

**ARCADIA TOWNSHIP ZONING BOARD OF APPEALS**  
**MINUTES OF December 7, 2021**  
**VARIANCE FOR MINIMUM SQUARE FOOTAGE And LOT SIZE REQUIREMENTS**

**CRAIG FANSON**

The Arcadia Township Zoning Board of Appeals held a Public Hearing on Tuesday, December 7, 2021 at 7:30pm at the Arcadia Township Hall, 4900 Spencer Street, Lum, Michigan.

Chairman Rich McClelland called the meeting to order at 7:30pm.

MEMBERS PRESENT: McClelland, Bonesteel, Johnson.

MEMBERS ABSENT: Ostrom and Jostock (excused due to covid quarantine).

OTHERS PRESENT: Craig Fanson, Jennifer Johnson, Rick Schaffer, Les Burgess, Kim Sommerville, Recording Secretary Teresa Gormley.

APPROVAL OF AGENDA: Moved by Bonesteel, Seconded by Johnson to approve the Agenda as presented. Motion carried.

NEW BUSINESS – VARIANCE for Minimum Square Footage and Lot Size– Craig Fanson

Chairman McClelland opened the floor to Craig Fanson

Craig Fanson, 3145 Bowers Road. Fanson thanked this board for hearing his request. The Planning Commission asked him to combine his two lots and he is in the process of doing so. He has met with Rowe Engineering to complete the survey but they are about two months behind schedule. The combination would put his home on the property with the barn going to be used in this grow operation.

In his due diligence, he contacted Supervisor John Howell to develop a grow facility. He needed 400 amp service, which was denied, but was allowed to have 320 amps. Howell sent him an email stating that he “grandfathered me in”. This all started in July of 2020, amid the covid pandemic. He had his building constructed and had approvals from Construction Code Authority as his setbacks at the time met the requirements. However, the township placed a moratorium for nine months on grow operations until an ordinance could be enacted.

Fanson – Did I create the hardship? No. I put the building up to cover 12 plants to start. I do have a caregiver card to grow 72 plants. Howell then informed me that the moratorium had lifted so I proceeded. I found that the setback requirements before the ordinance met with Construction Code Authority but not the new ordinance. It is approximately 47 ½ feet to the west property line. I am standing in front of you now to request a variance to set backs and lot size.

Bonesteel – How long have you lived there?

Fanson – I bought in 2018, lived there since 2014.

Bonesteel – Rented then bought?

Fanson – yes, ma'am. I built my pole barn with intention of starting a grow operation.

Bonesteel – How is he grandfathered in at 320 amps?

Fanson – John Howell said I was grandfathered in. I have an email from him.

Bonesteel – There is a letter of support that says you can't tell any operation there. (Bonesteel then read a portion of the letter, attached here). According to the ordinance, one person is allowed to work there.

Discussion about the ordinance between board members.

Bonesteel – How much do you have invested?

Fanson – About \$135,000.00

Bonesteel – Since you built the facility in 2020, the setbacks were already in place?

McClelland – In 2020, the setbacks were different. The Planning Commission approved medical marijuana grow operations ordinance just this past fall. These setback requirements were not in effect at the time he built his pole barn.

Fanson – I did not create the problem – I am trying to do this correctly.

Public Time was opened at 7:41 pm.

Rick Shaffer, 3565 Vernor Road. I have no objections to this variance. I have known Craig for a number of years. We went to school together. I have worked in the electrical field for DTE as a tree trimmer and have seen makeshift operations and this is far and away greater than any downstream grid.

Kim Sommerville, 3153 Bowers Road. I live just east. If you didn't know what is going on there... he keeps the place tip top. Let him do what he wants to do.

Les Burgess, 3136 Bowers Road. I live directly across the street. I have no problem. You wouldn't know there's an operation. No stench.

Public time closed at 7:44 pm.

MOTION BY Johnson, to allow the variance because:

- 1) it is not self-inflicted;
- 2) the ordinance changed after he (Fanson) had gotten it passed with CCA.

Bonesteel stated she wanted to add one more thing, noting that the applicant was supported by three neighbors and only one person was in opposition who sent a letter and who lives on Five Lakes Road.

MOTION BY Johnson, to allow the variance because:

- 1) it is not self-inflicted;
- 2) the ordinance changed after he (Fanson) had gotten it passed with CCA.

And let it be noted that there were at least three neighbors present in support and this board was notified of only one opposition in writing (to the planning commission) who lives on Five Lakes Road.

SECONDED BY Bonesteel.

ROLL CALL VOTE:

Ostrom, Absent; Bonesteel, Yes; Johnson, Yes; Jostock, Absent; McClelland, Yes.

YES (3) NO (0) ABSENT (2)

MOTION CARRIED.

With that, the Chairperson invited the gallery to stay for the remainder of the meeting at which time most left.

MOTION BY Bonesteel, SECONDED BY Johnson, to approve the Minutes of the July 12, 2021 public hearing (Rajewski) as presented. Motion carried.

The Recording Secretary reminded the Zoning Board that we will meet again on February 15, 2022, at 5:30 for Jim's Recycling five-year review.

MOTION BY Johnson, SECONDED BY Bonesteel, to adjourn the meeting at 8:00 pm. Motion carried.

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Richard McClelland  
ZBA Chairman

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Teresa M. Gormley  
Recording Secretary