



**ZONING BOARD OF APPEALS  
Special Meeting  
September 19, 2018  
7:00p.m.**

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

-August 1, 2018 Regular ZBA Meeting

5. CORRESPONDENCE / BOARD REPORTS

- Boards and Commissions Expiration Dates

6. APPROVAL OF AGENDA

7. PUBLIC COMMENT: Restricted to (3) minutes regarding issues not on this agenda

9. NEW BUSINESS

A. TXT INT 2018-01 Interpretation of section 23.2.B-C for restaurant/brewery.

10. OTHER BUISINESS

11. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue

12. FINAL BOARD COMMENT

12. ADJOURNMENT

**CHARTER TOWNSHIP OF UNION**  
**Zoning Board of Appeals**  
**Regular Meeting**

A regular meeting of the Charter Township of Zoning Board of Appeals was held on August 1, 2018 at 7:00 p.m. at Union Township Hall.

**Meeting was called to order at 7:00 p.m.**

**Roll Call**

Present: Jake Hunter Bryan Mielke, Andy Theisen, and Tim Warner

Excused: Paul Gross

**Others Present**

Peter Gallinat & Jennifer Loveberry

Alternates: John Zerbe and Taylor Sheahan-Stahl

**Approval of Minutes**

**Mielke** moved **Hunter** supported the approval of the July 10, 2018 minutes as amended. **Vote: Ayes: 4 Nays 0. Motion carried.**

**Correspondence / Board Reports**

Township Planner shared that the Board of Trustees approved McKenna as the consultant for the Zoning Ordinance rewrite.

**Approval of Agenda**

**Theisen** moved **Hunter** supported to approve the agenda as presented. **Vote: Ayes: 4 Nays 0. Motion carried.**

**Public Comment: Restricted to (3) minutes regarding issues not on this Agenda**

Open – 7:03 p.m.

No comments were offered.

- Chair Warner called Alternate Zerbe to the table in the absence of Gross.

**Public Hearings**

**New Business**

**Other Business**

**Extended Public Comment**

Open 7:05 p.m.

No comments were offered.

**Final Board Comment**

Zerbe commented on County Zoning Boards.

Mielke stated that he is in favor of townships having their own zoning/planning boards.

Theisen questioned the Open Meeting Act regarding approving minutes when there are no Agenda Items on the Agenda.

**Adjournment**

Chair Warner adjourned the meeting at 7:12 p.m.

**APPROVED BY:**

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**Jake Hunter –Secretary**  
**Paul Gross – Vice Secretary**

*(Recorded by Jennifer Loveberry)*

DRAFT

## Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Lisa	Cody	11/20/2020
2-Chair	Phil	Squatrito	2/15/2020
3- Vice Chair	Bryan	Mielke	2/15/2021
4-Secretary	Alex	Fuller	2/15/2020
5 - Vice Secretary	Mike	Darin	2/15/2019
6	Stan	Shingles	2/15/2021
7	Ryan	Buckley	2/15/2019
8	Denise	Webster	2/15/2020
9	Doug	LaBelle II	2/15/2019
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1-Chair	Tim	Warner	12/31/2019
2-PC Rep / Vice Chair	Bryan	Mielke	2/18/2021
3-Vice Secretary	Jake	Hunter	12/31/2019
4	Andy	Theisen	12/31/2019
5	Paul	Gross	12/31/2018
Alt. #1	John	Zerbe	12/31/2019
Alt. #2	Taylor	Sheahan-Stahl	2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2018
2	James	Thering	12/31/2018
3	Bryan	Neyer	12/31/2018
Alt #1	Mary Beth	Orr	1/25/2019
Citizens Task Force on Sustainability (4 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Laura	Coffee	12/31/2018
2	Mike	Lyon	12/31/2018
3	Jay	Kahn	12/31/2018
4	Phil	Mikus	11/20/2020
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2019
2	Richard	Jakubiec	12/31/2019
3	Andy	Theisen	12/31/2019
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2018
2	John	Dinse	12/31/2019
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2019
2	Lynn	Laskowsky	12/31/2021



## Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1	Thomas	Kequom	4/14/2019
2	James	Zalud	4/14/2019
3	Richard	Barz	2/13/2021
4	Robert	Bacon	1/13/2019
5	Ben	Gunning	11/20/2020
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2019
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2020
2	Vacant		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Brian	Smith	12/31/2019
Sidewalks and Pathways Prioritization Committee (2 year term)			
#	F Name	L Name	Expiration Date
1 BOT Representative	Phil	Mikus	7/26/2019
2 PC Representative	Denise	Webster	8/15/2020
3 Township Resident	Sherrie	Teall	8/15/2019
4 Township Resident	Jeremy	MacDonald	10/17/2018
5 Member at large	Connie	Bills	8/15/2019

