The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, June 13, 2022, at 7:00 pm at the Orion Township Community Center, 2323 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:
- Dan Durham, Chairman
- Tony Cook, Vice-Chairman
- Mike Flood, BOT Rep to ZBA
- Don Walker, PC Rep to ZBA
- Diane Dunaskiss, Board member

ZBA MEMBERS ABSENT:

CONSULTANT PRESENT:
- David Goodloe, Building Official

OTHERS PRESENT:
- Tim Damico
- Jeff Guy

1. OPEN MEETING
Chairman Durham called the meeting to order at 7:00 pm.

2. ROLL CALL

3. MINUTES

A. 05-23-2022, ZBA Regular Meeting Minutes

Trustee Flood moved, seconded by Chairman Durham, to approve the 05-23-2022 minutes as presented.

Motion Carried

4. AGENDA REVIEW AND APPROVAL.

Trustee Flood moved, seconded by Chairman Durham, to approve the agenda as presented.

Motion Carried

5. ZBA BUSINESS


Chairman Durham read the petitioners request as follows:

Per Zoning Ordinance #78, Article 30, Section 30.11, F, 1, b: the petitioner is requesting a Temporary Use Permit for Open Air Business, to sell consumer fireworks from a tent June 20, 2022 - July 5, 2022.
Mr. Jeff Guy introduced himself to the Board and summarized the variance request.

Chairman Durham read a letter from the property owner supporting the use of his property for this use.

Mr. Guy confirmed the timing of the tent activities. He commented on the insurance certificates received and also that he is not just going to sell fireworks, he is also going to teach safety. They will follow all guidelines and the plan submitted. He will have a U-Haul on site for storage. They are using a power pack for power and also a backup generator. He explained how the power would be used.

Chairman Durham asked if a permit was received for the generator.

Building Official Goodloe confirmed that a permit is not needed for the generator but the petitioner will have to fill out an inspection form to meet the requirements of the Building Department and the Fire Department.

Trustee Flood asked that a contact person and phone number should be in the motion. The Fire Department has to approve the set up.

Mr. Guy concurred.

Trustee Flood asked if there was going to be barricades around the setup.

Mr. Guy explained how the area would be coned off.

Board member Walker commented that in using orange cones, everyone can walk between the cones.

Mr. Guy explained that they cannot have solid barricades in case of a fire, it would be a hazard. There also is not fence used. The back of the tent is closed and the sides are closed until the second half of the day when they opened it up. This area would be an exit as well as the front would be an exit.

Chairman Durham expressed some concern about a pedestrian leaving when someone was driving by.

Mr. Guy suggested an alternative set up.

Vice-chairman Cook asked about the other person’s name on the application. He asked if the petitioner was experienced or if this was something new.

Mr. Guy answered that the battery packs are new. They are trying to not use the generator.

Vice-chairman Cook commented on the apartments that are right behind the location and since they will be using the battery packs, they will have none of the noise of a generator.

Mr. Guy concurred.

Vice-chairman Cook asked if they have tested the battery packs.

Mr. Guy replied that they have been testing it at their store and it has worked great. The battery packs last almost 8 hours.

Vice-chairman Cook asked what they would do for the remaining 4 hours because the hours are 10 am to 10 pm.

Mr. Guy answered that he thinks it will last but suggested that they can put the generator on early and put the battery packs on at night.

Vice-chairman Cook asked if Mr. Damico would be there the entire time the location was open.
Mr. Damico answered yes. They are open from June 20th to July 5th because they have more than one tent going up in other places. They have to have the window open because they don’t know exactly what date the tent is going up.

Mr. Guy answered that Mr. Damico will be there every day.

Trustee Flood moved, seconded by Board member Dunaskiss, in the matter of ZBA case AB-2022-22, XL Fireworks, that the petitioner’s request for a temporary use permit from Zoning Ordinance #78, Article 30, Section 30.11, F, 1, b: to open and run an Open Air Business, to sell consumer fireworks from a tent June 20, 2022 - July 5, 2022 be granted because the petitioner would be specifically using the property for a permitted use and they have demonstrated that they will be complying with the conditions of an Open Air Business.

Conditions of approval are as follows:

1. The Ordinance requires that there be no other Open Air Businesses within one mile and there are none. The applicant will provide a phone number to the Building Department of a contact person that can be reached any time of day or night. The hours of operation will be 10:00 am to 10:00 pm from June 20, 2022 – July 5, 2022. Articles will be secured in a U-Haul trailer which will be removed off of the premises every evening. There is no need for a pod for storage. The petitioner will provide the Township with a copy of the liability insurance listing Orion Township as an additional insured and a certificate holder. The petitioner will provide the Township with a copy of the Michigan Department of Licensing and Regulatory Affairs Consumer Fireworks License. The Fire Department approval is required before opening. The petitioner must provide a $1,000.00 cash bond for re-inspection of the site once the operation has been removed.

Board member Dunaskiss asked if the petitioner provides a 24 hour phone number to the Oakland county Sheriff’s Department and to the Fire Department.

Mr. Guy replied that they usually don’t, but will if it is required.

Building Official Goodloe answered that usually the Building Department has all of the information.

Vice-chairman Cook asked about signage.

Trustee Flood replied that there is nothing in the ordinance about that; this is a whole separate issue.

Mr. Guy stated that they are going to hang a banner in the tent and will have yellow fireworks signs in the front.

Roll Call Vote was as follows: Cook, yes; Dunaskiss, yes; Walker, yes; Flood, yes; Dunaskiss, yes. Motion passes 5-0.

6. PUBLIC COMMENTS

7. COMMUNICATIONS

8. COMMITTEE REPORTS

Vice-chairman Cook asked if there was any feedback from the planting/tree committee. Board members discussed landscaping in the area.

9. MEMBER COMMENTS

Board member Walker commented on the fact that Oxford does not have a tree ordinance.
10. **ADJOURNMENT**

Moved by Trustee Flood, seconded by Chairman Durham, to adjourn the meeting at 7:26 pm.

Vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

Respectfully submitted,

Erin A. Mattice
Recording Secretary