

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

***** MINUTES *****

REGULAR MEETING – MONDAY, JANUARY 8, 2018 – 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, January 8, 2018 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:

Loren Yaros, Chairman
Dan Durham, Vice Chairman
Don Walker, PC Rep to ZBA

Lucy Koscierzynski, Board Member
Tony Cook, Alternate

ZBA MEMBER ABSENT

Mike Flood, BOT Rep to ZBA

CONSULTANT PRESENT:

None

OTHERS PRESENT:

Richard Koscierzynski
Lynn Harrison

1. OPEN MEETING

Chairman Yaros called the meeting to order at 7:02pm.

2. ROLL CALL

As noted

3. ZBA ELECTION OF OFFICERS

Moved by Board Member Koscierzynski, seconded by Vice Chairman Durham to nominate and re-elect Loren Yaros for the Chairman position for 2018, that the nominations be closed and a unanimous ballot be cast. **Motion carried unanimously.**

Moved by Board Member Walker, seconded by Board Member Koscierzynski to nominate and re-elect Dan Durham for the Vice Chairman position for 2018, that the nominations be closed and a unanimous ballot be cast. **Motion carried unanimously.**

4. MINUTES

12-11-2017, Regular Meeting Minutes

Moved by Board Member Koscierzynski, seconded by Chairman Yaros, to approve the 12-11-2017 Regular Meeting minutes as presented. **Motion carried**

5. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda

6. ZBA BUSINESS

A. AB-18-01: SP Enterprises, Parcel 09-34-300-016 & 09-34-300-018 Ordinance No. 154 Variance Request from Article V(3)

It was noted that the proper name of the applicant is SP Enterprise.

Chairman Yaros commented that these parcels are east of the parcel that was before them at the last meeting seeking an Ordinance 154 variance. Although these parcels are further away from the resident of concern at the last meeting, an expansion or relocation of this facility(s) would make them closer to

the Nancy G subdivision. Chairman Yaros further explained that the proposed building does not require a variance at this time, it complies with all the dimensional distances required in Ordinance 154, however if ground conditions change and they find they have to build the building further north on the northern parcel or they feel the need to expand, they will need this variance.

Board Member Cook clarified the request for a variance from the distance requirement. Chairman Yaros replied that it is the northern most parcel that would be closer to the Nancy G subdivision.

Chairman Yaros added that if the variance is granted, it would expire in one year if it is not acted upon.

Board Member Cook commented that a granted variance from Zoning Ordinance 78 stays with the land in perpetuity and had asked if that is the same for variances granted from Zoning Ordinance 154? Chairman Yaros said he did check with the attorney about this, and the variance would also expire in one year if not acted on.

Board Member Cook then noted he read the purchase agreement in the packet and it says the petitioner, after the inspection period or after that period is extended, and they do not purchase the property, their escrow would be refundable? He was concerned that if they grant a variance without conditions and the petitioner does not purchase the property, the ZBA may have “unknowingly” just enriched the landowner. Board Member Cook said he was ok with this purpose in that location but asked if they are allowed to put contingencies or conditions in the motion?

Chairman Yaros replied that anything else that is built there, except for this purpose, wouldn't need a variance if they meet Ordinance 78 requirements. If another Ordinance 154 application comes in for that same site, then the variance would hold true if it is granted and not conditioned upon the purchase of SP Enterprise. Chairman Yaros said they could make this variance specific to this applicant/petitioner.

Chairman Yaros asked if there was anyone from the public here to speak to this matter? There was not.

Moved by Board Member Cook, seconded by Chairman Yaros, that in the matter of ZBA case AB-18-01, SP Enterprise, parcels 09-34-300-016 and 09-34-300-018, Ordinance No. 154, variance request for relief from Article V (3) be granted for a 300 foot variance which is a maximum of 15% that is allowed under Ordinance 154; this motion is contingent upon the petitioner meeting the following two (2) conditions: 1) that the petitioner, SP Enterprise, applies for and receives State of Michigan approval for the license or licenses applied for, and 2) and that the petitioner, SP Enterprise, is the purchaser of the parcels listed for case AB-18-01; per the Ordinance the petitioner's request is in compliance with the Ordinance as the petitioner's request does not exceed the percent variance allowed by Ordinance 154; further this application is for a Processing Facility.

Roll call vote was as follows: Kosciuszynski, yes; Walker, yes; Cook, yes; Durham, yes; Yaros, yes.

Motion Carried 5-0

B. AB-18-02: SP Enterprises, Parcel 09-34-300-016 & 09-34-300-018 Ordinance No. 154 Variance Request from Article V(3)

Chairman Yaros explained that this request is the same as above but for a Class “C” Grower facility.

Chairman Yaros asked if there was anyone here to speak to this matter? There was not.

Moved by Board Member Cook, seconded by Chairman Yaros, that in the matter of ZBA case AB-18-02, SP Enterprise, parcels 09-34-300-016 and 09-34-300-018, Ordinance No. 154, variance request for relief from Article V (3) be granted for a 300 foot variance which is a maximum of 15% that is allowed under

Ordinance 154; this motion is contingent upon the petitioner meeting the following two (2) conditions: 1) that the petitioner, SP Enterprise, applies for and receives State of Michigan approval for the license or licenses applied for, and 2) and that the petitioner, SP Enterprise, is the purchaser of the parcels listed for case AB-18-02; per the Ordinance the petitioner's request is in compliance with the Ordinance as the petitioner's request does not exceed the percent variance allowed by Ordinance 154; further this application is for a Class "C" Grower Facility.

Roll call vote was as follows: Durham, yes; Koscierzynski, yes; Walker, yes; Cook, yes; Yaros, yes.

Motion Carried 5-0

7. PUBLIC COMMENTS

None

8. COMMUNICATIONS

Michigan Planner 'E-dition', November 2017

9. COMMITTEE REPORTS

None

10. MEMBERS' COMMENTS

None

11. ADJOURNMENT

Moved by Board Member Cook, seconded by Board Member Koscierzynski, to adjourn the meeting at 7:15pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

January 22, 2018

Zoning Board of Appeals Approval