



CITY OF BURTON

ZONING BOARD OF APPEALS

MARCH 18, 2021

Council Chambers

Regular Meeting

5:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

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 and 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.

A. MEETING INFORMATION

Zoning Board of Appeals
Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m6f388a79552c74fe80e1b841f8f2c6b5>

Thursday, Mar 18, 2021 5:00 pm | 2 hours | (UTC-05:00) Eastern Time (US & Canada)

Meeting number: 182 721 7457

Password: Zone123 (9663123 from phones and video systems)

Join by video system

Dial 1827217457@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: 182 721 7457

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. STAFF PRESENT

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 18, 2021 5:00 PM

F. VARIANCE

1. ZBA #21-04
By: WJH LLC
41210 Bridge St. Novi MI

Re: 2282 Hunter Lane Burton MI
Parcel 59-24-502-094

For: To construct a new home that will extend 4.9' beyond building envelope.
2. ZBA #21-05
By: Spring Gardens Properties, LLC c/o Lauren Walter
P.O. BOX 182 Holly MI

Re: 3187 Dahlia Dr. Burton MI
Parcel ID 59-26-531-039

For: To Construct a new home, requesting 8.3' side setback, 10' required.
3. ZBA #21-06
By: Greg Benjamin
1355 Blanch Ave, Burton MI

Re: 1355 Blanch Ave, Burton MI
Parcel 59-13-551-022

For: To Construct an addition. Requesting 5' rear setback when required 30' and requesting 15' front setback when required 20'.

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

Public comment may be sent to: publiccomment@burtonmi.gov. Comments received prior to the meeting will be read into the record.

H. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, April 15, 2021, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

FEBRUARY 18, 2021

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

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

A. MEETING INFORMATION

Zoning Board of Appeals
Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=mf688f1f537959915a872cec4c4ab5820>

Thursday, Feb 18, 2021 5:00 pm | 2 hours | (UTC-05:00) Eastern Time (US & Canada)

Meeting number: 126 085 9522

Password: mfP3He2P4XF (63734327 from phones and video systems)

Join by video system

Dial 1260859522@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: 126 085 9522

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Board members attending through the virtual forum must state their name and physical location.

Mr. Welch, Burton, Michigan.

Mrs. Ward-Terry, Burton, Michigan.

Mrs. Conley, Burton, Michigan.

Mr. Burge, Burton, Michigan.

Mr. Hynes, Burton, Michigan.

Mr. Rapacz, Burton, Michigan.

Mr. Fuhst, Burton, Michigan.

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

Rick Fuhst

Commissioner

Remote

D. STAFF PRESENT

Amber Abbey, Deputy DPW Director
 Lindsey Bice, Clerk's Office Records Tech
 Leandra Swayne, DPW Records Tech

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jan 21, 2021 5:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Michaeline Ward-Terry, Vice Chairperson
SECONDER: Christina Conley, Council Representative
AYES: Burge, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED: Kautz, Richvalsky

F. APPROVAL OF CORRECTED MINUTES

1. Zoning Board of Appeals - Regular Meeting - Corrected Minutes - Sept. 17, 2020 5:00 PM

RESULT: **CARRIED [UNANIMOUS]**
MOVER: Michaeline Ward-Terry, Vice Chairperson
SECONDER: Tim Rapacz, Commissioner
AYES: Burge, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED: Kautz, Richvalsky

G. VARIANCE

1. ZBA #21-02

By: Genesee County Drain Commissioner- Division of Water and Waste Services
 G-4610 Beecher Rd., Flint MI 48532

Re: 3063 S. Center Rd. Burton Mi, Parcel 59-27-100-003

For: To Construct a fence that exceeds 5 feet in height. Requested height of 8 feet
 (7 feet of fence and 1foot of barbed wire)

Matt Raysin of Genesee County Water & Waste Services Drain Commission, residing in the City of Burton stated this request is for a seven foot fence with one foot of barbed wire. Facilities like ours typically have structures like this. This facility is not manned. This is approximately a four and a half acre parcel, the fence will only be in the area of the water tower, which is an area of about 100 feet by 100 feet. We are about 200 feet off the road. We do anticipate landscaping and ensure that the sight from the road will be limited. This is an essential service and a lot of our resilient risk-assessment conduction's typically recommend that we have fences of this height with barbed wire on top of them.

Mrs. Abbey stated if anybody on the virtual WebEx call in feature would like to speak for or against this case they will need to un-mute themselves and speak up.

Minutes Acceptance: Minutes of Feb 18, 2021 5:00 PM (Approval of Minutes)

Mrs. Abbey stated the Drain Commission proposed this elevated tower a few months ago to go in front of the Planning Commission. The site plan was approved. I would like to reiterate some points Mr. Raysin already made. The plan is not to put up a perimeter fence nor is it intended to be anywhere near the residential properties on either side of them. The intention is just to protect their equipment. It's not unusual for public utilities to make requests like this. We would recommend approval. If you would prefer, you may add the contingency that the fence can only be added where it was approved on the site drawing.

