

# CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

\*\*\*\*\* MINUTES \*\*\*\*\*

## REGULAR MEETING – MONDAY, May 13, 2019 – 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, May 13, 2019 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  
Mike Flood, BOT Rep to ZBA  
Lucy Koscierszynski, Board Member

### **ZBA MEMBER ABSENT:**

None

### **CONSULTANT PRESENT:**

Dave Goodloe, Building Department Official  
Mark Landis (Township Engineer) of OHM Advisors

### **OTHERS PRESENT:**

Jack Lange  
Karen Lange  
Mike Setto  
Jeremy Symons  
Robert Otterstetter

### **1. OPEN MEETING**

Chairman Yaros called the meeting to order at 7:00pm.

### **2. ROLL CALL**

As noted

### **3. MINUTES**

04-22-2019, Regular Meeting Minutes

Moved by Vice Chairman Durham, seconded by Secretary Koscierszynski, to approve the 04-22-2019, Regular Meeting minutes as presented. **Motion Carried**

### **4. AGENDA REVIEW AND APPROVAL**

There were no changes to the agenda.

### **5. ZBA BUSINESS**

#### **AB-2019-15, Jack Lange, 347 Coats Road, 09-06-226-009**

Chairman Yaros read the petitioner's request as follows:

The petitioner is requesting 1 variance from Ordinance No. 78, Article V, Section 5.04, Zoned (SF).

1. A 7-ft. variance from the required 20-ft. side yard setback (east to build an addition to a home 13-ft. from the lot line.

Mr. Jack Lange, 347 Coats Rd., the petitioner, presented.

Chairman Yaros asked if his house was currently that distance from the lot line, and they are just going out back?

Mr. Lange replied they are just going out back and making a 12x16 addition.

Chairman Yaros questioned if he was going any closer to the lot line then they currently are?

Mr. Lange said that is correct.

Chairman Yaros stated because they are in Suburban Farms (SF) it calls for 20-ft. side yard and the house is currently 13-ft. from the lot line. Normally that size of lot, if it was in a normal subdivision would be 10-ft.

Vice Chairman Durham said their house is cock-eyed on the lot.

Mr. Lange said yes it sits on a little angle as you go out it gets wider it goes from 13-ft. to 15-ft. at the end of the addition.

Vice Chairman Durham stated the room that they want he noticed from the information, there is a notice from a medical professional that they do need this for medical reasons.

Mr. Lange said correct, he needs to have a new bathroom put in because he must have a walk-in-tub. He is not able to get into his regular tub anymore, because of his legs. He asked his doctor about it and he granted that he should get one.

Vice Chairman Durham asked if he has heard any negativity from his neighbors?

Mr. Lange replied no.

Trustee Flood noted that St. Joes Medical Group, date stamped April 11, 2019, and the Practical Difficulty is a medical reason.

Mr. Lange answered that is the reason he must have it.

Chairman Yaros said that he did speak with the neighbor behind his house, he was cutting the lawn when he was there, and he said it was ok with him.

Mr. Lange replied that he has some nice neighbors around him.

Moved by Secretary Koscierzynski, seconded by, Chairman Yaros in the matter of ZBA case #AB-2109-15, Jack Lange, 347 Coats Rd. 09-06-226-009, that the petitioner's request for variances from Zoning Ordinance #78: Article V, Section 5.04, Zoned SF: a 7-ft. variance from the required 20-ft. side yard setback (east) to build an addition to a home 13-ft. from the lot line be **granted** because the petitioner has demonstrated the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty: due to health issues and he has a signed letter from a medical professional stating he needs this addition to his home; the following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone: because he is just looking for a small addition, there are not any extraordinary circumstances other than his medical issues; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts: there are no neighbors present against this and the addition is for medical reasons and it is not going to do any harm to the properties in the neighborhood; The granting of the variance or

modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following facts: it is just a small addition to the house.

