



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

JUNE 18, 2015

MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Commissioner Steve Welch at 5:03 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Excused	
Robert Walls	Planning Chairman	Present	
Terry Parker	Commissioner	Present	
Tracy Parker	Commissioner	Absent	
Scott Hynes	Commissioner	Present	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Alternate Commissioner	Present	
Robert Olsen	Alternate Commissioner	Excused	

C. STAFF PRESENT

Amber Abbey, Planning/Zoning
Amanda Doyle, City Attorney
Teresa Karsney, City Clerk
Racheal Boggs, City Clerk's Office

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 21, 2015 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Terry Parker, Commissioner
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Walls, Parker, Hynes, Weatherford, Welch, Rapacz
ABSENT:	Parker
EXCUSED:	Haskins, Olsen

E. VARIANCE

Mr. Welch stated that the Board was short one member tonight. He stated each applicant had a right to postpone their case at their own discretion. However, if they choose to proceed, the decision will be final.

1. ZBA #15-12

By: T-Rex Enterprises, LLC
3245 Card Dr. Burton, MI 48529

Re: 3245 Card Dr. Burton, MI 48529
59-33-501-027, M-2 Zone

For: To conduct a medical marijuana grow facility within 200' of a residential property.

Attorney Denise Pollicella from Howell, MI. Spoke on behalf of T-Rex Enterprises, LLC. She stated that several months ago her client found a location in Burton to open a cultivation facility. They did preliminary work and was told by the city that this site was zoned appropriately. Her client relied on this information when purchasing the building. Ms. Pollicella stated that the structure of the building is more than 200 feet away from the structure of the residential building and that the ordinance does not state lot-line to lot-line as the measurement when referring to conducting a business within 200 feet of a residential property. This building was previously used as a residence in the past but has been zoned industrial. There are no other houses nearby. She stated this is not a retail facility, it is completely enclosed and there will be ample security. Ms. Pollicella read a letter into the record by Mr. Byrnes, CTS owner, dated June 10, 2015. The letter is in favor of the variance.

A letter was also submitted by Edward and Linda Brenner who live near and operate a business in the area of the requested variance. The letter is opposed to the variance.

Mrs. Abbey stated there is a residential house there that was built in 1953 according to the cities assessment records. There is also an office there where they conduct Nash Trenching out of that building. This is a grow facility not a dispensary. There will not be people coming in and out of the building except for the care givers which will be minimal. This is a unique situation because this house typically wouldn't be in this zone. The administration recommends approval.

Mr. Parker asked for more information regarding the type of security they will have. Will it be 24 hours? He is concerned about people attempting to steal the plants and how that will affect our resources such as the police force.

Ms. Pollicella stated the City can put any restrictions on the property they deem necessary in terms of security. She said it will be secured 24 hours a day, 7 days a week and it will be centrally monitored. There will be no sign out front stating they are even there so theft will not be an issue. Other than public record, no one will know they are there.

Mr. Welch said he attended a Genesee County Planning Commission seminar on marijuana facilities. They are highly security regulated by the State of Michigan.

Mr. Parker asked Mrs. Abbey if added security should be something added to the motion.

Mrs. Abbey said she doesn't believe that is necessary. She deferred to City Attorney,

Amanda Doyle, If we are having trouble after the approval, do we have the authority to ask them to tighten up security?

Attorney Doyle said at that point, I don't know if we would have to say that. In her conversations with the Police Chief, there have been no real problems with these types of facilities in Burton. The business plans detail some pretty serious security measures. She would ask that the owners understand the police can go in and inspect anytime.

Mr. Walls asked if they open will it prevent anyone else from opening anything along that street.

Mrs. Abbey said yes. They cannot open within 500 feet of the facility.

Mr. Walls asked Attorney Doyle if the Police Chief is aware and is he okay with this.

Attorney Doyle stated as a general rule the Police Chief has no problems with these types of businesses.

Mrs. Abbey stated he does receive the agendas for the ZBA meetings.

Mr. Walls asked if Mr. Brenner, the homeowner lives in the house.

Mrs. Abbey stated he did not say where he lived however; the property is not homestead in his name which means there is no primary residence exemption.