Mr. Burge asked the applicant if this is common practice at the water towers.

Mr. Rasyin stated yes, it is.

Mrs. Ward-Terry motioned to approve variance number 21-02 to construct a fence that exceeds five feet of height. Requested feet of eight feet, seven feet of fence and one-foot of barbed wire that would be around the property that encompasses the water tower.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Christina Conley, Council Representative
AYES:	Burge, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Kautz, Richvalsky

2. ZBA #21-03

By: Trex 1 Corp / ABRD LLC
3245 Card Dr. Burton MI

Re: 3265 Card Dr. Parcel 59-33-501-020
M-2 Zone

For: To expand an existing marijuana facility that will be within 200 feet of a residential home.

Damien Frasier on behalf of ABRD LLC and T Rex 1 Corporation, 111 E. Court Street, Ste. 2C3, Flint, MI stated the applicant here already has two buildings in which they have exceeded their capacity. They need to expand. If they are not able to expand within the community they will be forced to leave at much greater expense. They are asking for the variance to be able to expand into their joining lot which they have purchased and then go through site plan for approval. They have operated from this site for a full year now and have been a good neighbor to everybody.

Mr. Brener stated I oppose this because it's within 200 feet of my home. I opposed it back in 2015 but Mrs. Abbey stated I do not live there. I do live there, I was never homestead exempt. I was homestead exempt but you people would never give me a full homestead, you only do at 10% of the total acreage I have there, which is quite a bit. It's my home, I do not want another marijuana plant there, I did not want that one there but you override what I had to say. I've had people wanting to buy that property from me for the same reason and I just applied for re-zoning for marijuana use and you told it's too close to the existing marijuana plant. But you can have someone else 200 feet from my home. I have lost value on my property immensely because you keep letting people do this. I object to it. It's not right, it's my home. I talked to Bob Dodge who was interested in purchasing the property. If they will purchase the property I would have no objection to what they do. That is my

objection, you have driven down the price of the acreage quite a bit. The original estimate was around \$760,000. I have it listed with Keller Williams and that's the reason we can't sell it, because of the marijuana plant. But you're letting someone else build another marijuana plant within 200 feet of my driveway when I live at that home.

Mr. Dodge stated I have spoke with Mr. Brenner a couple of times. He's approached me in regards to purchasing his property and I know about the value he is speaking of. This value may have been what it was once appraised at but it far exceeds what we're looking to pay however, as we grow, that property would be of interest to us down the road, but we have to grow in phases. I cannot say that Mr. Brenner is living there, unless he is snowed in because the driveway has not been plowed since we got the snow. We are there every day and I do not see any activity around his property ever.

Mr. Brenner stated I am there, I'm just at my property on Lake Isabella right now. The same people that plow for you, plow my driveway. It will be plowed and I will be down there.

Mrs. Abbey stated I would like to touch on a few things Mr. Brenner stated. I have the minutes from the 2015 meeting and was very clear that I stated I was not sure if Mr. Brenner was living at that property or not. However, I can say he has not had a property residence exemption, so that would identify to me that he does not actually occupy the home. I still have no idea if Mr. Brenner occupies the home or not. I don't want to lie to any of you. In 2015, 3245 Card Drive came before you guys to ask for a variance to be able to do a facility that was too close to a house. The house is in an industrial park, so this is not a situation where the industrial business is too close to where the houses exist. This is actually a house that does not belong in an industrial park. However, it is allowed to exist. It has non-conforming rights. You guys did approve the variance in 2015. The same owner that owned it in 2015 still owns it today and has invested over one million dollars in the property in improvements. When he built, he did build as much as he possibly could on that property to be able to operate. With that being said, 3245 Card Drive will continue to operate as a marijuana use regardless of tonight's decision. They did purchase the property next door to be able to expand over onto that property. Our recommendation does not change from our recommendation in 2015, except I would ask for the contingency that they combine the parcels and it's only that facility that operates on them.

Mr. Burge stated he went by that property yesterday and in his opinion it has not been plowed and looks like a vacant property. It also does not appear to be a place where somebody would want to raise a family. There is an asphalt plant next door with a bunch of heavy machinery for the roads. The combination across the street is just a quarter.

Mr. Rapacz asked the administration if the only reason this case has come before us is because of the house located at 3264 Card Drive.

Mrs. Abbey stated, yes.

Mr. Rapacz stated so technically if that house was not grand-fathered there, this wouldn't even be an issue for us to talk about.

Mrs. Abbey stated that is correct. The property would comply with all other requirements of the ordinance.

Mr. Rapacz read from the applicants letter to Mrs. Abbey a statement 'Without the new parcel applicant would be forced to move its facilities to another municipality in order to have a facility large enough to meet the demands of its business.' That almost sounds like a veiled threat if we do not approve this variance. I am willing to overlook that if that is not what the applicant meant by that. I would like it if the applicant could clear that up so we have a good idea what they meant by that sentence.