Peter Gallinat, Township Planner  
pgallinat@uniontownshipmi.com  
2010 South Lincoln  
Mt. Pleasant, MI 48858  
Phone 989-772-4600 Ext. 241  
Fax 989-773-1988

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TO: Zoning Board of Appeals Meeting 09/19/2018  
FROM: Township Planner

**NEW BUSINESS**

**SUBJECT: A) TXT INT 2018-01 Interpretation of Section 23.2.B-C**

**Location:** N/A

**Current Zoning:** B-5 (Highway Business District)

**Adjacent Zoning:** N/A

**Future Land Use/Intent:** Commercial / Light Industrial. This district is intended for a blend of medium intensity commercial and small-scale light industrial uses. Light industrial uses include but are not limited to small-scale manufacturing, laboratories, R&D (research and development) firms, information technology firms, or other businesses that might be found in a technology park.

**Reason for Request:** Applicant desires to operate a restaurant as the primary use and a brewery as an accessory use with distribution.

**History:** Earlier this year Mr. Holton inquired about the ability to operate a restaurant/brewery with distribution in a B-5 zone. To better determine if this operation would be permitted in a B-5 zone the applicant was given detailed questions about the operation. the applicant to provide answers in writing to detailed questions I needed answered. The applicant supplied the answers to my questions and formally applied for a Zoning Compliance Letter from my office. I determined in that letter based on the answers to the questions that a Restaurant operating the primary use with a brewery as an accessory use with distribution would be permitted in a B-5 District.

**Objective of board:** Determine the following: "Assuming that a restaurant and brewery were part of the same operation on the premises. That if a brewery's off-site consumption does not exceed its onsite consumption, it would be a permitted use under Sections 23.2 B and C of the Township's zoning ordinance."

**I recommend that board review and consider the Zoning Letter of Compliance and other information used in the determination of that letter when making their own Text Interpretation tonight. Please note that tonight's interpretation is not an Administrative Review of Twp Planner's decision.**

# Mountain Town Brewing Co

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August 27, 2018

Charter Twp of Union  
Zoning Board of Appeals  
2010 S. Lincoln Rd  
Mt Pleasant, MI 48858

RE: Text interpretation – Section 23.2 Permitted Uses (B-5 Business District)

Dear ZBA,

Enclosed find my application for a text interpretation, **Exhibit A**, and a check for \$825.00 for the fee for such request. Please schedule a special Zoning Board of Appeals meeting at the soonest possible date. Further, consider this letter and the enclosed as part of my text interpretation application.

I am seeking a determination that my use of a restaurant/brewery is permitted by right in the B-5 zoning district. I have submitted my general proposed use to Peter Gallinat. Mr. Gallinat has provided his opinion that the use would be allowed as a permitted use, with certain assumptions, under Section 23.2 A, B and C of the Township's zoning ordinance, Mr. Gallinat's letter to is attached as **Exhibit B**. I agree with Mr. Gallinat's interpretation and opinion, however with the significant investment this proposed use requires I must seeking the interpretation of the ZBA to provide finality to such opinion.

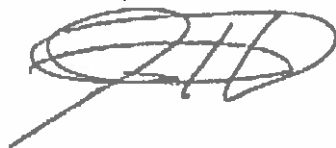
What I proposed is a restaurant as the principal use and a brewery that is secondary and incidental. The proposed use would be typical of many brew pub type establishments and would include the brewing of beer at rate of approximately 2000 barrels a year, of which approximately 60% are sold and consumed on-site. The remaining barrels are sold and consumed off-site.

Specifically, I am asking that the following interpretation be made:

1. Assuming that a restaurant and brewery were part of the same operation on the premises. That if a brewery's off-site consumption does not exceed its on-site consumption, it would be a permitted use under Sections 23.2 B and C of the Township's zoning ordinance.

If you have any further questions regarding this application, please feel free to contact me.