RESULT:	CARRIED [5 TO 1]
MOVER:	Terry Parker, Commissioner
SECONDER:	Tim Rapacz, Alternate Commissioner
AYES:	Walls, Parker, Weatherford, Welch, Rapacz
NAYS:	Hynes
ABSENT:	Parker
EXCUSED:	Haskins, Olsen

2. ZBA #15-14

By: Annette Gear (Patsy Carter)
9028 E. Knieter Ln.
Hereford, AZ 85615

Re: 1299 Schafer Dr.
Burton, MI 48509
59-11-529-012, R-1B Zone

For: To construct a 4' chain link fence in the front yard, objections received from adjoining property owners. (4 Votes Required)

Darlene Jennings of Burton lives at the corner of the property. She stated there are no other fences in the front yard in their neighborhood. The houses in this area are

well kept and have beautiful flowers. She feels this fence will destroy the beauty of the neighborhood.

Jerry Jennings of Burton stated he has lived in this neighborhood for 37 years. He feels it will lower the value of the homes in the neighborhood and will give the wrong impression.

David Patrick of Burton lives next to the property. He stated he feels the fence will not be kept up properly. It will not be weed wacked and will rust out. He stated the rest of the neighbors work extra hard to keep the neighborhood looking nice.

Tonia Town of Burton stated the proposed fence will go along her driveway. She said the applicant doesn't keep up with their yard work. She provided pictures. She said they are putting the fence up to allow their dogs more room to run. She stated her kids cannot play in her back yard currently because the dogs consistently bark at them. Their backyard has bald spots of dirt and is full of trash. She fears if they put the fence up, this will happen in the front yard as well.

Steve Platman of Burton stated he lives adjacent to the applicant's house. He said the applicant's dogs run free. They let them run in the front yard and behind his property and terrorize the kids in the neighborhood.

Councilman Vaughn Smith stated he has been approached by 6 people about this fence stating they are against it. Esthetically, it will be a detriment to the community. He encourages the ZBA to deny this request.

Mrs. Abbey stated the City's ordinance does give the right for people to put up fences in their yards. However, when it comes to a front yard fence, the neighbors have a right to object. It is up to the Board to decide whether or not the objections they have heard are reasonable. The administration believes these are reasonable objections and recommends denial.

Mr. Parker said when he drove through the subdivision he noticed another house that has a fence into the right of way. There is also one across the street. What is the limit to how far it can go into the right of way?

Mrs. Abbey stated she thought it would likely be 30 feet from the center of the road but she didn't look it up.

Mr. Rapacz asked to see the pictures Tonia Town referred to.

Mrs. Karsney passed the pictures to the board members.

Mr. Walls visited the area yesterday. This fence is not needed for a safety issue. This seems like a neighborhood feud going on.

Mr. Parker stated he agrees this is a neighborhood dispute and the fence might solve problems.

RESULT:	FAILED [2 TO 4]
AYES:	Parker, Rapacz
NAYS:	Walls, Hynes, Weatherford, Welch
ABSENT:	Parker
EXCUSED:	Haskins, Olsen

3. ZBA #15-15

By: Central Construction Inc. / Jason Horner
9163 Chatwell Club Lane, Apt #1
Davison, MI 48423

Re: 5210 Lapeer Rd.
Burton, MI 48509
59-14-553-026, C-1 Zone

For: To conduct a C-2, General Business use in a C-1 Local Business zone for a building contractor's office. (5 Votes Required)

Jason Horner of Davison stated he is the business owner. This property is Dr. Beck's old office on Lapeer Road and it was a dump when he bought it a few months ago. He has already made updates. He supplied pictures. He is asking to conduct a C-2 use in a C-1 zone for a contractor's office.

Alan Colburn of Davison stated he is Mr. Horner's business partner. He was born and raised in Burton and he found this building with the Genesee County Land Bank. The first floor of the building will be used for rental suites and the second floor will be their office. Their goal is to bring more business into the City of Burton. This building has been empty for more than 10 years. They have already put \$30,000.00-\$40,000.00 into this building for new windows, roof, framing and electrical. There will be no heavy equipment on site. Storage will be in an outside pole barn. The neighbors are happy we bought this property. The land bank couldn't get anyone to buy it and it was going to be demolished.

Al Walsh of Burton stated he lives in this subdivision. He has concerns about big trucks coming down his street. He doesn't want Lapeer Road to turn into Dort Highway. He isn't against them having a business but he doesn't want the zoning to change. There are houses all around the business. This is a residential area; a subdivision where people live and his grandchildren play.

Mr. Welch stated to be clear, we do not change zoning. Each case is on its own merit and there is no precedent with variances.

Mr. Colburn stated there will be no high traffic or large equipment. It will just be their personal pickup trucks. He stated all of their work is out in the field.

