



# CITY OF BURTON

## ZONING BOARD OF APPEALS

APRIL 21, 2022

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD  
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:00 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       | Present |         |
| Scott Hynes           | Commissioner            | Excused |         |
| Tim Rapacz            | Commissioner            | Present |         |
| Michaeline Ward-Terry | Vice Chairperson        | Excused |         |
| Steve Welch           | Chairman                | Present |         |
| Joey Richvalsky       | Alt. Commissioner       | Present |         |
| Rick Fuhst            | Commissioner            | Present |         |

### C. STAFF PRESENT

Amber Abbey, Deputy DPW Director  
Leandra Swayne, DPW Records Tech  
Lindsey Bice, Clerk's Office

### D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jan 20, 2022 5:00 PM

|                  |                                                       |
|------------------|-------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Tim Rapacz, Commissioner                              |
| <b>SECONDER:</b> | Joey Richvalsky, Alt. Commissioner                    |
| <b>AYES:</b>     | Smith, Burge, Kautz, Rapacz, Welch, Richvalsky, Fuhst |
| <b>EXCUSED:</b>  | Hynes, Ward-Terry                                     |

### E. NOMINATIONS

1. Approve and Authorize Tim Rapacz for Zoning Board of Appeals Vice Chairperson from April 2022- December 2022.

Mr. Burge nominated Tim Rapacz for Vice Chairperson.

Mr. Rapacz nominated Scott Hynes for Vice Chairperson.

Ms. Bice asked Mr. Rapacz if he accepted his nomination.

Mr. Rapacz stated he does accept his nomination for Vice-Chair.

The votes were as follows:

Mr. Fuhst stated Mr. Rapacz.  
Mr. Welch stated Mr. Rapacz.  
Mr. Kautz stated Mr. Rapacz.  
Mr. Smith stated Mr. Rapacz.  
Mr. Burge stated Mr. Rapacz.  
Mr. Richvalsky stated Mr. Rapacz.  
Mr. Rapacz stated Mr. Hynes.

|                 |                                               |
|-----------------|-----------------------------------------------|
| <b>RESULT:</b>  | <b>CARRIED [6 TO 1]</b>                       |
| <b>MOVER:</b>   | Kevin Burge, Planning Representative          |
| <b>AYES:</b>    | Smith, Burge, Kautz, Welch, Richvalsky, Fuhst |
| <b>NAYS:</b>    | Rapacz                                        |
| <b>EXCUSED:</b> | Hynes, Ward-Terry                             |

2. Approve and Authorize Steve Welch for Zoning Board of Appeals Chairperson from April 2022- December 2022.

Mr. Burge nominated Steve Welch for Chairperson.

Mr. Rapacz nominated Michaeline Ward-Terry for Chairperson.

The votes were as follows:

Mr. Fuhst stated Mr. Welch  
Mr. Welch stated Mr. Welch  
Mr. Kautz stated Mr. Welch  
Mr. Smith stated Mr. Welch  
Mr. Burge stated Mr. Welch  
Mr. Richvalsky stated Mrs. Ward-Terry  
Mr. Rapacz stated Mrs. Ward-Terry.

|                 |                                      |
|-----------------|--------------------------------------|
| <b>RESULT:</b>  | <b>CARRIED [5 TO 2]</b>              |
| <b>MOVER:</b>   | Kevin Burge, Planning Representative |
| <b>AYES:</b>    | Smith, Burge, Kautz, Welch, Fuhst    |
| <b>NAYS:</b>    | Rapacz, Richvalsky                   |
| <b>EXCUSED:</b> | Hynes, Ward-Terry                    |

#### F. AUDIENCE PARTICIPATION

No audience participation.

#### G. VARIANCE

1. ZBA #22-02

By: Gjonaj Properties, LLC  
30201 Little Mack Ave., Roseville,

Re: 5186 Cassia Ct., Burton, MI  
Parcel ID 59-35-551-051, Zoned R-1A

For: To construct a new residential home requesting the rear yard setback to be 30 feet, 35 feet required.

Viktor Gjonaj at 30201 Little Mack Ave in Roseville stated this property is a corner lot making the setbacks challenging.

Mrs. Swayne stated this is a unique lot as it sits on the corner and has the curvature to the front. This poses a challenge to meet the rear setback requirements. The administration recommends approval.

Mr. Richvalsky clarified with the applicant that the plans presented are the plans for the home that will be built, he is not asking the board for an additional 5-feet of home added onto these plans.

Discussion ensued regarding the location of the driveway and drainage.

Mr. Burge motioned to approve ZBA case #22-02 as written.

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| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                            |
| <b>MOVER:</b>    | Kevin Burge, Planning Representative                  |
| <b>SECONDER:</b> | Gary Kautz, Alt. Commissioner                         |
| <b>AYES:</b>     | Smith, Burge, Kautz, Rapacz, Welch, Richvalsky, Fuhst |
| <b>EXCUSED:</b>  | Hynes, Ward-Terry                                     |

2. ZBA #22-03

By: Todd Hooper  
5317 Lapeer Rd., Burton, MI

Re: 5317 Lapeer Rd., Burton, MI  
Parcel ID 59-14-527-072, Zoned R-1B

For: To conduct a youth special needs daycare in an R-1B, (single family residential district) zone, R-O (restricted office) zoned required.

