



CITY OF BURTON

ZONING BOARD OF APPEALS

JUNE 16, 2022

Council Chambers

Regular Meeting

5:00 PM

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

ATTENTION APPLICANT:

In order to prove you are entitled to a variance, you should be prepared to show how your property meets the conditions listed:

1. The difficulty must be unique to your property and not generally shared by others in the same zoning district, and would constitute a hardship.
2. The variance will not adversely affect the public health, safety and welfare, or be contrary to the spirit and intent of the Ordinance.

The burden of demonstrating that the above conditions exist on your property falls on you, the applicant. The Zoning Board of Appeals will not argue or present your case for you.

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

B. ROLL CALL

C. STAFF PRESENT

D. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Zoning Board of Appeals. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 19, 2022 5:00 PM

F. VARIANCE

1. ZBA #22-07

By: Ric Rubio
9225 Perry Rd., Grand Blanc, MI 48439

Re: 5205 E. Court St., Burton, MI 48519
59-11-300-007, Zoned C-2

For: To temporarily use the parcel to store (park) finished vehicles.

2. ZBA #22-08

By: Reese Real Estates & Investments Co.

9310 South 320 West Sandy, UT 84070

Re: 5490 Davison Rd. Burton MI
59-11-200-005, Zoned C-2

For: 1. To conduct a M-1 light industrial use in a C-2 general business zone for
wholesale products.
2. To Conduct a M-2 special use in a C-2 general business zone for an open
storage yard.

3. ZBA #22-09

By: Hanna Lytle
2114 Morrish St., Burton, MI 48519

Re: 2114 Morrish St., Burton, MI 48519
59-21-526-089, Zoned R-1C

For: To keep backyard chickens on a parcel of land that is less than ½ acre.

4. ZBA #22-10

By: Ronald Hart
2301 Pear Tree Dr., Burton, MI 48519

Re: 2301 Pear Tree Dr., Burton, MI 48519
59-23-676-020, Zoned R-1B

For: To construct a detached garage that will be 5' from the house, 10' required.

G. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, July 21, 2022, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

MAY 19, 2022

Council Chambers

Regular Meeting

5:00 PM

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

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

C. STAFF PRESENT

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

D. AUDIENCE PARTICIPATION

No audience participation.

E. APPROVAL OF MINUTES

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

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

F. VARIANCE

1. ZBA #22-05
By: Robert Daliege
4430 Palmetto Ct., Grand Blanc, MI 48439

Minutes Acceptance: Minutes of May 19, 2022 5:00 PM (Approval of Minutes)

Re: 4430 Palmetto Ct., Grand Blanc, MI 48439
Parcel ID 59-35-551-022, Zoned R-1A

For: To construct a deck off rear of house, requesting a rear yard setback of 31.7',
required rear yard setback is 35'.

Robert Daligae of 4430 Palmetto Court in Burton and Edward Kippee of 3510 Seymour Road in Swartz Creek presented their plans for the proposed deck to the Board. The proposed deck is 12'x16' in size, without the variance, it would be an 8'x8' deck. It is smaller than some of the neighbors. We only have twelve and a half square feet of decking that will not be compliant.

Mr. Rapacz informed the applicants that there are only six board members present and they need four votes for their variance. They have the option to postpone their request until next months meeting when a full board is present, if they wish.

The applicants stated they would like to proceed with their request today.

Mrs. Swayne stated this is a new build home from 2020. The owners hardship is that he simply wants to enjoy his backyard. They are asking for a setback of three and a half inches into the required setback of 35. The administration would recommend approval.

Mr. Burge asked about neighbors being notified.

Mrs. Abbey stated notifications are sent out for every variance.

Mrs. Ward-Terry asked if this was previously a non-conforming property.

Mrs. Abbey said, no. This is a brand new build. The house is built a couple feet away from the set back, so it leaves them very little room.

Mr. Burge motioned to approve ZBA case #22-05 as written.

