



CITY OF BURTON

ZONING BOARD OF APPEALS MEETING

JANUARY 15, 2026

MINUTES

Council Chambers

Regular Meeting

5:00 PM

**4303 S. Center Road
Burton, MI 48519**

A. 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: The difficulty must be unique to your property, not generally shared by others in the same zoning district, and would constitute a hardship. 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.

B. Call To Order

Chairman Steve Welch called the meeting to order at 5:03 PM.

C. Pledge of Allegiance to the Flag of the United States of America

LED BY: Chairman Steven Welch

D. Roll Call

Present: Board Member Steve Welch, Board Member Rick Fuhst, Board Member Tim Rapacz, Board Member Joey Richvalsky, Board Member Kevin Burge, Board Member Jim Craig, Board Member Mitchell Young

Absent: Board Member Gary Kautz, Board Member Gary Wines.

Board Member Young arrived after the approval of minutes.

E. Staff Present

Duane Haskins, Mayor

Racheal Boggs, City Clerk

Joy Roe, Deputy Clerk

Leandra Swayne, Deputy Planning and Zoning Official

Erica Rogers, Records Tech

F. Administration

Mayor Haskins stated that Mr. Welch has 25 years of service for the City of Burton and is resigning so he can spend more time with his children and grandchildren. He thanked him for all his hard work on the board and supporting the community. Mayor Haskins awarded him with a key to the City of Burton and wished him the best.

G. Nominations

1. Approve and Authorize _____ for Zoning Board of Appeals Chairperson from January 2026 - December 2026.
2. Approve and Authorize _____ for Zoning Board of Appeals Vice

Chairperson from January 2026 - December 2026.

Postponed until next scheduled meeting.

H. 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, limit their comments to three (3) minutes, and speak on topics germane to City business.

None.

I. Approval of Minutes

1. Zoning Board of Appeals Meeting Thursday, September 18, 2025 at 5:00 PM.
Zoning Board of Appeals Meeting Thursday, October 16, 2025 at 5:00 PM.
Zoning Board of Appeals Meeting Thursday, November 20, 2025 at 5:00 PM.

Motion by Board Member Richvalsky, second by Board Member Rapacz, to Approve Minutes for September, October and November 2025.

Voting Yes: Steve Welch, Rick Fuhst, Tim Rapacz, Joey Richvalsky, Kevin Burge, Jim Craig

Voting No: None

Motion Passed 6 - 0.

J. Variance

1. ZBA 25-28
By: Matthew King
145 S. Livernois Rd., Suite 193
Rochester Hills, MI 48307

Re: Parcel ID 59-22-100-041, Zoned HRM High Rise Multifamily Residential

For: 1.) To reduce required density of 574,000 square feet to 530,125 square feet. 2.) To reduce required parking spaces of 748, to 580.

Matthew King of 145 South Livernois Road, Rochester Hills, from the Kingsway Development Group Inc. stated that joining him tonight is the project architect Jason Krieger, Julie Kroll the parking study consultant and Ben Bayram the zoning counselor. We here to answer any questions the board may have. We are requesting a dimensional variance for parking only for a phased Lytex multifamily development. The project includes approximately 378 units across five buildings and will be constructed in phases. Parking is built concurrently with each phase and no certificate of occupancy is issued without required parking in place. The ordinance requires two spaces per unit. An independent third party parking study shows actual demand is approximately 1.4 parking spaces per unit for this housing type under peak usage. Applying the two-space standard required here results in an excessive amount of paving and unnecessary costs without public benefits. The request is not a use variance and does not create under parking at any phase. We are requesting approval of a 1.4 parking ratio and explicit approval of phased parking. This approach meets the legal standard for a dimensional variance, aligns with ordinance intent and creates no adverse traffic or neighborhood impact. It is supported by the zoning council from Dikama.

Patrick Dargel of 6119 Huge Street asked if there would be any guest or non-resident parking included in these plans? He also asked about the back of the property, possibly including and continuing the walking trail to Meijer like the senior center?

Mrs. Swayne stated that this property is located between Pro Styles and Everclean Dry Cleaners and Laundry on Center Road between Lippincott and Atherton Road. The property is zoned high rise multifamily. The use proposed is permitted and fits in with the surrounding properties. The administration recommends approval for both variances, part 1 and part 2, with the condition of SP-1 Alt being considered. Site plan 1 brings the parking closer to the buildings, which makes it more convenient for the residents.

Mr. Burge states that he knows there is a need for this type of housing and read that they were also trying to get an MTA bus stop at the site. He asked Mr. King if they were still planning on doing so.

Mr. King stated that is correct. We reached out to MTA and they did express an interest in putting a bus stop in front of the property.

Mr. Burge stated that 168 fewer parking spaces is a lot fewer and asked what if people have company over, where are they supposed to park?