Mr. Fraiser stated that was not a veiled threat. That was just a statement that if we can't expand over, given the size of the facility we would have to build somewhere else. And that is just as much cost administratively for us, trying to run two facilities that are not located next to each other. That was the point for us, was the cost.

Mr. Rapacz stated I understand. Thank you for clearing that up for me.

Mrs. Abbey stated I will add to that, I didn't take it that way because I know that they have literally built out their entire property. They have no more room for expansion on that particular parcel.

Mrs. Ward-Terry stated I would like to thank you for clarifying that. That was one of my concerns as well. It sounded like a veiled threat and I was uncomfortable voting for something strictly because somebody was threatening to move out of our city if they didn't get their way.

Mr. Burge stated in his letter he notes that he has 35 employees. If they have an expansion, I'm sure they're going to add some more, which is a positive. He motioned to approve ZBA case #21-03 with the contingency that the parcels will be combined.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Tim Rapacz, Commissioner
AYES:	Burge, Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst
EXCUSED:	Kautz, Richvalsky

H. 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.

I. BOARD DISCUSSION

The board discussed technical difficulties, tips and tricks with using Webex.

The next regularly scheduled meeting will be held on Thursday, March 18, 2021, at 5:00 p.m.

Minutes Acceptance: Minutes of Feb 18, 2021 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5012)

Meeting: 03/18/21 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.1

DOC ID: 5012

ZBA #21-04

By: WJH LLC
41210 Bridge St. Novi MI

Re: 2282 Hunter Lane Burton MI
Parcel 59-24-502-094

For: To construct a new home that will extend 4.9' beyond building envelope.

ATTACHMENTS:

- Backup 21-04 (PDF)



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

F.1.a

Date Filed: 2/2/2021
Fee Paid: 250
Receipt #: PAID, W/ CTR
Check #: 20190000000000000000
Received by: J. Wayne
Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 21-04 4 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: MARCH 18 2021 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: WJH LLC

APPLICANTS ADDRESS: 41210 Bridge Street

CITY: Novi

APPLICANTS PHONE: 248-310-1865

APPLICANTS EMAIL: rimma.morrison@centurycommunities.com

ADDRESS AND PARCEL OR LOT NUMBER: 2282 Hunter Lane 59-24-502-094

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: Extend building envelope as shown on preliminary plot plan

I hereby certify that the proposed application is authorized by the owner of record and that I have been authorized by the owner to make this application as his agent. I agree the statements made on the attached application are true, and if found not to be true, any permit that may be issued may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this permit application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Commission. Mandatory attendance at the above meeting is acknowledged.

APPLICANTS SIGNATURE: Rimma Morrison

Attachment: Backup 21-04 (5012 : ZBA #21-04)

APPLICANT:

Please explain your hardship or reason this variance is needed and attach to the application. Any information provided to the board will be public information and will be given to the board approximately 2 weeks prior to the meeting.

Due to the irregular shaped lot, we cannot build any of the houses that we offer. Also, it would be difficult to build any house on this lot unless going outside of the building envelope. We are asking the City of Burton to approve the preliminary plot plan to be able to build outside of the building envelope.

Attachment: Backup 21-04 (5012 : ZBA #21-04)

OWNER ACKNOWLEDGMENT:

I, **Vito Castellana** am the owner of property
 known as: **2282 Hunter** located in the City of Burton. I give permission
 to **WJH LLC** to make an application to the Zoning Board of
 Appeals on behalf of my property. I understand unless specified by the Zoning Board of Appeals, any action
 taken by the board is permanently associated with this property in accordance with the State of Michigan
 Zoning Enabling Act.

If I need to be contacted for any reason please contact me at:

Owner Name: _____

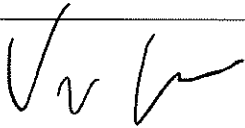
Address: _____

City: _____

Phone: _____

Email: _____

SIGNATURE: _____



DATE: _____

2/1/21

Vito castellana
52188 Van Dyke
Shelby twp MI 48316
Vito.viphomes@gmail
586-634-7540