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

G. BOARD DISCUSSION

Mrs. Abbey shared an article with the board and reminded them of the scope of their duties.

Discussion regarding business owner signs.

The next regular scheduled meeting will be held on Thursday, June 16, 2022, at 5:00 p.m.

This meeting was adjourned at 5:15 PM.

Minutes Acceptance: Minutes of May 19, 2022 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5429)

Meeting: 06/16/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.1

DOC ID: 5429

ZBA #22-07

By: Ric Rubio
9225 Perry Rd., Grand Blanc, MI 48439

Re: 5205 E. Court St., Burton, MI 48519
59-11-300-007, Zoned C-2

For: To temporarily use the parcel to store (park) finished vehicles.

ATTACHMENTS:

- Backup 22-07 (PDF)



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

Date Filed: 5.11.2022
 Fee Paid: 450
 Receipt #: _____
 Check #: 1010
 Received by: [Signature]
 Date Mailed: 5.25.22

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-07 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: JUNE 16, 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: RIC Rubio

APPLICANTS ADDRESS: 9225 PERRY RD

CITY: Grand Blanc

APPLICANTS PHONE: 810.391.3763

APPLICANTS EMAIL: rrubio@CRCminc.com

ADDRESS AND PARCEL OR LOT NUMBER: 59-11-300-007
5205 E. Court St.

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: Temporary Variance to allow
parking of finished GM Vehicles

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 22-07 (5429 : ZBA #22-07)

OWNER ACKNOWLEDGMENT:

I, SERRA WORKS OF COURT STREET am the owner of property
known as: 5205 E COURT ST located in the City of Burton. I give permission
to RIC RUBIO to make an application to the Zoning Board of
Appeals on behalf of my property. I understand unless specified by the Zoning Board of Appeals, any action
taken by the board is permanently associated with this property in accordance with the State of Michigan
Zoning Enabling Act.

If I need to be contacted for any reason please contact me at:

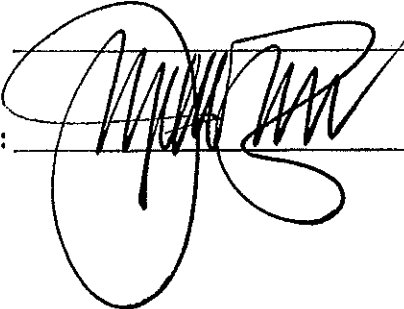
Owner Name: SERRA WORKS OF COURT ST - JOSEPH SERRA-MANAGER

Address: 102 W SILVER LAKE RD STE 300

City: FENTON MI 48430

Phone: 810 936 2730

Email: _____

SIGNATURE: 

DATE: 5/10/22

Attachment: Backup 22-07 (5429 : ZBA #22-07)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5430)

Meeting: 06/16/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.2

DOC ID: 5430

ZBA #22-08

By: Reese Real Estates & Investments Co.
9310 South 320 West Sandy, UT 84070

Re: 5490 Davison Rd. Burton MI
59-11-200-005, Zoned C-2

For: 1. To conduct a M-1 light industrial use in a C-2 general business zone for
wholesale products.
2. To Conduct a M-2 special use in a C-2 general business zone for an open
storage yard.

ATTACHMENTS:

- Backup 22-08 (PDF)



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

Date Filed: 5-16-2022
 Fee Paid: 450
 Receipt #: _____
 Check #: Paid in full
 Received by: Shayne
 Date Mailed: 5-25-2022

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-08 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: JUNE 16TH 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Reese Real Estate & Investment Co.

