



CITY OF BURTON

ZONING BOARD OF APPEALS

SEPTEMBER 15, 2022

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:01 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Vaughn Smith	Council Representative	Present	
Kevin Burge	Planning Representative	Present	
Gary Kautz	Alt. Commissioner	Excused	
Scott Hynes	Commissioner	Present	
Tim Rapacz	Vice Chairperson	Present	
Michaeline Ward-Terry	Commissioner	Excused	
Steve Welch	Chairman	Present	
Joey Richvalsky	Alt. Commissioner	Present	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Leandra Swayne, DPW Clerk Code/Building
Amber Abbey, Deputy DPW Director
Katie Malin, DPW Records Tech
Joy Roe, Clerk's Office

D. AUDIENCE PARTICIPATION

None.

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Aug 18, 2022 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Joey Richvalsky, Alt. Commissioner
SECONDER:	Tim Rapacz, Vice Chairperson
AYES:	Smith, Burge, Hynes, Rapacz, Welch, Richvalsky, Fuhst
EXCUSED:	Kautz, Ward-Terry

F. VARIANCE

1. ZBA #22-16
By: Vash Investment Group
4040 E. Bristol Rd., Burton MI 48519

Re: 4244 E. Bristol Rd., Burton MI 48519
59-34-100-012, Zoned C-2, SE

For: To conduct an M-1 special use in a C-2, SE zone, for warehouse storage units
1200-1500 sq ft units.

Bill Clark, owner of Vash Investment, 4040 E. Bristol Road stated currently the parcels are C-2 and residential and we are requesting M-1 with special usage. There are two lots, 133 feet wide full of trees now and they will be the buffer between the storage and the first resident at the end of the lot. There is a high demand because people have been buying boats, cars, RVs, and trailers. They have been keeping them on their front lawns and many neighborhoods won't allow it. It will help businesses and clean up the community.

Greg Dunkle, 4071 Howe Road stated he lives directly across the street from this development. Are they going to be running businesses out of the storage units? What are they going to do with the back lots? I would be concerned they would continue on with more units once they fill these up. Is there going to be an entrance and an exit on Howe Road?

Mr. Welch asks Mrs. Abbey if she wants to address the gentleman's concerns and she stated we are just seeing this plan for the first time too, so Mr. Clark might have to answer his questions.

Mr. Clark stated, to answer the gentleman's question, there is an entrance right now for that corner on Howe Road. That is for the building that already exists there. We renovated the building and that is going to be an office building which is totally separate. There will be an entrance from Bristol Road, so we are not going to add another entrance. As far as the property south of what we are developing, we are not going to convert that into anymore. We will have more than enough here. We are going to keep those as residential lots to keep the buffer between the project and the neighbor behind the south lot. These are strictly storage, no businesses in them. Even the buildings we have now are strictly storage. People visit the smaller units once a month, if that. Occasionally we have landscaping companies that have to store their equipment because they have to put it inside, so it works ideal for them. It's not that they are operating their business out of it, they are just storing them there to keep them out of the weather.

Mrs. Abbey stated, like I said earlier, this is the first time we have seen the plan officially, so I still have a few concerns. One of them being, if approved we would want the stipulations that the parcels be split before the Planning Commission reviews the site plan. That way, it kind of concretizes the fact that the parcels that he shows on this plan are going to be separate and still remain as residential homes. Another concern with this idea of a plan is it doesn't show a principal structure and office building on the parcel where the warehouses are going to be. What is the plan of the existing property over there because right now it would be part of the request because it is a parcel as it exists, so would we be splitting it off for something else? Additionally, there are still residential homes on Howe Road, there is no listing here of how tall the buildings are, and traditionally a six-foot-high privacy fence pretty much takes care of height and it can't really be seen. I don't believe that is the case here, I believe these are much taller buildings. So, what kind of buffer is the guy in the residential home getting on Howe Road because they have removed everything

from over there, there is nothing left over there, it is just flat ground. These are just a few things we need to hash out before we approve a use that this right across from residential homes. We need to protect them now instead of later.

Mr. Welch asks Mrs. Abbey, so you advise us to address these situations tonight and not in the planning commission, correct?

Mrs. Abbey stated, right. All these things I think the Planning Commission can't account for. The building is going to be taller than the Planning Commission can put a fence in place for. These are things before you guys consider a use that is going to allow sixteen-foot-high buildings, we need to know what kind of protect we are putting in for the residential.

Mr. Clark states, in reference to the office building that is already there, we are going to lease it out and that is zoned C-2. So that shouldn't be of any issue. Now, in reference to Howe Road, we have a fence line and tress that are quite high and they will continue to grow high if we allow it. We took a lot of the trees down inside the fence, but if you go along Howe Road, there is a tree line there. We left them there for a reason. In reference to Bristol Road, we are considering putting in a berm and nice pine trees to give the ambience and curb appeal to look nice. We want to make it look nice to attract people to want to store their items there.

Mr. Welch asked, what is the height of the buildings?

Mr. Clark states, inside the height of the building is 14 feet high and with the pitch of the roof there is another 8 feet. So, the total height would be 22 feet for the storage units.

Mr. Richvalsky asked, did you say there is an existing storage unit like this already developed?

Mr. Clark stated, down Bristol Road at 4040 E. Bristol Road. The ones we are going to be building are the same exact ones as those. The height is no higher than the ones I currently have.

Mr. Burge stated, the current building that is there, is an office and you are going to lease it. Are you going to have a business inside this business complex? Two businesses?

Mr. Clark responded, no, there is no reason to have an office for storage.

Mr. Burge stated, who is going to be in that office then? Are you just going to lease it?

Mr. Clark stated, we are just going to lease it out.

Discussion ensued about the leasing of the office building that already exists.

Mrs. Abbey stated, it is not a separate lot. It is currently one parcel of land. If he went that route, he would be splitting it off. Now I would like to add, again for the record you cant have a self-storage unit without an office. So, if you aren't going to have an office, you will be back in front of this board for another variance.

Mr. Clark stated, with today's technology, we really don't need an office. People can get into these things with cell phones, we give them security codes, all this will be enclosed with fencing.

Mr. Welch stated, but you do need to because of our restriction.

Discussion ensued about having an office on property with Mr. Rapacz, Mr. Burge, Mr. Richvalsky and Mrs. Abbey.

Mr. Welch asked Mrs. Abbey for any concerns she has.

Mrs. Abbey stated, none of the stuff is concrete unless you make it concrete. So, all the items we talked about and all the items he is saying he is going to do, if you are ok with them then you have to make those stipulations because until you do that, its just words.

Discussion ensued about the storage units themselves and the ones he owns already down the road.

Mr. Burge restated items that were discussed and asked if Mr. Clark wanted another thirty days to go over everything.

Mr. Clark stated, no because I know what we want. I came to Mrs. Abbey with my engineer a few months back.

Mr. Burge stated, but we missed some parts that she just received today.

Mr. Clark stated I was unaware of that. We will keep the existing office and make that an office for the warehousing, so we don't have to split anything. There is already sewer, water, and electric there, so we don't have to do anything for an office building, we will just make that the office. To comply with the city, that is what we will do.

Discussion ensued about the number of changes being talked about.

Mr. Hynes stated, I don't think it is a full package yet on everything because we have a lot of ambiguous questions.