Mr. King stated that he would let the engineer that did the parking study survey answer that question.

Julie Kroll of Fleis & VandenBrink, located at 9475 Holly Road, Suite 201, stated in the parking studies that we do, we find that a lot of the ordinances are over parked and in some cases have not been updated or have not been refreshed in many years. So what they reference is ITE, which is The Institute of Transportation Engineers, and their parking manual and that is what we used to develop this site's parking analysis. Based on the data of surveying 26 sites of similar operations, the data included both weekday and weekend parking. What we found was that on the weekends, the parking demand was 1.19 for this use. It was during the weekdays when we found a higher parking demand rate at 1.4 spaces per unit. This survey also included whether they were visitors, lived there, or there for deliveries.

Mr. Burge stated it is my understanding that you're going to be doing this in two phases and asked if that was correct.

Ms. Kroll stated that it is her understanding that it would be 1.4 for the entire site for both phases.

Mr. King agreed with Ms. Kroll and stated that they are also going to be using adaptive planning so that if, for some reason, the engineers are wrong, they can adapt and make the necessary changes. But, the engineers calculated the peak usage to be at 1.4, so we are at the high side of that calculation and should have no overflow.

Mr. Rapacz stated that he had a question for the administration and asked what am I looking at right now?

Mrs. Swayne explained that after the board received the plans, they also sent a set with an alternate plan, showing you the parking plans and stated we can pull them up on the screen to look at.

Mr. Richvalsky asked what plan is it that you are going to be developing, the first set or the second set of plans?

Mr. King stated there are two plans that you're looking at, then stated that once it was up on the screen, that this is the plan that we would like to go with and prefer. The reason being that this particular plan preserves the wetlands on the north side and, in the effort to preserve those wetlands, this was the most feasible plan to do that. The other plan shows that ratio but with us destroying the wetlands and getting into the mitigation of it, so that is why we prefer the other plans and submitted two.

Mr. Burge spoke about preserving the wetlands with concerns about possible flooding for the surrounding businesses.

Mr. King stated that is why he hired a team of engineers to make sure the calculations would work and that it was important to know what the parking ratios would be because that could change the factors involved in doing those calculations. So your answer to that question is no, we are not going to flood anyone out.

Mr. Rapacz stated he has a question for the administration, asked why the administration prefers site plan 1 over site plan 2?

Mrs. Swayne explained the reason is due to the position of where the residents would be parking. In site plan 1, the parking lot is closer for the residents. The administration recommends approval for either plan, but we prefer SP-1.

Mr. Rapacz asked which of the two plans has less parking spaces or are they both the same number of spaces and just a matter of positioning?

Mr. King stated that is correct.

Mr. Richvalsky asked, isn't it mandatory that they have to preserve the wetlands?

Mrs. Swayne stated that it is approved through Egle.

Jason Krieger of Krieger Klett Architects Inc, 400 East Lincoln, Royal Oak, stated that we are trying to preserve the wetlands and do the right thing for the environment.

Mr. King stated, in my opinion, I would prefer to preserve the wetlands and have that further distance. I think we can adapt with a bridge going across the drain. He also stated that it is a functional plan while preserving the wetlands. On a cost basis, it is a better application, it is aesthetically pleasing while meeting more of our company's primary objectives by minimizing our footprint on the earth.

Discussion about the two different site plans and parking ratios ensues, with some confusion about whether it is a 1.4 or 1.6 parking ratio.

Mr. Rapacz stated that he thinks that the board is basically just picking a parking lot design.

Mr. Burge stated that he does not like 168 less parking spaces but will follow the administration's recommendation for approval.

Mr. Craig asked Mr. Burge if he said that it was intended for seniors?

Discussion ensues about whether the site is intended for senior housing or low-income housing.

Mr. King clarifies that it is going to be an affordable Lytex site. It is not for seniors, so the entire site is just affordable housing.

Discussion about the landscaping and the water drainage, and about all the channels that the property owners will have to go through and follow to get approvals from the city and county to continue their project after a possible approval from the board.

Mr. Fuhst stated that this is an automotive town and has talked with other apartment owners about whether the 1.4 or 1.6 ratios would work, and I'm hearing negative feedback. If the ratios do not work, do you have a plan to add more parking?

Mr. King stated yes, we would go back and redo the calculations. That is why we hired a team of engineers to make sure the calculations were right.

Mr. Fuhst asked what is your hardship here?

Mr. Krieger stated the hardship, from my standpoint, is the size and shape of the lot itself. Having the location of the drainage and the wetlands on the property and having to adapt to work around those things, have all been part of the hardships.

Discussion about a possible stipulation on the motion.

Mrs. Swayne stated that she does not want the board to limit them to only one option. The administration was just expressing their opinion on the two.

