



CITY OF BURTON

ZONING BOARD OF APPEALS

MARCH 19, 2015

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 - Feb 19, 2015 5:00 PM

E. VARIANCE

1. ZBA #15-04

By: Lon & Victoria Neoville / Debi Watkins
4199 Davison Rd.
Burton, MI 48509

Re: 2115 Covert Rd. Burton, MI 48509
59-03-300-079 / R-1B Zone

For: 1. To conduct a C-3, Highway Oriented Business in an R-1B, Single Family Residential zone for a used car sales lot. 2. To conduct used car sales not in conjunction with new car sales. 3. To conduct used car sales without a permanent commercial building on the same lot.

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 five (5) minutes and to speak on the topics germane to City business.

G. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Tuesday, April 16, 2015, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

FEBRUARY 19, 2015

Council Chambers

Regular Meeting

5:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

This meeting was opened by Commissioner Steve Welch at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Present	
Robert Walls	Planning Chairman	Present	
Terry Parker	Commissioner	Present	
Tracy Parker	Commissioner	Present	
Scott Hynes	Commissioner	Present	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Alternate Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Deputy Planning Official
Rik Hayman, Chief of Staff

Rachel Frost, Substitute Deputy Planning
Teresa Karsney, Clerk

D. APPROVAL OF MINUTES

- Zoning Board of Appeals - Regular Meeting - Jan 15, 2015 5:00 PM

RESULT:	ACCEPTED [7 TO 0]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
RECUSED:	Parker

E. VARIANCE

- ZBA #15-03

By: Linda M. Vock
2251 Dudley Ave.
Burton, MI 48529

Re: 2251 Dudley Ave. Burton, MI 48529
59-32-552-185, R1-C Zone

For: To conduct an in-home sewing and alterations business.

Ms. Vock was here for the ZBA to answer questions. She stated that she is not putting out a sign and would only have one customer at a time. She has a large driveway so it should not be an issue.

Mr. Welch read aloud a letter received from the neighbor dated 2/14/15. "I'm writing in regards to the ZBA Case #15-03, Linda M. Vock requesting that she be able to run an in home sewing and alteration business. I live across the street from the applicant at 2246 Dudley. I have no objections for her to run the sewing business from her home. Sincerely Janelle Karsten."

Mrs. Abbey said that the Administration is recommending approval.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Tim Rapacz, Alternate Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
EXCUSED:	Parker

F. AUDIENCE PARTICIPATION

Mr. Jubar, Business Manager from Holy Redeemer Catholic Church is here to ask the Zoning Board of Appeals to reconsider their decision of the denial of a variance to allow Holy Redeemer to have the annual parish festival in May 2015. At the last meeting for the board there was considerable discussion of the trouble in 2012 festival, but in 2013 and 2014 the festival had no significant trouble. Holy Redeemer has partnered with the Burton City Police Department to insure the festival is safe. I have already received a proposal from the Burton Police Department for the suggested coverage at the festival. Last year we used off duty Burton Police Officers, one on duty officer and D.M. Burr private security. He has spoke with Lieutenant Warden and worked out a plan. He also wanted to remind the board that the neighbors who spoke out against the festival, also suggest giving Holy Redeemer only the 2015 variance and deny the request for the remaining four years. They suggested to the Board if there is no significant trouble with the 2015 festival to grant the remaining four years in 2016. He stated there was discussion concerning the negative impact that may be created by the beer tent. We have already decided if we receive the variance, we will not have a beer tent this year. I am sure the Back to Bricks and the Crim Festival causes significant inconveniences for those who live along the route that these events take. However the good that these events create far out weighs any inconveniences to those who are neighbors to these events, our festival also creates inconveniences for the neighbors, but I firmly believe the good the festival creates far out weighs those inconveniences. He handed out to the board a list of what Holy Redeemer does with money from the festival. The Parish festival is our one major fund raisers for the year. It helps pay our bills and at the same time it provides entertainment to the Burton Community.