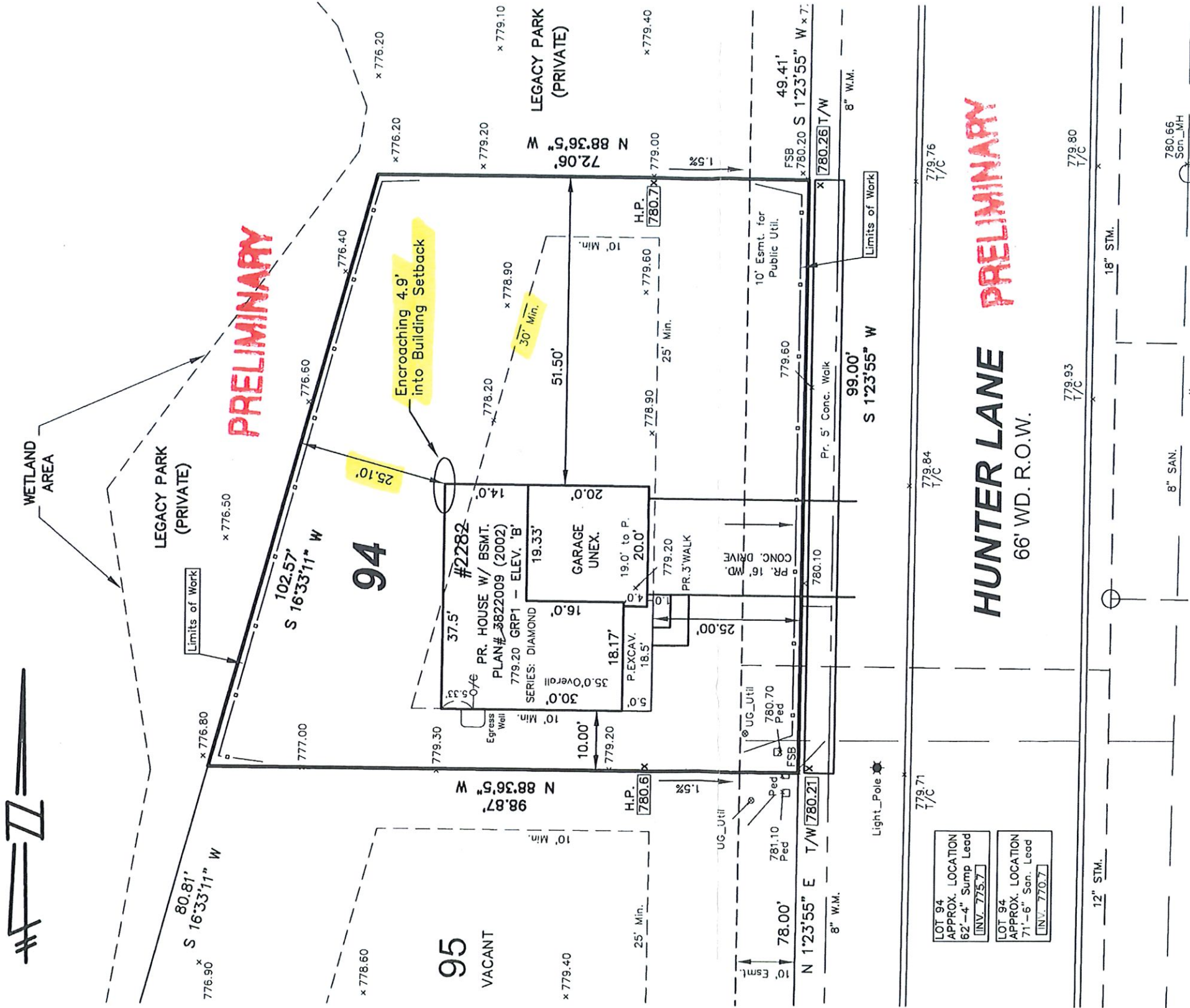
Attachment: Backup 21-04 (5012 : ZBA #21-04)

LOT 94 "BURTON ESTATES No. 1"

PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF SECTION 24,
TOWN 7 NORTH, RANGE 7 EAST,
CITY OF BURTON, GENESEE COUNTY, MICHIGAN



UTILITY WARNING
Know what's below.
Call before you dig.



UNIT SQ. FT. = XX

PR. HOUSE LOT 94	
FINISH FLOOR= XX	+1.85'
11'-7/8" FLOOR JOISTS	
TOP/WALL= XX	+0.67'
FINISH GRADE= XX	0+00
7'-10" BSMT. WALL	
BSMT. FLOOR= XX	-6.83'
TOP/SPREAD FOOTING= XX	-7.16'

ESTIMATED / PROPOSED QUANTITIES:	
1. PR. CONCRETE DRIVE AREA XX S.F.	
2. PR. CONC. DRIVE (APRON) AREA XX S.F.	
3. PR. CONC. HOUSE WALK AREA XX S.F.	
4. PR. CONC. ROAD SIDEWALK AREA XX S.F.	
5. PR. HOUSE COVERAGE AREA XX S.F.	

MINIMUM SETBACKS: ZONE R-1B	
FRONT = 25'	
REAR = 30'	
SIDE = 10' MIN.	

LEGEND

0.00	= EXISTING ELEVATION
(00.00)	= PROPOSED GRADE
(00.00)	= ADJUSTED PR. F.G.
(00.00)	= DRAINAGE
(0.00)	= AS-BUILT GRADE
F.G.	= FINISH GRADE
F.F.	= FINISH FLOOR GRADE
DROP	= DROP FINISH GRADE
T/C	= TOP OF CURB
T/W	= TOP OF WALK
WSO	= WATER SHUT OFF

PRIOR TO CONSTRUCTION, A GEOTECHNICAL REPORT SHALL BE OBTAINED BY THE BUILDER. AMBIT ASSUMES NO RESPONSIBILITY FOR SOIL CONDITIONS.

