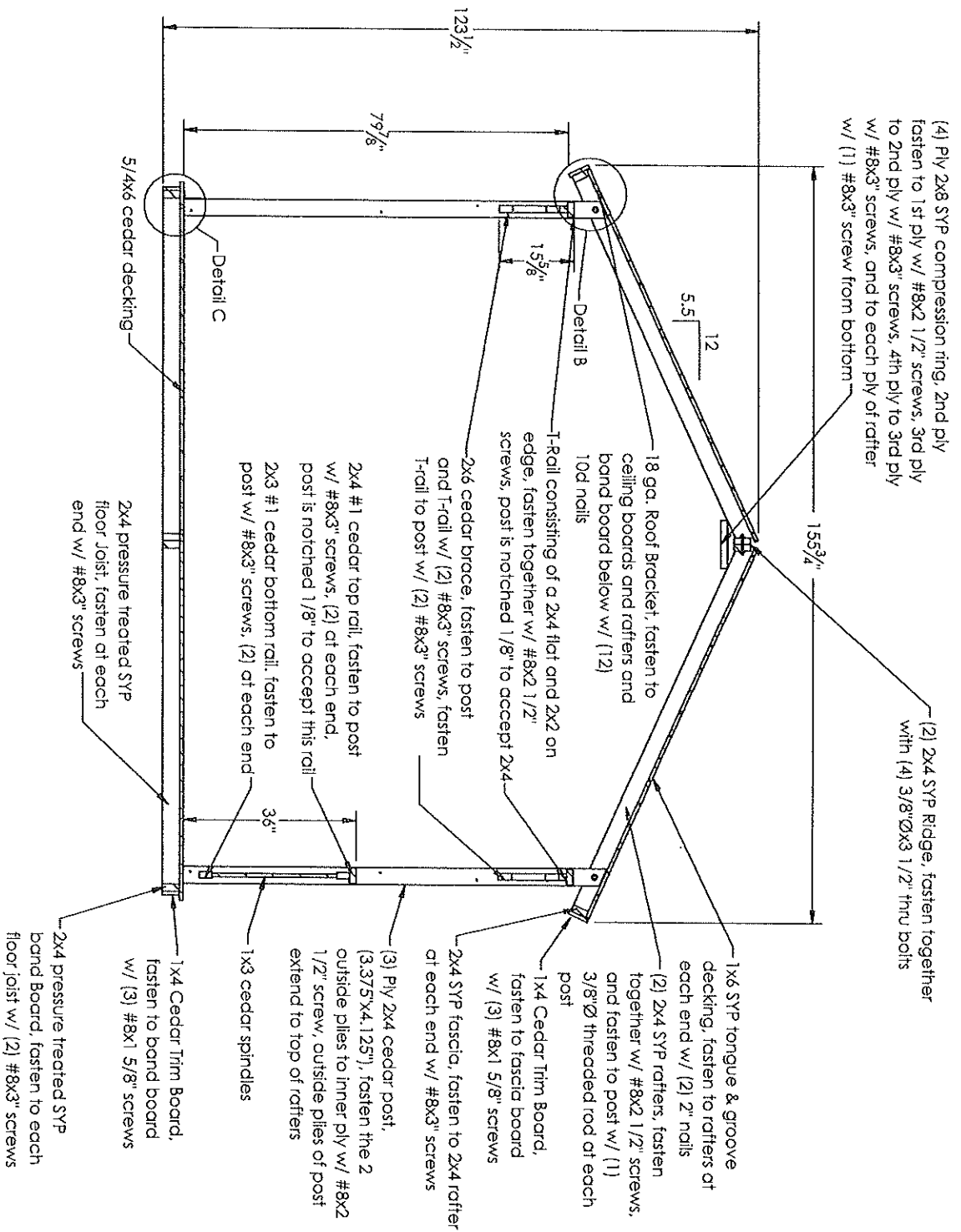
REVISIONS: DATE: BY:

DRAWING NUMBER: 17-294

DATE: 10/27/2017 PAGE: 6 of 6

BY: JR. SCALE: 1:32

CROSS SECTION A-A With Floor



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CONTRACTOR:
YardCraft

DRAWING TITLE:
Cross Section With Floor

PROJECT:
12x18 Oval Cedar
Gazebo

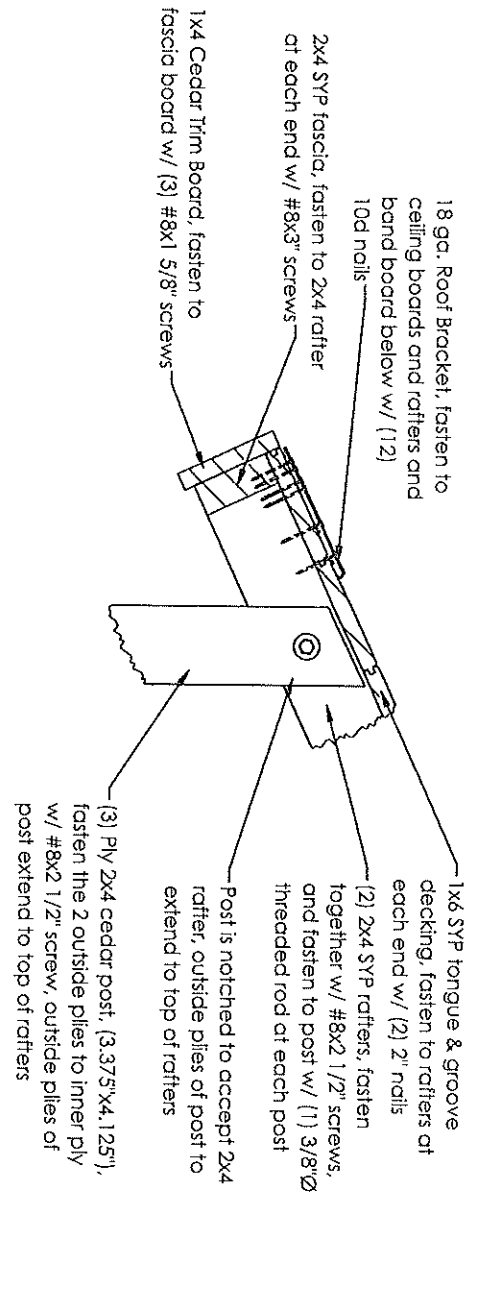
COMMENTS:

REVISIONS: DATE: BY:

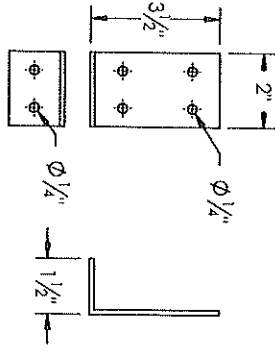
DRAWING NUMBER: 17-294

DATE: 10/27/2017 PAGE: 4 of 6

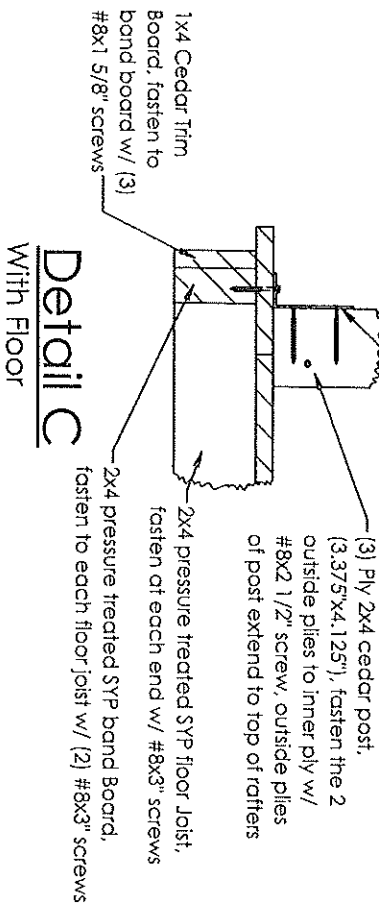
BY: JR. SCALE: 1:32



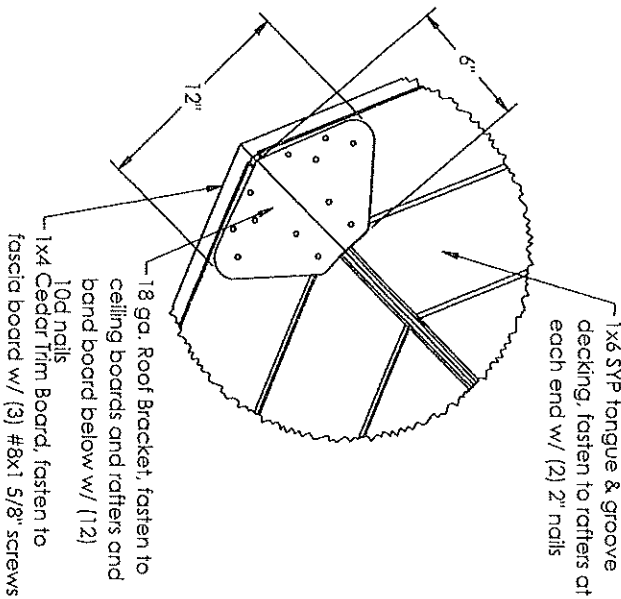
Detail B



Post Bracket Detail



Detail C
With Floor



Detail D



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PH: 1-866-210-9273

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CONTRACTOR:
YardCraft

DRAWING TITLE:
Detail Views

PROJECT:
12x18 Oval Cedar Gazebo

COMMENTS:

REVISIONS: DATE: BY:

DRAWING NUMBER: 17-294

DATE: 10/27/2017 PAGE: 5 of 6

BY: JR. SCALE: 1/32



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5114)

Meeting: 06/17/21 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

E.2

DOC ID: 5114

ZBA #21-13

By: Sukhi Narwal / MPL Holdings LLC
48495 Central Park Dr. Canton MI 48188

Re: 3408 S. Dort Hwy Burton MI 48529
59-29-400-017, Zoned C-2

For: 1. To conduct a M-1 light industrial use in a C-2 general business zone for a truck terminal. 2. To convert the existing accessory structure into the principle structure for office use, the structure does not meet setback requirements.

ATTACHMENTS:

- Backup 21-13 (PDF)



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

Date Filed: 5-21-2021
Fee Paid: 450
Receipt #: _____
Check #: 9067313001
Received by: Phane
Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 21-13 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: JUNE 17 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: SUKHI NARWAL / MPL HOLDINGS LLC

APPLICANTS ADDRESS: 48495 CENTRAL PARK DR.

CITY: CANTON MI 48108

APPLICANTS PHONE: 734-564-1469

APPLICANTS EMAIL: SUKHI@moonstarexpress.com

ADDRESS AND PARCEL OR LOT NUMBER: _____

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: Please see the attachment for description of requested change zoning ordinance classification from C-2, to M-1, existing accessory structure use

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: [Signature]

Attachment: Backup 21-13 (5114 : ZBA #21-13)

OWNER ACKNOWLEDGMENT:

I, Isla Investment Services am the owner of property
known as: 3408 S. Port Hwy located in the City of Burton. I give permission
to MPL Holding LLC 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: Isla Investment Services
Address: PO Box 484
City: Flint MI 48501
Phone: 810 852-7984
Email: rehesennw@acas-B.com

SIGNATURE: 

DATE: 5/21/2021

Attachment: Backup 21-13 (5114 : ZBA #21-13)

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.

Please see attachment for description of
hardship

Attachment: Backup 21-13 (5114 : ZBA #21-13)

5-24-2021
Told Sukhi
On the phone I
NEED CLARIFICATION
ON REQUEST.
VARIANCE FOR
USE OR ZONE
CHANGE. Told Him
I NEED IT BY NOON
Today.

To convert the
existing accessory
structure into
the principle structure
for office use,
the structure does
not meet setback
requirements.
Answer confirmed
5-24-21

The subject property is unique in itself being the only property greater than 2 acres zoned commercial (C-2) within the immediate business district surrounding other parcels zoned M-1 AND M-2., and with an abutting the rear property line zoned M1, which is the zoning we are seeking. Changing the zoning to Light Industrial would not change the essential character of locality or create a nuisance on the neighboring community. The property currently does not have a principle structure and with a current structure deemed an accessory structure. This Variance request has a subject pending sale. Approval of the request, will allow the new owners to bring more than 30 labor and office jobs to community and also create a substantial impact on the surrounding businesses.

The Proposed site would consist of a Trucking Terminal that will include Offices, Truck Wash, truck Repairs, garage, Body Shop, warehouses, offices, cross docking, Truck and Trailer Parking.

Leandra A. Swayne

From: Sukhi <sukhi@moonstarexpress.com>
Sent: Monday, May 24, 2021 11:48 AM
To: Leandra A. Swayne
Subject: 3408 S Dort HWY Burton, MI

Thank you for taking the time to speak with me regarding my variance application 21-3 on the condition zoning and building use.

In response to your inquiry, we wish to apply for zoning for M1 USE while conducting business at 3408 S Dort HWY Burton, MI. We do not want to rezone only M1 zoning that would permit us to conduct business.

Regards

Sukhi Narwal

President

Moon Star Express
7277 Rawsonville Rd
Belleville, MI 48111
734-485-1100 Office

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Attachment: Backup 21-13 (5114 : ZBA #21-13)