

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING AGENDA  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, JULY 24, 2013, 6:30 PM  
TOWN HALL ROOM, OPEN TO PUBLIC

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday July 10, 2013

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 13-07-24-1 LARRY HARB, 4225 OKEMOS ROAD, OKEMOS, MI 48864

DESCRIPTION: 4225 Okemos Road  
TAX PARCEL: 28-326-041  
ZONING DISTRICT: PO (Professional Office)

The applicant is appealing the decision by the Director of Community Planning and Development regarding allowed uses in the Professional Office district for a business located at 4225 Okemos Road.

- ☞ Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

F. OTHER BUSINESS

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT - JIM HERSHISER

Information regarding the request may be examined at the Department of Community Planning and Development, 5151 Marsh Road, Okemos, Michigan 48864-1198, between the hours of 8:00 am and 5:00 pm, Monday through Friday. Comments may be made in writing addressed to the Zoning Board of Appeals at 5151 Marsh Road, Okemos, MI 48864 or may be made at the hearing.

BRETT DREYFUS  
TOWNSHIP CLERK

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## ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. **If you do intend to speak before the Zoning Board of Appeals please sign in at the door.** During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons
4. Applicant rebuttal
5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

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## VARIANCE APPLICATION SUPPLEMENT

### A variance will be granted, if the following Review Criteria are met:

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.
4. The alleged practical difficulties, which will result from a failure to grant the variance, would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
8. Granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance.

### Effect of Variance Approval:

1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate of occupancy must be issued within 18 months of the date the building permit was issued, otherwise the variance shall be null and void.

### Reapplication:

1. No application for a variance, which has been denied wholly or in part by the Zoning Board of appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Board of Appeals to be sufficient to justify consideration.

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES **\*\*\*DRAFT\*\*\***  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, JULY 10, 2013

PRESENT: Members, LeGoff, Ohlrogge, Hershiser, Chair Beauchine,  
ABSENT: Member Jackson  
STAFF: Martha Wyatt, Associate Planner/Landscape Architect;  
Mark Kieselbach, Director of Community Planning & Development

**A. CALL MEETING TO ORDER**

Chair Beauchine called the meeting to order at 6:30 p.m.

**B. APPROVAL OF AGENDA**

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

**C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES**

Wednesday, June 26, 2013

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER HERSHISER

VOICE VOTE: Motion carried unanimously.

**D. UNFINISHED BUSINESS**

None

**E. NEW BUSINESS**

**1. ZBA CASE NO. 13-07-10-1 HIGGINS ELECTRIC SIGN CO., 4100-A HUNSACKER STREET, EAST LANSING, MI 48823**

DESCRIPTION: 1982 Grand River Avenue  
TAX PARCEL: 22-101-011  
ZONING DISTRICT: C-3 (Commercial)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each lineal foot of building frontage occupied.

The applicant is proposing to install a wall sign for a tenant at Meridian Mall (Shoe Carnival, east side of mall, north of Macy's) that exceeds the maximum allowed square footage; therefore the applicant is requesting a variance.

Ms. Wyatt outlined the case for discussion.

Mr. Jamie Higgins, 4100-A Hunsaker, East Lansing, the applicant, explained when the client signed the lease with the mall they understood the frontage of the store was 107 feet 9.5 inches, which would have allowed a sign of 107 square feet. He pointed out the proposed sign is under the 107 square feet allowed by ordinance.

Member Hershiser commented the situation is unique and would not apply to other properties in the zoning district. He said the circumstances were not self-created. He commented the request meets the other Review Criteria (Section 86-221).

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE AS WRITTEN

SECONDED BY CHAIR BEAUCHINE

Member Ohlrogge asked why staff determined the frontage to be only 47.7 square feet.

Ms. Wyatt explained because the area behind the screen wall is shared with other tenants it means the entire frontage does not apply to a single tenant.

Member Ohlrogge asked why this mattered to the amount of signage allowed.

Mr. Kieselbach explained the re-development of the mall has had tenants creating exterior entrances in order to have exterior signs. He said because the area behind the screen wall is shared with other tenants for delivery and dumpster space the entire lineal footage did not apply to this tenant. He said the Department of Community Planning and Development was being conservative in their interpretation of the ordinance.

Member Hershiser commented this approval would not be setting a precedent as that is not the role of the Zoning Board of Appeals.

VOICE VOTE: YES: Member Hershiser, Chair Beauchine, Ohlrogge and LeGoff

NO: None

Motion carries 4-0.