Lisa Williams of Burton stated that she is for a permit for one year. Yes there are inconveniences and she can deal with the noise and traffic for a long weekend. What bothers her are the break ins and other crime in the neighborhood. All she is asking is that we have Holy Redeemer pay for an extra patrol car to be in the neighborhood throughout the nights and over the weekend.

Deb Walton of Burton said that the people who are here from Holy Redeemer don't live in Burton, when they go home we still live there. She is asking for a permit for only one year. This does hurt our way of living, we are the taxpayers. She is glad they are not going to have a beer tent. She is asking for an extra police officer in the neighborhood at the expense of Holy Redeemer and that you set rules and time when the festival can be open.

Minutes Acceptance: Minutes of Feb 19, 2015 5:00 PM (Approval of Minutes)

Father Steve Anderson of Grand Blanc stated he is the pastor at Holy Redeemer Catholic Church. It is true that a lot of the church members don't live in Burton. Holy Redeemer brings in millions of dollars from people coming in from other communities to invest in Burton. He spoke on the relationship of the neighbors with the church. He said they can call him any time if there is problem with the church. Holy Redeemer has partnered with the schools in the area. What Holy Redeemer does it make a positive impact to the City. If there is something you didn't want us to do at the festival, the church would not want to do it either. He was surprised that it was turned down for the one year because even the people who were against the event, still said it should be approved for one year. If something happened at the festival he wouldn't allow it to continue, he would discontinue the festival. He said that Deb Walton has a positive relationship with Mike Murray, the attorney, for the Church. He said the church is a positive presence in Burton and he hopes we can reconsider this matter.

G. BOARD DISCUSSION

Mr. Rapacz stated he is one of people who voted no on the variance last month and wanted to explain his thought process. He has no problem with the festival, he had a problem with 4 or 5 year permits without any restrictions. He said if something happened in the middle of that 4 or 5 year permit you can't do anything about it. He doesn't have a problem with the times of the festival or if they should have a beer tent. He felt it should be up to this committee to decide on your security, the church should make sure the festival and the neighborhood is safe. He said if they only have a one year permit they will make sure the festival is safe because they have to come back again next year to renew the permit. He doesn't want the festival not to happen because they do a lot of good for the community.

Ms. Weatherford stated that she is the other member that voted no. She said we are here to listen to what everybody has to say. She said, what was said here about what went on in the neighborhood during the festival, she would not want that in her neighborhood. So that is why she voted no. She also does not agree with a 5 year variance, feels it should be 1 year at a time. She said as long as the neighborhood is looked after when the festival closes at night she would be for having the festival.

1. Motion to reconsider ZBA case #15-01, item #1 that was heard on January 15, 2015.

RESULT:	CARRIED [7 TO 0]
MOVER:	Tim Rapacz, Alternate Commissioner
SECONDER:	Scott Hynes, Commissioner
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
RECUSED:	Parker

2. Motion to allow the festival for 1 year, with no beer tent, the festival shut down by 9:00 p.m. on Thursday, midnight on Friday and Saturday, 9:00 p.m. on Sunday. The same amount of on duty and off duty Burton officers in the festival as last year with D.M. Burr security also. Holy Redeemer to contract with Burton Police Department to have a cruiser in the neighborhood for the weekend.

RESULT:	CARRIED [7 TO 0]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Duane Haskins, Council Representative
AYES:	Haskins, Walls, Parker, Hynes, Weatherford, Welch, Rapacz
EXCUSED:	Olsen
RECUSED:	Parker

The next regularly scheduled meeting will be held on Tuesday, March 19, 2015, at 5:00 p.m.



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 1397)

Meeting: 03/19/15 05:00 PM

Department: Department of Public Works

Category: Variance

Prepared By: Amber Abbey

Department Head: Greg Kray

E.1

DOC ID: 1397

ZBA #15-04

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