Discussion ensued about the information they received tonight, the decisions that need to be made about the office, the fact that some board members are uncomfortable to vote on it tonight because of all the changes, and the meeting that was had between Mr. Clark and Mrs. Abbey.

Mrs. Abbey responded, since we keep talking about the time we sat down in my office and met two or three months ago we had a conversation, I gave you some tips, you came in and applied to the Zone Board of Appeals back with nothing other than an application. So, let's not pretend I know exactly what you plan to do. I have a lot of conversations with a lot of people. So again, I spoke with you then about the residential homes and I'm speaking about them again now and you still haven't provided any buffer to the residential homes on Howe Road. We spoke about an office at that time, and you bring a plan here with no office, you didn't apply for that,

so I don't want to go back and forth about what we talked about or didn't talk about months ago. You presented this to the board, and they are not comfortable with the things you are providing them. This is board discussion now and the choice is yours. It has nothing to do with the conversation I had with you or with him. This is a board discussion, not an Amber decision.

Discussion ensued about Mr. Clark's paperwork he turned in, being in board discussion and not going back and forth and making a decision tonight.

Mr. Welch stated, I don't know about anyone else, but I'm uncomfortable too. There is just so many things here and it is a big decision.

Mr. Burge stated, Mr. Chairman, I would like to make a motion on ZBA #22-16 to table it for lack of information. Table it until the applicant and the administration decide to come back.

Mrs. Abbey stated, let me make it very clear, I don't make a decision whether he comes back before you. You are making the decision whether you want him to come back before you and what information do you want him to provide to you not to me.

Mr. Richvalsky asked, how much time do you need? Another month? The next month?

Discussion ensued on a time frame.

Mr. Clark asked the board, are you going to give me a list of things to do or just what you have asked of me this evening?

Mr. Richvalsky stated, you can have a copy of the minutes of this meeting because it will all be in there I would assume. Is that not true?

Mr. Rapacz stated, if we are going to table this for a month, then we should give him an exact list of what he wants. Then, there are no reasons why he can't have them in a month.

Discussion ensued about the information given tonight, Mrs. Abbey having time to review it, adding contingencies to the variance, and the appropriate amount of time for the city to review the application.

Mr. Hynes stated, it's dangerous and it's not our job to present what he should be presenting to us. He has to do his homework and put his package together, and then come back to us. Whether it is resolving the meeting, or getting the minutes, or whatever, it is his job to present to us. So, I would strongly recommend not giving anything to him. Other than to table it because we are giving a recommendation to him. He has to do his homework, he is the landowner, he is seeing us at the meeting, he is hearing some of things we are saying, get the minutes, do your homework, and present.

Mr. Welch stated, part of your homework would be consulting with them. And to be very honest, you have a better chance of getting the at this point, I think.

Mr. Clark stated, I'll wait, I'm not in any rush, I mean I'll wait so when I come and

present this again, I want to make sure that I have your answers for you. That's why I met with Amber a couple months with my engineer, I guess I'll bring him with me as well to help clarify things I can't answer for you.

Mr. Welch stated, I will feel more comfortable, and I think all of us will feel a lot more comfortable.

Mr. Welch stated, we have a motion by Scott, to table this until the next scheduled meeting, which is October 20th.

Mr. Burge stated, I will withdraw my motion.

Mr. Welch stated, we have a motion by Mr. Hynes and Mr. Richvalsky for support. You have to have everything submitted on Thursday, October 20th, 2022. Any further discussion at all? If not, Madam clerk take a roll please.

Ms. Malin stated, I just want to clarify, the motion is to table until the next meeting, correct?

Mr. Welch stated, correct.

Ms. Malin stated, just to clarify that the minutes are a depiction of the meeting. It's not going to be transcribed, so when you are saying to look back, I just want to make that clear.

Discussion ensued about tabling the variance.

RESULT:	TABLED [5 TO 2]	Next: 10/20/2022 5:00 PM
MOVER:	Scott Hynes, Commissioner	
SECONDER:	Joey Richvalsky, Alt. Commissioner	
AYES:	Smith, Burge, Hynes, Welch, Richvalsky	
NAYS:	Rapacz, Fuhst	
EXCUSED:	Kautz, Ward-Terry	

2. ZBA #22-17

By: Jess Whitney
4448 E. Bristol Rd., Burton MI 48519

Re: 4448 E. Bristol Rd., Burton MI 48519
59-34-200-025, Combining with Parcel 59-34-200-026 Zoned SE

For: To conduct an M-2 special use in a SE zone, for the outside storage of construction contractor's equipment only.

Jess Whitney of 4448 E. Bristol Road, Burton stated I have lived there for just over nine years and have parked commercial vehicles there for all of nine years. All different shapes and sizes, some bigger than others, but they have all been commercial. I have a 5,000 square foot barn to store them inside sometimes, but mostly outside behind the barn. You can't see them with the naked eye. They are 700 feet off the road behind the barn through trees. I have a total of 57 acres all touching each other there at the corner of Genesee and Bristol Road. The variance is to just park commercial vehicles directly behind the barn. It's not to put any new

driveways in or stockpile dirt. It is just for storage of commercial vehicles. That you cannot see from the naked eye. Trying to help out the neighbors, I'm gone all day long and don't make a noise. The main reason why I bought that house, with that much property in the City of Burton, is to make some kind of money using the land to make a profit. I'm pretty considerate to my neighbors. All my neighbors really like me, and I have never had a problem, never got a call or noise complaint, nothing of that nature.

William Henry, 4445 E. Bristol Road, Burton Michigan stated I live directly across from Mr. Whitney. I moved there about four or five years before he did. I notice obviously going from an abandon house to basically like a small trucking company. I could see how hard he was working, and really, he's not even home like he said. Actually, a lot of the times he is my alarm clock. He is johnny on the spot, six o'clock in the morning, fire up the trucks, and then he wouldn't be back until five o'clock at night. So, there isn't any noise disturbance or anything. He is a heck of a guy. I went through some health problems and had a huge tree fall down in my driveway, it almost hit my car and hit the side of my house. It had to have been 15 foot in diameter. He came over after the storm and said, hey do you need some help? Again, I was going through some health problems at the time. I'll take anything I can get. He brought his tractor over and helped me cut it up. I couldn't even lift my chain saw. That's how awesome of a guy he is and I think he is an asset to the community. He is going down to the Detroit areas and bringing money back into the community. My lawn care was local, but he is bringing money back into the community.

Troy Bredow, 3520 S. Genesee Road stated I am right on the main corner by the driveway gate. I think the guy should definitely get it passed. There are never any problems with what he does. He is trying to clean up his property. If he could get it passed, that would be great.

Mrs. Abbey gave some history about the property, November of 2020 is when we first received a complaint about the commercial vehicles on his property. We cited Mr. Whitey to get rid of the vehicles, he did not, we ended up having to issue a ticket. And he went to court and received a fine. Fast forward a few months later and vehicles are back at the property. We cited Mr. Whitney, and he did not get rid of the vehicles. He received a ticket, went to court, and was given a fine. Fast forward to 2021, Mr. Whitney was given a notice to get rid of the vehicles, he did not, and we received a court order stating any time the vehicles are there within the year we could tow them. We ended up towing both of his larger gravel train vehicles. Throughout the history of this property, he has not complied with anything the City has asked him to do. So much, that he violated a court order and had his vehicles towed. Any variances you would put on the property or stipulation you would allow him to have, we have no reason to believe he would follow. So, we would recommend denial.

