



CITY OF BURTON

ZONING BOARD OF APPEALS

MAY 19, 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 TO 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 - Apr 21, 2022 5:00 PM

F. VARIANCE

1. ZBA #22-05

By: Robert Daliege
4430 Palmetto Ct., Grand Blanc, MI 48439

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'.

G. BOARD DISCUSSION

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



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

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tim Rapacz, Commissioner
SECONDER:	Joey Richvalsky, Alt. Commissioner
AYES:	Smith, Burge, Kautz, Rapacz, Welch, Richvalsky, Fuhst
EXCUSED:	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.

RESULT:	CARRIED [6 TO 1]
MOVER:	Kevin Burge, Planning Representative
AYES:	Smith, Burge, Kautz, Welch, Richvalsky, Fuhst
NAYS:	Rapacz
EXCUSED:	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.

RESULT:	CARRIED [5 TO 2]
MOVER:	Kevin Burge, Planning Representative
AYES:	Smith, Burge, Kautz, Welch, Fuhst
NAYS:	Rapacz, Richvalsky
EXCUSED:	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.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Gary Kautz, Alt. Commissioner
AYES:	Smith, Burge, Kautz, Rapacz, Welch, Richvalsky, Fuhst
EXCUSED:	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.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gary Kautz, Alt. Commissioner
SECONDER:	Vaughn Smith, Council Representative
AYES:	Smith, Burge, Kautz, Rapacz, Welch, Richvalsky, Fuhst
EXCUSED:	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.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Vaughn Smith, Council Representative
AYES:	Smith, Burge, Kautz, Rapacz, Welch, Richvalsky, Fuhst
EXCUSED:	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.

Minutes Acceptance: Minutes of Apr 21, 2022 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5401)

Meeting: 05/19/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.1

DOC ID: 5401

ZBA #22-05

By: Robert Daliege
4430 Palmetto Ct., Grand Blanc, MI 48439

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'.

ATTACHMENTS:

- Backup 22-05 (PDF)



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

Date Filed: 4-22-2022
Fee Paid: 250
Receipt #: _____
Check #: 1010
Received by: [Signature]
Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-05 4 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: MAY 19, 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: ROBERT DALIGHE

APPLICANTS ADDRESS: 4430 PALMETTO CT

CITY: GRAND BLANC

APPLICANTS PHONE: (810) 730-2690

APPLICANTS EMAIL: robert.d@canever.com

ADDRESS AND PARCEL OR LOT NUMBER: _____

4430 PALMETTO CT / LOT 140

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: _____

3.3' REAR SETBACK VARIANCE

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.

