

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 17, 2013, 5:00 P.M., COUNCIL CHAMBERS
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Chairman Steve Welch called the Meeting to order at 5:00 p.m.

MEMBERS PRESENT: Welch, Walls, Parker, Hynes, Parker and Haskins.

MEMBERS ABSENT: Weatherford.

OTHERS PRESENT: A. Abbey, Deputy Planning Official and M. Snow, Clerk's Office.

Haskins moved and Walls seconded to approve the Regular ZBA Meeting minutes of September 19, 2013 at 5:00 p.m. Motion carried 6-0.

Mr. Welch announced that because the first application may be lengthy and since the applicants have agreed to it, the second application would be heard first.

NEW APPLICATIONS:

1. ZBA #13-18

BY: Bubba O'Malley's
1076 S. Belsay Rd.
Burton, MI 48509

RE: 1076 S. Belsay Rd.
Parcel #59-14-526-035, C-2 Zoned.

FOR: To conduct an outdoor recreational use for a
beer tent on 11-09-2013 in conjunction with
the Veterans Run. (5 votes required)

Carrie Roberts, 2099 Paulson, Grand Blanc, MI., 48439, had nothing more to add.

AUDIENCE PARTICIPATION:

Vaughn Smith, 1311 Clairwood, said he has been working on the Veteran's run as well as other projects in Burton and in other communities. He is a runner and has participated in this before. It is a good site for a race and this is a fun and productive way to make money for the community. He said as of yesterday there is 122 race participants signed up. He asked that the Board approve the variance.

Jim Craig, 6295 Hidden Trails, said he is a member of Parks & Recreation and is the Chair for this race. We are trying to raise money for the Disabled American Veterans. This is a great venue and we need partnership between local agencies. We want to make Burton a great community to live in and any support we could get from the Board would be great.

REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 17, 2013 / 5:00 P.M.
PAGE 2

Mrs. Abbey said Bubba's has come before the Board before for events and there hasn't been any security issues. She recommended approval.

BOARD DISCUSSION:

Mr. Parker asked what would be used for enforcement purposes.

Mr. Roberts said they would be using 6-10 of their own in house security to help with crowd control etc. If we need a police presence we would ask for the Burton Police to help and they would pay for that.

Mr. Welch asked what kind of capacity is available for in the restaurant as well as the parking lot.

Mr. Roberts said the restaurant can hold around 250 people. He said he allows for up to 500 and we will have the whole back area available for parking if needed.

Mr. Walls asked if there would be porta johns on the outside of the tent.

Mr. Roberts said they are on the outside of the tent but inside the fencing so everyone can go back and forth. There will be wristbands to identify who is 21 and over.

Mr. Walls asked if there would be a warming unit or just strictly body heat.

Mr. Roberts replied body heat and because of the event everyone should be clothed appropriately.

Mr. Walls asked if Bubba's decides to put a heating unit does the City need to be contacted.

Mrs. Abbey said the Building Inspector would be required to see that the tent was fire retardant.

Mr. Welch said there needs to be heaters because the runners will get cold quickly after running.

BOARD RECOMMENDATIONS AND/OR ACTION:

Terry Parker moved and Tracy Parker seconded to approve ZBA #13-18. Motion carried 6-0.

REGULAR ZONING BOARD OF APPEALS MINUTES

OCTOBER 17, 2013 / 5:00 P.M.

PAGE 3

2. ZBA #13-17

BY: Blessed Sacrament Catholic Church –
Jim Cokley
6340 Roberta St.
Burton, MI 48509

RE: 6340 Roberta St.
Parcel #59-13-400-002, R-1C Zoned.

FOR: 1. To construct an RM-1, Multiple Family Residential use in an R-1C, Single Family Residential zone, for two senior priest housing development projects. (5 votes required)
2. To construct two 6 unit dwellings that will exceed the maximum number of attached dwelling, 4 units allowed. (4 votes required)
3. To allow access to the Multiple Family development by way of Roberta Street instead of Lapeer Road, Major thoroughfare required. (4 votes required)
4. To authorize postponement of the sidewalk requirement on Lapeer Road until which time that the driveway is completed on Lapeer Road. (4 votes required)
5. To construct the required fence to only along the area of which construction is to take place for the senior priest housing developments. (4 votes required)

Jim Cokley, 5404 S. Sycamore, is here to represent the Blessed Sacrament Property. He asked that the Board approve all of the variances.