Jeanie Walsh of Burton stated her concern was the size of the pole barn obstructing her view, the storage of material and theft.

Mrs. Abbey stated there is no pole barn as of right now. It is just a future hope they have. There is no need to address the pole barn at this time. There is also no reason for anyone to go down the residential street to access the business. The property has no access to any residential street. The applicant has made substantial improvements to the property but they were fully aware of the risk. The property is commercial. The administration recommends approval.

Mr. Rapacz confirmed with Mr. Horner the intended use for the building. This will be an office space with a secretary where people come to go over blueprints and make payments.

Mr. Horner stated yes.

Mrs. Abbey stated in the ordinance contractors offices are in a C-2 zone perhaps because they anticipated extra traffic.

Mr. Parker asked if the parking lot is big enough to accommodate the use of the building.

Mrs. Abbey stated yes, they have enough spaces for their current use.

Mr. Walls asked if he needed to bring heavy equipment at a later time can he do so.

Mrs. Abbey said as part of the ordinance they cannot store any outside equipment or materials.

Mr. Hynes stated this will bring up residential value and bring business to the City of Burton. He supports it.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Tim Rapacz, Alternate Commissioner
AYES:	Walls, Parker, Hynes, Weatherford, Welch, Rapacz
ABSENT:	Parker
EXCUSED:	Haskins, Olsen

F. AUDIENCE PARTICIPATION

G. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Tuesday, July 16, 2015 at 5:00 p.m.

Meeting was adjourned at 6:20 PM.



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

MAY 21, 2015

MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Commissioner Steve Welch at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Excused	
Robert Walls	Planning Chairman	Present	
Terry Parker	Commissioner	Present	
Tracy Parker	Commissioner	Present	
Scott Hynes	Commissioner	Excused	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Alternate Commissioner	Present	
Robert Olsen	Alternate Commissioner	Excused	

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Special Meeting - Apr 30, 2015 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Terry Parker, Commissioner
AYES:	Haskins, Walls, Parker, Parker, Weatherford, Welch, Rapacz
EXCUSED:	Hynes, Olsen

E. VARIANCE

Before preceding to the variances Mr. Welch clarified that Council was short one board member, those presenting their case must state beforehand if they would prefer to postpone. If they chose to proceed then tonight's decision would be final.

1. 1546 : ZBA # 15-07 To consturct a 30' X 40" pole barn that will project 10' past the front face of the house.
Mr. Welch called for Mr. Foerster to come forward and asked him if he understood his options this evening. Mr. Foerster replied yes.

Mr. Gary Foerster of Grand Blanc stated he had never done this before and was unsure how to proceed.

Mr. Welch asked if he had anything he would like to offer.

Ms. Judy Wright of Burton requested denial of the variance being it is a commercial size structure, and with that will come increase in traffic and fears for the safety of the children in the neighborhood. Concerned it will be used for a business.

Ms. Shelby Mayberry of Burton also requested denial of the variance citing the same concerns of Ms. Judy Wright. Additional concern is the building will be forward on the lot (10 feet passed the house) and not in back of the property.

Mrs. Abbey providing clarification that commercial businesses are not allowed in a residential zoned area, he is allowed to build that size of structure on his property. Request for variance is the projection of the structure into the front yard. We as administration find no hardship or uniqueness to this property as to why he couldn't move it back so we recommend denial.

Mr. Rapacz asked Mr. Foerster to explain the hardship for us so we can understand why you can't put the structure further back on the property.

Mr. Foerster stated he is building it to store his vehicles in and use it for storage. There are power lines running through the back of the property and unable to build the structure towards the back.

Mr. Parker asked him if he intended to put that pole barn 18 feet from the existing garage.

Mr. Foerster stated yes, 18 feet from the existing garage, 17 feet off the property line from the north, 47 feet from the house, and 97 feet off the road. Structure would be in line with neighbor's structures.

Mr. Parker asked if he moved the structure back closer to existing garage he would have to be at least 10 feet away from the existing structure in order to comply with building codes since Mrs. Abbey stated he would need a firewall at 10 feet or closer.

RESULT:	CARRIED [4 TO 2]
MOVER:	Terry Parker, Commissioner
SECONDER:	Tim Rapacz, Alternate Commissioner
AYES:	Parker, Weatherford, Welch, Rapacz
NAYS:	Walls, Parker
EXCUSED:	Haskins, Hynes, Olsen

2. 1547 : ZBA #15-09 To conduct used car sales not in conjunction with new car sales. Mr. Nicholas Rowan of 2429 Sunray Ct. Davison MI, variance requested for 4033 S. Center Rd. Burton, MI 48519.

