



CITY OF BURTON

ZONING BOARD OF APPEALS

MARCH 21, 2019

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. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Don Jones	Alt. Commissioner	Present	
Christina Conley	Council Representative	Excused	
Scott Hynes	Commissioner	Excused	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Present	
Michaeline Ward-Terry	Vice Chairperson	Present	
Steve Welch	Chairman	Present	
Donald Standel	Alt. Commissioner	Present	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Planning & Zoning
Marcy Kimball, Records Tech

D. APPOINTMENTS

1. Nomination for Chairperson

Motion to nominate Steve Welch for Chairperson of the Zoning Board of Appeals, term ending December 2020.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Deb Walton, Commissioner
SECONDER:	Michaeline Ward-Terry, Vice Chairperson
AYES:	Jones, Rapacz, Walton, Ward-Terry, Welch, Standel, Fuhst
EXCUSED:	Conley, Hynes

2. Nomination for Vice Chairperson

Motion to nominate Michaeline Ward-Terry for Vice Chairperson of the Zoning Board of Appeals, term ending December 2020.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Deb Walton, Commissioner
SECONDER:	Steve Welch, Chairman
AYES:	Jones, Rapacz, Walton, Ward-Terry, Welch, Standel, Fuhst
EXCUSED:	Conley, Hynes

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 21, 2019 5:00 PM

RESULT:	ACCEPTED [6 TO 0]
MOVER:	Deb Walton, Commissioner
SECONDER:	Donald Standel, Alt. Commissioner
AYES:	Jones, Rapacz, Walton, Welch, Standel, Fuhst
ABSTAIN:	Ward-Terry
EXCUSED:	Conley, Hynes

F. VARIANCE

1. ZBA #19-06

By: Gasso Development
20320 W. 8 Mile Rd.
Southfield, MI 48075

Re: 3009 S. Dort Hwy. Burton MI 48529
59-28-501-185, C-2 Zone

For: To expand an existing free standing sign that will exceed the allowable square footage, 208 sq ft requested, 155 sq ft allowed.

Motion to approve ZBA #19-06 as written.

Najah Gasso of Gasso Development said we have had this property since 2005. Since Rite-Aid left it has been difficult. We now have a very interested party that I believe will be good for the area. There is a national company grocery store/dollar store that is interested in this space. One of their conditions was that they would need a larger sign.

Mrs. Abbey stated with this property he has 310 foot of frontage on a state highway as well as frontage on Atherton Road. The frontage for his size of sign is only accounted for on Dort Hwy. When the sign ordinance went into effect, it includes every major commercial road speeds as only being around 45 MPH. In this area, the state highway has become 50 MPH. People are traveling faster so signage needs to be larger in some cases. The administration recommends approval.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Deb Walton, Commissioner
AYES:	Jones, Rapacz, Walton, Ward-Terry, Welch, Standel, Fuhst
EXCUSED:	Conley, Hynes

G. AUDIENCE PARTICIPATION**H. BOARD DISCUSSION**

The next regularly scheduled meeting will be held on Thursday, April 18, 2019, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

FEBRUARY 21, 2019

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
Don Jones	Alt. Commissioner	Present	
Christina Conley	Council Representative	Excused	
Scott Hynes	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Excused	
Michaeline Ward-Terry	Vice Chairperson	Excused	
Steve Welch	Chairman	Present	
Donald Standel	Alt. Commissioner	Present	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Planning & Zoning
Marcy Kimball, Records Tech

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Dec 20, 2018 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Rick Fuhst, Commissioner
AYES:	Jones, Hynes, Rapacz, Welch, Standel, Fuhst
EXCUSED:	Conley, Walton, Ward-Terry

E. VARIANCE

1. ZBA #19-01
 By: Michele Thornberry
 5369 Old Franklin Rd.
 Grand Blanc, MI 48439

 Re: 4187 E. Maple Ave. Grand Blanc, MI 48439
 59-34-300-032, SE Zone

Minutes Acceptance: Minutes of Feb 21, 2019 5:00 PM (Approval of Minutes)

For: To conduct a split of a property that will have 62' of road frontage, 100' required.

Michele Thornberry stated my grandfather bought this property in 1936. My father is part owner and is also living in the house. We would like to split the property into two parcels and we would like to build on the 600 feet of the back of the property.

Linda Martindale said I live next door to them and there is a shared driveway between their property and ours. I want to make sure this property will have their own driveway and that our shared driveway will no longer be utilized to access the back of the property. How much of the back property will they be building on?

Mrs. Thornberry said the driveway that she is questioning is on the west side of my father's house currently. She owns just a small portion of that driveway. However, the driveway that we want would be on the east side of the house, closer to 4209 Maple Avenue. This driveway would be approximately 500 sq. ft. and would go all the way to the back. We would like to build a 1,600 sq. ft. home in the back, by the tree line. The home would be 600 ft. from Maple Avenue.