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

**Motion Carried 5-0**

**AB-2019-13, Mowafaq Setto/Orion Wine & Keg, 2250 S. Baldwin Rd., 09-20-106-035**

Chairman Yaros read the petitioner's request as follows:

The petitioner is requesting 2 variances from Sign Ordinance #153:

Non-Residential Zoned Area (RB) ROW Setback

1. a 17-ft variance from the required 20-ft setback from ROW to place a ground sign 3-ft from the ROW.

EMC Ground Signs Non-Residential Zoned Areas (RB) EMC Sign Area

2. a .35-sq-ft variance above the allowed 10.5-sq. ft. (30% total sign area of 35-sq. ft.), to allow the EMC portion of the ground sign to be 10.85-sq. ft.

Mr. Mowafaq Setto, the petitioner, presented.

Chairman Yaros stated that the ground sign was already there, this is an existing sign and they are just adding .35-sq. ft. to it. The setback is where it is right now, it will not take it any closer to the right-of-way or farther away. Driving down there he noticed that they really need it to see it, especially coming north bound, because of shrubs. The Building Department will look at the lighting and that it will meet the current standards.

Vice Chairman Durham asked what the need is for the illuminated sign?

Ms. Linda Kaiser with Universal LED Signs., for the LED portion, there has been a study through the Small Business Administration, that it will increase business a minimum of 15%, so that is helpful. As far as the lighting, they can put it lower than is requested, or it can be very bright so it can be automatically controlled. They would follow flipping messages not scrolling or flashing. They will need to be turned off at a certain time and that is no problem, that can be automatically done through the software. The reason for the slightly bigger sign is because the modules are 12 ½ x 12 ½, so they don't have a choice in that. They have been grandfathered in for about 15 years, and they had a variance back then because of the property layout.

Trustee Flood stated that he knows his Practical Difficulty, they are caught in a catch 22, back in the day the Planning Commission granted them Site Plan approval where that sign sits, since then the ordinances have changed and now the Planning Commission administers the signs so they need to go through the proper procedure. Since the new sign ordinance, everything that they need to comply with is already in there.

Mr. Setto said 15 years ago when he built the store, this was what the Township told him to with, and now everyone is changing their signs. All they are doing is adding to the top of the sign, they are not moving it only an inch and half in height.

Trustee Flood said that he would like to keep the address numbers on the sign. They are very valuable for the police and fire and people trying to find the address, but especially emergency vehicles.

Mr. Setto agreed with the address being left on the sign.

Secretary Koscierzynski commented that this will not interfere with any neighbors at all. They have been in business in Orion for a long time.

Commissioner Walker stated that he has heard that they are always willing to help an organization that needs some help to do something. He wanted to thank them for that.

Mr. Setto said he must give the credit to his mother, that is how she raised him. He always likes to give back to the Township.

Jeremy Simmons 3369 Mahopac Dr. stated he wanted to come and show full support for them; it is really a joy to have them as part of their community. Every time he goes in there, they really show that they care.