Sincerely,



Jim Holton  
GM – Mountain Town Brewing Co

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506 West Broadway ~ Mount Pleasant, Michigan 48858  
989-775-2337

## Exhibit A



**NOTICE OF APPEAL**  
**Charter Township of Union**

**ZONING BOARD OF APPEALS**

DATE: August 27, 2018

I (we) Jim Holton 506 West Broadway, Mt. Pleasant, MI 48858  
Name Address

owners of property at N/A

the legal description is: N/A

respectfully request that a determination be made by the Zoning Board of Appeals on the following appeal or application which was denied by the Zoning Inspector because, in the opinion of said inspector, does not comply with the Union Township Zoning Ordinance and therefore must come before the Zoning Board of Appeals:

- I. Variance
- II. Interpretation of Text or Map
- III. Administrative Review

**NOTE:** Use one section below as appropriate. If space provided is inadequate, use a separate sheet.

- 
- I. Written application for a zone variance as provided by the Zoning Ordinance Section 5  
(c) N/A

a. Provision of the Zoning Ordinance from which a variance is sought  N/A

DESCRIPTION	REQUIRED	DESIRED (I can only provide X)	VARIANCE (= Required – Desired)
Example – Side Yard	10 feet	8 feet	2 feet

b. What are the special conditions and/or circumstances peculiar to this land, structure, or building which are not found belonging to similar properties in the same zoning district in other parts of Union Township?

N/A

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c. Which is any of the above (b) special conditions or circumstances are the direct result from actions taken by the applicant for this variance?

N/A

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d. If the Zoning Ordinance were to be strictly enforced in your particular case, what would be the nature and extent of unnecessary hardships or particular difficulties?  N/A

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e. If your request for the variance was granted, do you feel that you would have been given any special privileges that others in the same zoning district would not have?  N/A  If yes, please explain:

N/A

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f. Attach plot plan, showing lot lines, location of existing building, proposed buildings and any additions to existing buildings, plus distance from property lines.  N/A

g. Date property was acquired  N/A

II. Appeal for Interpretation

Relating to enforcement of the Zoning Ordinance

a. Article, section, subsection, or paragraph in question

Section 23. 2A and B Permitted uses of B-5 Highway Business District

b. Describe if interpretation of district map

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III. Administrative Review

a. Article, section, subsection, or paragraph in question

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\*\*\*\*\*  
Fees 825.00   
Signature of Applicant  
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## Exhibit B



Peter Gallinat, Township Planner  
pgallinat@uniontownshipmi.com  
2010 South Lincoln  
Mt. Pleasant, MI 48858  
Phone 989-772-4600 Ext. 241  
Fax 989-773-1988

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Jim Holton  
506 West Broadway  
Mt. Pleasant, MI 48858

08-24-18

**RE: Zoning Compliance Letter for a Restaurant/Brewery with distribution in a B-5 District**

The B-5(Highway Business District) allows restaurants, including drive-in restaurants, bars, grills, and cocktail lounges as permitted uses. (Sections 23.2.A-B). It is clear that a restaurant in a B-5 district is permitted. Our zoning ordinance does not mention brewery. Although it may not be common it is not un-heard of for a restaurant to produce food from scratch onsite for onsite consumption. I view producing beverages onsite to be similar within reason. This is assuming the owner has obtained the appropriate State liquor license(s) needed for alcohol production/sales.

You have indicated that the restaurant will be the principal primary use and the brewery secondary. The projected annual sales and net profit numbers you have provided would support this statement. You have estimated the total number of barrels produced onsite will be 2,000 total barrels. I find this number to be reasonable. You estimate 60% of those 2,000 barrels to be sold and consumed on site with the other 40% sold and consumed off site. This further supports that the restaurant will be the primary principal use.

Onsite truck deliveries for the restaurant outnumber the onsite truck deliveries for the brewery. The restaurant will require 3 weekly deliveries from Sysco Food Service, 2 from Sohn Linen, and 3 from Waste Management. There will be monthly deliveries for grease container clean out and other items. The brewery will create 2 weekly pick up's with a once a month grain delivery. This again supports the restaurant being the primary principal use. The idea of distribution is a concern but, the distribution of only 2 times per week is less than any truck traffic the restaurant on its own would create.

I have determined the amount of beer brewed (2,000 annual barrels) and the distribution (2 times a week) to be secondary and incidental to the primary principal use of the restaurant. At this time I have determined that a restaurant/brewery with distribution to be in compliance with a B-5 District. If the restaurant portion of the business were to no longer be in

operation, amount of beer brewed/distributed increases, or any other estimated statistics you have provided changes please contact my office. These changes could cause your business to no longer be in compliance within a B-5 District.