Looking for a commercial spot to hang their license, will not be operating at the location.

Mrs. Abbey stated the recommendation from administration is for a condition that there will be no retail conducted at the site, and with that condition, recommends approval.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Terry Parker, Commissioner
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Walls, Parker, Parker, Weatherford, Welch, Rapacz
EXCUSED:	Haskins, Hynes, Olsen

3. 1548 : ZBA #15-10 To construct a deck 19' from the rear property line, 35' required. Mr. Rudy Hunt of Grand Blanc, MI 48439 request variance to construct a deck off the back of their house 19 feet from the rear of the property line, 35 feet is required. Mr. Hunt provided pictures to council of the back of the house where the deck will be built.

James Delano of Grand Blanc spoke in favor of the variance. Mr. Delano's property backs up to Mr. Hunt's property and has no issue with the requested variance.

Ken of Allen Edwin Home Builders of Flushing MI spoke of Mr. Hunt that he is an awesome homeowner. Original intent of the back door being so high was to build a deck for access.

Recommendation from Administration Mrs. Abbey stated that the builder was aware of the set back line at the time they built the house; the owner was unaware and recommends approval.

Mr. Parker requested Mr. Hunt to podium and proceeded to question Mr. Hunt on the height of the deck; if it was one level, have access to the windows etc.

Mr. Hunt stated the posts that will hold the deck up are 10 feet from the house, it will not inhibit egress from the house.

Mr. Parker asked Mr. Hunt why are the measurements 14' x 14' and 12' x 16'?

Mr. Hunt stated there will be a deck on the ground not attached to the home, so it is a split level deck.

Mr. Welch clarified with Mr. Hunt this is a split deck and not one level.

Mr. Parker stated that this should not set precedence for your neighbors building next to your property.

Mr. Welch expressed concerns why the builder would build the door and window that high off the ground when they know what the codes are.

Mrs. Anna Hunt stated in reference to questions on the windows three daylight windows, one will be affected by the deck, the other will be on the landing, and the other on the side of the house.

Mr. Parker stated there would be egress access.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Walls, Parker, Parker, Weatherford, Welch, Rapacz
EXCUSED:	Haskins, Hynes, Olsen

4. 1549 : ZBA #15-11 Motion to approve to conduct a C-2 special use for an indoor recreational event center in an M-1 zone.
Board verified with Mr. Simpson that he was aware of the 5 vote requirement referring to the earlier advisement from the board being one (1) member short. Mr. Simpson acknowledged and proceeded.

Mr. Darrell Simpson of G3266 S, Dort Hwy requested a variance concerning required parking spaces. Mr. Simpson handed out packet from ICON Training & Event Center summarizing services offered, it also included aerial view of parking areas leased for the business.

Mr. Simpson gave a brief overview of the leased parking areas. He had a discussion prior with Zoning and Planning in reference to easement requirements of the parking areas to the place of business. Mr. Simpson was confused as to the second requested variance of reduced spaces. He stated leased parking areas coincide with the lease of the building.

Mrs. Abbey from Administration stated they are aware that the leased parking areas are owned by the same person and we would require a legal agreement verifying the lease of the parking lots. Need to avoid issues with parking for other businesses in the area.

Mr. Simpson replied that he has reached out to the other businesses except for two which he could not get in touch with. The response was positive from business owners. All big events related to Mr. Simpson's business will be held on the weekend.

Mr. Welch stated that Mr. Simpson would be required to produce an affidavit or legal document affirming the leases of the additional parking areas.

Mrs. Abbey stated that the affidavit/legal document should be a condition for approval and recommended approval.

Mr. Welch to Mr. Simpson, I assume you do not have signed leases as of yet.

Mr. Simpson replied there is a lease signed with a contingency of approval for the use of the building from ZBA, and that the leases are signed on the parking areas.

Mr. Welch asked what is the term of the lease?

Mr. Simpson stated two years.

Mr. Walls asked what happens in two years if the parking leases are not renewed?

Mrs. Abbey stated that he would be in violation of his variance and the City could revoke his variance, if the board puts it as a condition. If you didn't he would still be allowed to operate.

Mr. Simpson stated there is a contingency in the lease for extensions of the leases.