Moved by Trustee Flood, seconded by Chairman Yaros, that in the matter of ZBA case #AB-2019-13, Mowafaq (Mike) Setto, Orion Wine and Keg, 2250 S. Baldwin Rd., 09-20-106-035, that the petitioner's request for the variances from Sign Ordinance No. 153: Non-Residential Zoned Area (RB) Ground Signs ROW Setback: a 17-ft. variance from the required 20-ft. setback from the ROW to place a ground sign 3-ft. from the ROW; EMC Ground signs Non-Residential Zoned Areas (RB) EMC Sign Area: a .35-sq. ft. variance above the allowed 10.5-sq. ft. (30% total sign area of 35-sq. ft.), to allow the EMC portion of the ground sign to be 10.85-sq. ft. be **granted** because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty: due to the unique changes that has taken place over the subsequent years of both the regulatory changes and administration responsibilities regarding Township Ordinance No. 78 Zoning and 153 Sign, as related to the petitioners request and ability to upgrade and modernize EMC their permitted ground sign that has been in the permitted location since 2003; the following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to the other properties in the same district or zone: the existing authorized permit and sign location as related to the previous ROW sign exception variance was granted on the final Site Plan approved by the Planning Commission, January 22, 2003, as authorized by the Township ordinance at that time; the petitioner's request for a minimal additional EMC signage area variance modern technology upgrade is based on the standards defined in the #153 Sign Ordinance, adopted July 17, 2017; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts: the existing ground sign location ROW, variance and requested EMC sign are minimal variance are critical and necessary for the petitioner to continue and operate at striving local business serving the community. Like similar zoned properties within the Township over the years, they have experienced unique changing circumstances conditions for example road widening, electronic technology upgrades, and or Township ordinance changes additions and amendments; the granting of the variance of modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings of fact: the location of the existing ground sign ROW footprint will not change the physical location of the ground sign that has been in its current location for the past 16 years. The ground sign area and overall height are fully compliant with the Ordinance #153 guidelines. Further, based on the following findings of facts, the granting of this variance would not: impair an adequate supply of light and air to adjacent property due to: the ground sign will remain the same location, including an additional permitted an regulated EMC; it would not unreasonably increase the congestion in public streets due to: the business ground sign with street address numbers attached, greatly assist drivers well in advance to see the business from either direction to safely ingress parking lot; it would not increase the danger of fire or endanger the public safety due to: the current location of the ground sign, has been in existence for the past 16 years and has proven not to be a line of sight issue, public hazard to ingress/egress the business and adjacent streets; it would not unreasonably diminish or impair established property values within the surrounding

areas due to: existing well maintained established business serving the needs of the local neighborhood and community residents; it would not in any respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to: the existing permitted ground sign has been established. The addition to the EMC (Electronic Message Center) is permitted under Ordinance No. 153 and administered by the Planning and Zoning Department and enforcement by the Building Department. The Ordinance EMC guidelines and regulations are defined under EMC ground signs, non-residential zoned areas containing zoning district, number of signs, height, sign area, color, movement restrictions, brightness, resolution, restrictions and footnotes.

Roll call vote was as follows: Durham, yes; Walker, yes; Flood, yes; Koscierynski, yes; Yaros, yes; yes.

**Motion Carried 5-0**

**AB-2019-14, Marvin DeLaura, 3760 Bald Mountain Rd., 09-26-430-015**

Chairman Yaros read the petitioner's request as follows:

The petitioner is requesting 3 variances from Zoning Ordinance 78, Article XXXVII, Section 27.05 (H) (2):

- 1) A 0-ft. side yard setback (north) from the required 10-ft. side yard setback to erect a 6-ft. privacy fence on the lot line.
- 2) a 0-ft. rear yard setback (west) from the required 10-ft. rear yard setback to erect a 6-ft. privacy fence on the lot line.

Article VI, Section 6.04, Zoned R-1:

- 3) a 3-ft. variance from the required 10-ft. side yard setback (north) to build an addition to an existing house 7-ft. from the lot line (current distance from lot line to house is 15-ft.)

Mr. Marvin DeLaura, the applicant, presented.

Chairman Yaros stated he has those beautiful trees there on the north side.

Mr. DeLaura replied he planted those.

Chairman Yaros asked that would block any fence you put up, wouldn't it?

Mr. DeLaura said the fence would be on the other side, the north side, so he wouldn't see the fence no.