BUILDER SHALL PROVIDE POSITIVE DRAINAGE AROUND AND AWAY FROM THE HOUSES.

CONTRACTOR IS TO VERIFY LOCATION AND DEPTH OF WATER AND UTILITY SERVICES BEFORE CONSTRUCTION.

ALL DOWNSPOUTS SHALL BE TIED INTO UNDERGROUND STORM SEWER AT HOUSE AT STREETS EDGE. TIE IN STUBS HAVE BEEN PROVIDED FOR TAP INTO CITY STORM SEWER AT STREETS EDGE WHERE AVAILABLE.

NOTE: IT IS THE CLIENTS RESPONSIBILITY TO REVIEW THIS DRAWING FOR ALL HOUSE PLAN DATA, INCLUDING (BUT NOT LIMITED TO) ELEVATION, HOUSE AND BASEMENT SIZES, CANTILEVERS, ETC., ID, THE HOUSE LOCATION AND ORIENTATION ON THE PARCEL. ANY DISCREPANCIES NOT BROUGHT TO OUR ATTENTION, SHALL BE THE SOLE RESPONSIBILITY OF THE CLIENT. FOUNDATION DIMENSIONS SHOWN SHOULD BE USED FOR BASEMENT CAVATION PURPOSES ONLY. FOUNDATION CONTRACTOR SHALL USE ARCHITECTURAL FOUNDATION PLAN DIMENSIONS FOR LAYOUT AND CONSTRUCTION OF FOUNDATIONS.

LOT FIT = NO FIT

CLIENT: WJH LLC
3091 GOVERNORS LAKE DRIVE, SUITE 300
NORCROSS, GA 30071
PHONE: 1.833.791.0192

PLOT PLAN:

1-19-21

JOB NO.:

20-10-048

SCALE:

1"=20'

DRAWN BY:

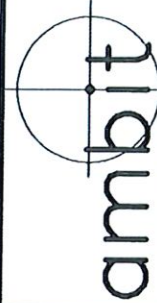
DP

CHECK:

P3

SHEET:

1/1



land surveyors, inc.

691 WING STREET
Plymouth, MI 48170
ph. 800.221.5263
ph. 734.455.5501
fax 877.837.5267
www.ambitsurveyors.com



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5013)

Meeting: 03/18/21 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.2

DOC ID: 5013

ZBA #21-05

By: Spring Gardens Properties, LLC c/o Lauren Walter
P.O. BOX 182 Holly MI

Re: 3187 Dahlia Dr. Burton MI
Parcel ID 59-26-531-039

For: To Construct a new home, requesting 8.3' side setback, 10' required.

ATTACHMENTS:

- Backup 21-05 (PDF)



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

Date Filed: 2/11/2021
Fee Paid: 250
Receipt #: _____
Check #: 02311
Received by: J Swann
Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 21-05 4 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: MARCH 18 2021 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Spring Gardens Properties, LLC c/o Lauren Walter

APPLICANTS ADDRESS: P.O. Box 182

CITY: Holly

APPLICANTS PHONE: 248-634-8276

APPLICANTS EMAIL: lgw@tcagoc.com

ADDRESS AND PARCEL OR LOT NUMBER: 3187 Dahlia Dr., Lot # 56
Parcel ID # 59-26-531-039

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: An adjustment to the side setbacks for the lot.

I hereby certify that the proposed application is authorized by the owner of record and that I have been authorized by the owner to make this application as his agent. I agree the statements made on the attached application are true, and if found not to be true, any permit that may be issued may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this permit application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Commission. Mandatory attendance at the above meeting is acknowledged.

APPLICANTS SIGNATURE: Lauren Walter

Attachment: Backup 21-05 (5013 : ZBA #21-05)

APPLICANT:

Please explain your hardship or reason this variance is needed and attach to the application. Any information provided to the board will be public information and will be given to the board approximately 2 weeks prior to the meeting.

It appears the stakes marking the location(s) of the footings for this new home were moved after being placed. This resulted in the house being constructed one foot and Seven inches (1'7") into the setback at the Southeast corner and one foot ~~Zero~~ inches (1'0") at the Southwest corner. We have been granted a License to Occupy by the Genesee Drain Commissioner's office for the property as the new home was constructed within a Platted drain easement. A copy of the Agreement is attached.

The variance is needed to allow a Certificate of Occupancy be issued for the home so the intended buyer can move in.



GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

-DIVISION OF
SURFACE WATER MANAGEMENTG-4608 BEECHER ROAD, FLINT, MI 48532
PHONE (810) 732-1590 FAX (810) 732-1474JEFFREY WRIGHT
COMMISSIONER

February 4, 2021

Reference: 3187 Dahlia, Burton MI 48519
Correspondence From: Susanne HoganCharles Abbey
DPW Director
City of Burton Department of Public Works
4093 Manor Drive
Burton, MI 48519

Dear Mr. Abbey,

Our Office was recently contacted by the seller of the above new build that was constructed within our Platted drain easement. Commissioner Wright and the Property owner have signed a License to Occupy and it has been recorded at the Register of Deeds.

It is our hope that in the future we can work together to prevent permanent structures from being built within utility easements.

If you have questions or comments please feel free to contact our office. Thank you.

Sincerely,

Susanne Hogan, P.E.
Drain Engineercc: Amber Abbey: City Burton- by email
Lauren Walter: Owner- by email
File H:\Letters2021\Misc License to Occupy 59-26-531-039

Attachment: Backup 21-05 (5013 : ZBA #21-05)

AGREEMENT

THIS AGREEMENT, made and entered into this 3rd day of February 2021,
 By and between JEFFREY WRIGHT, GENESEE COUNTY DRAIN COMMISSIONER,
 4608 Beecher Rd, Flint, Michigan, hereinafter referred to as "Drain Commissioner" on behalf
 of the, Gilkey Creek, Spring Gardens Branch of #1643 Drainage District; and, Lauren Walter
 on behalf of Spring Gardens Properties, whose address is 14300 Shields Rd, Holly MI 48442
 hereinafter referred to as "Owner" as owner(s) of certain of land(s) in the City of Burton,
 Genesee County, Michigan, described as:

PID: 59-26-531-039

Lot 56 of Spring Gardens No 2, a Platted Subdivision, as recorded in instrument
 #200504070038068 pages 1 through 3, Genesee County Records, Genesee County
 Michigan. Also Known as 3187 Dahlia, Burton MI 48519

AND WHEREAS, a platted storm sewer easement exists in favor of the County of Genesee for a
 certain drain commonly known as "Gilkey Creek, Spring Gardens Branch of #1643", over and
 through Lot 56 of the plat "Spring Gardens No 2" as stated above.

AND WHEREAS, the improvements located on said land encroach onto the drain right of way
 as show on the "Exhibit A".

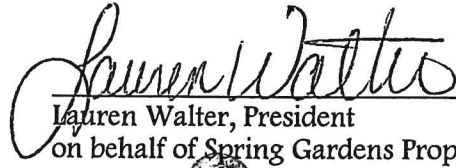
AND WHEREAS, the undersigned Owner acknowledges and agree that:

1. The building, building support, foundation or concrete slab hereinafter referred to as
 "Improvements" is located within the Drain right of way as shown on the attached
 map.
2. Said occupation of drain right of way shall occur with the written authorization of
 Drain Commissioner.
3. No additions or appurtenances will be constructed within drain right of way.
4. If in the future any of the improvements are removed any replacements must be placed
 outside the easement.
5. The Drain Commissioner is and will be indemnified and held harmless for any damage
 that may occur to the improvements or attachments to the Improvements within the
 drain right of way.
6. If future maintenance incurs additional costs due to the Improvements, the Drain
 Commissioner may assess those additional costs back to the Owner of the parcel.

NOW THEREFORE, the Drain Commissioner acknowledges the existence of said improvement
 encroachment onto the drain right of way as disclosed on "Exhibit A" and hereby gives license
 to occupy said drain right of way upon the foregoing terms, HOWEVER, The license to occupy
 the drain right of way is revocable at will by the Drain Commissioner if it becomes necessary
 to utilize the entire right of way at a future date. If structural removal is necessary, the
 structure will be removed without compensation or damages paid to The Owner.

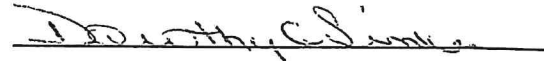
Attachment: Backup 21-05 (5013 : ZBA #21-05)

This agreement shall be binding upon the undersigned Owner, his successors and assigns, and shall be deemed covenants running with the land and binding upon all future grantees, assignees or Owners of said property. DATED THIS _____ DAY OF _____ 2021.


 Lauren Walter, President
 on behalf of Spring Gardens Properties

On this 3 day of February, 2021, before me, _____, a Notary Public in and for said County, personally appeared Lauren Walter on behalf of Spring Gardens Properties, to me known to be the person described in and who executed the foregoing instrument and acknowledged the same to be her free act and deed.