Mr. Parker stated that the motion should state that Mr. Simpson produces the leases and he does not get the variance unless the leases are produced to the DPW. The leases for Parking Areas is part of the variance, he would have to have leases on all the lots. Motion needs to be contingent of Mr. Simpson producing the leases and continuance of the leases of all the properties together.

Mr. Welch stated leases on lots 1, 2, 3, and 4 as stated by Mr. Simpson.

Mr. Simpson stated that lot 4 is the only lot not under the same owner. He asked for contingency on lots 1, 2, and 3 only.

Mr. Welch asked if lots 1, 2, and 3 were enough? (59 spots)

Mrs. Abbey stated it would be more than enough to satisfy the requirement.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Terry Parker, Commissioner
AYES:	Walls, Parker, Parker, Weatherford, Welch, Rapacz
EXCUSED:	Haskins, Hynes, Olsen

5. 1549 ZBA #15-11 Motion to approve variance 2, contingent on parking lots 1, 2, & 3 must have leases presented to DPW for approval before variance is granted.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Terry Parker, Commissioner
AYES:	Walls, Parker, Parker, Weatherford, Welch, Rapacz
EXCUSED:	Haskins, Hynes, Olsen

6. 1550 : ZBA #15-12 Postpone approval of variance to conduct a medical marijuana grow facility within 200' of a residential property.
Letter read by Mr. Welch from Cannabis Attorneys of Michigan Ashlee Runick, dated May 19, 2015.

Letter also submitted by Edward and Linda Brenner who operate a business in the area of the requested variance. Letter submitted is opposed to the variance.

RESULT:	POSTPONED [UNANIMOUS]	Next: 6/18/2015 5:00 PM
MOVER:	Robert Walls, Planning Chairman	
SECONDER:	Terry Parker, Commissioner	
AYES:	Walls, Parker, Parker, Weatherford, Welch, Rapacz	
EXCUSED:	Haskins, Hynes, Olsen	

7. 1551 : ZBA #15-13 To conduct a medical marijuana dispensary where persons under the age of 18 that do not possess a valid Medical Marijuana Registry Card are allowed on the property.

Tom Childs of 1053 W. Wilson Rd is requesting a variance based on a couple of issues, it is mainly due to persons under age of 18 having access to the lot. Disputing the age requirement due to minors are allowed to go into bars that serve food and into liquor stores to buy candy. In observing and monitoring patrons to the Plaza he noted there are very few minors that utilize the businesses in the Plaza. He also stated he would be running the store and monitoring to ensure minors do not enter.

Mrs. Abbey stated that Mr. Childs is not the owner of the property and unable to restrict who visits the property.

Andrea Robinson a realtor who represents Mr. Ogorick who owns the facility stated Mr. Ogorick is in support of the business and does not feel there would be any issues or concerns.

Mrs. Abbey stated that Mr. Childs is not the property owner and unable to restrict minors from entering the property or any other business conducted in the plaza. The potential is there for minors to enter property. The Planning Commission sees this as a special use and requires a lot split from a residential area, and does not qualify for this type of business. The property as it sits does not qualify, we do not recommend approval.

Mr. Parker addressing Mrs. Abbey the language in city ordinance is clear that persons 18 of age and younger are not allowed on the premises. We have to go by the Ordinance. He does not feel that the ZBA is the correct forum to address this issue.

Mrs. Abbey clarified that he's not asking you to change the ordinance. He has requested an exception to the ordinance which is what a variance is.

Mr. Rapacz expressed concern that the way the ordinance was written sounds like if they wanted to run a dispensary it could not be around anything.

Mrs. Abbey stated if he wished to have the ordinance changed he could address the City Council for that.

Mr. Parker in summary stated he could not support this variance since there was no hardship addressed, and because of the age requirement in the ordinance.

Mr. Welch stated he is unsure of how many kids visit the property, but the ordinance states they have to have access to the property.

Mr. Walls asked for clarification from Mrs. Abbey are you saying that since he does not own the building that we could not grant the variance stating that no one under 18 is allowed inside this unit.

Mrs. Abbey clarified a variance can be issued, her point was that he is not the property owner and unable to control who goes in and out of the other units.

Mr. Walls we can still grant a variance stating no one under 18 can go in the building.

Mrs. Abbey stated we are not talking about the unit but the property.

Can we change it to state that no one can go in his unit.

Mrs. Abbey stated that is state law that no one under 18 can go into that shop.

Mr. Welch clarifies that Mr. Childs is no the property owner and he cannot dictate he goes into quest or other businesses there. The owner of the property could.