APPLICANTS ADDRESS: 9310 South 370 West

CITY: Sandy, UT 84070

APPLICANTS PHONE: 801-233-4090

APPLICANTS EMAIL: rreese@standardplumbing.com

ADDRESS AND PARCEL OR LOT NUMBER: 5490 Davison Road
59-11-200-005

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: Permitted use wholesale and warehouse establishments

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: *J. L. F.*

Attachment: Backup 22-08 (5430 : ZBA #22-08)



Reese Real Estate & Investment Company

Corporate Offices
PO Box 708490
Sandy, UT 84070
Phone (801) 255 - 7145 Fax (801) 255 - 7100

May 13, 2022

City of Burton
Department of Public Works
4093 Manor Drive
Burton, MI 48519

ZONING REQUEST FOR APPROVED USE

5490 Davison Road

The property is classified as a C-2 Zone. Under §157.043 (C) “the following uses may be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the City Planning Commission pursuant to §157.177.” §157.043 (C)(6) includes “Wholesale and warehouse establishments.” We are seeking a permitted approval to use the property for sales and distribution of plumbing parts and supplies.

Four specific criteria for approval were requested by the City of Burton and have been achieved:

1. Proper permits have been obtained, inspections conducted and final approvals have been issued on completed items.
2. The complete as-built site plans have been submitted. The Genesee County Drain Commission has approved the site plans for drainage and ensured capacity within the system.
3. Copies of the recorded easements for the driveways on parcel 59-11-200-006 and 59-11-200-011 which are the driveways off Belsay Road have been provided and are plotted on as-built site plans.

Note: The easements predate the formation of the City of Burton and the current ownership. The easements exist through legal contract and by legal prescription flowing with the land. The application and hearing administrative processes are not a legal process for neighbors to leverage new changes to easements established through contract and prescriptive use.

Attachment: Backup 22-08 (5430 : ZBA #22-08)

4. The plan for the location of outside display/storage is included on the as built site plan and includes the height of the stacked material. Example pictures of the product are provided. We will be installing screening to the outside area which contract has been made with a local fencing business.

The Property has been transformed from a state of extreme, advanced blight into an attractive, functional, and safe building. The requestion use is permitted, with city planning commission approval, under §157.043 (C)(6) and is necessary for the day-to-day operations of our Tenant.

We look forward to a positive hearing approval and moving forward.

Kind regards,



Richard N Reese,

President

Reese Real Estate & Investment Company

801-233-4090

Attachment: Backup 22-08 (5430 : ZBA #22-08)



GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

DIVISION OF SURFACE WATER MANAGEMENT

JEFFREY WRIGHT
COMMISSIONER

G-4608 BEECHER ROAD, FLINT, MI 48532
PHONE (810) 732-1590 FAX (810) 732-1474

11 March 2022

Reference: Genova USA (PID 59-11-200-005)

Douglas Scott, P.E. LEED AP BD+C
Senior Project Manager
Rowe Incorporated
540 S. Saginaw Street
Ste 200
Flint, MI 48502

Dear Mr. Scott,

We have reviewed the site plan for this proposed project. We have approve your site with a detention basin having the following design parameters:

Sediment Control provided by AS-2BYP

Channel Protection not required as no change in impervious

Flood Control not required at this no change in impervious amount future improvements may require the site to be brought up to current County standards.

The issuance of this review does not waive any requirements for applicable review or permits from other Governmental Agencies. It is the owner's responsibility to contact each individual Governmental Agency including Genesee County Drain Commissioner's Office Division of Water and Waste prior to construction to determine if there are any permits required.

If you have questions or comments please feel free to contact our office. Thank you.

Sincerely,

Thomas E. Jones Jr., P.E.
Civil Engineer

cc: REI0311(59-11)
City of Burton Bldg. Dept.
Plans Drawn Date: 10/21

05059

Attachment: Backup 22-08 (5430 : ZBA #22-08)



Photograph is a representation of the material to be stored and the manner in which it will be stored. It is not a picture of product currently stored at the property. **PRODUCT WILL NOT EXCEED THE HIGHT OF PROPERTY FENCING.**

Attachment: Backup 22-08 (5430 : ZBA #22-08)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5431)

Meeting: 06/16/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.3

DOC ID: 5431

ZBA #22-09

By: Hanna Lytle
2114 Morrish St., Burton, MI 48519

Re: 2114 Morrish St., Burton, MI 48519
59-21-526-089, Zoned R-1C

For: To keep backyard chickens on a parcel of land that is less than ½ acre.