**Twp Planner**

**Peter Gallinat**

# Mountain Town Brewing Co

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August 15, 2018

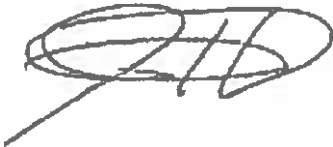
Peter Gallinat  
Township Planner  
Charter Twp of Union  
2010 S. Lincoln Rd  
Mt Pleasant, MI 48858

Dear Mr. Gallinat,

Thank you for considering my restaurant and brewery relocation project into the township. Please see my answers to the questions below. The micro brewing business has changed significantly over the past 10 years. When we opened in 2008 in the City of Mt Pleasant we were the 96<sup>th</sup> brewery in the state. Now there are over 400 with 20 more pending approval by the Michigan Liquor Control Commission. We've seen our production and distribution numbers decline over the past 6 years and we are forced to reinvent our business model. The new model being proposed is to significantly increase the restaurant portion of the business and stop general distribution to focus on private labels only. The market is savage and will only get worse. We've ended distribution in Ohio, Indiana and Wisconsin along with ceasing our packaging in Meijer, SpartanNash and Kroger (They actually eliminated us).

Our future is in sales from our own restaurant via draft and growler sales (1/2 gallon jugs). The success has proven itself in our Alma Brewing Co project and we want to model that in our new facility. So as you consider my request to be allowed in Union Township please know that the restaurant will be the business driver for us and that general distribution sales will significantly diminish over time and we will be focusing on private brewing for places such as the Pink Pony on Mackinac Island, The Bavarian Dark for the Bavarian Inn, Zoo Brew for Boyne Highlands, New Country Ale for 94.5 the Moose and a handful of others.

Sincerely,



Jim Holton  
GM – Mountain Town Brewing Co  
[jim@mountaintown.com](mailto:jim@mountaintown.com)  
989-817-4288 Direct

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506 West Broadway ~ Mount Pleasant, Michigan 48858  
989-775-2337



1. Will the principal use of the business be the restaurant or the brewery? The use will be a Restaurant first and brewery second.
2. Will the brewery or restaurant be an accessory use that is incidental to the other or will both be two (2) separate principal uses not accessory and incidental to the other? The restaurant will be the primary use where beer brewed in the back will be served to customers via draft, bottle and cans. The brewery will be a secondary use.
3. Projected annual sales of principal use, accessory use, and total combined? Restaurant sales are estimated at \$1,100,000 for 2019 and outside brewery sales of \$250,000. \$1,350,000 Total
4. Projected annual gross revenue of principal use, accessory use, and total combined? See above
5. Projected annual net income of principal use, accessory use, and total combined? I believe you are asking for profit. Restaurant is expected to be at 10% profit and brewery at 5%
6. How many weekly drop offs will be made by truck to provide product or supplies to the restaurant or brewery? (Example: 3 times a week) Being the restaurant is the primary use we will have 3 weekly deliveries from Sysco Food Service, 2 from Sohn Linen, 3 from Waste Management and some monthly trucks for grease container cleanout and other items. The brewery operation will have on average 2 van pick up's per week by various distributors and a once a month grain delivery.
7. Weekly how many times will trucks load beer from the brewery onto a truck to be sold offsite? (Example: Once per day 7 days a week) 2 times per week. Normally a large van or small sideload beer truck
8. What are the approximate total gallons of beer annually that will be produced at the brewery? (Example: under 5,000, 10,000, 30,000 gallons) Of that total what percentage of gallons will be consumed onsite and offsite annually? (Example: 25% on site 75% off site.) We estimated a total of 2,000 total barrels of beer produced at the brewery with 60% being consumed onsite and 40% being sold off site. The offsite number will continue to decline over time as we slowly phase out of general distribution into specific private labeling. (See letter attached)

## **UNION TOWNSHIP PUBLIC HEARING NOTICE -Interpretation**

NOTICE is hereby given that a Public Hearing will be held on Wednesday, September 19, 2018, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Zoning Board of Appeals for the purpose of hearing any interested persons in the following request for an Interpretation from Section 23.2.B-C, B-5 (Highway Business District) of the Union Township Zoning Ordinance 1991-5 as amended.

Requested by **Jim Holton GM- Mountain Town Brewing Co.**, an interpretation from section 23.2.B-C, B-5 (Highway Business District) on the following:

1. Assuming that a restaurant and brewery were part of the same operation on the premises. That if a brewery's off-site consumption does not exceed its on-site consumption, it would be a permitted use under Sections 23.2.B and C of the Township's Zoning Ordinance.

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone (989) 772 4600 extension 241.

Peter Gallinat,  
Township Planner