Mrs. Abbey stated if it was a free standing building (as opposed to a strip mall) you can restrict who comes and goes on that property since customers are coming there specifically for whatever that business has to offer. When it is a strip mall you have different units (various businesses) and persons under the age of 18 will visit that property.

Mr. Walls stated the ordinance states you have to be over the age of 18 to visit that type of establishment.

Mrs. Abbey stated yes, a parent could not visit the property and leave their child in the car.

RESULT:	FAILED [1 TO 5]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Rapacz
NAYS:	Walls, Parker, Parker, Weatherford, Welch
EXCUSED:	Haskins, Hynes, Olsen

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mr. Walls requested that letters received for variance that was postponed (ZBA #15-12) be attached to the next meeting agenda.

Mrs. Abbey stated they would receive a new packet for the next meeting and the letters will be included in the packet.

Mrs. Abbey introduced Mr. Bob Slattery the new DPW Director to the ZBA Board.

Mr. Slattery introduced himself and summarized his background information and touched on

future plans for DPW.

Mrs. Abbey stated that between the Clerk's office and hers that training has been organized for the board it is and Introduction to Planning and Zoning Essentials which is scheduled for end of June. Mrs. Abbey further stated she would forward details for the training to the board in the near future.

The next regularly scheduled meeting will be held on Thursday, June 18, 2015, at 5:00 p.m.

Meeting was adjourned at 6:04 PM.

Minutes Acceptance: Minutes of May 21, 2015 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

Meeting: 06/18/15 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Amber Abbey
Department Head: Greg Kray

E.1

ADOPTED

AGENDA ITEM (ID # 1550)

DOC ID: 1550

ZBA #15-12

By: T-Rex Enterprises, LLC
3245 Card Dr. Burton, MI 48529

Re: 3245 Card Dr. Burton, MI 48529
59-33-501-027, M-2 Zone

For: To conduct a medical marijuana grow facility within 200' of a residential property.

HISTORY:

05/21/15 Zoning Board of Appeals POSTPONED

Letter read by Mr. Welch from Cannabis Attorneys of Michigan Ashlee Runick, dated May 19, 2015.

Letter also submitted by Edward and Linda Brenner who operate a business in the area of the requested variance. Letter submitted is opposed to the variance.

ATTACHMENTS:

- ZBA # 15-12 Correspondence (PDF)

RESULT:	CARRIED [5 TO 1]
MOVER:	Terry Parker, Commissioner
SECONDER:	Tim Rapacz, Alternate Commissioner
AYES:	Walls, Parker, Weatherford, Welch, Rapacz
NAYS:	Scott Hynes
ABSENT:	Tracy Parker
EXCUSED:	Duane Haskins, Robert Olsen

ZBA 15-12

May 12, 2015

Burton City Hall
4303 S. Center Rd
Burton, MI 48519

RE: ZBA Case # 15-12

To Whom It May Concern,

My name is Edward A. Brenner and I live at 3264 Card Drive in Burton with my wife Linda. I have recently been sent a notice for an appeals request to have a variance made for the address of 3245 Card Drive in Burton, to conduct a medical marihuana grow facility.

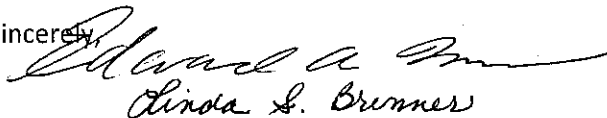
Unfortunately my wife Linda and I are unable to attend due to us being out of town on the date of the meeting. But, I would like to voice my concern about this in writing.

My wife and I have lived at 3264 Card Drive for 22 years now, we own and operate a business there as well. We have four children and nine grandchildren that visit regularly, as well as many friends. Not to mention the wide aspect of business people from the area that are in and out of my business daily.

I strongly feel that this grow facility is not in the best interest of myself, my family or any other business in this area. We have many problems in this area with thefts and attempted brake in's already, and I feel this type of a business would not be beneficial for the area.

Again, we are objecting to the request. If for some reason you need to reach me while I am out of town, please call 810-691-2079.