Mrs. Abbey stated they could place the home anywhere on the property unless the board puts a stipulation on it. Legally she would just have a set back requirement of 50 feet with 20 feet on each side if she put the home closer to the road. In this situation, it would be difficult to put that size of a home within that amount of space. It would be a very skinny home if they put it up front, so chances are the home would be built in the back. The administration recommends approval.

Motion to conduct a split of a property that will have 62' of road frontage, 100' required.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Tim Rapacz, Commissioner
AYES:	Jones, Hynes, Rapacz, Welch, Standel, Fuhst
EXCUSED:	Conley, Walton, Ward-Terry

2. ZBA #19-02

By: Vash Investments Group
4040 E. Bristol Rd.
Burton, MI 48519

Re: 4040 E. Bristol Rd. Burton, MI 48519
59-34-100-004 and 59-34-100-005 (combined), C-2 Zone

For: 1. To conduct an M-1 Light Industrial Special Use in a C-2 General Business zone for a warehouse style self-storage facility. 2. To conduct a warehouse style self-storage facility on a parcel less than 5 acres in size.

Bill Clark stated I am one of the principal members of the corporation. About four months ago, we asked for a special usage permit to have an outside storage facility until we could get approved to build a self-storage warehouse facility. Our bank approved it and now we need your approval to be able to move forward on this project.

Mrs. Abbey asked Mr. Clark to remove their sign out of the right of way. She said the sign to the left of your driveway is blocking traffic. What they intend to have is a

warehouse style self-storage facility. The intent is for businesses to utilize these self-storage units. The buildings would be larger but there would not be as much traffic as a residential storage facility. This would be on Bristol Road near other self-storage facilities. It would still have to go through site plan review. The Planning Commission would still have to review the site and put any restrictions on him that they think are necessary. The administration recommends approval.

Motion to conduct an M-1 Light Industrial Special Use in a C-2 General Business Zone for a warehouse style self-storage facility. 2. To conduct a warehouse style self-storage facility on a parcel less than 5 acres in size.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Donald Standel, Alt. Commissioner
AYES:	Jones, Hynes, Rapacz, Welch, Standel, Fuhst
EXCUSED:	Conley, Walton, Ward-Terry

3. ZBA #19-03

By: Gold Rental Properties
5466 N. Genesee Rd.
Flint, MI 48506

Re: 3312 S. Center Rd. Burton, MI 48519
59-28-576-041, RO Zone

For: To conduct an RM-1 Multiple Family Residential use in an RO Restricted Office zone to allow 4 attached dwelling units.

Thomas Joubran, owner of Gold Rental Properties, said I am requesting to be allowed to have four residential units in a current office building. I have not had any luck finding anyone interested in renting this commercially. I am asking for this to be changed over to residential.

Cynthia Childers said I own the property next to this. My family lives in this home and I am concerned for the safety of the children that live there. When anyone pulls in to the drive next door, they drive fast. If this is allowed, I would like to see a wall or fence put up between my home and the business drive. This would also keep people from coming onto my property.

Mrs. Abbey stated this building is very unique. There are two downstairs office units and two upstairs units, none of which can be ADA accessible by the laws today. They would have to have ADA accessibility, which is almost impossible the way the building sits. I think, because the building sits so far off the road, it is a deterrent for businesses to go in there. I can see why he is having trouble getting businesses to stay there. There are residential uses around this building that are similar to the use that he is asking for. If approved, I would recommend a stipulation that they put a six-foot privacy fence from where the driveway begins to the back of the parking lot. I would think there would be less traffic in and out of this building if it were residential rather than commercial. The administration recommends approval with a six-foot fence between the two properties.

Motion to conduct an RM-1 Multiple Family Residential use in an RO Restricted Office Zone to allow four attached dwelling units with the stipulation that a six-foot privacy fence would be put up from the beginning of the driveway to where the back parking

lot ends.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Don Jones, Alt. Commissioner
AYES:	Jones, Hynes, Rapacz, Welch, Standel, Fuhst
EXCUSED:	Conley, Walton, Ward-Terry

4. ZBA #19-04

By: Andrew Johnson
5053 E. Court St.
Burton MI 48509

Re: 5125 E. Court St. Burton, MI 48509
59-11-300-001 (future combo with 59-11-300-006), RO Zone

For: To expand an already approved variance to conduct an M-1 Light Industrial use in an RO Restricted Office zone for wholesales of vehicles.

Rick from Creekwood Architecture, representing Andrew Johnson, said we are asking for a variance to expand our wholesale vehicles onto the adjacent property.

Wallace White of Creekwood Trail said this is adjacent to my property. I am concerned about where the dividing line will be between the RO Restricted office setback.