Mr. DeLaura stated what happened was, he had the trees planted along the north side and in the corner, he had a 60-80-ft. pine and that tree came all the way down to the ground and blocked out the whole corner, where the four lots meet. That is where everyone has their junk there, one neighbor has some wheelbarrows, the other neighbor has a trampoline, and the other neighbor has piles of old wood, so it is a mess. The neighbor came over and cut that tree up on the back side 15-20-ft. and took all the branches off to let more light into his yard, and it completely opened the whole yard to all 4 yards from their patio. Now when they are sitting there, they are looking into all 4 yards rather than his beautiful tree that they have had for 20 years. That has happened about a 1 ½ years ago and since then it has derogated the tree to the fact that they can see right through it now. His side still comes down to the ground, and the other side and all around came to the ground, but then he cut it up. His fence is set back 2-3 ft. off the lot line and they came around on the outside of his fence and planted some bushes and cut his tree up. His wife was home at the time and was frightened and asked what he was doing cutting their tree? He said that he planted these bushes and he must get light to them. He came home from work and he asked why they were destroying his tree? He said that it is hanging into his yard and he needs more-light for his bushes. He has never come on that side of the fence ever. It destroyed all

his privacy in that back corner of the lot. His patio is right there on that side of the house, that is where they sit and relax and now it is open to the world and is very upsetting.

Chairman Yaros said that the fence that you already have there the 6-ft. fence is already existing.

Mr. DeLaura stated that they put that fence in about 5 years ago. The neighbor to the west of him had a similar situation where his tree was dying, and he had his landscaper cut it up. He spoke with him over the lot line and he said that he felt back that they had to cut that up and expose the patio and privacy and their kids are back there jumping on the trampoline. He asked him if he could put a fence up and they said no go ahead. So, he put the fence up not knowing there was an ordinance, and that is why he put the request in for that fence along with this request to make sure he complied.

Chairman Yaros asked if his plan was to match the design of the fence.

Mr. DeLaura said he would be doing the same design down the other side.

Chairman Yaros questioned how far down the north lot line do you plan on taking it.

Mr. DeLaura replied to the front of the house, all the way down. The trees are 20-ft. off the back of the property and then he has 6 huge bushes and then there is another 10-15-ft. to the front of their house and that would secure that whole side property and he wouldn't have to be concerned with people coming into his yard and cutting his trees.

Chairman Yaros asked about the addition?

Mr. DeLaura answered they do have some medical issues, his wife especially, that would lend itself to possible walker or wheelchair situation down the road. They are trying to decide if they want to do that if they intend to stay there. He has a small bathroom off the bedroom, and they can't really maneuver in there, it is 5x7 with a toilet, sink and a shower. So, if they decide to stay, they would want to bump that out about 7-ft. and put a proper bathroom in with handicap accessible if they needed to have that. That is a possibility it is not a for-gone conclusion that they are going to do that.

Chairman Yaros said they really don't know if they are going to need that or not.

Mr. DeLaura stated that they don't know for certain. When he spoke to the young lady about requesting a variance, he mentioned it to her, and she said that if they were thinking about doing something you should request it now.

Chairman Yaros said that it is good for a year. If you don't use it within a year than it will expire.

Mr. DeLaura noted that if they pass it there is a high probability that they would do it this year.

Vice Chairman Durham questioned the west property line, how far down are you going to take the fence?

Mr. DeLaura said on the west property line he is going to leave it where it is at, it goes up to a huge bush and then it stops.

Vice Chairman Durham said so you are just getting a variance to leave that piece there.

Mr. DeLaura replied yes.

Vice Chairman Durham asked if the privacy of your patio, what would be the purpose of extending the fence so far forward towards the front of the house?

Mr. DeLaura answered just to keep the yard secure and private and not let anyone be able to come into his property from that side of the house, which is blind to the north.

Vice Chairman Durham asked if they are dealing with some neighborhood dispute?

Mr. DeLaura replied that they have any dispute other than the guy that cut his trees up, but he hasn't spoken to him since. He is just trying to resolve it the best way he knows how.

