



CITY OF BURTON

ZONING BOARD OF APPEALS

MAY 20, 2021

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:23 PM.

A. MEETING INFORMATION

Zoning Board of Appeals
Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m5f99559135e98cf7529e2544e627ddc0>

Thursday, May 20, 2021 5:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 182 380 1688

Password: Zone123 (9663123 from phones and video systems)

Join by video system

Dial 1823801688@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: 182 380 1688

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Board Members attending through the virtual forum must state their name and physical location for the record.

Mr. Hynes, City Hall

Mr. Rapacz, City Hall

Mr. Fuhst, City Hall

Mr. Welch, City Hall

Mr. Kautz, Indian River, MI

Mrs. Conley, City Hall

Mr. Burge, City Hall

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

Rick Fuhst

Commissioner

Present

D. STAFF PRESENT

Amber Abbey, Deputy DPW Director
Lindsey Bice, Clerk's Office

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Apr 15, 2021 5:00 PM

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

F. VARIANCE

1. ZBA #21-11

By: Randy Reil
2271 Eugene St Burton MI 48519

Re: 2271 Eugene St. Burton MI 48519
Parcel ID 59-24-576-080

For: To exceed 5 cords of wood for personal use, requesting 30 cords.

Randy Reil at 2271 Eugene Street, Burton stated I am trying to figure out how much wood I am allowed to keep. I put in a 2020 EPA compliant stove and it must have dry firewood. I need to understand the city's definition of a full cord of wood and a face cord of wood. I need these determinations before I can tell you the volume of wood I will need in my yard.

Mrs. Abbey stated on your complaint, it stated exactly what we allow. A face cord of wood, not to exceed 4ft high, 8ft long and 18in wide. That is what our ordinance allows.

Mr. Reil discussed the time frame it takes to dry the wood he needs to burn in his stove.

Mr. Welch read into the record letters submitted for public comment against this variance from Nancy and Raymond Lindsay at 2322 Eugene Street, Jim and Juanita Vanitvelt at 6482 Milano St, Grace Stiess at 2248 Stonehedge Ct., Elaine Kinelrich 6485 Milano St., Mark Chisnel 2286 Eugene St., Chris Palm at 2293 Eugene St., Jay Miller 6495 Milamo St., and Roberta and Keith Seymour at 6455 Milano St.

Mrs. Abbey stated this stems from a code enforcement violation. He came in to apply for the variance within the ten days of the violation. I have concerns regarding the height of the wood as it is stacked today, as well as it being located in the front yard. There are also stacks of pallets that are not mentioned here. It does not look good. If this is allowed, there needs to be some strong restrictions regarding the location and height. The amount of wood was the only request made here.

Mr. Kautz stated with the wood being dropped off by truck, how is it being dried on

location?

Mr. Reil stated I requested the wood be dropped off by Chip Drop. I went to work and they had dropped seven loads of logs in my front yard. That is where this mess came from. I started processing it immediately to try to get it cleaned up. The wood I already have stacked is at 5ft, and I am trying to get that down to 4ft stacks. The pallets are to put the cut wood on so they get air flow underneath. I have longer logs that I was planning to take to make boards out of. By the end of July, all the logs will be cut and stacked. There are no more trucks coming. I normally pick up smaller quantities of free wood myself around the neighborhood and process it before I get anymore.

Mr. Burge stated he has spoken with friends that use between five to seven cord of wood to heat their home in the winter time and it is aged for one year. Mr. Reil's process would require him to run his chainsaw quite a bit. This would be bothersome to the neighbors.

Discussion ensued regarding the applicant's process of cutting wood, his current situation of wood on his property, how long it takes the applicant to dry wood before he can burn it and the amount of wood it would take to keep his system going.

Mr. Reil stated what he has cut and stacked in his yard right now is what he will need to make it through this winter. To make sure the wood is dry enough to burn, you have to stay two years ahead.

Mr. Welch stated you would need 28 face cords to make your system work.

Mr. Rapacz asked where the applicant was planning on planing the big logs down to boards, on-site or take them elsewhere.

Mr. Reil stated he will haul it to Chesaning.

Mr. Welch stated I am assuming you read Ordinance 157-063, correct?