Sincerely,



Linda S. Brenner

Edward A. Brenner

Linda S. Brenner

Attachment: ZBA # 15-12 Correspondence (1550 : ZBA #15-12)

**SMALL BUSINESS LEGAL SERVICES
& CANNABIS ATTORNEYS OF MICHIGAN**
4330 EAST GRAND RIVER AVENUE, HOWELL, MICHIGAN 48843
PH 517.546.1181 FAX 517.292.2468

ZBA 15-16

Denise A. Pollicella, Managing Partner

*Ashlee N. Rudnick, Associate Attorney
Brandon W. Gardner, Associate Attorney*

*May 19, 2015
Via Facsimile*

City of Burton
4093 Manor Drive
Burton, MI 48519

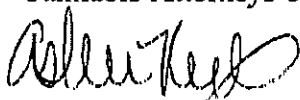
Re: Variance Request T-Rex Enterprises, LLC 3245 Card Rd

To Whom It May Concern:

We are writing this letter on behalf of our client, T-Rex Enterprises, LLC, in regards to its variance request for a medical marihuana provisioning center at the above referenced location. Currently, the Zoning Board of Appeals has set this issue to be heard on May 21st. This letter is being written to request postponement of the hearing until the next available meeting. We have spoken to Ms. Frost regarding this issue and she indicated that a letter would be necessary to effectuate this request.

If you have any questions or concerns, please feel free to contact us at any time.

Sincerely,
Cannabis Attorneys of Michigan



By: Ashlee Rudnick

cc: file

*Business Transactions * Litigation * Labor & Employment * Regulatory Law * Medical Marihuana*

Small Business Legal Services & Cannabis Attorneys of Michigan are wholly owned and operated by Pollicella & Associates, PLLC
a Michigan professional limited liability company

smallbusinesslegal.net

Attachment: ZBA # 15-12 Correspondence (1550 : ZBA #15-12)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

Meeting: 06/18/15 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Amber Abbey
Department Head: Greg Kray

E.2

DEFEATED

AGENDA ITEM (ID # 1632)

DOC ID: 1632

ZBA #15-14

By: Annette Gear (Patsy Carter)
9028 E. Knieter Ln.
Hereford, AZ 85615

Re: 1299 Schafer Dr.
Burton, MI 48509
59-11-529-012, R-1B Zone

For: To construct a 4' chain link fence in the front yard, objections received from adjoining property owners. (4 Votes Required)

ATTACHMENTS:

- Back up 1299 Schafer (PDF)

RESULT:	FAILED [2 TO 4]
AYES:	Terry Parker, Tim Rapacz
NAYS:	Robert Walls, Scott Hynes, Bobbie Weatherford, Steve Welch
ABSENT:	Tracy Parker
EXCUSED:	Duane Haskins, Robert Olsen



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

Date Filed: 5-21-15
 Fee Paid: N/A
 Receipt #: _____
 Check #: _____
 Received by: [Signature]
 Date Mailed: _____

5 D# 1632

ZBA Case #: 15-14 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: June 18, 2015 AT 5:00 P.M.

APPLICANTS NAME: Annette Gear (Patsy Carter)

APPLICANTS ADDRESS: 9028 E. Knicker Ln.

CITY: Hereford, AZ 85615

APPLICANTS PHONE: 810-241-2871

ADDRESS AND PARCEL OR LOT NUMBER: 1299 Schafer Dr.

59-11-529-012, R-1B zone.

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: To construct a 4' Chain link
Fence in the front yard, - objections
received from adjoining Property owners.

APPLICANTS SIGNATURE: N/A, it is on the application

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

Attachment: Back up 1299 Schafer (1632 : ZBA #15-14)



APPLICATION & NOTICE FOR CONSTRUCTION OF A FRONT YARD FENCE

DATE PERMIT CAN BE ISSUED: 5-29-15DATE FILED: 5-15-15

FEE PAID: _____

RECEIPT NO.: _____

APPLICANTS NAME: Annette Gear

CHECK NO.: _____

APPLICANTS ADDRESS: 9028 E. Knieter Ln*DATE MAILED: 5-15-15APPLICANT'S PHONE NO.: Hereford, AZ 85615MAILED BY: [Signature]LEGAL DESCRIPTION OF PROPERTY: Lot 71 Schafer Manor No 2FENCE DESCRIPTION: HEIGHT: 4' WOOD ☒ CHAINLINK ☒ VINYL ☐LOCATION OF THE FENCE: Right side facing from road, driveway sideAPPLICANT'S SIGNATURE: Annette Gear

*NOTE: The adjoining property owner shall, within seven (7) days of the notice, request a hearing before the Zoning Board of Appeals, in writing to the Building Division, 4093 Manor Drive, Burton, Michigan 48519 – if you have any objections to this application. Postmark notice five to seven (5-7) days prior to mandatory seven (7) day objection period.

