

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

***** MINUTES *****

REGULAR MEETING – MONDAY JULY 8, 2019 – 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, July 8, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:

Dan Durham, Vice Chairman
Mike Flood, BOT Rep to ZBA
Mary Painter, Alternate
Tony Cook, Alternate

ZBA MEMBER ABSENT:

Loren Yaros, Chairman
Lucy Kosciernycki, Board Member
Don Walker, PC Rep to ZBA

CONSULTANT PRESENT:

None

OTHERS PRESENT:

Debra Walton

1. OPEN MEETING

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

2. ROLL CALL

As noted

3. MINUTES

06-24-2019, Regular Meeting Minutes

Moved by Trustee Flood, seconded by Board Member Painter, to approve the 06-24-2019, Regular Meeting minutes as presented. **Motion Carried**

4. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

5. ZBA BUSINESS

A. AB-2019-32, Natrabis Cultivation, LLC, Parcels 09-34-300-016 & 09-34-100-016, Ordinance No. 154 Variance Request from Article V (3)

Vice Chairman Durham stated that it appears that they are looking for a distance percentage from the required 2,000-ft., they are looking for a 6% variance of that number to get a little bit closer.

Trustee Flood said that his understanding the ordinance allows up to 15% and this is far below that.

Trustee Flood noted that he feels that they need to have better communications.

Moved by Trustee Flood, seconded by Board Member Painter, that they 6% variance from the required 2,000-ft. distance to a residential building, as provided for in Ordinance #154, for AB-2019-32 be **approved** with the following findings of facts. The request does not defeat the overall intent and purpose of the ordinance. The request does not substantially affect the intent or purpose of the

ordinance. The ordinance specifically allows the ability to request up to a 15% variance, and the applicant is requesting within that limit, by requesting 6%.

Discussion on Motion:

Board Member Cook said that his question was if they grant this variance to this piece of property, they don't even know if they have purchased it, if they grant the variance without conditions then the current land owner whether these guys buy it or not, is basically enriched because now he or she can sell that property because this variance has already been granted.

Amended by Trustee Flood, seconded by Board Member Painter to add that this approval is contingent upon the petitioner meeting the following two conditions; 1) the petitioner Natrabis Cultivation, LLC applies for and receives State of Michigan approval for the license(s) applied for; and that the petitioner Natrabis Cultivation, LLC is the purchaser of the parcel listed for case AB-2019-32.

Discussion on Motion:

Board Member Painter stated that she is not too excited about the idea that they set the standards and then they give a 15%, she knows that there are a couple of other things that are on the books that they will be allowed to do and it just blows her mind because it makes no sense to her, if they are going to set perimeters and set some things up and then say "oh and by the way they can come and do this"; she doesn't like that part of it.

Board Member Cook said that the way he feels about that is that it does the job of the ZBA the 15% caveat in there. It does the job that they are here to do.

Trustee Flood noted that there was quite a discussion among the Board of Trustees when this was all being developed and written. From their legal team it was said that they don't want to set things in stone. They have variances, Ordinance #78 has all types of variances like setbacks. When they understood that they were only going to be putting this in Industrial Park (IP) area they knew that location which they are dealing with now was going to be a little tough on meeting that criteria 100%. The legal team said instead of being taken to court and possibly losing at court the way the State runs things they need to give themselves a little wiggle room.

Board Member Cook replied that they can see the way the parcel is drawn that it's divided that way to meet this specifically the way this ordinance is set up.

Roll call vote was as follows: Flood, yes; Painter, yes; Cook, yes; Durham, yes.

Motion Carried 4-0

B. AB-2019-33, Natrabis Processing, LLC, Parcels 09-34-300-016 & 09-34-100-016, Ordinance No. 154 Variance Request from Article V (3)

Vice Chairman Durham stated that they are the same, they are looking for a distance increase from the required 2,000-ft. It is going to be the same building that they just approved the other one for, so everything should be the same.

Board Member Painter questioned that it says that it is Natrabis Processing and the Processing above was crossed out and changed, are they different from each other?

Trustee Flood replied yes, one is processing, and one is cultivation, one is growing, and one is processing.

Board Member Painter asked in the same building?

Trustee Flood answered yes but they must have a divided wall per the state law.

Board Member Cook said and separate systems, right?

Trustee Flood replied yes, and separate licenses.

Moved by Board Member Painter, seconded by Board Member Cook, that AB-2019-33 Natrabis Processing, LLC, parcel 09-34-300-016 & 09-34-100-016, Ordinance No. 154 Variance Request from Article V(3) be **approved** for the 6% variance from the required 2,000-ft. distance to a residential building, as provided for the Ordinance #154, for AB-2019-33 with the following findings of facts: the request does not defeat the overall intent and purpose of the ordinance. The request does not substantially affect the intent or purpose of the ordinance. The ordinance specifically allows the ability to request up to a 15% variance, and the applicant is requesting within that limit, by requesting 6%.

Amended by Board Member Painter, seconded by Trustee Flood, this approval is contingent upon the petitioner meeting the following two conditions; the petitioner, Natrabis Processing, LLC applies for and receives State of Michigan approval for the license(s) applied for; and that the petitioner Natrabis Processing, LLC is the purchaser of the parcel listed for the case AB-2019-33.

Roll call vote was as follows: Cook, yes; Flood, yes; Painter, yes; Durham, yes.

Motion Carried 4-0

6. PUBLIC COMMENTS

None

7. COMMUNICATIONS

None

8. COMMITTEE REPORTS

None

9. MEMBERS' COMMENTS

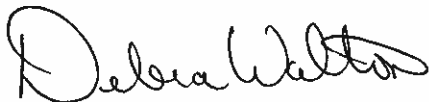
None

10. ADJOURNMENT

Moved by Trustee Flood seconded by Board Member Cook to adjourn the meeting at 7:15p.m.

Motion Carried

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

