



CITY OF BURTON

ZONING BOARD OF APPEALS MEETING

FEBRUARY 19, 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: 1. The difficulty must be unique to your property, 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.

B. Call To Order

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

D. Roll Call

Present: Board Member Rick Fuhst, Board Member Tim Rapacz, Board Member Joey Richvalsky, Board Member Kevin Burge, Board Member Gary Kautz, Board Member Jim Craig, Council Vice-President Gary Wines

Absent: None.

E. Staff Present

Leandra Swayne, Deputy Planning and Zoning Official
Joy Roe, Deputy Clerk

F. Nominations

1.
 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.

Motion by Board Member Richvalsky, second by Council Vice-President Wines, to Approve and Authorize Tim Rapacz for Zoning Board of Appeals Chairperson from January 2026 - December 2026.

Voting Yes: Rick Fuhst, Tim Rapacz, Joey Richvalsky, Kevin Burge, Gary Kautz, Jim Craig, Gary Wines

Voting No: None

Motion Passed 7 - 0.

Motion by Board Member Rapacz, second by Council Vice-President Wines, to Approve and Authorize Joey Richvalsky for Zoning Board of Appeals Vice Chairperson from January 2026 - December 2026..

Voting Yes: Rick Fuhst, Tim Rapacz, Joey Richvalsky, Kevin Burge, Gary Kautz, Jim Craig, Gary Wines

Voting No: None

Motion Passed 7 - 0.

G. 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.

H. Approval of Minutes

1. Zoning Board of Appeals Meeting Thursday, January 15, 2026 at 5:00 PM.

Motion by Board Member Kautz, second by Board Member Fuhst, to Approve January 15, 2026 Minutes.

Voting Yes: Rick Fuhst, Tim Rapacz, Joey Richvalsky, Kevin Burge, Gary Kautz, Jim Craig, Gary Wines

Voting No: None

Motion Passed 7 - 0.

I. Variance

1. ZBA Case #: 26-03

BY: William Clark, 4244 E. Bristol Rd., Burton MI

RE: 4244 E. Bristol Rd, Burton, MI

Parcel ID 59-34-100-012, Zoned C-2 General Business, SE Suburban Estate Residential

FOR: To conduct an M-2 special use in a C-2 & SE zone, for a 120' X 120' outside storage area for contractor material and equipment.

Damon Thomas of 13177 Log Cabin Point Fenton spoke on behalf of William Clark. We are the owners and relators of the 18-acre parcel on Bristol Rd. A complaint and stop order was placed a short time ago by the city due to neighbors' complaints. We are here to request a 2-year special use variance for a M-2 to allow Emanuel to continue his work. Emanuel is currently leasing a portion of the property and is working to install wiring and cables underground. The reasons for the complaints were noise, toxic dirt, and mud being dragged onto Howe Rd. This is zoned C-2 the noise is minimal for a commercially zoned property. Emanuel's crew comes in, gets equipment, goes to their work site, comes back at the end of the day to dump the dirt and equipment and go home. The dirt that is being relocated to the property is not toxic, it is dirt that is being removed from under concrete in front of resident's homes located alongside Bristol Rd. Regarding the dirt and mud being tracked into Howe Rd, it is not his intention to dirty the streets. Since he is hauling dirt and dumping in on this property, it will make it muddier during an already muddy time due to seasonal weather. Emanuel paid to have gravel placed at the Howe Rd. entrance in attempt to prevent excess dirt from entering the roadway.

Greg Dunkel of 4075 Howe Rd spoke regarding the initial planning meeting included that the Howe Rd entrance would not be used. They were only supposed to be using the entrance on Bristol Rd. as a storage unit facility only. No business should operate on that property. The road outside the Howe Rd. entrance is a muddy mess. A crew member was outside power washing trucks in the mud, creating noise and more mud. The work is not limited to Bristol Rd, as they are working in several locations throughout the city. For the past several weeks, six days a week, there has been constant noise of back-up beepers, trailers being hooked up, and loud music. We were told that there would be people occasionally coming in and out to get their RVs, snow mobiles, etc not that people would constantly be in and out all day every day.

Patrick Dargel of 6119 Hugh St spoke against the variance.

Mike Kazaja of 4150 E Bristol Rd stated if this request for the variance is approved that it will be limited to equipment storage only.

Lad Gretch of 4116 Howe Rd stated my concern is where the outside storage is going to be located and if it will encroach on the neighboring residential properties.

Darlene Ross of 4104 Howe Rd stated I can hear all the noise, including music from my home. My dogs are also affected by the noise. I am concerned about my property value decreasing with a great big storage unit right behind my property. I just want peace in my home, which I had prior to all the noise being created.

