

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, NOVEMBER 11, 2013

Mr. Dalton noted that he does have an 825-gallon water tank that is USFDA approved for potable water and he also has a water well. He plans to use both systems, because he cannot get city water there.

Board Member Flood inquired what he will do with the trailer after he gets the certificate of occupancy.

Mr. Dalton noted that he does meet the setback requirements for the storage of the trailer.

Board Member Koscierynski noted that the zoning ordinance requires the temporary timeline of no more than three months. She inquired whether that would be enough time.

Mr. Dalton replied that his goal is to be in the house by Christmas.

Acting Chairman Durham offered time for public comments on this case.

No comments were given.

Moved by Board Member Walker, supported by Board Member Koscierynski regarding case AB-2013-28, John Dalton, 1137 Beach Drive, Sidwell #09-16-229-016, that the petitioner is seeking approval from the Zoning Board of Appeals per Zoning Ordinance No. 78, Article 27, Section 27.02, C, 1, to reside in a trailer located on the property while renovations are being done to the principal structure. The petitioner has indicated that he would be willing to have this done within the next 90 days and our ordinance does specifically state that the initial approval by the Zoning Board of Appeals (ZBA) to allow a temporary residential use may not exceed three months. The ZBA may grant an additional extension up to three months if the petitioner requests it when the initial approval is due to expire. It would appear to me that this would put undue hardship on Mr. Dalton if we did not grant this request. He provided us with pictures showing the improvements he has made to the home and it is almost done, so I would move that we **grant the request to allow him to live in the trailer for up to three months.** Roll call vote was as follows: Koscierynski, yes; Flood, yes; Walker, yes; Durham, yes. **Motion carried 4-0** (Yaros was absent).

B. AB-2013-29, David Spolyar/Donald Spolyar, 445 Brown Road, and Vacant Parcel #09-32-400-083, Temporary Use Permit, Sidwells #09-32-400-062 and #09-32-400-083

Acting Chairman Durham noted that the petitioner is requesting a Temporary Use Permit for an Open Air Business, per Zoning Ordinance No. 78, Article 30, Section 30.11,F,1, in order to erect a tent and hold Christmas tree sales.

Mr. David Spolyar, of 444 Woodridge Court, Lake Orion, and Mr. Donald Spolyar, of Cadillac, Michigan, were present.

Acting Chairman Durham inquired if they were contacted after the sale period as to whether there was anything that needed to be cleaned up or remediated by the Township last year.

Mr. David Spolyar replied, no. He also noted that the site will be exactly the same as last year with a 40'x60' tent in front of the house and the signs will be put out on the road the same as they were and lit. The same lighting. The exact same setup as last year. The entrance will be the west driveway and the exit will be the east driveway the same as last year.

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Acting Chairman Durham inquired whether the house would be used for anything.

Mr. David Spolyar replied that it will be used as the office. It's mainly for storage. They'll have a camper on a truck where the attendant will reside overnight to deter theft of the trees. They will not be heating the house. There is a toilet in the house that they will utilize and will flush it by using a 5-gallon pail of water as they did last year.

Board Member Flood inquired about the hours of operation.

Mr. David Spolyar replied that they will be from 10:00 a.m. to 10:00 p.m.

Acting Chairman Durham inquired of Mr. Tom Berger, Building Official, whether there were any enforcement issues with this last year.

Mr. Berger replied that there were no problems at this location last year.

Acting Chairman Durham offered time for public comments on this case.

No comments were given.

Moved by Board Member Flood, supported by Board Member Walker regarding case AB-2013-29, David Spolyar/Donald Spolyar, 445 Brown Road, and vacant parcel #09-32-400-083, Temporary Use Permit, Sidwells #09-32-400-062 and #09-32-400-083, that the petitioner is requesting a Temporary Use Permit for an Open Air Business, per Zoning Ordinance No. 78, Article 30, Section 30.11,F,1, in order to erect a tent and hold Christmas tree sales from November 21, 2013 to December 25, 2013. The hours of operation will be from 10:00 a.m. to 10:00 p.m. seven days per week, **to grant the Temporary Use Permit with the following conditions:** 1)that all sticks, stakes, tents, signs, etc. shall be removed and the site shall be completely cleaned; and, 2)remove all debris that is generated by said sales, such as, brush, trees, trash, etc. within seven days after December 25, 2013. Roll call vote was as follows: Flood, yes; Walker, yes; Koscierszynski, yes; Durham, yes. **Motion carried 4-0** (Yaros was absent).

C. AB-2013-30, David Spolyar/Donald Spolyar, 3677 S. Lapeer Road, Sidwell #09-26-451-002

Acting Chairman Durham noted that the petitioner is requesting a Temporary Use Permit for an Open Air Business, per Zoning Ordinance No. 78, Article 30, Section 30.11,F,1, in order to erect a tent and hold Christmas tree sales.

Mr. David Spolyar, of 444 Woodridge Court, Lake Orion, and Mr. Donald Spolyar, of Cadillac, Michigan, were present.

Mr. David Spolyar noted that this will be the third year that they will be at this location. The building itself no longer has electricity and they will utilize their generator if they are not able to get the electricity turned on.

