



CITY OF BURTON

ZONING BOARD OF APPEALS

MAY 16, 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

1. Zoning Board of Appeals - Regular Meeting - Apr 18, 2019 5:00 PM

E. VARIANCE

1. ZBA #19-08

By: Belsay Road Storage, LLC.
3487 S. Linden Rd.
Flint, MI 48507

Re: Vacant Lot on Belsay Rd. Burton, MI 48509
59-14-526-037, C-2 Zone

For:

1. To conduct a self-storage facility within a C-2 zone, M-1 Special Use required.
2. To conduct a self-storage facility that will be directly adjacent to residentially zoned property on more than 1 side, 1 side permitted.
3. To conduct a self-storage facility in conjunction with outside storage for vehicles.

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, June 20, 2019, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

APRIL 18, 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	Present	
Scott Hynes	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Excused	
Michaeline Ward-Terry	Vice Chairperson	Present	
Steve Welch	Chairman	Present	
Rick Fuhst	Commissioner	Present	
Joey Richvalsky	Alt. Commissioner	Excused	

C. STAFF PRESENT

D. APPROVAL OF MINUTES

- Zoning Board of Appeals - Regular Meeting - Mar 21, 2019 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Jones, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Walton

E. VARIANCE

- ZBA #19-07
 By: 1426 LLC.
 3150 E. Maple Ave.
 Burton, MI 48529

 Re: 3150 E. Maple Ave. Burton, MI 48529
 59-33-300-003, M-2 Zone

 For: To conduct a medical marijuana facility that will be within 200' of residential properties.

Rob Nudd, on behalf of 1426 LLC said the area that we are missing for our zoning is

all wetlands and floodplains. These areas can never be built on. This is why we are requesting the variance.

Amber Abbey stated this variance is only for the small parcel that has the building on it. In this particular case, there are both wetlands and floodplains on the property, between the property line and the residential property. This would affect the residential properties ability to expand onto that area. From the property line to the end of the wetlands it is 294 feet. The wetland area does make him have that buffer that is required; however, we do measure property line to property line. The administration supports this variance because of the unique situation of the setup of the properties.

Mr. Jones said the property is very neat but I am concerned about the residents that he backs up to.

Mr. Rapacz asked if the building would need to be fenced. Will the wetlands and the floodplain keep him from expanding anywhere near the residents and keep the residents from building anywhere near them? From what I understand there is always a natural buffer between them.

Mrs. Abbey stated that is correct, unless FEMA changes the floodplain. There is a creek that goes through there so it is very unlikely that will change.

Mr. Hynes asked what is the intention of the property. I recommend there be no provisioning centers there.

Mr. Nudd said at this time I do not have a specific intention. More than likely, it would not be a dispensary.

Motion to grant the variance to conduct a medical marijuana facility, due to the uniqueness of the property and the wetland buffer, with a stipulation that there will not be a provisioning center on this property.

RESULT:	CARRIED [6 TO 1]
AYES:	Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
NAYS:	Jones
EXCUSED:	Walton

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mr. Welch stated I will be attending a conference with Mrs. Abbey. Medical marijuana is one of the topics that will be discussed. The last seminar that we attended was in 2010 by the Genesee County Planning Commission.

The next regularly scheduled meeting will be held on Thursday, May 16, 2019, at 5:00 p.m.

Minutes Acceptance: Minutes of Apr 18, 2019 5:00 PM (Approval of Minutes)



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

Date Filed: 4-3-19
 Fee Paid: 450.00
 Receipt #: _____
 Check #: 24702
 Received by: AA
 Date Mailed: _____

ZBA Case #: 19-08 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: May 16, 2019 AT 5:00 P.M.

APPLICANTS NAME: Belsay Road Storage, LLC

APPLICANTS ADDRESS: 3487 S. Linden Road

CITY: Flint, MI 48507

APPLICANTS PHONE: (810) 845-5364

ADDRESS AND PARCEL OR LOT NUMBER: Part of 59-14-526-035 and
59-14-526-037

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: 1) Develop a self storage facility in a C-2 district.
2) Develop a storage facility with more than one side adjacent to residential property.

3) Have outdoor storage of vehicles.