Mrs. Swayne stated the initial approval in 2023 was to conduct a M-1 special use in a C-2 SE Zone for warehouse storage units of 1,200-1,500 square foot units, which did not include outside storage. There were stipulations placed on this variance to not allow them to exit or enter the property from Howe Rd. The project that is there now, is not under the 2023 approved variance for the storage units that were there. It was brought to our attention in January when complaints were placed regarding the large equipment being stored outside, the noise and the mud on Howe Rd. A stop work order was placed on the property on February 18, 2026, due to no soil erosion measures on the property. This property owner has continuously gone against city requirements and has allowed work to be done without prior approval. The administration does not recommend approval, and we highly recommend giving 30 days to have the equipment removed from the property. The property is a disaster.

Mr. Burge asked the applicant about the noise and mud and using the Bristol Rd entrance.

Emanuel Gambos of 5203 Myrtle Lane Fenton stated work hours are generally between 8:00am-5:30pm with workers showing up around 5:00 to drop off equipment and 7:45am to pick up. I have an attachment for the bobcat that is like a sweeper. We are in the process of spreading the millings to clean up the area. As far as using the other entrance, it is feasible to use the Bristol Rd entrance.

Discussion about the court's decision regarding the variance from 2023 which included them not using the Howe Rd entrance and not having approval for this business.

Mrs. Swayne stated the variance approved for this property is not for the use that is happening right now, it's totally different. There is a new business that came in and there have been no new business approvals for what is happening inside or outside of the

building.

Discussion about what toxic soil means.

Mr. Rapacz asked the administration, your concern is soil erosion, correct?

Mrs. Swayne stated there are no measures in place. You can see there looks to be a pond out there and adding and filling without any fill permit or a plan presented to us to gain approval has not occurred.

Mr. Burge asked if there was a silk fence out there?

Mrs. Swayne stated no. There are no measures in place for soil erosion.

Mr. Craig asked if the initial variance was for a completely different business than what is operating now?

Mrs. Swayne stated yes, it's the same property owner who applied for a variance that is completely different than what is on the property now. The property owner has allowed a totally different business to come onto his property and is now asking for a new variance after the fact to allow this.

Mr. Rapacz asked why they allowed a business to come into our city and work without obtaining the proper approvals.

Mr. Thomas stated a designated sectioned area of parking is where he parks his trucks, and they didn't think that would be an issue.

Mr. Rapacz said he finds it hard to believe that the property owner, who asked for a variance for a storage unit business, didn't think this through as being a potential problem.

Mr. Thomas stated that it is external storage and if that isn't something that should have been done, they understand.

Mr. Burge stated based on our standards this property does involve an unnecessary hardship for the surrounding residents listening to noise from 8am-6pm or close to those hours. If you go down further in the list, it will not unreasonably diminish or impair established property, but I personally wouldn't look for property with all this going on. Another standard it goes against is it will not alter the essential character of the neighborhood. Yes, it will. There are no homes there like this. Just within the standards there are 3 violations and I will not approve.

Mr. Fuhst stated I also believe it will alter the essential character of the neighborhood and I do believe there will be health and safety concerns due to the mud and dirt on the road and, therefore, I will not be approving this.

Mr. Kautz stated I second that of Mr. Fuhst.

Mr. Rapacz asked the administration if they wanted there to be a 30-day stipulation on removing the equipment.

Mrs. Swayne stated yes, that is what the administration would like to have. There needs

to be a timeline in place because it is a disaster over there, and we do not need it to get any worse. It needs to be cleaned up as soon as possible.

Discussion ensued about the initial variance, where the outside storage area would be built, if Howe Road is even an all-season road for the heavy equipment to be on, and if the milling would change the land drastically.

Motion with the stipulation that if it fails, they have 30 days to remove their equipment and put the property back in order.

Motion by Board Member Burge, seconded by Board Member Fuhst, to Approve ZBA 26-03 with the stipulation that if it fails, they have 30 days to remove their equipment and put the property back in order.

Voting Yes: None

Voting No: Rick Fuhst, Tim Rapacz, Joey Richvalsky, Kevin Burge, Gary Kautz, Jim Craig, Gary Wines

Motion Failed 0 - 7.

J. Board Discussion

Mr. Burge stated Kiwanis Hot Fudge Run is Saturday, February 21, 2026, at Noon. We have all kinds of food for after the race.

Mr. Fuhst asked about the original variance on the property and if there was anything we could do since they have violated it over and over.

Mrs. Swayne stated it is possible there is something that could happen, but we will see. They are not planning on building the units as originally planned to our knowledge.

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

L. Meeting Adjournment

Meeting adjourned at 5:52pm.

[MIN_SIGNATURES]