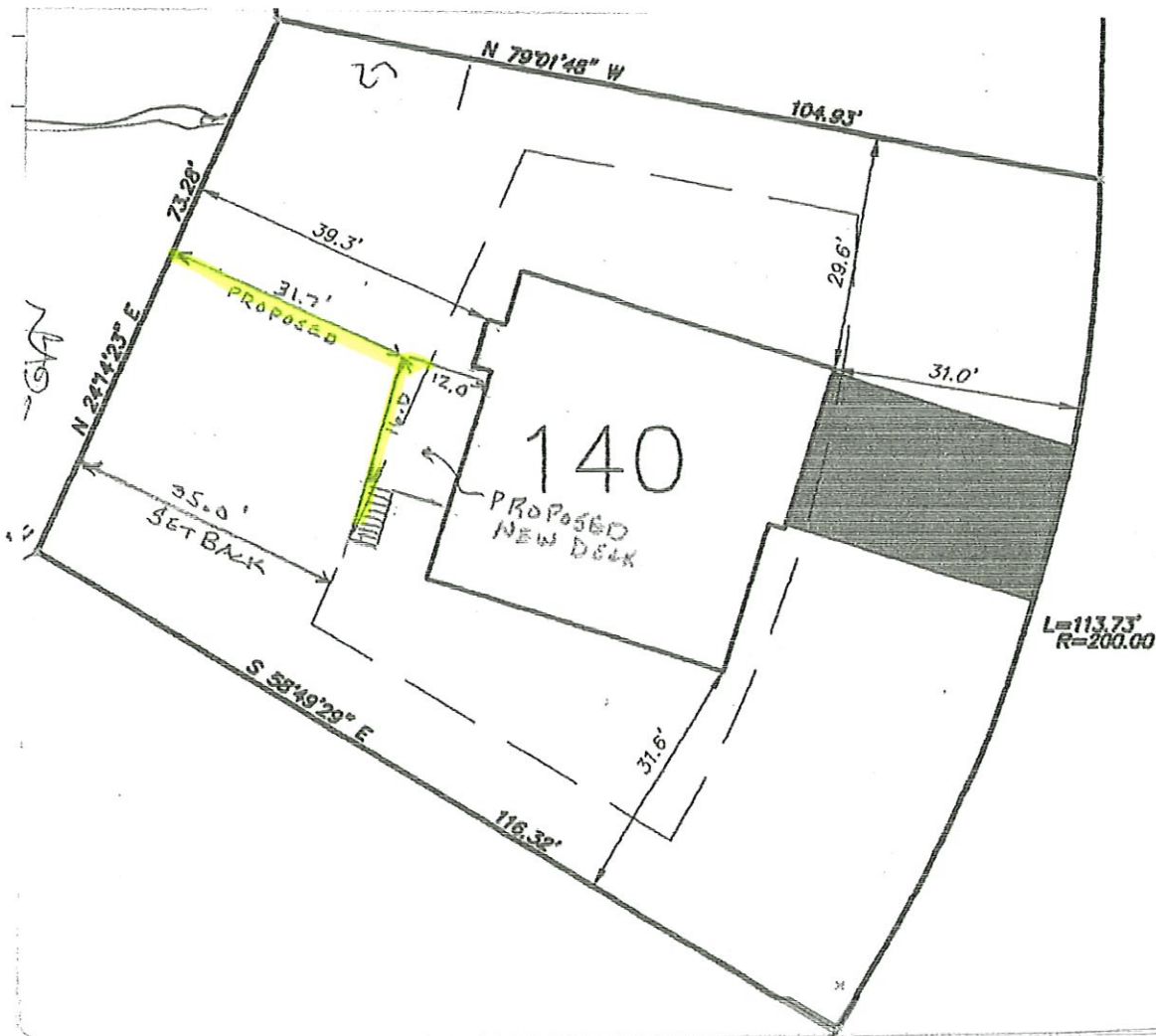
APPLICANTS SIGNATURE: [Signature]

Attachment: Backup 22-05 (5401 : ZBA #22-05)

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.

AS THE HOUSE WAS BUILT, WE ARE ALLOWED AN 8' + DEEP DECK AT OUR REAR ENTRY DOOR. THIS IS TOO NARROW TO BE PRACTICAL. THEREFORE, WE ARE REQUESTING A 3.3' VARIANCE TO THE REAR SETBACK. IF APPROVED, IT WOULD ALLOW FOR A FUNCTIONAL 16' WIDE BY 12' DEEP DECK PLUS STAIRS TO LAWN. IF CONSTRUCTED, IT WOULD BE SMALLER THAN THE THREE CLOSEST DECKS.

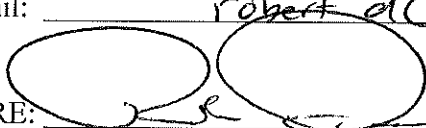


OWNER ACKNOWLEDGMENT:

I, Robert DALIGLE am the owner of property
known as: 4430 PALMETTO CT located in the City of Burton. I give permission
to Edward L Kippe 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: ROBERT DALIGLE
Address: 4430 PALMETTO CT
City: Grand Blanc
Phone: (810) 730-2690
Email: robert.d@canever.com

SIGNATURE: 

DATE: 4/21/22

Attachment: Backup 22-05 (5401 : ZBA #22-05)