Mr. Burge asked, what is the name of the business we are running here?

Mr. Whitney answered, Whitney Trucking.

Mr. Rapacz stated, I have a question for the applicant. So, after they ticketed and fined you and ticketed and fined you, how come you didn't seek a variance then?

Mr. Whitney answered, I didn't know there was such a thing as a variance to be

honest with you. And this is my livelihood.

Mr. Rapacz stated, so they were giving you tickets and fining you, and you thought the only restitution was to do it again?

Mr. Whitney stated, I thought the only way was to change the property to a commercial property and I knew that would be pretty hard to do. I never knew there was a variance that said I could just use my MDARD certified Michigan certified 30 foot easement and just park my vehicles behind my barn and not drive them anywhere else on my property and everyone is happy. My neighbors don't care at all.

Mr. Rapacz stated, technically someone cared. Some neighbor cared. You can't say no one cared because there wouldn't be a compliant if no one cared. Most of the general neighbors probably don't care though. That would be correct. I'm not trying to bust your chops, I'm just trying to figure out how it got to this point. Because obviously the City doesn't trust you if we say sure you can park your truck behind your barn and the next thing you know, there are trucks, gravel trains, gravel piles, or more logs. And you will be like, well, it's cleaning up my property and that isn't really the point. There are reasons there are rules in place for things.

Mr. Whitney stated, I just want to provide for my family and live in this house. The reason I bought it was because of that 5,000 square foot barn and the property to do what I do in private without affecting anyone else's life or their livelihood. And that's what I want to do. I don't want to cause any problems anymore. I just want to park the trucks there, go to work, pay my taxes, and go home.

Mr. Burge asked, what are you doing with the vehicles in the wintertime when it is cold? Are you letting them run all night or what are you doing?

Mr. Whitney said, no. We plug them into the barn and drive them off.

Mr. Burge asked, what are your employees doing with their cars? Are they leaving them there and driving off?

Mr. Whitney stated, it's just two employees. There is an acre of gravel. Everything is behind the barn. Nothing is in front of it.

Mr. Welch asked, this didn't happen just once, so did you just ignore the order and pay the fine? How long did you plan on doing that?

Mr. Whitney responded, at first it was I could park my trucks in the barn. Out of sight out of mind. The second ticket, I was backing it into the barn and the Code Enforcer took a picture inside the barn with the door not shut. So, I tried. I'm really busy. I didn't know about this variance, or I would have done it a long time ago if I knew about this, I promise there will be no other issue ever. I don't want to move.

Mr. Hynes asked Mrs. Abbey, is this a berm built in this area right here?

Mrs. Abbey stated, yes. There is a berm on the front of the house.

Mr. Hynes asked, do we need authorization to build a berm too?

Mrs. Abbey stated, since you are asking, yes, he was given permission to build a small berm and he added to the berm and got a ticket for that. The judge made an order for the berm to be removed.

Mr. Whitney stated, then I went to the Genesee County Drain Commission, and they approved it.

Mrs. Abbey stated, the drain commission can't approve a berm. They approved you to put some dirt in their drain easement which is not the front part of the property to clarify.

Mr. Whitney responded, it is like the right to farm act, being able to park equipment, tree trucks on my property because it is a farm and you tried to dictate state law.

Mrs. Abbey stated, no, the judge made the decision.

Mr. Whitney stated, well the judge tried to dictate state law because I was certified from the State of Michigan, to park equipment on my property and she said I could not.

Mr. Welch stated, you know all this here with the county, but you didn't know you could apply for a variance? Instead of paying fines and paying fines. That's what I don't understand.

Mr. Whitney stated, it wasn't a lot. And like I said, the second time they took a picture of my truck inside my barn. The third time they towed it. And it was the office that came to my house that told me about it. So, that very next day, I did all the paperwork to combine the two properties because it would have been easier to get a variance on one property instead of two separate properties. It would be easier to discuss. So, I did all that, had it resurveyed again, combined again, had it surveyed for the third time because of all this and now I'm here.

Mr. Rapacz asked, what do you farm there?

Mr. Whitney stated livestock, firewood, and I have a tree farm. I was told I couldn't park my tree truck or farm equipment there.

Board discussion ensued on the farming.

Mr. Rapacz asked, what is your contingency plan if we say no? Where are you going to park your trucks?

Mr. Whitney stated, I would have to rent a warehouse outside of Burton. Try to find a safe spot so I can put away all my tools. It would probably be \$4,000 a month. Maybe even have to buy something. I would probably sell my house and land because why would I need 57 acres? Farming isn't what it used to be. You can't really make money off farming.

Mr. Burge asked, you aren't really using it for farming right now are you?

Mr. Whitney stated, there are 40 acres of corn that I get paid for and the tree farm. I have 15 acres of new growth trees.

My. Hynes stated, so if you get paid for it, someone else is farming it.

Mr. Whitney said, yes. The 40 acres is a farm contract, and it just barely pays the property taxes. So yeah, I would probably have to sell everything and move somewhere that I could park everything at. A county away I could do it. That's why I bought 57 acres. I'm probably one of the largest zoned properties privately owned, in the City of Burton.

Mr. Burge stated, but most of them aren't parking big trucks on their property.

Mr. Whitney stated a commercial vehicle is a commercial vehicle. There are hundreds of commercial vehicles parked at residential pieces in the City of Burton. Tree trucks, semis right down the road, a commercial vehicle is a commercial vehicle. Yes, I pull a little more weight than them, but I don't make any more noise.

Mr. Welch stated, I'm just not comfortable.

Mr. Whitney stated, my neighbors don't care. You just heard all of them.

Mr. Welch stated, we heard from two.

Mr. Whitney stated, but those are the only ones that touch my property and can see into it. You should come over and look at it.

Mr. Welch stated, I always visit the site. I was there today as a matter of fact. But the thing is, whatever we do, yes or no, it is what it is. He has proven in the past that he is going to do what he wants to do. That's the only problem I have.

Further discussion ensued about the motion.

RESULT:	FAILED [0 TO 7]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Scott Hynes, Commissioner
NAYS:	Smith, Burge, Hynes, Rapacz, Welch, Richvalsky, Fuhst
EXCUSED:	Kautz, Ward-Terry

G. BOARD DISCUSSION

Mr. Welch stated, now we go into board discussion. Anything for board discussion?

Discussion ensued.

Mrs. Abbey stated, I have something. Rowe engineering is holding a training session. It's free, it's in October. I'll email the information because I didn't print it off. It has the email link of how to sign up if you are interested. There is actually a class specifically for Planning and Zoning Board of Appeals officials. It is a good class; I have been to it and Mr. Burge has been to it. 7-9 is the time. I do recommend all of you sign up. It is at the Rowe building downtown.

The next regularly scheduled meeting will be held on Thursday, October 20, 2022, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

AUGUST 18, 2022

Council Chambers

Regular Meeting

5:00 PM

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

This meeting was opened by Chairman Steve Welch at 5:01 PM.

A. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Vaughn Smith	Council Representative	Present	
Kevin Burge	Planning Representative	Present	
Gary Kautz	Alt. Commissioner	Excused	
Scott Hynes	Commissioner	Excused	
Tim Rapacz	Vice Chairperson	Present	
Michaeline Ward-Terry	Commissioner	Present	
Steve Welch	Chairman	Present	
Joey Richvalsky	Alt. Commissioner	Present	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Leandra Swayne, DPW Records Tech
Katie Malin, Clerk's Office
Joy Roe, Clerk's Office

D. AUDIENCE PARTICIPATION

None.

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jul 21, 2022 5:00 PM

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

F. VARIANCE

1. ZBA #22-15
By: Hassan Daher
6057 N. Evangeline St., Dearborn Heights, MI 48127

Minutes Acceptance: Minutes of Aug 18, 2022 5:00 PM (Approval of Minutes)

Re: 3030 E. Atherton Rd., Burton, MI 48529
59-28-501-003, Lots 5 thru 8, Zoned C-2

For: To conduct an M-1 use in a C-2 zone, for auto dealership

Attorney Adam Mourtada, on behalf of the Daher Holdings, 13265 Michigan Ave.
Dearborn Michigan 48126.

Mrs. Swayne stated some history about the property, the layout of the current structure on the property, and the owner owns a vacant parcel facing Myrton right behind it that is not part of the variance tonight.

Mr. Welch clarifies the vacant parcel is not going to be taken into consideration for parking.

Mrs. Swayne agrees and stated, that parcel is not included in the variance.

Mrs. Swayne asked the applicant, are the cars going to be facing Atherton or Myrton? Are they going to be inside all the time or are they going to be pulled out and then pulled back in?

Mrs. Swayne also stated that it would be logical to have them facing Atherton instead of Myrton, so they aren't facing the residential road. She further states they are required to have eight parking places based on the one parking place for every 400 square feet of the building. Every car must be in a parking spot at all times. Placing the for auto dealership behind the variance means that another M1 use won't be able to be at this location under the variance. She suggests if this variance is approved, the stipulation should be added, as long as the facility stays in conjunction with the auto repair shop that is already there.

Attorney Mourtada states the vehicles will not be placed outside. His understanding is they will be inside the property while being repaired, they will find a buyer, then when the buyer shows up, they will park it outside and finish the transaction. He told his client about the restrictions and that he can't be parking the vehicles outside or he will be fined.

Discussion ensues about the surface of where the cars are going to be parked, the procedure of what happens when multiple vehicles are being worked on and can't be moved, the number of employees and parking spots already taken, storage, and excess inventory.

Mr. Welch asks is it going to be a problem regulating which cars they are selling, and which are they working on?

Mrs. Swayne stated as long as the cars are being placed in a parking spot, on an approved parking surface, not in disrepair or junk vehicles sitting out anywhere other than in a parking space, because that is the only time code enforcement would have to enforce an inoperable vehicle or vehicle not parked in an actual parking space.

Discussion ensued about the procedure of how the owner will mark vehicles for sale.

Mr. Richvalsky stated it's been a mechanics shop since it was built, was it specifically

designated for that use at that time when they built it? It was never built as a retail or dealership at all, they never sold cars there, they just repaired them, correct?

Mrs. Swayne answered that is correct, a service garage and it was a non-conforming right that was formed at that time in the 80s.

Mr. Richvalsky asked when that property became vacant did that use become obsolete and can no longer be used as that or was it specific to that owner for that precise use?

Mrs. Swayne stated she would have to look that up, in the 80s it was Watson Front End Repair and now it is H Tech and it is in there as an admin site plan review in '08 for that use, for a new business coming in.

Mr. Richvalsky stated it was approved for that change of ownership. It was the same kind of facility, they pulled them in and out and nobody parking outside.

Mr. Welch stated that's why this variance is to conduct an M1 use in a C2 zone with the admin stipulation that they have to continue with the use and repair, they can't just sell cars.

Discussion ensued about how many cars will fit in the building, clarification that the owner wants to fix and sell cars at the same time, parking spots, expanding the parking lot to the vacant lot, whether it is a full-time business or a hobby/part-time business, what type of vehicles would he be selling, and what type of cliental would the owner be going after.

Mr. Welch stated would there be a day that he would have to show five or six cars and have them parked on the side street along the road.

Attorney Mourtada said no. I told him specifically that is not an option.

Mr. Smith stated that his concern is when it gets busy and they have blockages, he likes Mr. Richvalsky's idea about expanding the parking lot first, but the traffic jams once he gets busy are a concern.

Mr. Richvalsky stated the combining of the two lots would make it easier for the board to make that kind of decision. There are too many loose ends to make a decision about what he wants because it's permanent.

Discussion ensues about the congestion, constant moving of vehicles, cars being on the side road, and the policing of the vehicles.

Mr. Burge stated when a car dealer gets a deal, he is getting it. He could go from 10 to 200 vehicles. He can't see having two or three cars waiting for parts, having seven ready, where is he going to put them.

Mr. Welch asks the administration would it be improper to put the stipulation that he has to combine the two lots first?

Mrs. Swayne stated it is not part of the request right now, so the applicant would have to come before you again.

Discussion ensued about the vacant lots and whether they are suitable to be combined with this variance, and the correct zoning of the property.

Mrs. Ward-Terry re-stated the motion with the contingency that it is the auto repair shop and the other is secondary. That he is not to have vehicles that are inoperable parked around anywhere on the parking lot. He is to have only vehicles that he is ready to sell when they are ready to go. Any vehicles must stay inside, they can't have inoperable vehicles outside.

RESULT:	FAILED [2 TO 5]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Joey Richvalsky, Alt. Commissioner
AYES:	Welch, Fuhst
NAYS:	Smith, Burge, Rapacz, Ward-Terry, Richvalsky
EXCUSED:	Kautz, Hynes

G. BOARD DISCUSSION

Zoning Board of Appeals discussed training opportunities.

The next regularly scheduled meeting will be held on Thursday, September 15, 2022, at 5:00 p.m.

Minutes Acceptance: Minutes of Aug 18, 2022 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

Meeting: 09/15/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.1

TABLED

AGENDA ITEM (ID # 5483)

DOC ID: 5483

ZBA #22-16

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

Re: 4244 E. Bristol Rd., Burton MI 48519
59-34-100-012, Zoned C-2, SE

For: To conduct an M-1 special use in a C-2, SE zone, for warehouse storage units
1200-1500 sq ft units.

COMMENTS - Current Meeting:

Bill Clark, owner of Vash Investment, 4040 E. Bristol Road stated currently the parcels are C-2 and residential and we are requesting M-1 with special usage. There are two lots, 133 feet wide full of trees now and they will be the buffer between the storage and the first resident at the end of the lot. There is a high demand because people have been buying boats, cars, RVs, and trailers. They have been keeping them on their front lawns and many neighborhoods won't allow it. It will help businesses and clean up the community.

Greg Dunkle, 4071 Howe Road stated he lives directly across the street from this development. Are they going to be running businesses out of the storage units? What are they going to do with the back lots? I would be concerned they would continue on with more units once they fill these up. Is there going to be an entrance and an exit on Howe Road?

Mr. Welch asks Mrs. Abbey if she wants to address the gentleman's concerns and she stated we are just seeing this plan for the first time too, so Mr. Clark might have to answer his questions.

