



CITY OF BURTON

ZONING BOARD OF APPEALS

MAY 16, 2019

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:02 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	
Joey Richvalsky	Alt. Commissioner	Excused	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Planning/Zoning
Marcy Kimball, Clerk's Office

D. APPROVAL OF MINUTES

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

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

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.

Mike Wizynajtys of Ortonville, Michigan said this site has not been developed for a long period of time. The owner has not been able to find anyone to utilize the property. I am looking at purchasing this property and developing it. This property is adjacent to residences on both sides. We would not generate much traffic, noise or odors. We would have barriers for the lighting and screening. We would have nice spruce trees that will be staggered on top of the berms. The lighting would be low and shine down, not out. We have done demographic studies and we know this would be a good location. We have built a storage facility in Grand Blanc Township and Fenton.

David Horton of Burton said he is against this commercial building in his residential neighborhood.

Sue McFall of Burton said she does not mind if there is a storage as long as she does not have to look at vehicles or lights.

Mr. Richvalsky said the property has looked like a gravel pit for years and he is in favor of it because vacant land is not going to be the tax base that the improved property will be.

Mrs. Abbey stated this site plan was reviewed by the Planning Commission in April. They liked the idea of the 4-foot high berm with 5-foot high spruce trees on top of it. The buildings will be 12 feet high and in a couple of years, once the trees grow, you will no longer see the buildings. The berm and screening will be on both residential sides. The drainage will need to be approved by the Drain Commission. This proposed plan has 16 buildings on the property. I suggest that you vote on items #1 and #2 together because one goes along with the other. If item #1 is not approved then item #2 is automatically not approved. Item #3 can be a separate item if you choose to. As far as the outside storage units, he does have them behind the business that is existing on Belsay Road so those are not right by the residential homes. The administration recommends approval.

Mr. Rapacz asked what the outdoor parking area will be used for and what was planned for the restaurant that is next to it.

Mike Wizynajtys stated there would be RV's, motorhomes, trailers, boats, and vehicles. The restaurant is for sale and is not on this lot.

Mrs. Abbey said that back parcel was always a separate lot. It does not have an address yet. I do not assign an address until a new development comes in.

Mrs. Ward-Terry asked what the hours of operation will be and if it will be gated off.

Mr. Wizynajtys stated the regular office hours of operation would be from 9 AM to 6 PM. It will be gated. The renters would be able to type in a code to get into the gated area, so they would have 24-hour access. There would be security systems and cameras and the lighting would be on the building and shine down into the unit.

Mrs. Abbey said they do have road frontage so if he wanted to put in his own

driveway he can or they could get an easement from the other lot for access and they could share the driveway.

Mr. Fuhst asked about the ditch system around the detention basin and if there was an overflow plan.

Mr. Wizynajtys said there is a county drain that runs along the freeway. The Drain Commission Office would tell us we have to outlet to that and we would need their approval and Michigan Department of Environmental Quality approval.

Motion was amended to combine #1. To conduct a self-storage facility within a C-2 zone, M-1 Special Use required and #2. To conduct a self-storage facility that will be directly adjacent to residentially zoned property on more than one side, one side permitted, making this one motion.

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

2. Motion to approve #1. To conduct a self-storage facility within a C-2 zone, M-1 Special Use required and #2. To conduct a self-storage facility that will be directly adjacent to residentially zoned property on more than 1 side, 1 side permitted.

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

3. Motion to approve #3 To conduct a self-storage facility in conjunction with outside storage for vehicles.

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

F. AUDIENCE PARTICIPATION

David Horton said he does not approve of any of the motions but especially not Motion #3. I have had enough problems with the city with parking things in my backyard. I do not approve of anyone parking anything out at the road, which is the same as my backyard.

G. BOARD DISCUSSION

Mrs. Ward-Terry said Burton Glen Academy is having a Career Day May 17, 2019 from 9 AM to Noon. There will be a 20th Anniversary celebration on Saturday, May 18 from 12-3:30 PM. The address is 4171 E. Atherton Road, just behind Meijer. Everyone is invited and everything is free. There will be bounce houses, face painting, music, barbeque food and drinks. They want to reach out to the community and thank Burton for their support.

Mr. Welch thanked Tina Conley for cleaning up around the Burton sign on the corner of Center and Atherton Road. Tomorrow there will be a food giveaway at Bentley High School starting at 8:00 AM.

Mrs. Conley said she be cleaning up the Burton Library area May 23, 2019 if anyone would like to help. May 19, 2019 they will be cleaning up the Water Tower Park on the corner of Saginaw and Bristol Road. This is right next to Burton Fire Station #1.

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.

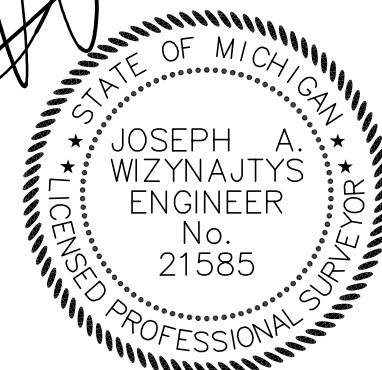
APPLICANTS SIGNATURE: Michael J. Witznagstys
Michael J. Witznagstys

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)

Packet Pg. 8