



CITY OF BURTON

ZONING BOARD OF APPEALS

JANUARY 21, 2021

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. MEETING INFORMATION

Zoning Board of Appeals
Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m3666470e73820cc3847ca491683745bf>

Thursday, Jan 21, 2021 5:00 pm | 2 hours | (UTC-05:00) Eastern Time (US & Canada)

Meeting number: 126 586 6171

Password: Z7vc2PXVNA3 (97822798 from phones and video systems)
d31bfe1170c84702b7140a4d1bf8a099

Join by video system

Dial 1265866171@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 126 586 6171

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

D. STAFF PRESENT

Amber Abbey, Deputy DPW Director
Lindsey Bice, Record Tech

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Dec 17, 2020 5:00 PM

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

F. NOMINATIONS

1. Approve and Authorize Steve Welch for Zoning Board of Appeals Chairperson from January 2021 - December 2021.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Council Representative
SECONDER:	Michaeline Ward-Terry, Vice Chairperson
AYES:	Burge, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Kautz, Richvalsky

2. Approve and Authorize Michaeline Ward-Terry for Zoning Board of Appeals Vice Chairperson from January 2021 - December 2021.

RESULT:	CARRIED [5 TO 1]
MOVER:	Christina Conley, Council Representative
AYES:	Burge, Conley, Hynes, Welch, Fuhst
NAYS:	Rapacz
ABSTAIN:	Ward-Terry
EXCUSED:	Kautz, Richvalsky

G. VARIANCE

1. ZBA #20-13

By: Sign Direct c/o Karl Rehschuh
2259 Wicklow S. Dr. Davison MI, 48423

Re: 1056 S. Belsay Rd. Burton MI 48509
Parcel 59-14-526-037

For: To Construct an addition to the existing free-standing sign that will exceed the allowable square footage, 50 square foot requested.

Karl Rehschuh at 2259 Wicklow S. Drive in Davison stated his intention as stated in his application is correct, except they have not made up their minds as to the exact size of the sign yet. There is an existing sign structure on their property that belongs to the restaurant and they would like to add their sign to that. That was an overlook when the property got split. We are stuck with one structure and would like to have permission to add a cabinet sign to the existing sign.

Mr. Welch read public comment into the record submitted by David Horton at 5410 Raymond Avenue and Michelle Roberts at Raymond Avenue, against the variance.

Mrs. Abbey read public comment into the record submitted by Dustin Schmitt at 5409 Raymond Avenue, against the variance.

Mr. Welch asked what size the applicant was planning on making the sign.

Mr. Rehschuh stated they discussed increasing the width of the sign to match the Elwood's sign for esthetics purposes.

Mrs. Abbey stated he cannot change the size that he requested at this point. He requested a 5x10 and that is what it has to stay.

Mr. Rapacz asked if the existing sign is bigger than the one they are proposing?

Mrs. Abbey stated when Bubba's went in years ago, they put the sign up on what was technically not their property however, it was owned by the same people. In 2009, Tom Strausser issued a permit to remove the top part of the sign and replace it with the LED sign, which was smaller than the previous sign. In both these cases, the sign was larger than what the property frontage is. In the packet I gave you it shows their frontage is 60 feet. They would only be allowed 30 square feet of signage. The existing sign already exceeds what they would already be allowed. They are put in a hardship by the fact that this sign is there. They have nowhere to put a sign for their business without making the restaurant remove their sign. The added square footage they want does not make that much of a difference. It is not right next to the residential areas that you hear in the e-mails.

Mr. Rapacz stated this a business being put in a situation of being between a rock and a hard place.

Mrs. Abbey stated yes, he would have some choices to make that could lead him into legal battles with the restaurant owner.

Mr. Welch asked for clarification on the fence issued raised in public comment.

Mrs. Abbey stated I will reach out to her and address that. The site plan for the storage unit does require a privacy fence. They will be required to put it in. They are still under construction but prior to occupancy they will be required to have that privacy fence up. We recommend approval.

Mr. Burge made a motion to approve ZBA Case #20-13 with the measurements as 10x5 foot.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Scott Hynes, Commissioner
AYES:	Burge, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Kautz, Richvalsky

2. ZBA #21-01

By: State Building Co. Inc / Julian Fecher
3494 N. State Rd. Davison MI

Re: 5382 E. Court St South Burton MI, Parcel 59-14-527-103

For: To Construct an addition to home that will exceed setback requirement, set

back is 30' from rear property line and requesting 19' from property rear lot line.

Julian Fecher with State Building Company 3494 N. State Road in Davison stated Todd Hooper owns an assisted living facility two doors down from where he lives. Part of the agreement for the residents at that facility is they can use the pool he has in his back yard. A lot of them have trouble walking so they are brought down in a van and he parks in the driveway. There is a removable cover so the pool is able to be used year round. In the inclement weather, it is a lot of work to get some of them out of the van and down to the pool so they do not want to go. We are asking for the variance to put a building up that would enclose it from the front of the house to the pool. They also do not have a bathroom except in the main house. If someone is down there and needs a restroom who uses a walker or wheelchair, it is not a handicap accessible building.

Mrs. Abbey stated given the dimensions of this property, it is longer rather than deeper. Any addition to this property would require a variance. There is still plenty of distance between the addition and the next property line, we recommend approval.

Mrs. Ward-Terry made a motion to approve ZBA case #21-01.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Christina Conley, Council Representative
AYES:	Burge, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Kautz, Richvalsky

H. AUDIENCE PARTICIPATION

Public comment may be sent to: publiccomment@burtonmi.gov. Comments received prior to the meeting will be read into the record.

No audience participation.

I. BOARD DISCUSSION

No board discussion.

The next regularly scheduled meeting will be held on Thursday, February 18, 2021, at 5:00 p.m.