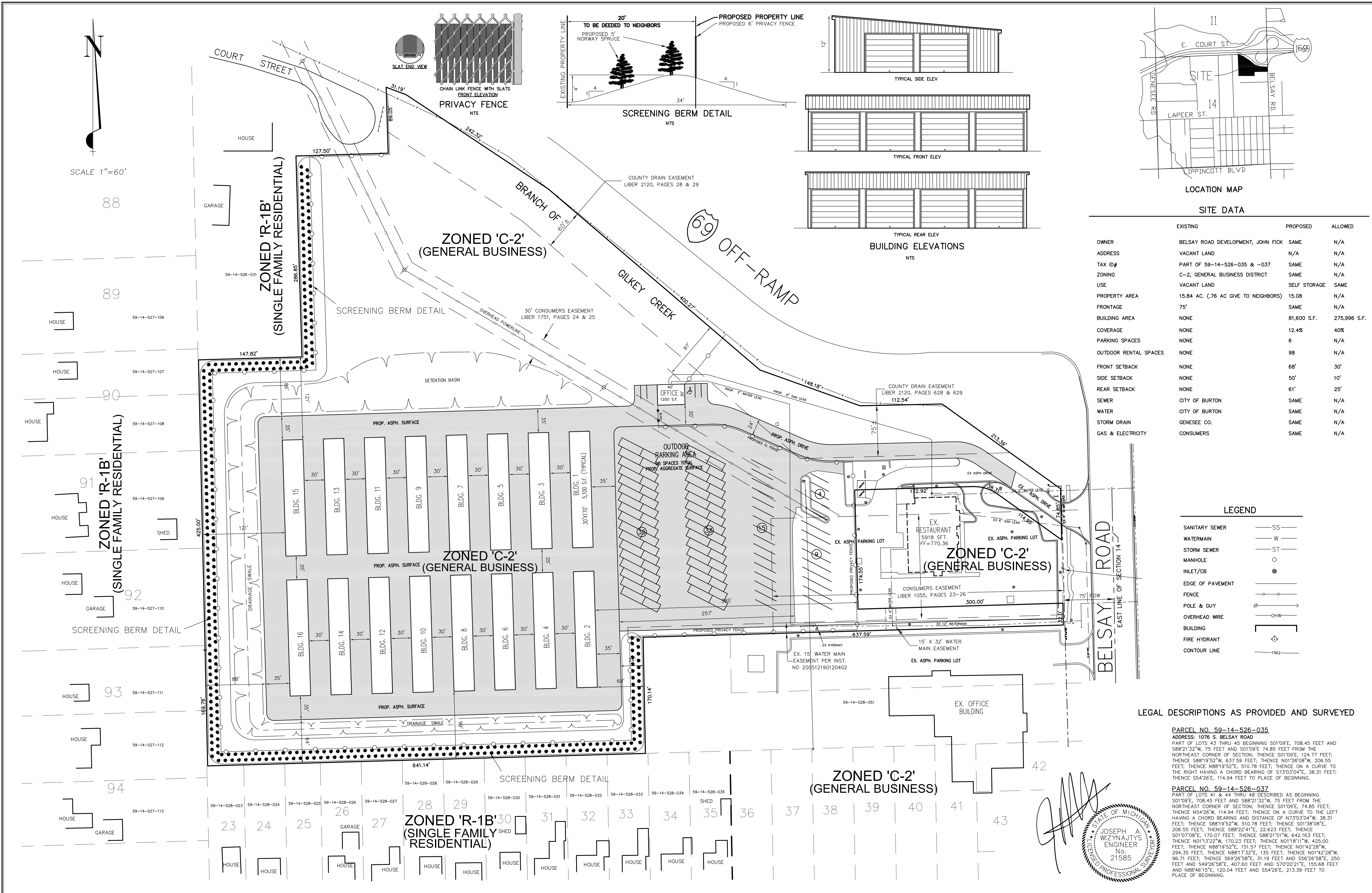
APPLICANTS SIGNATURE: Michael J. Witznagstys
Michael J. Witznagstys

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

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

This property is a very good location for a storage facility.
With the screening that we propose, it will be less offensive to
the adjacent residents than many of the permitted uses in C-2
Zoning. Storage facilities are very quiet and do not generate
a lot of traffic.