Mr. Clark stated, to answer the gentleman's question, there is an entrance right now for that corner on Howe Road. That is for the building that already exists there. We renovated the building and that is going to be an office building which is totally separate. There will be an entrance from Bristol Road, so we are not going to add another entrance. As far as the property south of what we are developing, we are not going to convert that into anymore. We will have more than enough here. We are going to keep those as residential lots to keep the buffer between the project and the neighbor behind the south lot. These are strictly storage, no businesses in them. Even the buildings we have now are strictly storage. People visit the smaller units once a month, if that. Occasionally we have landscaping companies that have to store their equipment because they have to put it inside, so it works ideal for them. It's not that they are operating their business out of it, they are just storing them there to keep them out of the weather.

Mrs. Abbey stated, like I said earlier, this is the first time we have seen the plan officially, so I still have a few concerns. One of them being, if approved we would want the

stipulations that the parcels be split before the Planning Commission reviews the site plan. That way, it kind of concretizes the fact that the parcels that he shows on this plan are going to be separate and still remain as residential homes. Another concern with this idea of a plan is it doesn't show a principal structure and office building on the parcel where the warehouses are going to be. What is the plan of the existing property over there because right now it would be part of the request because it is a parcel as it exists, so would we be splitting it off for something else? Additionally, there are still residential homes on Howe Road, there is no listing here of how tall the buildings are, and traditionally a six-foot-high privacy fence pretty much takes care of height and it can't really be seen. I don't believe that is the case here, I believe these are much taller buildings. So, what kind of buffer is the guy in the residential home getting on Howe Road because they have removed everything from over there, there is nothing left over there, it is just flat ground. These are just a few things we need to hash out before we approve a use that this right across from residential homes. We need to protect them now instead of later.

Mr. Welch asks Mrs. Abbey, so you advise us to address these situations tonight and not in the planning commission, correct?

Mrs. Abbey stated, right. All these things I think the Planning Commission can't account for. The building is going to be taller than the Planning Commission can put a fence in place for. These are things before you guys consider a use that is going to allow sixteen-foot-high buildings, we need to know what kind of protect we are putting in for the residential.

Mr. Clark states, in reference to the office building that is already there, we are going to lease it out and that is zoned C-2. So that shouldn't be of any issue. Now, in reference to Howe Road, we have a fence line and trees that are quite high and they will continue to grow high if we allow it. We took a lot of the trees down inside the fence, but if you go along Howe Road, there is a tree line there. We left them there for a reason. In reference to Bristol Road, we are considering putting in a berm and nice pine trees to give the ambience and curb appeal to look nice. We want to make it look nice to attract people to want to store their items there.

Mr. Welch asked, what is the height of the buildings?

Mr. Clark states, inside the height of the building is 14 feet high and with the pitch of the roof there is another 8 feet. So, the total height would be 22 feet for the storage units.

Mr. Richvalsky asked, did you say there is an existing storage unit like this already developed?

Mr. Clark stated, down Bristol Road at 4040 E. Bristol Road. The ones we are going to be building are the same exact ones as those. The height is no higher than the ones I currently have.

Mr. Burge stated, the current building that is there, is an office and you are going to lease it. Are you going to have a business inside this business complex? Two businesses?

Mr. Clark responded, no, there is no reason to have an office for storage.

F.1

Mr. Burge stated, who is going to be in that office then? Are you just going to lease it?

Mr. Clark stated, we are just going to lease it out.

Discussion ensued about the leasing of the office building that already exists.

Mrs. Abbey stated, it is not a separate lot. It is currently one parcel of land. If he went that route, he would be splitting it off. Now I would like to add, again for the record you can't have a self-storage unit without an office. So, if you aren't going to have an office, you will be back in front of this board for another variance.

Mr. Clark stated, with today's technology, we really don't need an office. People can get into these things with cell phones, we give them security codes, all this will be enclosed with fencing.

Mr. Welch stated, but you do need to because of our restriction.

Discussion ensued about having an office on property with Mr. Rapacz, Mr. Burge, Mr. Richvalsky and Mrs. Abbey.

Mr. Welch asked Mrs. Abbey for any concerns she has.

Mrs. Abbey stated, none of the stuff is concrete unless you make it concrete. So, all the items we talked about and all the items he is saying he is going to do, if you are ok with them then you have to make those stipulations because until you do that, it's just words.

Discussion ensued about the storage units themselves and the ones he owns already down the road.

Mr. Burge restated items that were discussed and asked if Mr. Clark wanted another thirty days to go over everything.

Mr. Clark stated, no because I know what we want. I came to Mrs. Abbey with my engineer a few months back.

Mr. Burge stated, but we missed some parts that she just received today.

Mr. Clark stated I was unaware of that. We will keep the existing office and make that an office for the warehousing, so we don't have to split anything. There is already sewer, water, and electric there, so we don't have to do anything for an office building, we will just

make that the office. To comply with the city, that is what we will do.

F.1

Discussion ensued about the number of changes being talked about.

Mr. Hynes stated, I don't think it is a full package yet on everything because we have a lot of ambiguous questions.

Discussion ensued about the information they received tonight, the decisions that need to be made about the office, the fact that some board members are uncomfortable to vote on it tonight because of all the changes, and the meeting that was had between Mr. Clark and Mrs. Abbey.

Mrs. Abbey responded, since we keep talking about the time we sat down in my office and met two or three months ago we had a conversation, I gave you some tips, you came in and applied to the Zone Board of Appeals back with nothing other than an application. So, let's not pretend I know exactly what you plan to do. I have a lot of conversations with a lot of people. So again, I spoke with you then about the residential homes and I'm speaking about them again now and you still haven't provided any buffer to the residential homes on Howe Road. We spoke about an office at that time, and you bring a plan here with no office, you didn't apply for that, so I don't want to go back and forth about what we talked about or didn't talk about months ago. You presented this to the board, and they are not comfortable with the things you are providing them. This is board discussion now and the choice is yours. It has nothing to do with the conversation I had with you or with him. This is a board discussion, not an Amber decision.

Discussion ensued about Mr. Clark's paperwork he turned in, being in board discussion and not going back and forth and making a decision tonight.

Mr. Welch stated, I don't know about anyone else, but I'm uncomfortable too. There is just so many things here and it is a big decision.

Mr. Burge stated, Mr. Chairman, I would like to make a motion on ZBA #22-16 to table it for lack of information. Table it until the applicant and the administration decide to come back.

Mrs. Abbey stated, let me make it very clear, I don't make a decision whether he comes back before you. You are making the decision whether you want him to come back before you and what information do you want him to provide to you not to me.

Mr. Richvalsky asked, how much time do you need? Another month? The next month?

Discussion ensued on a time frame.

Mr. Clark asked the board, are you going to give me a list of things to do or just what you have asked of me this evening?

Mr. Richvalsky stated, you can have a copy of the minutes of this meeting because it will all be in there I would assume. Is that not true?

Mr. Rapacz stated, if we are going to table this for a month, then we should give him an exact list of what he wants. Then, there are no reasons why he can't have them in a month.

Discussion ensued about the information given tonight, Mrs. Abbey having time to review it, adding contingencies to the variance, and the appropriate amount of time for the city to review the application.

Mr. Hynes stated, it's dangerous and it's not our job to present what he should be presenting to us. He has to do his homework and put his package together, and then come back to us. Whether it is resolving the meeting, or getting the minutes, or whatever, it is his job to present to us. So, I would strongly recommend not giving anything to him. Other than to table it because we are giving a recommendation to him. He has to do his homework, he is the landowner, he is seeing us at the meeting, he is hearing some of things we are saying, get the minutes, do your homework, and present.