Adjoining properties:

1. 1309 Schafer, Tonia Town
2. 1289 Schafer, David + Sharon Patrick
3. _____
4. _____

Objection blank: (Complete Below & Return, if you object)

I, David Patrick, an adjoining property owner at 1289 Schafer Dr, wish to object to this application and request a hearing at Burton City Hall, 4303 South Center Road. The date and time will be determined by the Department of Public Works.

SIGNATURE: [Signature] DATE: 5-21-15TELEPHONE NO.: 810 259-2025

NOTICE GIVEN BY – BUILDING DIVISION OFFICIAL: _____

Attachment: Back up 1299 Schafer (1632 : ZBA #15-14)



APPLICATION & NOTICE FOR CONSTRUCTION OF A FRONT YARD FENCE

DATE PERMIT CAN BE ISSUED: 5-29-15DATE FILED: 5-15-15

FEE PAID: _____

RECEIPT NO.: _____

CHECK NO.: _____

*DATE MAILED: 5-15-15MAILED BY: [Signature]APPLICANT'S NAME: Annette GearAPPLICANT'S ADDRESS: 9028 E. Knieter LnAPPLICANT'S PHONE NO.: Hereford, AZ 85615LEGAL DESCRIPTION OF PROPERTY: Lot 71 Schafer Manor No 2FENCE DESCRIPTION: HEIGHT: 4' WOOD ☒ CHAINLINK ☒ VINYL ☐LOCATION OF THE FENCE: Right side facing from road, driveway sideAPPLICANT'S SIGNATURE: Annette Gear

*NOTE: The adjoining property owner shall, within seven (7) days of the notice, request a hearing before the Zoning Board of Appeals, in writing to the Building Division, 4093 Manor Drive, Burton, Michigan 48519 – if you have any objections to this application. Postmark notice, five to seven (5-7) days prior to mandatory seven (7) day objection period.

Adjoining properties:

1. 1309 Schafer, Tonia Town
2. 1289 Schafer, David + Sharon Patrick
3. _____
4. _____

Objection blank: (Complete Below & Return, if you object)

I, Tonia Town an adjoining property owner at 1309 Schafer wish to object to this application and request a hearing at Burton City Hall, 4303 South Center Road. The date and time will be determined by the Department of Public Works.

SIGNATURE: Tonia Town DATE: 5-20-15TELEPHONE NO.: 810-610-0490

NOTICE GIVEN BY – BUILDING DIVISION OFFICIAL: _____

Attachment: Back up 1299 Schafer (1632 : ZBA #15-14)

yellow

nd must be
Survey
3'8"





Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

Meeting: 06/18/15 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Amber Abbey
Department Head: Greg Kray

E.3

ADOPTED

AGENDA ITEM (ID # 1633)

DOC ID: 1633

ZBA #15-15

By: Central Construction Inc. / Jason Horner
9163 Chatwell Club Lane, Apt #1
Davison, MI 48423

Re: 5210 Lapeer Rd.
Burton, MI 48509
59-14-553-026, C-1 Zone

For: To conduct a C-2, General Business use in a C-1 Local Business zone for a building contractor's office. (5 Votes Required)

ATTACHMENTS:

- Back up 5210 Lapeer (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Walls, Planning Chairman
SECONDER:	Tim Rapacz, Alternate Commissioner
AYES:	Walls, Parker, Hynes, Weatherford, Welch, Rapacz
ABSENT:	Tracy Parker
EXCUSED:	Duane Haskins, Robert Olsen



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

Date Filed: 5-21-15
 Fee Paid: \$450.00
 Receipt #: _____
 Check #: 9033116
 Received by: AA
 Date Mailed: _____

ID # 1633

ZBA Case #: 15-15 5 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: June 18, 2015 AT 5.00 P.M.

APPLICANTS NAME: Jason Horner / Central Construction Inc.

APPLICANTS ADDRESS: 9163 Chatwell Club Lane Apt #1

CITY: Davison, MI 48423

APPLICANTS PHONE: (248) 245-6292 OFFICE 9AM-5PM (510) 412-4333

ADDRESS AND PARCEL OR LOT NUMBER: 5210 Lapeer Road, Burton, MI 48509

59-14-553-026

C-1 Zone

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: To conduct a C-2 use in
an C-1 Zone for a building
Contractor's office.

APPLICANTS SIGNATURE: [Signature]

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

I bought the property and had no idea i couldn't put a construction office in the building.
I need the building approved for a construction office.

Attachment: Back up 5210 Lapeer (1633 : ZBA #15-15)