



CHARTER TOWNSHIP OF PORT HURON

3800 Lapeer Road
Port Huron Twp., Michigan 48060

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Zoning Board of Appeals Agenda

Thursday, February 25th 2021 at 7:00pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Agenda Approval
5. Public Comment
6. Approval of Minutes – August 20th 2020
7. Correspondence
8. New Business
 - a. 2021 Meeting Dates
 - b. 2020 ZBA / Planning Yearly Reports
 - c. Election of Officers
 - i. New Alternate Member Appointment: Warren Flynn
 - d. To hear all comments relative to a request for the necessary variances required for approval of a Site Plan on file, for the construction of a combination, Office, Sales and Warehouse on a vacant parcel currently owned by Ed Quain. Parcel ID # 74-28-360-0030-000 also known as 2413 White Street,
 - e. INTERPRETATION REQUEST: To hear all comments relative to The Zoning Administrators' request to the ZBA for a review and interpretation of the zoning ordinances to determine the requirements and/or regulations for the establishment of a Medical Marijuana Care Giver Facility and related Uses Old Business
9. Report's
 - a. Kirk Lavigne – Planning Administrator
 - b. Bill Livingston – Board Trustee
 - c. Jerry Sebastian - Planning Commission
10. Adjournment

FEBRUARY
seasonal foods



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MINUTES OF THE REGULAR MEETING FOR THE CHARTER TOWNSHIP OF PORT HURON ZONING BOARD OF APPEALS HELD THURSDAY, FEBRUARY 25, 2021, 7:00 P.M., TOWNSHIP HALL, 3800 LAPEER RD, PORT HURON, MI 48060

Under Governor's Orders the meeting was virtually conducted with posted information and directives regarding access to the presentation.

1. Call to Order

The Meeting was called to order by Chairman Jerry Sebastian at 7:00 P.M.

2. Pledge of Allegiance

3. Roll Call

Attended: Kirk Churchill, Warren Flynn, Trustee Bill Livingston, Jim Robinson, and Jerry Sebastian.

Absent: David Sickles.

Also Present: Building/Planning/Zoning Administrator Kirk Lavigne, Brad Amey, Ed Quain, Mark Reilly, and Recording Secretary Betty Child. Several unnamed Zoom participants.

4. Agenda Approval

Motion by Member Robinson, support by Member Flynn, to approve the agenda as distributed. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, the agenda was approved.

5. Public Comment

Chairman Sebastian noted persons on Zoom with comments for Item E on the Interpretation Request would be addressed at that time. Chairman Sebastian moved to Approval of Minutes.

6. Approval of Minutes, August 20, 2020

Motion by Trustee Livingston, support by Member Churchill, to approve the minutes as distributed. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, the August 20, 2020 minutes were approved.

7. Correspondence

There being no Correspondence, Chairman Sebastian moved to New Business.

8. New Business

(a) 2021 Meeting Dates

Motion by Member Churchill, support by Trustee Livingston, to approve the 2021 Calendar of Meeting Dates. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, the Calendar of Meeting Dates was approved.

(b) 2020 ZBA/Planning Yearly Reports

Motion by Member Churchill, support by Member Robinson, to accept the report as distributed. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, the report was accepted.

(c) Election of 2020 Officers

Chairman Sebastian called for nominations. Motion by Trustee Livingston, support by Member Flynn, to retain the slate of officers. The position not filled was Secretary of which Kirk Churchill volunteered. Positions as follows:

Chair Jerry Sebastian; Vice-Chair Jim Robinson; and Secretary Kirk Churchill. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, motion carried with positions as listed.

i. New Alternate Member Appointment: Warren Flynn

Kirk Lavigne introduced the new Alternate Member, Warren Flynn, a retired deputy from the Sheriff Department. He is looking forward to filling this spot and was available for the meeting.

(d) To hear all comments relative to a request for the necessary variances required for approval of a Site Plan on file, for the construction of a combination Office, Sales and Warehouse on a vacant parcel currently owned by Ed Quain. Parcel ID #74-28-360-0030-000, also known as 2413 White Street.