Todd Hooper and Lisa Sain at 5382 E. Court Street in Burton presented a shared parking agreement with the daycare, A Circle of Friends, that is across the street. They have agreed to allow our staff to park in their lot while they are working.

Mrs. Swayne stated this property contains a house and an office building. The office has non-conforming rights to exist on the residential property. They are asking to operate out of the office space. Our concern was with parking, which the applicant has addressed with the shared parking agreement. It appears they only have four parking spaces on the property. We would recommend approval.

Mr. Burge asked if the office building is part of this.

Mrs. Swayne said, yes. The daycare exceeds the use of the restricted office use, so they have to apply for the variance. They would be operating out of the existing office building.

Mr. Burge asked, how many children will be attending the daycare?

Ms. Sain stated we can have five consumers at one time.

Mr. Hooper explained it is a special needs facility for individuals to get a break. They call it respite. It is not a daycare that allows someone to go to work everyday. It is for the family to get a break for a Saturday night or anytime they need, they drop them off.

Ms. Sain stated the staff are direct care workers. They are licensed. They will be certified by the State of Michigan.

Mr. Burge asked, how many staff will be working? What is the age limit?

Ms. Sain stated up to age 26. There will be one worker per consumer.

Discussion ensued regarding the parking agreement.

Mrs. Abbey stated the parking agreement will have to be recorded with the Register of Deeds if this passes. You will need to make it a stipulation to the motion.

Mr. Kautz asked if this is an overnight facility.

Ms. Sain stated the hours are only until 9PM. Hopefully, in the future we can provide that service. We will be the first building in Genesee County to meet these needs of the community. There is another program where the respite goes into the home of the family to provide service. This is a wonderful program, however, when your child wants a snack, if they have the option of asking mom or the nurse, they will ask mom. So these families are not getting the full breaks that they need. We are starting very small, eventually we hope to grow.

Mr. Kautz motioned to approve ZBA case #22-03 as presented with the addition of the shared parking agreement.

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| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                            |
| <b>MOVER:</b>    | Gary Kautz, Alt. Commissioner                         |
| <b>SECONDER:</b> | Vaughn Smith, Council Representative                  |
| <b>AYES:</b>     | Smith, Burge, Kautz, Rapacz, Welch, Richvalsky, Fuhst |
| <b>EXCUSED:</b>  | Hynes, Ward-Terry                                     |

3. ZBA #22-04

By: Fisher Power Supply  
2347 E. Bristol Rd., Burton, MI

Re: 2347 E. Bristol Rd., Burton, MI  
Parcel ID 59-29-400-010, Zoned M-2

For: To construct an accessory building, for cold storage in the front yard, required to be behind front face of building.

Tom and Chelsea Fisher at 2347 E. Bristol Road in Burton stated they have nothing to add but are available for questions.

Mrs. Swayne stated this property is a unique shape. There is no clear definition of where their backyard is with where their principal structure is located on the property. We would recommend that the front setback be met. On their drawing, it shows the structure 25-feet from the front property line, it needs to be a total of 50-

feet. They meet the side requirements, however, they could move over 19-feet to get more snug onto the property. We recommend approval.

Mr. Welch asked if the setback needs to be added into the motion.

Mrs. Swayne stated the 50-foot setback from the front property line needs to be added into the motion.

Mr. Rapacz asked the applicants if they have any objections to the city's recommendations.

Mrs. Fisher stated the 25-foot on our drawing is off of the chain link fence. It is 50-feet from our lot line and the center of the road. I don't know where the setback starts.

Mrs. Abbey stated that still does not meet the front set-back. 50-feet from the centerline of the road is the road right-of-way. Your property starts at that point. You have to be 50-feet from your property line.

Mr. Richvalsky stated you are talking 100-feet from the middle of the road.

Mrs. Abbey said, correct. The request was only for the structure to be placed in the front yard. It will still have to meet the front setback requirements to be placed there.

Discussion ensued regarding setbacks and the structure being removable.

Mr. Burge motioned to approve ZBA case #22-04 with the contingency that the structure is setback 50-feet from the front property line.

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| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                            |
| <b>MOVER:</b>    | Kevin Burge, Planning Representative                  |
| <b>SECONDER:</b> | Vaughn Smith, Council Representative                  |
| <b>AYES:</b>     | Smith, Burge, Kautz, Rapacz, Welch, Richvalsky, Fuhst |
| <b>EXCUSED:</b>  | Hynes, Ward-Terry                                     |

## H. BOARD DISCUSSION

Mr. Burge informed the board that there are flyers for a car show for the Memorial Day and 50th Anniversary Event here in Council Chambers.

The next regularly scheduled meeting will be held on Thursday, May 19, 2022, at 5:00 p.m.