

Leoni Township Office
913 Fifth Street
Michigan Center, Michigan 49254
PHONE: (517) 764-4694 FAX: (517) 764-1380
Leonitownship.com

ZBA MINUTES June 17, 2019

The Leoni Township Zoning Board of Appeals held a meeting Monday, June 17, 2019, @ 6:00p.m. 913 Fifth Street, Leoni Township Meeting Hall, Michigan Center, Michigan.

The Meeting was called to order at 6:02 p.m.

Members Present: Robert Eadie, Vern Beckwith, Stephanie Smith, Keith VanPoperin, and Steve Sawicki.

Members absent: Jennie Bach

Persons in attendance: 15

Purpose of ZBA read by Robert Eadie.

Motion by R. Eadie, supported by Stephanie Smith to approve of the agenda as presented.
Motion carried by voice vote.

Motion by Vern Beckwith, supported by Robert Eadie, to approve the June 3, 2019 minutes with the correction to reverse the decision to change Steve Sawicki from an alternate member to a permanent member.

Motion carried by voice vote.

Public Hearing: Open at 6:10 p.m.

Lyrical, LLC
000-09-29-451-005-04
4497 Phelps Drive, Jackson, MI 49201
Variance

Board Discussion:

Keith VanPoperin asked why variance was rejected for Lazebnik. If we rejected on the 5 steps why do we not have the 5 steps defined in the documentation.

V. Beckwith stated he wants noted on the minutes that we voted to have Steve Sawicki become a permanent member to ZBA but it was not the place of this board to vote him in. Has to be done by the township supervisor and the supervisor does not agree to this and wants it reversed.

Motion by R. Eadie to reverse Sawicki decision, supported by S. Smith.

Motion carried by voice vote.

VanPoperin asked Mr. Lutz if applying for light industrial why did he only apply for 2% and not light industrial on whole property.

Mr. Lutz has dual zoning on 8.8 acres and asked township to put dual zoning on this property. Wants to apply for light industrial for all property in the future.

Mr. Lutz has purchased 3 acres that are land locked but hasn't received the deed yet.

Mr. Lutz is confused on why he is here and asking for variance. Mr. Lutz believes he falls within the parameters of the 10% required.

Kevin Thompson, Mr. Lutz's attorney stated that they were advised by the township that if they applied for a variance there would be no issues.

Don't believe they need variance but they have applied and will comply with the township to accommodate.

Mr. Lutz read the article that was written by the Leoni Township DDA.

Mr. Lutz stated that his intention is to give the township the finest industrial park.

S. Smith asked if Mr. Lutz can build the two buildings on B4. Mr. Lutz claims that if he uses it for growing marijuana that he cannot use it as it is currently zoned in B4 & AG. Mr. Lutz would need it zoned light industrial to comply with that.

S. Sawicki asked if he could use it under a conditional use.

V. Beckwith laid out the terms of the variance, the required is 10% coverage. Variance is for 12% which is a difference of 2%.

R. Eadie stated he has concerns because if this is granted for this variance it sets the precedence for the whole township.

V. Beckwith stated that he believes this has to be on an individual basis not a precedence for whole township.

K. VanPoperin brought up the question of what other residential or businesses are close by and there is only one. Swamp on three sides.

G. Conti, Leoni township attorney brought up the idea of precedence. Read township Ordinance 4263 of precedence. Wants the board to understand what is in the law. Two types of variance, use and dimensional. Township is not authorized to give use but only dimensional variance. Standard for dimensional is practical difficulty. Courts have defined practical difficulty as unnecessarily burdened and would the granting of the variance grant substantial justice to the owner. Also discussed coverage, 10% on AG and 25% on B4 is G. Conti's interpretation. G. Conti defined this particular situation as unique and the interpretation from the Board should consider all the factors stated.

K. VanPoperin asked Mr. Lutz about the number of employees and Mr. Lutz defined that they currently have 100 employees and wants to put up 8 buildings overall and increase by another 100 employees which would be 200 employees overall.

V. Beckwith stated that Mr. Lutz is asking for 12% and they are going to vote on the 2% variance. Need to answer the 5 questions and the first question is what are the Special circumstances. Mr. Thompson answered peculiar to the land is no other split lands zoned as B-4 & AG. No more than 10% can be grown on AG. Can only develop 10% of the property due to the township ordinance currently in place. But the 10% was created for farmers not marihuana in-door growers. Mr. Thompson stated this is the hardship on the property.

Public Hearing: Closed at 7:17 p.m.

Motion by V. Beckwith, supported by S. Sawicki to vote on each of the 5 steps.

Motion carried by voice vote.

Step 1: What are the Special circumstances of the land.

Roll call vote: 3 Ayes - Beckwith, VanPoperin & Sawicki

2 Nays – Eadie & Smith

Motion carried.

Step 2: Commonly Enjoined

Roll call vote: **4 Ayes – Smith, Beckwith, VanPoperin and Sawicki**
 1 Nay – Eadie
 Motion carried.

Step 3: After the fact. Nothing started yet.

Roll call vote: **5 Ayes – Smith, Beckwith, VanPoperin, Eadie & Sawicki**
 Motion carried.

Step 4: Cannot be made Special

Roll call vote: **5 Ayes – Smith, Beckwith, VanPoperin, Eadie & Sawicki**
 Motion carried.

Step 5: Infractions Not Basis

Roll call vote: **3 Ayes – Beckwith, VanPoperin & Sawicki**
 2 Nay – Eadie & Smith
 Motion carried.

Motion by R. Eadie, seconded by S. Sawicki for vote to approve variance on AG only.

Roll call vote: **3 Ayes – Beckwith, VanPopperin & Sawicki**
 2 Nay – Eadie & Smith
 Motion carried.

Discussion: There was discussion amongst the board members about what they truly had voted on. 2 of the board members (Eadie & Smith), thought they were voting on just the 2% variance while the other 3 board members (Beckwith, VanPoperin and Sawicki) thought that they were voting on the approval of the building project. All board members determined it would not have changed the way they voted.

Motion by Stephanie Smith, supported by Steve Sawicki to adjourn at 7:33 p.m.

Motion carried by voice vote.

No meeting scheduled at this time.