Mr. Welch stated, part of your homework would be consulting with them. And to be very honest, you have a better chance of getting the at this point, I think.

Mr. Clark stated, I'll wait, I'm not in any rush, I mean I'll wait so when I come and present this again, I want to make sure that I have your answers for you. That's why I met with Amber a couple months with my engineer, I guess I'll bring him with me as well to help clarify things I can't answer for you.

Mr. Welch stated, I will feel more comfortable, and I think all of us will feel a lot more comfortable.

Mr. Welch stated, we have a motion by Scott, to table this until the next scheduled meeting, which is October 20th.

Mr. Burge stated, I will withdraw my motion.

Mr. Welch stated, we have a motion by Mr. Hynes and Mr. Richvalsky for support. You have to have everything submitted on Thursday, October 20th, 2022. Any further discussion at all? If not, Madam clerk take a roll please.

Ms. Malin stated, I just want to clarify, the motion is to table until the next meeting, correct?

Mr. Welch stated, correct.

Ms. Malin stated, just to clarify that the minutes are a depiction of the meeting. It's not going to be transcribed, so when you are saying to look back, I just want to make that clear.

F.1

Discussion ensued about tabling the variance.

ATTACHMENTS:

- Backup 22-16 (PDF)

RESULT: TABLED [5 TO 2]**Next: 10/20/2022 5:00 PM****MOVER:** Scott Hynes, Commissioner**SECONDER:** Joey Richvalsky, Alt. Commissioner**AYES:** Smith, Burge, Hynes, Welch, Richvalsky**NAYS:** Tim Rapacz, Rick Fuhst**EXCUSED:** Gary Kautz, Michaeline Ward-Terry



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

Date Filed: 8.16.2022
 Fee Paid: 450
 Receipt #: _____
 Check #: 117
 Received by: [Signature]
 Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-16 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: SEPT. 15, 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: VASH INVESTMENT GROUP

APPLICANTS ADDRESS: 4040 E. BRISTOL

CITY: BURTON MI 48519

APPLICANTS PHONE: 810-730-8500

APPLICANTS EMAIL: WCLARK2794@AOL.COM

ADDRESS AND PARCEL OR LOT NUMBER: 4244 E. BRISTOL

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.

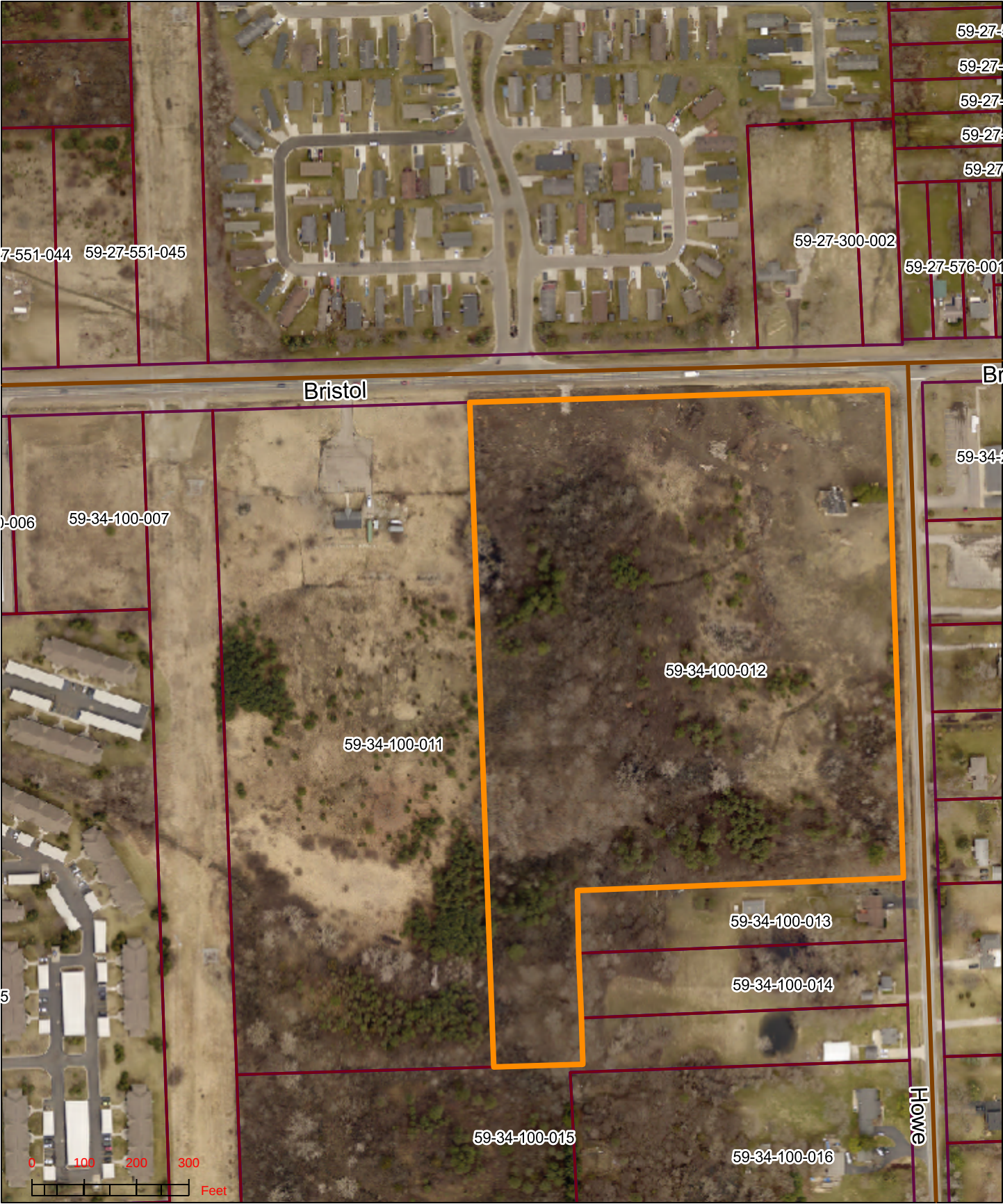
VARIANCE REQUESTED: M-1 USE WITH A SPECIAL USE IN A
C-2 ZONE, AND SE ZONE FOR WAREHOUSE STORAGE UNITS
1200-1500 sqft.

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.