**F. OTHER BUSINESS**

None

**G. PUBLIC REMARKS**

None

**H. BOARD MEMBER COMMENTS**

None

**I. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 7:05 p.m.

Respectfully Submitted,

Angela M. Ryan  
Recording Secretary

# MEMORANDUM

TO: Zoning Board of Appeals

FROM:   
Martha K. Wyatt  
Associate Planner/Landscape Architect

DATE: July 19, 2013

RE: ZBA Case No. 13-07-24-1

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**ZBA CASE NO.** 13-07-24-1 LARRY HARB, 4225 OKEMOS ROAD, OKEMOS, MI 48864  
**DESCRIPTION:** 4225 Okemos Road  
**TAX PARCEL:** 28-326-041  
**ZONING DISTRICT:** PO (Professional Office)

The applicant has requested an appeal of a decision made by the Director of Community Planning and Development regarding an allowed use in the Professional Office zoning district for a business to be located at 4225 Okemos Road.

The applicant owns the existing building and operates a licensed insurance agency in a portion of the building (IT Risk Managers, Inc.). The site is zoned Professional Office (PO). On April 15, 2013 the applicant submitted a written request to the Director of Community Planning and Development, regarding a special use for an online firearms business, to be located at 4225 Okemos Road. A second letter, dated May 5, 2013, was submitted by Mr. Harb as part of the variance application, appealing the Director's decision (letter dated April 24, 2013). The summary of the proposed online firearms business as outlined in this memorandum includes details from the April 15, 2013 and the May 5, 2013 letters from Mr. Harb.

The online firearms business is called My On Line Gun Store, Inc. (MOLGS), which is licensed by the United States Department of Alcohol, Tobacco, and Firearms (ATF) as a Federal Firearms Licensed (FFL) dealer. A website is maintained by the applicant at Buy Sell Auction Guns.com. Mr. Harb explained in his letter dated May 5, 2013, firearms can be purchased online, at a live auction or online auction, won in a raffle, or purchased from an individual or FFL dealer from out of state. Firearms can also be purchased through Mr. Harb's website.

The FFL license authorizes MOLGS to legally buy, sell, and transfer firearms in accordance with both state and federal firearms laws, but only at the address listed on the license. Federal law requires all delivery and transfer of firearms must be done in person at the address on the FFL license. Firearms cannot be sent directly to the purchaser but are sent to a licensed FFL dealer at the site (address) where the licensed FFL dealer has been authorized to buy, sell, and transfer firearms.

Michigan State law requires a handgun purchase permit for individual purchases or transfers of a handgun from one individual to another. A handgun purchase permit is issued by a licensed FFL dealer and must be done in person in order to insure the permit is issued to the proper person and a background check can be conducted. In Mr. Harb's May 5, 2013 letter, the background check is referred to as a FBI NIC (Federal Bureau of Investigation-National Instant Criminal Background Check System).

Mr. Harb explained his company (MOLGS) will provide professional services for a fee such as the paperwork for the firearms transfer and the background check. Per Mr. Harb MOLGS will not have an inventory of firearms, gun cleaning supplies, targets, or clothing at 4225 Okemos Road. Mr. Harb contends he is offering a professional service which is consistent with the allowed uses in the PO district and that he is not a retail business. In order for MOLGS to obtain a FFL license at 4225 Okemos Road, the ATF must verify the Township will allow this activity at that location. Thus the applicant had requested the Township give its approval for the FFL license to be issued for 4225 Okemos Road, as outlined in Mr. Harb's letter dated April 15, 2013.

In considering Mr. Harb's request, the Director reviewed the zoning standards for the Professional Office (PO) district in Section 86-432 as well as Section 86-659 (Other Special Uses). Section 86-659 discusses land and structure uses that are not specified in any other section of the ordinance, which would be reviewed by the Planning Commission.

*Section 86-432 states, the purpose of the PO district is intended to accommodate those nonresidential uses of an administrative or professional nature which are necessary to the normal conduct of a community's activities. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature, or other activities which would require the constant visits of the general public.*

The PO zoning district does not specifically address an online business as a use by right or by special use permit. An online business could possibly be located in a PO district if the business did not involve the selling of merchandise or rely on customers coming to the site. A business which requires a physical place to receive, store, display, and ship merchandise is more commercial in nature and is not consistent with the PO zoning district.

In a letter to Mr. Harb dated April 24, 2013, the Director of Community Planning and Development made the interpretation that an online firearms business is not an allowed use in the Professional Office (PO) district, by right or by special use permit, as the primary use of the subject site is retail in nature, the sale and transfer of firearms. Furthermore, an online firearms business relies on customers coming to a business site to pick up a product (firearms). The interpretation made by the Director applies to any property zoned Professional Office and is not solely applicable to 4225 Okemos Road.

The Director further noted the online firearms business could be an allowed use in a commercial zoning district subject to meeting the specific requirements of the individual district. In the Director's opinion Section 86-659 (Other Special Uses) is therefore not applicable in this case since retail sales are permitted in commercial zoning districts.



Section 86-64(1) outlines the ability of the Director of Community and Development to make a determination on a zoning issue.