DOROTHY C TINKER
 NOTARY PUBLIC-STATE OF MICHIGAN
 GENESEE COUNTY
 MY COMMISSION EXPIRES MAR. 29, 2026
 Acting in the County of Oakland


 Notary Public, Genesee County Michigan
 My Commission expires: 3/29/26
 Acting in Oakland County

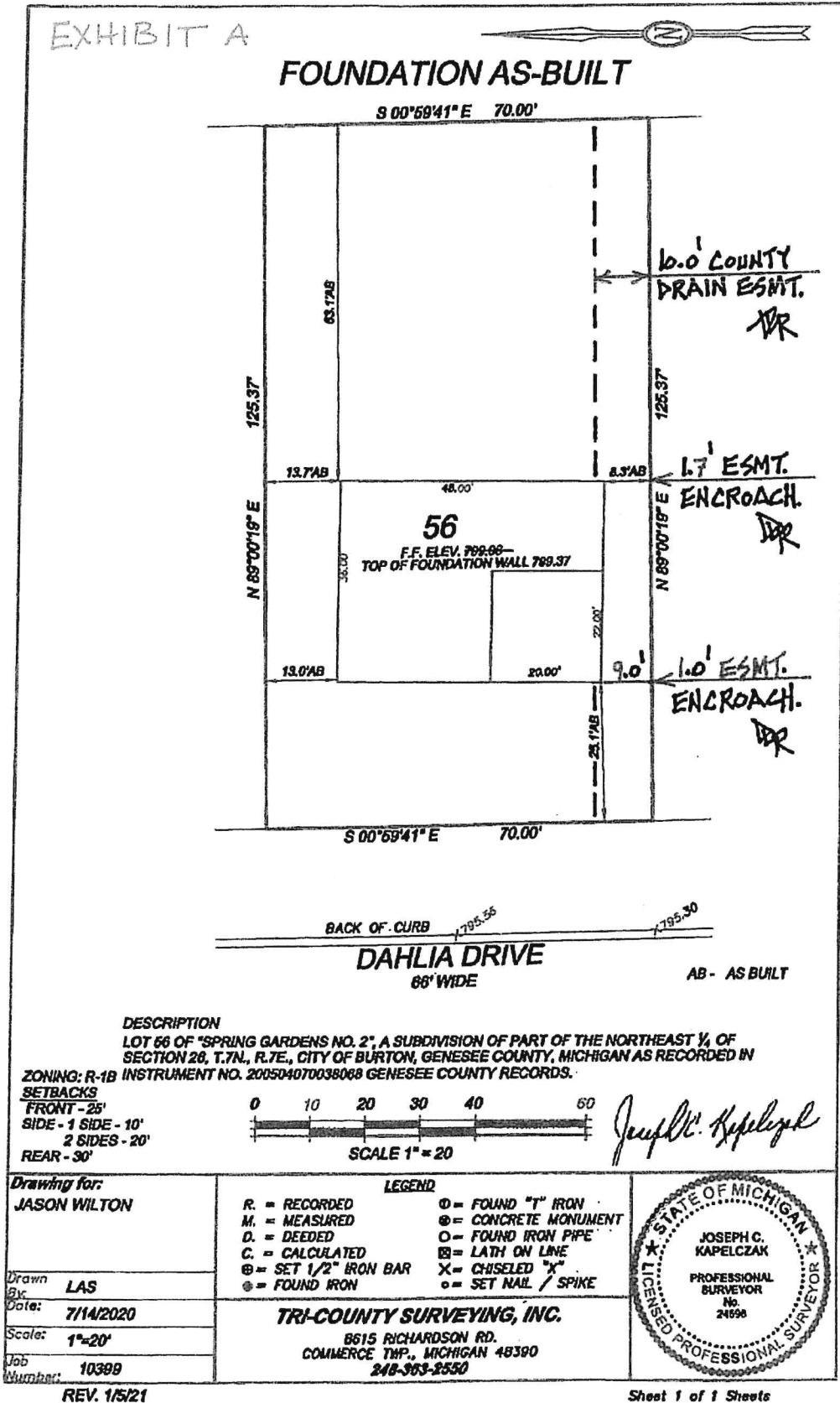

 Jeffrey Wright
 Genesee County Drain Commissioner

On this _____ day of _____, 2021, before me, a Notary Public in and for said County, personally appeared JEFFREY WRIGHT, GENESEE COUNTY DRAIN COMMISSIONER, to me known to be the person described in and who executed the foregoing instrument and acknowledged the same to be his free act and deed.

Prepared by & Return to:
 Susanne Hogan
 Genesee County Drain Commissioner's Office
 4608 Beecher Rd, Flint MI 48532

 Notary Public, Genesee County Michigan
 My Commission expires:
 Acting in _____ County

Attachment: Backup 21-05 (5013 : ZBA #21-05)





Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5014)

Meeting: 03/18/21 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

F.3

DOC ID: 5014

ZBA #21-06

By: Greg Benjamin
1355 Blanch Ave, Burton MI

Re: 1355 Blanch Ave, Burton MI
Parcel 59-13-551-022

For: To Construct an addition. Requesting 5' rear setback when required 30' and
requesting 15' front setback when required 20'.