Attachment: Back up 19-08 (4349 : ZBA #19-08)



LOCATION MAP

SITE DATA

	EXISTING	PROPOSED	ALLOWED
OWNER	BELSAY ROAD DEVELOPMENT, JOHN FICK	SAME	N/A
ADDRESS	VACANT LAND	N/A	N/A
TAX ID#	PART OF 59-14-526-035 & -037	SAME	N/A
ZONING	C-2, GENERAL BUSINESS DISTRICT	SAME	N/A
USE	VACANT LAND	SELF STORAGE	SAME
PROPERTY AREA	15.84 AC. (.76 AC GIVE TO NEIGHBORS)	15.08	N/A
FRONTAGE	75'	SAME	N/A
BUILDING AREA	NONE	81,600 S.F.	275,996 S.F.
COVERAGE	NONE	12.4%	40%
PARKING SPACES	NONE	6	N/A
OUTDOOR RENTAL SPACES	NONE	98	N/A
FRONT SETBACK	NONE	68'	30'
SIDE SETBACK	NONE	50'	10'
REAR SETBACK	NONE	61'	25'
SEWER	CITY OF BURTON	SAME	N/A
WATER	CITY OF BURTON	SAME	N/A
STORM DRAIN	GENESEE CO.	SAME	N/A
GAS & ELECTRICITY	CONSUMERS	SAME	N/A

LEGEND

SANITARY SEWER	SS
WATERMAIN	W
STORM SEWER	ST
MANHOLE	O
INLET/CB	⊕
EDGE OF PAVEMENT	—○—
FENCE	—x—
POLE & GUY	⊗
OVERHEAD WIRE	—OHW—
BUILDING	[]
FIRE HYDRANT	⊙
CONTOUR LINE	—1562—

LEGAL DESCRIPTIONS AS PROVIDED AND SURVEYED

PARCEL NO. 59-14-526-035
ADDRESS: 1076 S. BELSAY ROAD
PART OF LOTS 43 THRU 45 BEGINNING S01°09'E, 708.45 FEET AND S88°21'32"W, 75 FEET AND S01°09'E, 74.85 FEET FROM THE NORTHEAST CORNER OF SECTION; THENCE S01°09'E, 124.77 FEET; THENCE S88°19'52"W, 637.59 FEET; THENCE N01°38'08"W, 206.55 FEET; THENCE N88°19'52"E, 510.78 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A CHORD BEARING OF S72°03'04"W, 38.31 FEET; THENCE S54°26'E, 114.94 FEET TO PLACE OF BEGINNING.

PARCEL NO. 59-14-526-037
PART OF LOTS 41 & 44 THRU 43 DESCRIBED AS BEGINNING S01°09'E, 708.45 FEET AND S88°21'32"W, 75 FEET FROM THE NORTHEAST CORNER OF SECTION; THENCE S01°09'E, 74.85 FEET; THENCE N54°26'W, 114.94 FEET; THENCE ON A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF N73°03'04"W, 38.31 FEET; THENCE S88°19'52"W, 510.78 FEET; THENCE S01°38'08"E, 206.55 FEET; THENCE S88°22'41"E, 22.623 FEET; THENCE S01°07'08"E, 170.07 FEET; THENCE S88°21'51"W, 642.163 FEET; THENCE N01°13'22"W, 170.23 FEET; THENCE N01°18'11"W, 425.00 FEET; THENCE N88°19'52"E, 151.57 FEET; THENCE N01°42'28"W, 294.35 FEET; THENCE N88°17'32"E, 135 FEET; THENCE N01°42'28"W, 96.71 FEET; THENCE S69°26'58"E, 31.19 FEET AND S56°26'58"E, 250 FEET AND S49°28'58"E, 407.60 FEET AND S70°23'21"E, 153.68 FEET AND N88°46'15"E, 120.04 FEET AND S54°26'E, 213.39 FEET TO PLACE OF BEGINNING.

No. REVISIONS			DATE	BY		JOSEPH A. WYZNAJUTYS P.E. No. 21585 STATE OF MICHIGAN	SCALE: 1"=60'	DATE: 3/29/19	DESIGNED BY: M JW	DRAWN BY: M JW	CHECKED BY: JAW	FIELD CREW CHIEF N/A	PROPRIETOR BELSAY ROAD STORAGE, LLC 3487 S. LINDEN ROAD FLINT, MI 48507 (810) 845-5364	REC ENGINEERS REAL ESTATE CONSULTING ENGINEERS, LLC 16509 BELFAST, FENTON, MICHIGAN 48430 (810) 869-0194 OR (810) 845-5364	PRELIMINARY SITE PLAN FOR BELSAY ROAD STORAGE	CITY OF BURTON GENESEE COUNTY MICHIGAN BELSAY	SHEET 1 OF 1