



CITY OF BURTON ZONING BOARD OF APPEALS

NOVEMBER 17, 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

B. ROLL CALL

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

C. STAFF PRESENT

Leandra Swayne, DPW Clerk Code/Building
Amber Abbey, Deputy DPW Director
Tonya Walton, Clerk's Office
Joy Roe, Clerk's Office

D. AUDIENCE PARTICIPATION

None.

E. APPROVAL OF MINUTES

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

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Joey Richvalsky, Alt. Commissioner
AYES:	Burge, Hynes, Rapacz, Ward-Terry, Richvalsky, Fuhst
ABSENT:	Smith, Kautz, Welch

F. VARIANCE

1. ZBA #22-16
By: Vash Investment Group
4040 E. Bristol Rd., Burton MI 48519

Re: 4244 E. Bristol Rd., Burton MI 48519
59-34-100-012, Zoned C-2, SE

For: To conduct an M-1 special use in a C-2, SE zone, for warehouse storage units
1200-1500 sq ft units.

Mr. Rapacz stated this variance needs five votes and there are six board members present. If you want to wait a month to present, you are more than welcome to. That goes for all applicants here tonight. Just know that all decisions are final.

Mrs. Abbey said you can't appeal on the grounds of there only being six board members, but you can appeal to circuit court if you want too.

Bill Clark, owner of 4244 E. Bristol Road, I guess I will take my chances tonight. I was here a couple months ago. I went back to the minutes and looked at the questions and I also provided a modified site plan and a rendering of what we anticipate placing there. The first question asked was, is the building that is there now going to be the office for the facility and the answer is yes. Just want to make it clear, that will be the office for the facility. And the second question was a concern from Mrs. Abbey about the separation of the building and the residents. We will have a buffer between the road and the residents. We left a row of trees on Howe Road there and if we want more trees, we will put more trees. The South end of the row of buildings has a 300-foot buffer between the first resident and the building. They won't be able to see the buildings at all.

Mr. Clark stated a few reasons why it would be a good thing to happen in Burton.

Greg Dunkel, 4075 Howe Road, stated I am directly right across the street, and I have several concerns. The first concern I have is if there is going to be an entrance off Howe Road. And the second concern is, there are two residential lots South of that property and is he going to be able to come back in the next year or sometime in the future and have that rezoned for more units. Another concern is the hours of operation. Is it going to be 24-hour access or have 9-5 hours? I know they can't run a business out of them, but if they run a landscape business are they going to be in there early in the morning starting up the lawn movers and weed whips or are they going to have certain hours.

Candice Kelso, 4095 Howe Road, stated I have the same concerns as Mr. Dunkel. Going ahead with this plan, I didn't know with the engineering if the retention pond could be moved closer to Howe Road and move units nine and ten to the retention pond area so there is a little more of a buffer to the residents on that side.

Mrs. Swayne discussed the applicant's other properties and the upkeep of them. She also stated if you decide to approve this, we are approving the use. So, the site plan will go in front of the planning board. If you have any stipulations or specific request that you want to put on the variance, then you would want to speak on them tonight. This is contingent on splitting off the parcels that are shown on the plan. We recommend approval.

Discussion ensued about splitting the two parcels, the site plan, adding trees and a berm, zoning of the property, and other possible uses for this property.

Motion is to accept ZBA #22-16 as it is presented with the two SE residential sites on the South split off and put a berm on Howe Road.

RESULT:	FAILED [4 TO 2]
MOVER:	Joey Richvalsky, Alt. Commissioner
SECONDER:	Kevin Burge, Planning Representative
AYES:	Burge, Rapacz, Richvalsky, Fuhst
NAYS:	Hynes, Ward-Terry
ABSENT:	Smith, Kautz, Welch

2. ZBA #22-20

By: Dan Lince
2315 Champion., Burton, MI

Re: 2315 Champion., Burton, MI
59-24-502-026, Zoned R-1B (Single Family Residential District)

For: To construct a 14' x 14' shed in the front yard of Burton Estates. (Corner Lot)

Dan Lince, 2315 Champion Drive stated I am here about the shed that I was approved to build. Once I built it, the building inspector came out and said it couldn't be there. I filed for an appeal hearing. I painted the shed, top soiled and seeded the lawn.

Mr. Rapacz reminded the applicant there isn't a full board for tonight's meeting, this variance needs four votes to pass, and if they wanted to wait until next month they can.

Mr. Lince agreed to continue before the board tonight.

Mike Vogt, 2300 Champion Drive stated I am here to support Dan Lince. As a neighbor that lives directly across the street from him, it is not an eyesore, I actually enjoy seeing it on my way home.

Mrs. Abbey stated I would like to clarify for the record how he was approved. There was inaccurate information on the application. It didn't show the side street on the application, so when it was approved, it was approved based on the information that was given. That being said, this road is a dead end. Had they chopped the road off right there at his house, his lot wouldn't be a corner lot. It is not a burden or an eyesore to the neighborhood unless some day the road goes through. It doesn't look bad; he did a good job of it. We recommend approval in good faith, so that he can keep the shed where it is.

Discussion took place about the shed and its placement.

Motion to grant the variance. There has been a hardship to the owner that they have proven and by granting this variance, the spirit is observed.

RESULT:	CARRIED [UNANIMOUS]
AYES:	Burge, Hynes, Rapacz, Ward-Terry, Richvalsky, Fuhst
ABSENT:	Smith, Kautz, Welch

3. ZBA #22-21

By: Timothy D. Bertram
1330 Kenneth St., Burton, MI

Re: 1322 Kenneth St., Burton, MI
59-30-578-229, Zoned R-1C (Single Family Residential District)

For: To construct an addition to an existing adult foster care home, requesting: 1.) A rear setback of 17', required 30' 2.) A front setback of 16' required 20' 3.) 6 parking spaces, required 12.

Mrs. Abbey stated for the record, I will give some information. On Tuesday, the application came before the Planning commission to expand the special use and they denied the application. He is not here tonight because he was asking to put the addition within the setbacks that didn't get approved. They have pulled their application because it is unnecessary to be heard tonight. I don't want you to act on it and I don't want it to affect it if he does build a house and does need a setback variance. I don't want you to preemptively act on something without him knowing that was going to happen. With that being the case, we will cancel the application. If he wishes to come back before you for the house he chooses to build, then he can do it at that time.

RESULT:	WITHDRAWN
----------------	------------------

G. BOARD DISCUSSION

Discussion ensued about the tree lighting this Saturday at 5PM at Fire Station number 1, Pizza with Santa on December 3rd at Bendle High School starting at noon, and Thanksgiving next Thursday.

Mrs. Ward-Terry stated the gentleman, with the shed, is a perfect example of over building on these smaller lots. They are building them up and building them up. We do need more area for residential in Burton.

Mrs. Abbey gave updated information about the fuel tank that was brought up at last month's meeting. When a fuel tank is under 1,000 gallons, it is not required to be regulated or permitted by LARA unless you want them to.

Discussion took place about the Atherton Road resident's fuel tank.

Discussion ensued involving 100 turkeys that are being given away at City Hall on Saturday at 3pm.

Meeting adjourned at 5:40PM.

The next regularly scheduled meeting will be held on Thursday, December 15, 2022, at 5:00 p.m.