AUDIENCE PARTICIPATION:

Bill Davis, 6342 Lapeer, said he is concerned with having multiple dwellings. The Church owns about 150 acres and the driveway would be about ¼ of a mile. He doesn't want apartments in his back yard. He said the Church has been good neighbors and used to mow this property 5 years ago which helped with mosquitos. Now the mosquitos are terrible because the mowing stopped.

Lydia Theakston, 6354 Lapeer, said her major concern is that the property values of the homes would decrease. She said to look into your backyard and see buildings is not very nice.

Pat Gradowski, 6392 Lapeer, asked where these units would be built and how many would there be. She questioned the Lapeer Rd., access and would they construct a road. Would it be opened to low income housing and would it be rezoned?

REGULAR ZONING BOARD OF APPEALS MINUTES

OCTOBER 17, 2013 / 5:00 P.M.

PAGE 4

Mrs. Abbey said in regards to item #1, this does not rezone the parcel for multiple families. It specifically gives a use for these two senior priest housing developments. We do not believe it has a strong impact on the area and it would be specific to the senior priest housing. For item #2 the Ordinance only allows a four unit attached dwelling and they wish to have six. This would look like six single family homes, they would just be attached. For item #3, they do not wish to develop the driveway out to Lapeer Rd. It is costly for what they want to do. They have access to Roberta, however in a multiple family unit dwelling they have to have a major thoroughfare. This would be a lot of money and would be done in the future. For item #5, they wish to put the fencing along the houses on Lapeer Rd. and Transue because this is the only part of the property they are developing at this time. For item #4 they would prefer to complete the sidewalk after the driveway is completed.

Mr. Walls said there might be more traffic if they put a street in. He asked if the units are empty, can they be rented out.

Mrs. Abbey said they could only develop the property by splitting lots and build single family homes on each parcel. We can't babysit if someone else moved in, however the Assessor's Office would take away their non-profit for that if they rented it out.

Father Andrew Czajkowski said he is the Pastor at Blessed Sacrament and represents 22 parishes of Genesee County. It would be around 25 years before we would even think of renting out the buildings. Right now we would like to do one building with six and if necessary do the second building. We are trying to make the property viable and we opted for this over being at Powers or other sites in the region. We have 8 people on the waiting list but have no housing for them.

Mr. Parker asked who owns the property along Lapeer Rd.

Mrs. Abbey replied the resident do.

Mr. Parker asked if the Church closed who would own that property.

Father Czajkowski replied the Diocese of Lansing.

Mr. Parker asked if they close, then what. This doesn't benefit the City at all.

Father Czajkowski said the Church serves families from Burton and they want to build up the neighborhood.

Mr. Walls asked if this would enhance the chance that the Church stays open. We don't want empty buildings.

Father Czajkowski replied it would.

Mr. Walls said we approve for extra dogs and that doesn't enhance Burton. They maintain the grounds. We don't want to drive them out.

REGULAR ZONING BOARD OF APPEALS MINUTES
OCTOBER 17, 2013 / 5:00 P.M.
PAGE 5

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Hynes seconded to approve ZBA #13-17 item #1. Motion carried 5-0, with Terry Parker voting no.

Walls moved and Hynes seconded to approve ZBA #13-17 item #2. Motion carried 5-0, with Terry Parker voting no.

Walls moved and Hynes seconded to approve ZBA #13-17 item #3 with the stipulation that if the units are rented out the driveway that is being delayed must be put in. Motion carried 6-0.

Mr. Haskins said he has concern with putting up these units and then they eventually get rented out and what would happen if the Church closed.

Mr. Walls thinks it should be for priests and by putting this stipulation in place keeps them from renting the units 25 years down the road.

Mrs. Abbey said this is specific to Blessed Sacrament Church. The variance goes to the property owner of record now.

Terry Parker moved and Walls seconded to approve ZBA #13-17 item #4 and item #5. Motion carried 6-0.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION: None.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, November 21, 2013 at 5:00 p.m.**

Meeting adjourned at 5:58 p.m.

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