Acting Chairman Durham inquired whether they had any interaction with the fire department or ordinance enforcement last year.

Mr. David Spolyar replied, no except for the inspections. I believe Mr. Yaros' concern was the fact that when they took down the tent on Brown Road, the tent company, who we are not utilizing this year, did not come back and get that tent down probably for another two weeks after the first of the year before it was taken down.

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Board Member Flood inquired which tent company they will be utilizing.

Mr. David Spolyar replied that they will be utilizing "Unforgettable Occasions" at all three locations.

Board Member Flood inquired if they would be open the same days and times as last year.

Mr. David Spolyar replied, yes.

Acting Chairman Durham inquired whether he was satisfied with the traffic circulation there last year.

Mr. David Spolyar replied, yes.

Board Member Walker inquired about the petitioners' liability insurance.

Mr. David Spolyar replied that he is carrying a separate \$1 million policy for each location.

Acting Chairman Durham offered time for public comments.

Mr. Donald Spolyar commented that they have a new gentleman who is locally supplying the three tents and he does not think they will have a problem this year like they did last year.

Moved by Board Member Koscierzynski, supported by Board Member Flood, AB-2013-30, David Spolyar/Donald Spolyar, 3677 S. Lapeer Road, Sidwell #09-26-451-002, that the petitioner is requesting a Temporary Use Permit for an Open Air Business, per Zoning Ordinance No. 78, Article 30, Section 30.11,F,1, in order to erect a tent and hold Christmas tree sales from November 21, 2013 to December 25, 2013, **to grant a Temporary Use Permit** to allow a tent to be erected to be used for Christmas tree sales from November 21, 2013 to December 25, 2013 with the hours of operation from 10:00 a.m. to 10:00 p.m., seven days per week **with the following conditions:** 1)that all sticks, stakes, tent, signs, etc. shall be removed and the site shall be completely cleaned; and, 2)remove all debris that is generated by said sales including brush, trees, trash, etc. within seven days after December 25, 2013. Roll call vote was as follows: Walker, yes; Koscierzynski, yes; Flood, yes; Durham, yes. **Motion carried 4-0** (Yaros was absent).

D. AB-2013-31, David Spolyar/Donald Spolyar, 3070 Baldwin Road, Unity Church of Lake Orion, Sidwell #09-29-101-020

Acting Chairman Durham noted that the petitioner is requesting a Temporary Use Permit for an Open Air Business, per Zoning Ordinance No. 78, Article 30, Section 30.11,F,1, in order to erect a tent and hold Christmas tree sales.

Mr. David Spolyar, of 444 Woodridge Court, Lake Orion, and Mr. Donald Spolyar, of Cadillac, Michigan, were present.

Mr. David Spolyar noted that their site will be on the southwest corner of the parking lot of the Unity Church of Lake Orion. The tent, inside and out, will be lit. Some of the trees will be staked outside, the same as their other locations. The electricity will come from the Church and we will make accommodations for the foot traffic to make sure that the power cords are not where people are walking by spanning that in the air from the Church out to the tent. There will be a temporary trailer there for the attendant to watch over the trees and to work that location. The Church

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will be available for a restroom for the worker. The operations will be identically the same as the other two locations.

Acting Chairman Durham offered time for public comments. None given.

Moved by Board Member Koscierzynski, supported by Board Member Flood regarding case AB-2013-31, David Spolyar/Donald Spolyar, 3070 Baldwin Road, Unity Church of Lake Orion, Sidwell #09-29-101-020, that the petitioner is requesting a Temporary Use Permit for an Open Air Business, per Zoning Ordinance No. 78, Article 30, Section 30.11,F,1, in order to erect a tent and hold Christmas tree sales from November 21, 2013 to December 25, 2013 with the hours of operation from 10:00 a.m. to 10:00 p.m., seven days per week, **to grant a Temporary Use Permit with the following conditions:** 1)that all sticks, stakes, tent, signs, etc. shall be removed and the site shall be completely cleaned; and, 2)remove all debris that is generated by said sales including brush, trees, trash, etc. within seven days after December 25, 2013. Roll call vote was as follows: Koscierzynski, yes; Flood, yes; Walker, yes; Durham, yes. **Motion carried 4-0** (Yaros was absent).

E. 2014 Zoning Board of Appeals Regular Meeting Dates Resolution

Members reviewed the resolution*.

Moved by Board Member Flood, supported by Board Member Walker **to adopt** the 2014 Zoning Board of Appeals Regular Meeting Dates Resolution as presented and forward it to the Township Clerk for publication. Roll call vote was as follows: Flood, yes; Walker, yes; Koscierzynski, yes; Durham, yes. **Motion carried 4-0** (Yaros was absent).

6. PUBLIC COMMENTS

None.

7. COMMUNICATIONS

None further.

8. COMMITTEE REPORTS

No reports are due at this time.

9. MEMBERS' COMMENTS

Board Member Flood noted that on behalf of this Board, with today being Veterans' Day, he thanked all Veterans for their service to our country.

10. ADJOURNMENT

Moved by Board Member Walker, supported by Acting Chairman Durham to adjourn at 7:39 p.m.

* Attachment