Mr. Bob Otterstetter 3732 Bald Mountain Rd., having a privacy fence on the lot line will impede their lot and the arborvitaes are 5-ft over the lot line. Their fence was put up before he moved in, 5-ft. inside the lot line. Mr. DeLaura asked to connect to their fence, and he told him after they had first moved in and they wanted to connect to his fence, and they would be giving up 5-ft. of their property. He went ahead a planted the arborvitaes, he never asked. Those are now overgrown, and he has pictures on his phone, that he can show them, that they are almost touching the fence, which if 5-ft. within the lot line. If they go ahead and do an addition with another 7-ft. closer to the lot, his building 3760 sits approximately 20-ft. east of their house towards Bald Mountain Rd. That will cut off everything as far as moving sight view to Bald Mountain Rd. If they are extending a privacy fence out then it is going to be on the lot line rather than 10-ft. in which is the ordinance, then it is taking away the view and obstructing view and site line.

Chairman Yaros said if he puts up a 6-ft. privacy fence on his lot line and you are saying that these arborvitaes are already touching the fence, it sounds like they are going to have to cut the arborvitaes down to put up the privacy fence up.

Mr. Otterstetter replied that the ordinance is 10-ft.

Chairman Yaros said the ordinance is 10-ft. for a 6-ft. fence, they could put a regular fence up.

Mr. Otterstetter said yes, the neighbor behind him Felix, when he talked to him, he said that he just put that 10-ft. fence up and didn't ask anybody. They were not happy about it. The trees are planted on his property, but they are overgrown onto his property. He pays for lawn service every week all through the season, they used to mow right up through there because there was 5-ft. They can't mow there now, if they do anything, they weed whip. He is against it, because it changes everything with a wood privacy fence, rather than trees and plants.

Chairman Yaros asked if they put that 6-ft. privacy fence, if it is ok'd, on their lot line, they are going to be trimming all your trees to the barebones. How close are your trees to the lot line?

Mr. DeLaura stated that there is a marker, a corner pin in the back of the property and the way that he marked it with the orange posts he put it inside about a foot from that and then he measured as best he could without getting a \$700 survey, which he really didn't want to do. It looks like he is not 5-ft. but 2 or 3-ft. off and those arborvitaes are wide 6 feet wide, so there is not 5-ft. hanging in but there is probably a 1 ½ foot into his yard. He would just run that fence right in there and let those things push right back up against the fence where they are and then extend on either side, freely outside of those bushes. He doesn't have a problem with that it is not going to hurt the arborvitaes, they are old. He paid a lot of money to put those in too, to block and had a very nice screen with those and with the 60, year-old pine tree that he cut all the branches on the one side and it ruined the tree at least 15-20-ft.

Chairman Yaros questioned if he had to run it all the way up to the front of his house?

Mr. DeLaura replied that he did want to run it all the way in-front of his house. If they could grant him a variance in the back of the house at 6-ft., he wants privacy in his yard, his house is there so if you look out of his house, they see his house, or you are going to see a fence. His house is not 20-ft away from his he is 17-ft. from his fence, his house. That is why he asked for a 3-ft. variance to put a 7-ft. addition in.

Chairman Yaros stated that he said 15-ft. from the fence, and they are asking for an 8-ft. addition, 7-ft. variance.

Mr. DeLaura replied no it is a 3-ft. variance, he went an extra foot or two because he didn't want to go any further than he had to without permission. He probably only needs a foot realistically.

Chairman Yaros said that is always the problem, they need exact numbers.

Mr. DeLaura stated that they can't get that without a survey.

Chairman Yaros noted that is what they need they need exact numbers.

Mr. DeLaura said let's table that for now because he didn't believe that they would come to an agreement on that.

Chairman Yaros stated that they need to know exactly the addition size and the request from the side and where the lot line is.

Mr. DeLaura noted that is going to require a survey.

Chairman Yaros said yes.

