

MILLINGTON TOWNSHIP ZONING BOARD OF APPEALS
Minutes of September 23, 2019 Meeting

Minutes of the September 23, 2019 meeting of the Zoning Board of Appeals to consider the request of Tri-County Aggregates to appeal the final decision of the Millington Township Commission denying a special land application submitted by Tri-County Aggregates concerning real property at 10222 Sheridan Road, Millington, Michigan 48746. The Planning Commission denied the applicant's request and to recycle/or process material delivered to the property from third parties.

The meeting was called to order by chairperson Alvin Zavitz at 6:00.

Roll Call was taken. Present were members Alan Zavitz, Gary Shreve, Carol Kager, Robert Loomis, and Scott Koch.

Also present were 24 members of the community.

The **minutes** of the June 4, 2019 meeting of the Zoning Board of Appeals were presented. A motion was made by Shreve to accept the minutes. The motion was passed by unanimous vote.

Open Issues

- The Millington Township Policy for Public Comments was read aloud by Shreve.
- Zavitz excused himself from the meeting on the grounds of conflict of interest and exited the building.

New Business

Consideration of the request of Tri-County Aggregates to appeal the final decision of the Millington Township Planning Commission denying a special land use application submitted by Tri-County Aggregates concerning real property located at 10222 Sheridan Road, Millington, Michigan 48746. The Planning Commission denied the request to recycle and/or process material delivered to the property from third parties.

Citizen Comments

- Robert Bernard (3533 Arivaca Drive, Millington) presented a packet of material (attached) supporting his reasons to request a denial of the appeal.
- Ina Male (10310 Sheridan Road, Millington) requested the ZBOA to vote "as though the gravel pit was located in your back yard", and that no additional acreage for the gravel pit be approved; stated that a denial of the request would help preserve property values.
- Luanne Jaruzel (10810 Sheridan Road, Millington) presented a petition that had been directed to the Planning Commission requesting that they deny the proposed amendment to the special land use requested by Tri-County Aggregates.
 - She then cited discrepancies in the current appeal...
 - there is no such zone in Millington Township as Ag/Ind; the property in question is zoned Ag/R
 - there is an omission in 15.02 of the wording "Ag/Residential Zoning District"
 - the property is not zoned Industry
- Robert Gilling, owner of Tri-County Aggregates, and applicant (1470 Rivers Edge, Caro, Michigan) stated that:
 - he is only requesting permission to crush concrete
 - re: 15.02, crushed concrete is a natural product
 - for several years, his property has been listed as "Industrial" for tax purposes; used for processing gravel, etc.
 - the DEQ has thus far approved everything done

- ZBOA questions for Gilling
 - Kager: "What, exactly, is the basis for your appeal?"
 - Reply by Gilling: "That the Planning Commission acted improperly in its denial." The Planning Commission determined that 5.02 does not support the use variance that was requested. Gilling contends that it does.
 - Shreve: "Define the difference between 'plant' and 'processing'"
 - Reply by Gilling: "'Plant' equals making new making new material; 'processing' equals crushing material."
 - Loomis: "Crushing causes more particulate."
 - Reply by Gilling: "The state regulates coating on materials; materials are site checked for coatings and are checks regularly. 6A is the size of the aggregate."
- Catherine Bernard (3533 Arivaca Drive, Millington) stated that the area in question is NOT zoned Industrial, and that "hauling" does not equal "quarrying"; she asked if air quality has been measured.
- The Millington Township Attorney Laura Genovich gave advice to the ZBOA in regard to their deliberation and decision making process, stating: "In order to find for Mr. Gilling, the ZBOA must find that the Planning Commission made an error in their decision."
- Lorraine Martin (3445 Arbela Road, Millington) "Mr. Gilling intends to build an asphalt plant."
- Shreve: (Acting Chair, ZBOA) read, without comment, letters pertaining to the issue at hand from Wayne Jaruzel, Deborah and Larry Wood, and Elaine Bickel. Letters are attached.
- Kevin Petzold (3576 Arivaca, Millington) stated that the operation is causing noise and traffic issues. It was originally thought that the operation would end within a few years. But, he said, we need these products to make our roads better; the present problems won't last forever.

Deliberation

- Shreve: According to regulations (ordinances?), the Planning Commission denial has no effect on previous decisions. Tri-County Aggregates may continue operations from 6:00 AM until 6:00 PM on weekdays, and from 6:00 AM until 12:00 Noon on Saturdays.
- Members were again reminded that the only reason to overturn the Planning Commission decision of August 12, 2019 is if it is found that the Planning Commission had not been followed or if it is determined that the ordinance has not been correctly interpreted.
- Members agreed that neither scenario was applicable in this situation.

Decision

- A motion was offered by Shreve, seconded by Loomis, and passed unanimously.
 - "Based on the Planning Commission's procedures and the ordinance, I move to uphold the Planning Commission decision on special land use."
- Roll Call Vote:
 - Shreve: Approve
 - Loomis: Approve
 - Koch: Approve
 - Kager: Approve

Adjournment

- The meeting was adjourned at 6:52 PM


 Carol R. Kager, Secretary, Millington Township Zoning Board of Appeals