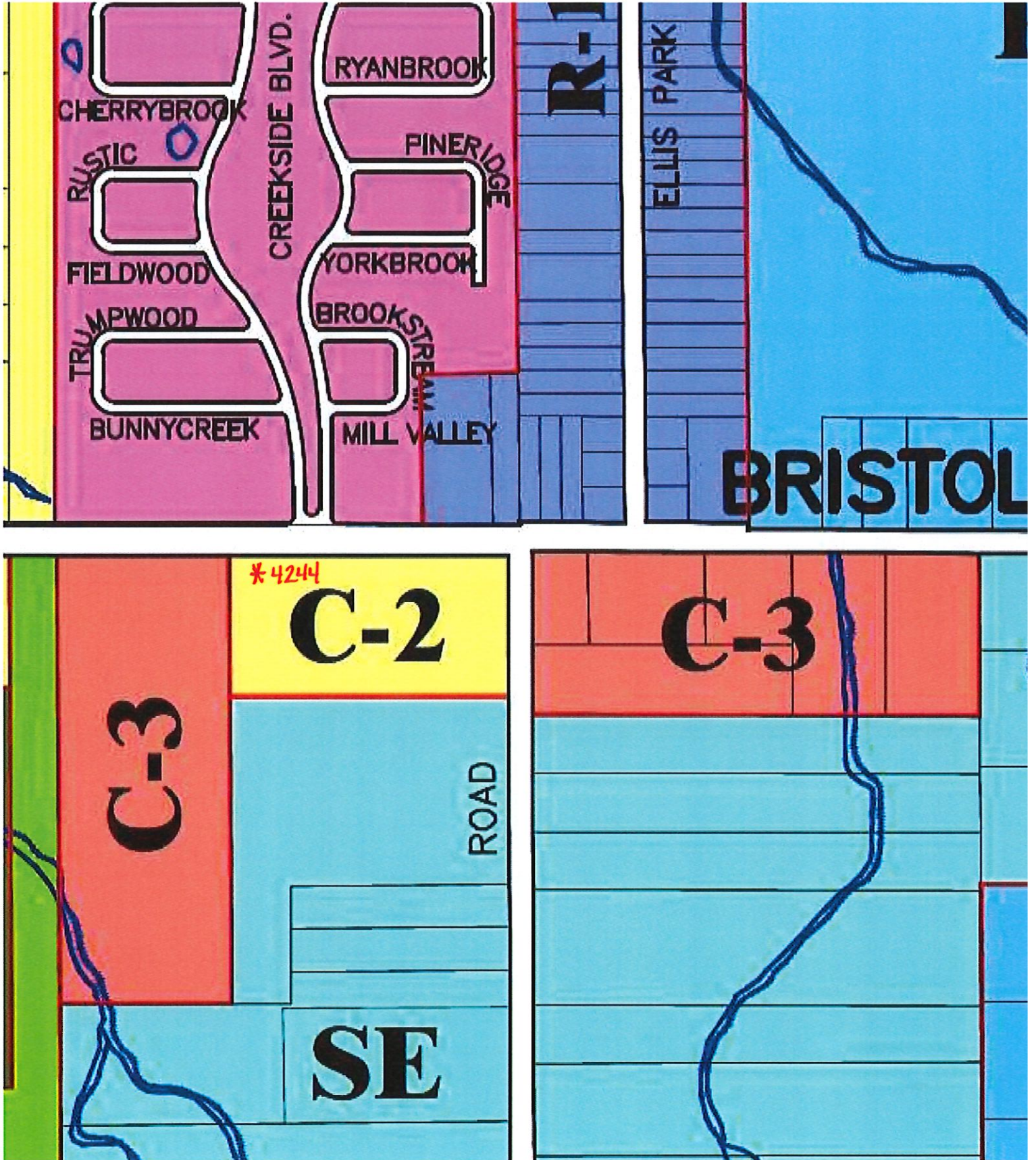
APPLICANTS SIGNATURE: [Signature]

Attachment: Backup 22-16 (5483 : ZBA #22-16)

BURTON



Attachment: Backup 22-16 (5483 : ZBA #22-16)



Attachment: Backup 22-16 (5483 : ZBA #22-16)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

Meeting: 09/15/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.2

DEFEATED

AGENDA ITEM (ID # 5484)

DOC ID: 5484

ZBA #22-17

By: Jess Whitney
4448 E. Bristol Rd., Burton MI 48519

Re: 4448 E. Bristol Rd., Burton MI 48519
59-34-200-025, Combining with Parcel 59-34-200-026 Zoned SE

For: To conduct an M-2 special use in a SE zone, for the outside storage of construction contractor's equipment only.

COMMENTS - Current Meeting:

Jess Whitney of 4448 E. Bristol Road, Burton stated I have lived there for just over nine years and have parked commercial vehicles there for all of nine years. All different shapes and sizes, some bigger than others, but they have all been commercial. I have a 5,000 square foot barn to store them inside sometimes, but mostly outside behind the barn. You can't see them with the naked eye. They are 700 feet off the road behind the barn through trees. I have a total of 57 acres all touching each other there at the corner of Genesee and Bristol Road. The variance is to just park commercial vehicles directly behind the barn. It's not to put any new driveways in or stockpile dirt. It is just for storage of commercial vehicles. That you cannot see from the naked eye. Trying to help out the neighbors, I'm gone all day long and don't make a noise. The main reason why I bought that house, with that much property in the City of Burton, is to make some kind of money using the land to make a profit. I'm pretty considerate to my neighbors. All my neighbors really like me, and I have never had a problem, never got a call or noise complaint, nothing of that nature.

William Henry, 4445 E. Bristol Road, Burton Michigan stated I live directly across from Mr. Whitney. I moved there about four or five years before he did. I notice obviously going from an abandon house to basically like a small trucking company. I could see how hard he was working, and really, he's not even home like he said. Actually, a lot of the times he is my alarm clock. He is johnny on the spot, six o'clock in the morning, fire up the trucks, and then he wouldn't be back until five o'clock at night. So, there isn't any noise disturbance or anything. He is a heck of a guy. I went through some health problems and had a huge tree fall down in my driveway, it almost hit my car and hit the side of my house. It had to have been 15 foot in diameter. He came over after the storm and said, hey do you need some help? Again, I was going through some health problems at the time. I'll take anything I can get. He brought his tractor over and helped me cut it up. I couldn't even lift my chain saw. That's how awesome of a guy he is and I think he is an asset to the community. He is going down to the Detroit areas and bringing money back into the community. My lawn care was local, but he is bringing money back into the community.

Troy Bredow, 3520 S. Genesee Road stated I am right on the main corner by the driveway gate. I think the guy should definitely get it passed. There are never any problems with what he does. He is trying to clean up his property. If he could get it passed, that would be great.

Mrs. Abbey gave some history about the property, November of 2020 is when we first received a complaint about the commercial vehicles on his property. We cited Mr. Whitey to get rid of the vehicles, he did not, we ended up having to issue a ticket. And he went to court and received a fine. Fast forward a few months later and vehicles are back at the property. We cited Mr. Whitney, and he did not get rid of the vehicles. He received a ticket, went to court, and was given a fine. Fast forward to 2021, Mr. Whitney was given a notice to get rid of the vehicles, he did not, and we received a court order stating any time the vehicles are there within the year we could tow them. We ended up towing both of his larger gravel train vehicles. Throughout the history of this property, he has not complied with anything the City has asked him to do. So much, that he violated a court order and had his vehicles towed. Any variances you would put on the property or stipulation you would allow him to have, we have no reason to believe he would follow. So, we would recommend denial.

Mr. Burge asked, what is the name of the business we are running here?

Mr. Whitney answered, Whitney Trucking.

Mr. Rapacz stated, I have a question for the applicant. So, after they ticketed and fined you and ticketed and fined you, how come you didn't seek a variance then?

Mr. Whitney answered, I didn't know there was such a thing as a variance to be honest with you. And this is my livelihood.

Mr. Rapacz stated, so they were giving you tickets and fining you, and you thought the only restitution was to do it again?