Mr. Rapacz stated that if it is for one or the other, it would state that in the variance. The variance states that it is for 1.6 spaces per unit.

Mr. King stated that the first application was different than the second. So, after we hired the engineers and did the parking study, we found that the 1.6 ratio did not work and went with what the study showed and that was the 1.4 ratio.

Mr. Rapacz stated that in print your variance request is to reduce parking spaces from 748 to 580, which is the 1.6 ratio.

Mrs. Swayne stated that the notices stated on the application for it to be the 1.6.

Mr. King stated that was the old application. That was the original, then we turned in this one, which is the 1.4.

Discussion ensues about a possible error.

Mr. Welch announces a five-minute recess while we wait for the administration.

Mrs. Swayne stated that, due to a typo, the agenda that the board received stated 1.6, and it should have stated 1.4.

Motion by Board Member Rapacz, second by Board Member Richvalsky, to Approve 25-28

with the stipulation of going no lower than 1.4 ratio per unit.

Voting Yes: Steve Welch, Rick Fuhst, Tim Rapacz, Joey Richvalsky, Kevin Burge, Jim Craig, Mitchell Young

Voting No: None

Motion Passed 7 - 0.

2. ZBA 26-01

By: Simpkins Construction
4044 Corunna Rd., Flint MI

Re: 3076 Clarice Ave., Burton MI, Parcel ID 59-28-529-017 Zoned C-2 General Business

For: To allow the existing front deck and egress landing to remain within the front yard setback. The required front setback is 20 feet.

Keith Green of Simpkins Construction, 4044 Corunna Road spoke on behalf of the applicant.

Mrs. Swayne stated the background of the case and gave a detailed timeline with the approval recommendation from the administration.

Mr. Rapacz asked the administration if the deck had been built a long time ago and had they gone through all the proper channels when building it.

Mrs. Swayne stated the deck was existing, but they made it larger.

Mr. Rapacz asked, so they had all the permits to build it, but did not get a permit to make it larger?

Mrs. Swayne stated that is correct.

Motion by Board Member Fuhst, second by Board Member Rapacz, to Approve ZBA 26-01.

Voting Yes: Steve Welch, Rick Fuhst, Tim Rapacz, Joey Richvalsky, Kevin Burge, Jim Craig, Mitchell Young

Voting No: None

Motion Passed 7 - 0.

3. ZBA 26-02

By: Ella Lacey
5167 Lapeer Rd., Burton MI

Re: 5167 Lapeer Rd., Burton MI, Parcel ID 59-14-501-009 Zoned R-1A Single family residential

For: To allow (4) four dogs, when only allowed (3) three dogs.

Ella Lacey of 5167 Lapeer Road stated that she has four dogs and are all licensed with shots. Her backyard is fenced in, and the dogs are well-behaved. They are inside dogs and do not stay out for long periods of time. One of the dogs is her son's and the other three are her dogs. She stated it is not an issue having the four dogs and asked the board to review the complaint again.

Yvonne Gracia of 5157 Lapeer Road spoke on behalf of the applicant. She stated that she shares a fence line with the applicant and has no issues with the dogs being there. She asked the board to consider approval.

Al Walsh of 1325 Alcona Drive spoke against the approval of this case. He stated his concerns are dogs bark a lot, the applicant does not have a fenced-in backyard, and he does not want anyone to get bit or for the dogs to get hit running across Lapeer Road.

Terry Gabriel of 5167 Lapeer Road stated that their backyard is fenced-in and is mad that it was stated that it was not fenced-in. He also stated that the dogs do not go out in the front yard without a leash and someone with them.

Jeanne Black-Walsh of 1325 Alcona Drive spoke against this case with concerns.

Ms. Lacey explained the reason why she ended up with the fourth dog was because the existing dogs had a baby and did not know that she was only allowed three dogs due to the code of ordinance. Ms. Lacey gets upset and stated that she put one of the dogs down due to all the issues with the neighbors and this case. She also tells the board they no longer have to vote on this case due to the fact she is down to three dogs.

Mrs. Swayne stated the city did receive a complaint about there being four dogs. The administration does recommend denial due to the ordinance.

Motion by Board Member Richvalsky, second by Board Member Fuhst, to Approve ZBA 26-02.

Voting Yes: None

Voting No: Steve Welch, Rick Fuhst, Tim Rapacz, Joey Richvalsky, Kevin Burge, Jim Craig, Mitchell Young

Motion Failed 0 - 7.

K. Board Discussion

Mr. Burge stated that on Saturday, February 21st, at Bentley school is the Hot Fudge Race and you can sign up online.

L. The next regularly scheduled meeting will be held on Thursday, February 19, 2026 @ 5:00 PM.

M. Meeting Adjournment

The meeting was adjourned at 7:02 PM.

[MIN_SIGNATURES]