Mr. Reil stated I read it but did not understand all of it.

Mr. Welch asked, you did not understand that there are no lumber piles or crates allowed in your front yard?

Mr. Reil stated the question I have is with my front yard or side yard. Because I am on a corner lot, $\frac{3}{4}$ of my yard is my front yard. I had spoken with the Code Enforcer previously and was told if it was to the left of my driveway, it was considered my side yard. I have abided by what he told me.

Mr. Welch clarified that it has to be behind the front of his house.

Mrs. Abbey stated you have two front yards. Everything in front of your house on both Eugene and Milano, are considered front yards.

Mr. Kautz stated I am looking at a sketch provided by the applicant. It appears to me to be some sort of lumber mill processing facility to ultimately cut, split and sell wood in some form. He mentioned planing wood and transporting it to Chesaning. I am looking at this and baffled as to what you are doing.

Mr. Reil stated I have been heating with a wood stove since I was a kid. Using wood

that is not dry, is not very efficient. That is why I waited and purchased the stove that I bought. The wood has to be not less than 20% dry.

Mr. Kautz stated the wood is sitting outside in the weather, how can it get dry without a drying facility?

Mr. Reil stated it dries with the sun and the wind getting to it.

Mr. Welch stated what we are discussing is a variance whether to allow you to have 30 face cords of wood as opposed to five.

Discussion ensued regarding the type of furnace, buying wood from companies, how the wood is stacked, and the drying process.

Mr. Hynes stated we have to represent the community. Why do you think your neighbors would write such strong letters but you stated they never came to speak with you.

Mr. Reil stated no one has said anything to me.

Mr. Burge asked, how many face cords of wood do you have ready to go for this winter?

Mr. Reil stated there are thirteen face cords for this winter.

Mr. Burge suggested the applicant could start his three year process with the thirteen face cords of wood he currently has.

Mr. Welch stated there is an ordinance. Regardless of what happens tonight, you still have to push all the lumber back, move all the crate piles and obey the ordinance. We are here tonight to address allowing him 30 face cords instead of five.

Discussion ensued regarding taking wood to Chesaning to get milled, how much wood the applicant will need, possible restrictions to address with a motion.

Mr. Kautz stated I do not see how putting any restrictions on this will improve the situation. He is in violation of the ordinance now. I would like to make a motion to approve ZBA Case #21-11.

Mr. Hynes stated I liked his calculation at thirteen. I was going to add we could make the operation from 9am-5pm but he is not retired. I would like to find a happy medium.

Mr. Rapacz agreed.

Mr. Burge asked if the system could work on thirteen face cords of wood.

Mr. Reil stated I cannot make the wood dry any faster than it dries.

Mr. Burge stated we are trying to come to a compromise. It's not going to be 30.

Discussion ensued on possible alternatives.

Mr. Welch asked if it is a problem to enforce checking on the amount of face cords kept on his property at all times.

Mrs. Abbey said, yes. If you give him an amount, the code enforcement officer will try to drive by there to keep an eye on it when he can. Hopefully, the neighbors will help with this.

Mr. Hynes suggested the applicant be allowed half of his request on his property and have to find a secondary location to keep the other half, as well as process it.

Mr. Kautz withdrew his motion and Mr. Rapacz supported the withdrawal.

Mr. Fuhst asked if the applicant would be able to build another structure on his property to store the wood in.

Mrs. Abbey said, yes. The Ordinance is for outside storage of wood.

Discussion ensued regarding building another structure to store wood.

Mr. Hynes motioned to allow 15 face cords of wood, as stated according to our City Ordinance. Any additional face cords or processing must be done off premises.

RESULT:	CARRIED [5 TO 2]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Christina Conley, Council Representative
AYES:	Burge, Conley, Hynes, Rapacz, Welch
NAYS:	Kautz, Fuhst
EXCUSED:	Ward-Terry, Richvalsky

G. 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.

H. BOARD DISCUSSION

Mr. Burge stated the Memorial Day festivities are well on their way. It will be an all day affair at City Hall.

The next regularly scheduled meeting will be held on Thursday, June 17, 2021, at 5:00 p.m.