The applicant, Ed Quain, requested he be allowed to construct a combination office/sales and warehouse on the property subject to obtaining necessary approvals for engineering and/or ZBA variances that would be required. Township Engineer DLZ submitted a list of requirements as well as a response from BMJ listing all variance requests.

Kirk Lavigne commented the applicant complied with items outlined by DLZ:

- Grading with paving revised.
- A streetlight to be moved and stay in the area.
- Dumpster with screening.
- The height of proposed building may not meet side and rear setback requirements for B-3 if the building is greater than one story.
- Signage to adhere to Township standards and include illumination.
- Landscaping and berm requirements for parking areas with screening.
- Requirement of a spigot.
- Number of parking spaces to include one ADA spot.
- Address the loading/unloading area so as not to interfere with vehicular traffic circulation within off street parking areas.
- Watermain/Sanitary issues deferred to PHT Fire Department with respect to fire coverage/suppression measures (hydrant coverage).
- A monitoring manhole and or oil/grease separator may be required prior to connection to the public sanitary sewer.
- Issues regarding storm water management were addressed.
- Waiting for comments from the SCCRC (St Clair County Road Commission) with respect to the White Street Right of Way.
- Pending permits and approvals.

Ed Quain stated the intended ceiling height is sixteen feet to accommodate the entrance of a truck with a crane. He requested the door be centered to make it aesthetically pleasing and functionality purposes. There may be a bathroom added as well as a small office. It is mostly for a warehouse and storage.

Comments from the Members included:

- Chairman Sebastian: If the door is centered, would there be an additional entry door located on the side for entrance/exit of individuals on the east side. Also requested review from the Fire Department regarding entrances/exits to the building.
- Member Churchill commented an additional 'man' door be placed at the rear of the building for exit and safety purposes.

Motion by Member Churchill, support by Member Robinson, to grant the variances subject to review and approval from the Fire Marshal. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, motion passed to grant the necessary variances.

(e) INTERPRETATION REQUEST: To hear all comments relative to the Zoning Administrators' request to the ZBA for a review and interpretation of the zoning ordinances to determine the requirements and/or regulations for the establishment of a Medical Marijuana Care Giver Facility and related Uses Old Business

Provided was a review from the Township Attorney regarding the proposed use of Marijuana Caregiver Operations which allow an individual to grow and provide marijuana for up to six (6) individuals, up to twelve (12) plants each, for a total of up to seventy-two (72) plants.

Kirk Lavigne commented over the past year the Township had received several requests from people to become marijuana caregivers and to grow and provide the substance for up to five (5) additional individuals in industrial and residential areas. It was reported an individual at 3191 Lindsay Lane was installing an air conditioner in the basement along with other construction materials without the use of a permit. He went to the home and spoke to the owner and posted a stop work order. As of February 25, 2020, several of the required permits had been pulled. It appears this constitutes a business which can not be operated in a residential area as it is violation of the Home Occupation Ordinance.

- Mark Reilly felt the individual was in violation of the home occupation ordinance. There is late night activity between the hours of 1:00 A.M. through 5:00 A.M.; not in favor of the growing facility; was concerned about increased traffic; does not belong in residential areas; property values.
- Brad Amey tried to talk with the individuals and determined they were not from this area and did not appear to be living in the home; not the place in a residential area for this activity as it appears to be of a business nature.
- Member Robinson agreed it does not belong in a residential area.
- Chairman Sebastian noted an individual sent in a chat about what is being grown or was it assumed.

THE MEETING THEN BECAME DISRUPTIVE AND PROFANITY LACED BY SEVERAL UNNAMED ZOOM PARTICIPANTS.

Motion by Member Robinson, support by Member Churchill, to table the discussion. Hearing no objections, Chairman Sebastian called for a voice vote. The discussion was tabled.

With that, the below reports were not given.

9. Reports

- (a) Kirk Lavigne – Planning Administrator**
- (b) Bill Livingston – Township Board Trustee**
- (c) Jerry Sebastian – Planning Commission**

10. Adjournment

Motion by Member Robinson, support by Member Churchill, at 7:49 P.M. to adjourn. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, meeting adjourned.

Submitted by Betty Child