ATTACHMENTS:

- Backup 21-06 (PDF)



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

Date Filed: 2/19/2021
 Fee Paid: 250
 Receipt #: _____
 Check #: 3227
 Received by: J. Wayne
 Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 21-06 4 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: MARCH 18TH AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Greg Benjamin

APPLICANTS ADDRESS: 1355 Blanch St

CITY: Burton

APPLICANTS PHONE: 810-938-6955

APPLICANTS EMAIL: gregalan44@aol.com

ADDRESS AND PARCEL OR LOT NUMBER: 1355 Blanch St
59-13-551-022

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.

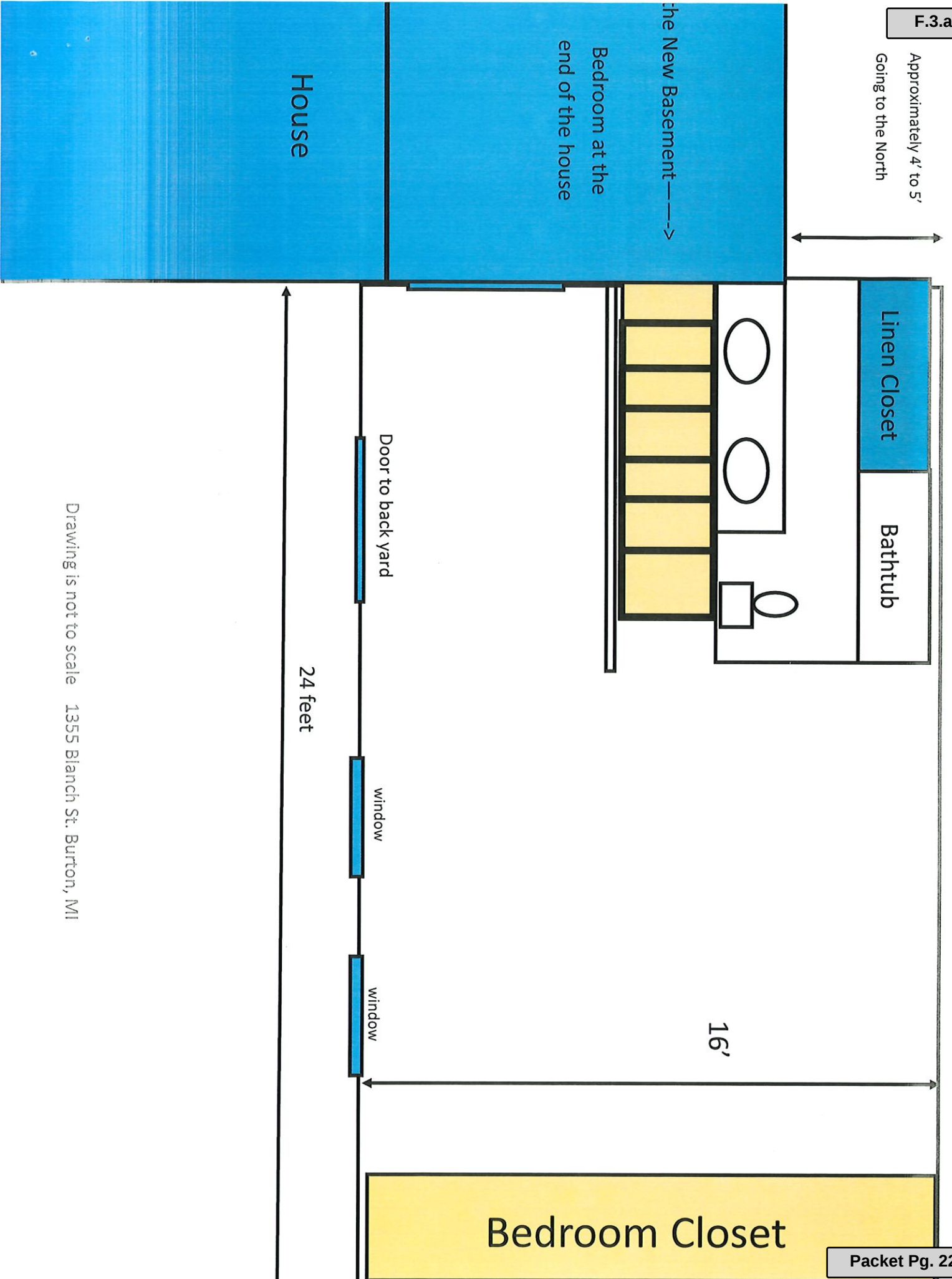
VARIANCE REQUESTED: To put on an addition with
basement. Going 24ft to the east and
16ft North & South. See drawing

I hereby certify that the proposed application is authorized by the owner of record and that I have been authorized by the owner to make this application as his agent. I agree the statements made on the attached application are true, and if found not to be true, any permit that may be issued may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this permit application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Commission. Mandatory attendance at the above meeting is acknowledged.

APPLICANTS SIGNATURE: Greg Benjamin

Attachment: Backup 21-06 (5014 : ZBA #21-06)

Approximately 4' to 5'
Going to the North





Attachment: Backup 21-06 (5014 : ZBA #21-06)