Mr. Whitney stated, I thought the only way was to change the property to a commercial property and I knew that would be pretty hard to do. I never knew there was a variance that said I could just use my MDARD certified Michigan certified 30 foot easement and just park my vehicles behind my barn and not drive them anywhere else on my property and everyone is happy. My neighbors don't care at all.

Mr. Rapacz stated, technically someone cared. Some neighbor cared. You can't say no one cared because there wouldn't be a compliant if no one cared. Most of the general neighbors probably don't care though. That would be correct. I'm not trying to bust your chops, I'm just trying to figure out how it got to this point. Because obviously the City doesn't trust you if we say sure you can park your truck behind your barn and the next thing you know, there are trucks, gravel trains, gravel piles, or more logs. And you will be like, well, it's cleaning up my property and that isn't really the point. There are reasons there are rules in place for things.

Mr. Whitney stated, I just want to provide for my family and live in this house. The reason I bought it was because of that 5,000 square foot barn and the property to do what I do in private without affecting anyone else's life or their livelihood. And that's what I want to do. I don't want to cause any problems anymore. I just want to park the trucks there, go to

work, pay my taxes, and go home.

F.2

Mr. Burge asked, what are you doing with the vehicles in the wintertime when it is cold? Are you letting them run all night or what are you doing?

Mr. Whitney said, no. We plug them into the barn and drive them off.

Mr. Burge asked, what are your employees doing with their cars? Are they leaving them there and driving off?

Mr. Whitney stated, it's just two employees. There is an acre of gravel. Everything is behind the barn. Nothing is in front of it.

Mr. Welch asked, this didn't happen just once, so did you just ignore the order and pay the fine? How long did you plan on doing that?

Mr. Whitney responded, at first it was I could park my trucks in the barn. Out of sight out of mind. The second ticket, I was backing it into the barn and the Code Enforcer took a picture inside the barn with the door not shut. So, I tried. I'm really busy. I didn't know about this variance, or I would have done it a long time ago if I knew about this, I promise there will be no other issue ever. I don't want to move.

Mr. Hynes asked Mrs. Abbey, is this a berm built in this area right here?

Mrs. Abbey stated, yes. There is a berm on the front of the house.

Mr. Hynes asked, do we need authorization to build a berm too?

Mrs. Abbey stated, since you are asking, yes, he was given permission to build a small berm and he added to the berm and got a ticket for that. The judge made an order for the berm to be removed.

Mr. Whitney stated, then I went to the Genesee County Drain Commission, and they approved it.

Mrs. Abbey stated, the drain commission can't approve a berm. They approved you to put some dirt in their drain easement which is not the front part of the property to clarify.

Mr. Whitney responded, it is like the right to farm act, being able to park equipment, tree trucks on my property because it is a farm and you tried to dictate state law.

Mrs. Abbey stated, no, the judge made the decision.

Mr. Whitney stated, well the judge tried to dictate state law because I was certified from the State of Michigan, to park equipment on my property and she said I could not.

Mr. Welch stated, you know all this here with the county, but you didn't know you could apply for a variance? Instead of paying fines and paying fines. That's what I don't understand.

Mr. Whitney stated, it wasn't a lot. And like I said, the second time they took a picture of my truck inside my barn. The third time they towed it. And it was the office that came to my house that told me about it. So, that very next day, I did all the paperwork to combine the two properties because it would have been easier to get a variance on one property instead of two separate properties. It would be easier to discuss. So, I did all that, had it resurveyed again, combined again, had it surveyed for the third time because of all this and now I'm here.

Mr. Rapacz asked, what do you farm there?

Mr. Whitney stated livestock, firewood, and I have a tree farm. I was told I couldn't park my tree truck or farm equipment there.

Board discussion ensued on the farming.

Mr. Rapacz asked, what is your contingency plan if we say no? Where are you going to park your trucks?

Mr. Whitney stated, I would have to rent a warehouse outside of Burton. Try to find a safe spot so I can put away all my tools. It would probably be \$4,000 a month. Maybe even have to buy something. I would probably sell my house and land because why would I need 57 acres? Farming isn't what it used to be. You can't really make money off farming.

Mr. Burge asked, you aren't really using it for farming right now are you?

Mr. Whitney stated, there are 40 acres of corn that I get paid for and the tree farm. I have 15 acres of new growth trees.

My. Hynes stated, so if you get paid for it, someone else is farming it.

Mr. Whitney said, yes. The 40 acres is a farm contract, and it just barely pays the property taxes. So yeah, I would probably have to sell everything and move somewhere that I could park everything at. A county away I could do it. That's why I bought 57 acres. I'm probably one of the largest zoned properties privately owned, in the City of Burton.

Mr. Burge stated, but most of them aren't parking big trucks on their property.

F.2

Mr. Whitney stated a commercial vehicle is a commercial vehicle. There are hundreds of commercial vehicles parked at residential pieces in the City of Burton. Tree trucks, semis right down the road, a commercial vehicle is a commercial vehicle. Yes, I pull a little more weight than them, but I don't make any more noise.

Mr. Welch stated, I'm just not comfortable.

Mr. Whitney stated, my neighbors don't care. You just heard all of them.

Mr. Welch stated, we heard from two.

Mr. Whitney stated, but those are the only ones that touch my property and can see into it. You should come over and look at it.

Mr. Welch stated, I always visit the site. I was there today as a matter of fact. But the thing is, whatever we do, yes or no, it is what it is. He has proven in the past that he is going to do what he wants to do. That's the only problem I have.

Further discussion ensued about the motion.

ATTACHMENTS:

- Backup 22-17 (PDF)

RESULT:	FAILED [0 TO 7]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Scott Hynes, Commissioner
NAYS:	Smith, Burge, Hynes, Rapacz, Welch, Richvalsky, Fuhst
EXCUSED:	Gary Kautz, Michaeline Ward-Terry



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

Date Filed: 8-17-2022
Fee Paid: 250
Receipt #: _____
Check #: 2700
Received by: J. Wayne
Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-17 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: SEPT. 15, 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Jess Whitney

APPLICANTS ADDRESS: 4448 E, Bristol Rd

CITY: Burton

APPLICANTS PHONE: 248 882 1599

APPLICANTS EMAIL: Jess A Whitney 91 @ gmail.com

ADDRESS AND PARCEL OR LOT NUMBER: 4448 E, Bristol Rd # 5934200-0
combining 5934200-026

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: I Jess Whitney I'm requesting that
my residents 4448 E, Bristol Rd Burton can safely and
quietly house my personal commercial vehicles via my 35 foot
wide barn driveway with minimal to no obstruction of my neighbors

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 22-17 (5484 : ZBA #22-17)

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.

I Jess A, Whitney live at 4448, E bristol Rd in the city of Burton, I have 57 acres and a 5000 sqft barn on the same property with a 35 foot driveway that leads to the barn and around the barn there is a parking lot made of 21A limestone that I park my commercial vehicles at or I park them in the barn in the winter mostly I respect my neighbors and there concern with noise pollution so my neighbors and I always talk to make sure there happy and I'm not causing any problems I've been parking commercial vehicles at my house since I moved in there 10 years ago and This has just become a problem just over a year ago so I ask all parties involved who's decision this is to let me continue parking my trucks at my house behind my barn were from the average eye they would never know they were there I respect the process of this variance and I hope we can find common ground

Attachment: Backup 22-17 (5484 : ZBA #22-17)