Jim Keller of Creekwood Trail said I represent the Missionary Church, Missionary Region. We are also adjacent to this property. I am concerned about the aesthetics and the environmental impact of the removal of the approximately 5 acres of mature forest, which has already taken place. There has already been a huge impact on the aesthetics of the whole office park. We need to do everything possible to provide some kind of site barrier vegetation that is environmentally friendly and that will help protect some of the property values of the office park and the owners of the various residences there.

Mrs. Abbey said Creekwood is very open now and it was not before. There does need to be a buffer, berm or vegetation put in, at least 20 to 30 feet wide from that property. This needs to be significant enough so that it does not impact the other businesses there. The facility is well kept and is expanding, which is great as long as we protect the existing businesses. The administration recommends approval as long as there is a berm, buffer or vegetation along the east property line. As far as the frontage of the existing park, I suggest keeping the RO Restricted Office Zone on Court Street. So that if someone comes along and wants to put an office there, they still can.

Andrew Johnson of 5053 E. Court Street said I planned to put a berm on the east side and go around the southeast corner of the property. I could also bring the fencing around the south side as well. The berm would be behind the trees so that it would not be visible from the road.

Mrs. Abbey said the south property line would be the part that is parallel to the road. They would not necessarily need a berm there at this time, maybe just some pine trees, or they could put in both.

Motion to expand an already approved variance to conduct an M-1 Light Industrial Use in an RO Restricted Office zone for wholesales of vehicles with the following stipulations:

- 1) Place a berm that is at least two feet taller than the fence installed, on the east property line.
- 2) Plant 6-foot or taller pine trees on top of the berm, one at least every 12 feet on the east property line.
- 3) Put in a 6-foot high privacy chain link fence with slats, along the south side of the property by the road that would match the existing fencing.

RESULT:	CARRIED [5 TO 1]
MOVER:	Tim Rapacz, Commissioner
SECONDER:	Donald Standel, Alt. Commissioner
AYES:	Jones, Rapacz, Welch, Standel, Fuhst
NAYS:	Hynes
EXCUSED:	Conley, Walton, Ward-Terry

5. ZBA #19-05

By: RJB & M LLC.
4258 Somers Dr.
Burton MI 48529

Re: 4258 Somers Dr. Burton MI 48529
59-31-529-024, M-1 Zone

For: To conduct an outside storage yard in conjunction with an existing self-storage facility.

Mrs. Abbey stated the storage facility is doing good. They have built and expanded and now they need more room for RV Parking. Normally with an outside storage facility, they want to have RV storage also. This is not an unusual request. This property is landscaped and very well maintained. I just want to remind them that all vehicles have to be kept on the hard surface, not on the grass. The ordinance does state this. The administration recommends approval.

Motion to conduct an outside storage yard in conjunction with an existing self-storage facility.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Rick Fuhst, Commissioner
AYES:	Jones, Hynes, Rapacz, Welch, Standel, Fuhst
EXCUSED:	Conley, Walton, Ward-Terry

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Minutes Acceptance: Minutes of Feb 21, 2019 5:00 PM (Approval of Minutes)

Mr. Welch said we would like to welcome Don Jones as our newest ZBA Alternate. Good luck and welcome aboard.

Mrs. Abbey said I would like the committee to pick a date for their training. Our last training date was cancelled due the weather. It is very important for all members to stay updated on the rules.

It was decided to hold the training class Thursday, March 21, 2019 immediately following the 5:00 PM ZBA meeting in the Council Chambers.

Mr. Welch said he doesn't know for certain he will be at the March meeting.

Mr. Hynes said he will not be able to attend the March meeting.

The next regularly scheduled meeting will be held on Thursday, March 21, 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: 2-20-19
Fee Paid: \$ 450.00
Receipt #: _____
Check #: 5800
Received by: [Signature]
Date Mailed: 2-26-19

ZBA Case #: 19-06 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: March 21, 2019 AT 5:00 P.M.

APPLICANTS NAME: GASSO DEVELOPMENT INC.

APPLICANTS ADDRESS: 20320 W. 8 mile RD

CITY: SOUTHFIELD Mich 48075

APPLICANTS PHONE: 248-867-1111 cell -office 248-353-47

ADDRESS AND PARCEL OR LOT NUMBER: 3009 S. DUTHILL/ BURTON
Parcel # 59-28-501-185

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: EXPAND PYLON SIGN
TO ACCOMMODATE NEW TENANT

* TO expand an existing Free standing sign that
will exceed the allowable square footage 200 reqs
155 allow

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.

WE LOST RITE AID DRUG STORE BACK IN 2015
WE HAVE LOTS OF PRESSURE FROM THE BANK
WE HAVE NOW INTERESTED THEY NEED A BIG PYLON
SIGN. THIS NEW TENANT WILL BE GREAT FOR THE COMMUNITY.
AND -PROFIT.

Thank you



Attachment: Back up 19-06 (4254 : ZBA #19-06)

Total 208' Sq Ft