ATTACHMENTS:

- Backup 22-09 (PDF)



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

Date Filed: 5-19-2022
Fee Paid: 250 Paid CA
Receipt #: _____
Check #: _____
Received by: [Signature]
Date Mailed: 5-25-2022

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-09 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: JUNE 16, 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Hanna Lytle

APPLICANTS ADDRESS: 2114 Morrish St

CITY: Burton MI 48519

APPLICANTS PHONE: (810) 336 8186

APPLICANTS EMAIL: pdlytle@corunna-mi.gov

ADDRESS AND PARCEL OR LOT NUMBER: 2114 Morrish St. Burton
Parcel # 59-21-526-089

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: the keeping of chickens on a 0.15 acre

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 22-09 (5431 : ZBA #22-09)

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.

My son and I keep 5 chickens as pets,
and for eggs. He is also in the process of
joining 4-H to learn animals & farming. Please
allow this slight difference in measurement of
property as ours is a double lot just short of
a half acre. We would both greatly appreciate it.

OWNER ACKNOWLEDGMENT:

I, Hanna Lytle am the owner of property
known as: 2114 Morris St. located in the City of Burton. I give permission
to _____ to make an application to the Zoning Board of
Appeals on behalf of my property. I understand unless specified by the Zoning Board of Appeals, any action
taken by the board is permanently associated with this property in accordance with the State of Michigan
Zoning Enabling Act.

If I need to be contacted for any reason please contact me at:

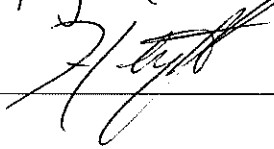
Owner Name: Hanna Lytle

Address: 2114 Morris St

City: Burton

Phone: (810) 336 8106

Email: pdlytle@corunna-mi.gov

SIGNATURE: 

DATE: 5/19/2022

Attachment: Backup 22-09 (5431 : ZBA #22-09)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5432)

Meeting: 06/16/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.4

DOC ID: 5432

ZBA #22-10

By: Ronald Hart
2301 Pear Tree Dr., Burton, MI 48519

Re: 2301 Pear Tree Dr., Burton, MI 48519
59-23-676-020, Zoned R-1B

For: To construct a detached garage that will be 5' from the house, 10' required.

ATTACHMENTS:

- Backup 22-10 (PDF)



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

Date Filed: 5-24-22
 Fee Paid: \$250.00
 Receipt #: _____
 Check #: Credit Card
 Received by: 5-24-22
 Date Mailed: 5-25-22

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-10 4 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: June 16, 2022 AT 5:00 P.M.

PLEASE PRINT

APPLICANTS NAME: Ronald Hart

APPLICANTS ADDRESS: 2301 Pear Tree Dr.

CITY: Burton

APPLICANTS PHONE: 810-406-6901

APPLICANTS EMAIL: RonaldHart73@gmail.com

ADDRESS AND PARCEL OR LOT NUMBER: 2301 Pear Tree Dr.
59-23-676020 R-1B

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: 5 feet from House to Build
garage.

To construct a detached garage that will
5' from the house, 10' required.

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 22-10 (5432 : ZBA #22-10)

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.

There is a 15 foot Easement
on Back of Property not allowing
me any room to Build a garage.

OWNER ACKNOWLEDGMENT:

I, _____ am the owner of property
known as: _____ located in the City of Burton. I give permission
to _____ to make an application to the Zoning Board of
Appeals on behalf of my property. I understand unless specified by the Zoning Board of Appeals, any action
taken by the board is permanently associated with this property in accordance with the State of Michigan
Zoning Enabling Act.