Vice Chairman Durham stated that if it were him it sounds like they have two different ideas where the lot line might be. He wouldn't do anything until he knew exactly where the lot line is. They might not like where it is the neighbor might not like where it is. The neighbor seems to have a different idea than they do. He doesn't have any idea who is right and who is wrong, before he spends any more money moving forward with the additions or anything else, he would want a survey so that they would know, this is what the survey man said.

Mr. DeLaura stated that he has a marker in the back of the property, so it is obvious where it is. His fence line runs inside of that marker on a straight line.

Vice Chairman Durham asked are you sure? Typically, if you don't want to pay for a survey you need to find two pins on the same side, it would be a rear pin and a front pin.

Mr. DeLaura said he has perfectly livable private yard and the neighbor cuts his tree, and now he has a wide open un-private yard, and now he has to go spend \$700 on a survey to get an approval on a fence that is going to cost him another \$1,500?

Vice Chairman Durham said as the Chairman mentioned, they need hard numbers to work off, for legal purposes and everything else. If they vote on what they believe to be the correct numbers, it helps the Township out in the long run. What they also have is a dispute between neighbors, this Board shouldn't intervein in a dispute without some hard facts.

Chairman Yaros said the Building Department must go out and inspect that, and they need to know where it is.



Secretary Koscierzynski stated that \$700 is a small price to pay to have this done right, and then you are done.

Mr. DeLaura replied that if he pays \$700 and it is declined then he is just throwing away money. What is to probability of this being approved if they have the lot line established and they spend the money to do it.

Chairman Yaros stated that either way whichever way he would vote it would depend on the information that he provides, where the lot line is. That is hard to vote on something that they really don't know what the facts are yet.

Mr. DeLaura said then they will do a survey.

Chairman Yaros said they had a similar case on High Villa, the neighbor cut all the trees down between the house, and the guy wanted to put a 6-ft. fence up, which is now there. The neighbor thought the trees were his they weren't, they cut 25 nice trees and now he has 25 stumps. They had a survey to find out what was going on.

Mr. DeLaura said that Kennedy was 3 or 4 weeks out easy.

Moved by Secretary Koscierzynski, seconded by Chairman Yaros, in the matter of ZBA case #AB-2019-14, Marvin DeLaura, 3760 Bald Mountain Rd., 09-26-430-015, to **postpone** the case until June 10, 2019.

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

**Motion Carried 5-0**

**AB-99-01-2019, Bob Warren Truck, Inc., Lot 28 of Highland Farms parcel #09-32-400-024, Lot 29 of Highland Farms parcel #09-32-400-022, Lot 30 of Highland Farms parcel #09-32-400-021, and a 7.5-acre parcel #09-32-400-058:**

Chairman Yaros read the petitioners request as follows:

The petitioner is requesting renewal of an Ordinance No. 99 permit for sand and gravel mining, earth excavation, and/or filling and earth balancing.

Mr. Jack Warren, from Bob Warren Trucking.

Engineer Mark Landis read through his review, dated April 8, 2019.

Chairman Yaros asked if they were going to do anything over there? There is nobody living in that camper is there?

Mr. Warren replied it was a catch 22 deal. They had people coming in and stealing batteries and at the time his kid was on dope, so it worked out that he put him over there as the watch dog. He figured who would steal from a thief.

Chairman Yaros asked if he was still there?

Mr. Warren replied no he is up in a trailer park up in Oxford.

Chairman Yaros questioned if they planned on doing any mining?

Mr. Warren replied that he has a contract with Pulte, he can take up to 6,000 yards of sand off. If he mines it, it will just be the 6,000 yards of sand. They had a meeting here two weeks ago, they were wanting to buy that back piece where Dan always signs off, that is an orphan piece of property that everyone was concerned about, but they approved everything. Now it is back on Pulte to design an entrance coming from Brown Rd. and something to do with the parking for the visitors in the complex. It just pushed it out a couple more months, so Pulte was looking at August, but now they are probably looking at September or October.

Chairman Yaros stated that he had heard that they are going to have an entrance off Jordan too?

Mr. Warren said yes, they are supposed to come in off of Jordan, that was one of the things that they discussed was how that was going to be designed with the condominiums there and the businesses right there and how it was going to be designed in correlation with going through and coming out of the entrance to the crusher, they wanted to know how that was going to be designed.

Chairman Yaros added that one of the things that they did notice out there was the run-off coming down the road to Brown along both sides of the gravel, it was coming out onto the road while they were there. They need that to be addressed.

Mr. Warren replied that he thought Pete was talking about when Menards was balancing that they had a big bag over the drain and had the hose going up to the bag.

Chairman Yaros said that they just saw where the dirt was.

Mr. Warren said that was the overflow from the retention pond, which Pulte must put in a pump. He doesn't know why they can't hook into the condos off Baldwin.

Chairman Yaros stated it all depends on how that storm was sized.

Mr. Warren replied yes pumping it up to Brown Rd. and that was one of their price reductions to him was they didn't realize they had to put in a pumping station. They only got until October; 1962 is when they first started coming there, it will be an end of an era.

Trustee Flood asked how many days a week are you operating, Monday – Saturday?

Mr. Warren said yes, 7a-5p.

Trustee Flood questioned how many loads/trucks per day? He saw that they had 10 or 12?

Mr. Warren yes it hasn't changed any.

Vice Chairman Durham asked the conclusions that the Engineering firm came to, they had 7 points. Like proper measures should be installed to prevent erosion and sediment from leaving the site; what are you going to have to do?

Mr. Warren replied that Pete the Crusher chloritizes it and puts a matt at the end of the road going out to Baldwin, he thinks it requires a mud matt.

Vice Chairman Durham asked is Pulte going to end up owning all that land where you are now?

Mr. Warren replied yes.

Moved by Commissioner Walker, seconded by Trustee Flood , that in the matter ZBA case #AB-99-01-2019, moved that the petitioners request for the renewal for an Ordinance No. 99 permit for sand and gravel mining, earth excavation, and/or filling and earth balancing be **granted** because the petitioner has done everything that the Township has asked, the ZBA members were out there and walked through along with the representatives from OHM. OHM noted in their conclusion on the last page that the petitioner was in substantial compliance with Township Ordinance No. 99 and Township engineering standards. There were 7 items mentioned by Mr. Landis in his report and the petitioner has indicated that he will comply with those requests made by Mr. Landis; the hours of operation will be Monday-Saturday 7a-5p and that the petitioner's bond guarantee and insurance information is up to date.

Roll call vote was as follows: Walker, yes; Durham, yes; Koscierynski, yes; Flood, yes; Yaros, yes.  
**Motion Carried 5-0**

#### **6. PUBLIC COMMENTS**

None

#### **7. COMMUNICATIONS**

Memo from Planning & Zoning Coordinator Harrison dated May 2, 2019, Dates which cases can be postponed to.

Memo from Planning & Zoning Coordinator Harrison May 2, 2019, regarding the Joint Meeting with the Township Board, Planning Commission & CIA from April 10, 2019, it was suggested that there be 2 joint meetings held annually, October 23, 2019 will be the second one.

#### **8. COMMITTEE REPORTS**

None

#### **9. MEMBERS' COMMENTS**

Commissioner Walker stated that the friends of the Orion Library, 4 times a year has a book sale, starts 5/14/2019, if you are a friend of the library you can come and get the first picking of the books tomorrow, if you are not a friend of the library it costs \$5 to be a friend of the library over a certain age. You can still come on Thursday, Friday and Saturday and Saturday is the big day, it is the bag day. They supply a bag and you can fill it up for \$5.

#### **10. ADJOURNMENT**

Moved by Trustee Flood, seconded by Secretary Koscierynski to adjourn the meeting at 7:56p.m.  
**Motion Carried**

Respectfully submitted,



Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion

5/28/19  
Zoning Board of Appeals Approval