If I need to be contacted for any reason please contact me at:

Owner Name: _____

Address: _____

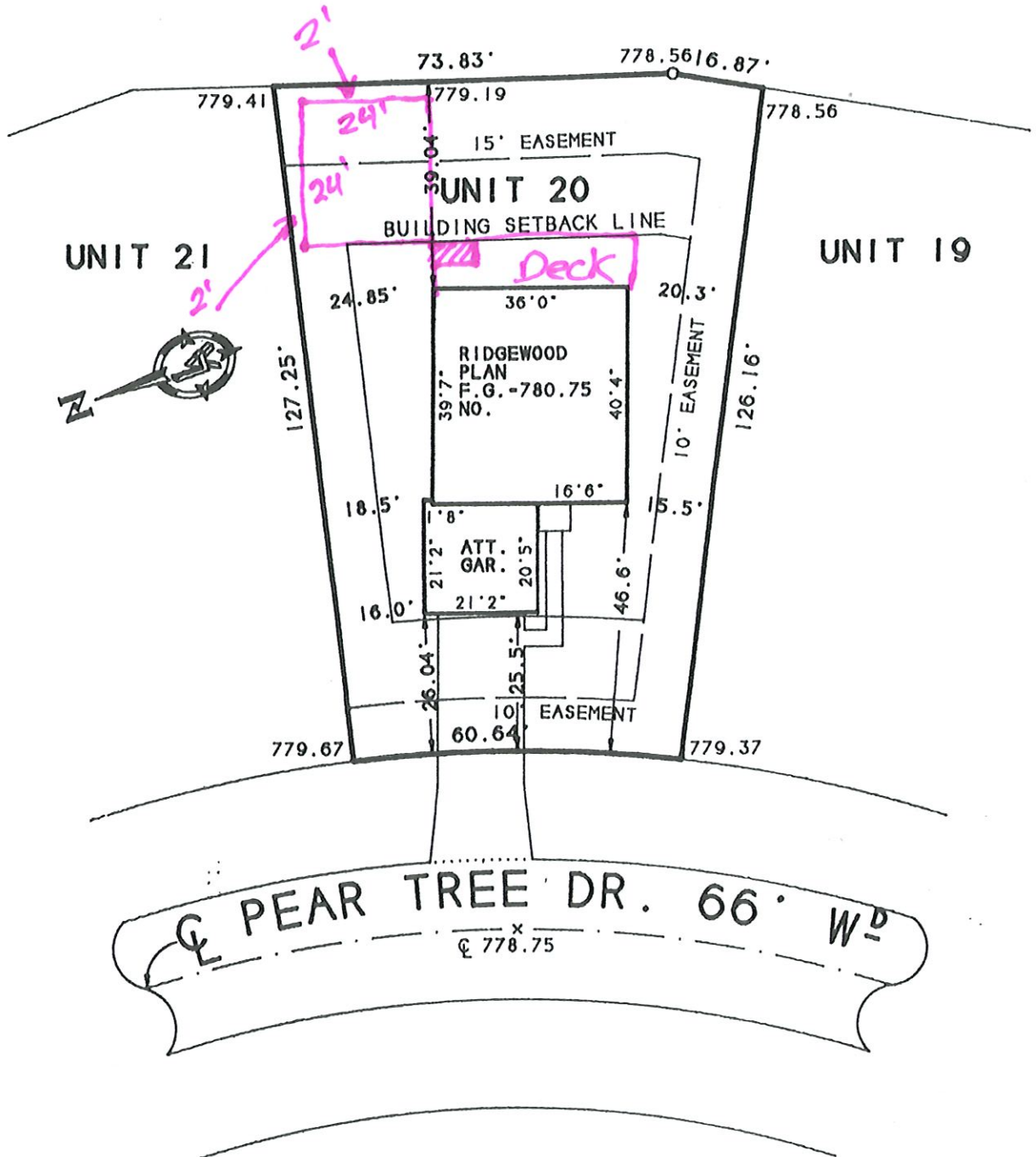
City: _____

Phone: _____

Email: _____

SIGNATURE: _____

DATE: _____



Attachment: Backup 22-10 (5432 : ZBA #22-10)