*Section 86-64(1) states, the Director of Community Planning and Development shall have the power and duty to interpret the provisions within this chapter concerning the intent, purposes, and enforcement subject to appeal to the Zoning Board of Appeals, including all amendments and interpretations.*

On May 5, 2013 the applicant submitted a variance application to appeal the decision made by the Director of Community Planning and Development regarding an allowed use (online firearms business) in a PO zoning district. An appeal of a decision made by the Director of Community Planning and Development is heard by the Zoning Board of Appeals as outlined in Section 86-187.

*Section 86-187 states, except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the Director of Community Planning and Development or administrative official charged with enforcement of the zoning ordinance to the Zoning Board of Appeals.*

Section 86-62(b)(1) outlines the powers and duties of the Zoning Board of Appeals, which includes the ability to hear and decide appeals of any order, requirement, decision, or determination of any township administrative officer or official charged with interpreting or enforcing the provisions of the zoning ordinance.

Section 86-187(1)d. outlines actions the Zoning Board of Appeals may take in considering the appeal. The actions may include the following: affirm the decision of the Director of Community Planning and Development with or without modification; reverse the decision of the Director of Community Planning and Development and states its reason(s); or modify the decision of the Director of Community Planning and Development.

Please be aware, a reversal of the Director's decision would allow an online firearms business as a permitted use for any property zoned Professional Office (PO).

**Attachments**

1. Application
2. Site Location Map
3. Letter from Applicant dated May 5, 2013 and submittals (aerial photographs)
4. Letter from Applicant dated April 15, 2013
5. Letter from the Director of Community Planning and Development dated April 24, 2013

CHARTER TOWNSHIP OF MERIDIAN  
PLANNING DIVISION  
5151 MARSH ROAD, OKEMOS, MI 48864  
(517) 853-4560

VARIANCE APPLICATION

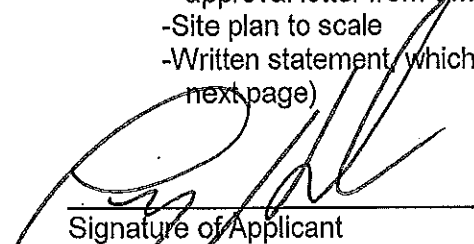
A. Applicant LARRY HARB  
Address of Applicant 4225 OKEMOS ROAD  
Telephone (Work) 517-381-9909 Telephone (Home) \_\_\_\_\_  
Fax \_\_\_\_\_ Email address: LHarb@ITRISKMANAGERS.COM  
Interest in property (circle one): Owner  Tenant  Option  Other

B. Site address/location 4225 OKEMOS ROAD  
Zoning district \_\_\_\_\_ Parcel number \_\_\_\_\_

C. Nature of request (Please check all that apply):  
 Request for variance(s)  
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances  
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) \_\_\_\_\_

D. Required Supporting Material                      Supporting Material if Applicable  
-Property survey    -Architectural sketches  
-Legal description    -Other  
-Proof of property ownership or approval letter from owner  
-Site plan to scale  
-Written statement, which demonstrates how all the review criteria will be met (See next page)

  
Signature of Applicant

LARRY HARB  
Print Name

5/6/2013  
Date

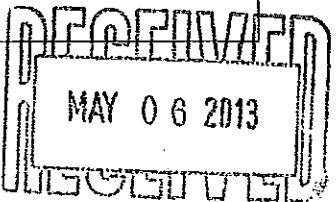
Fee: \$1200.00

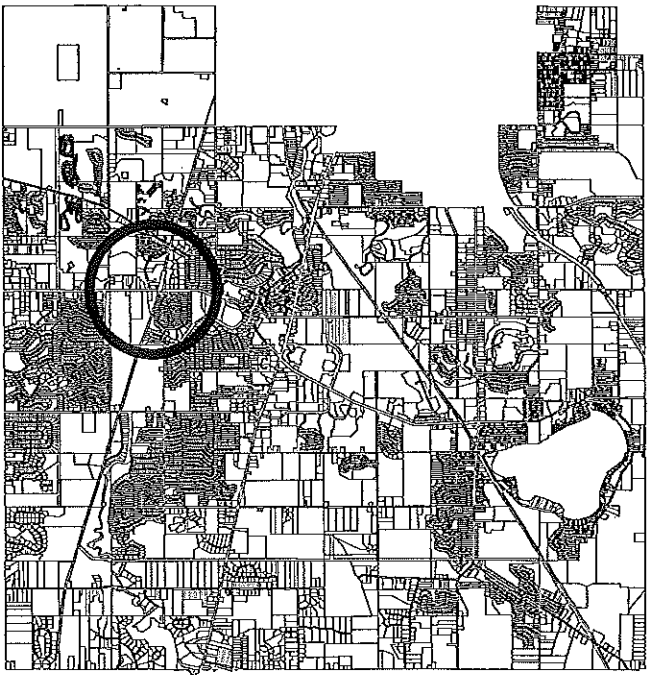
Received by/Date: 5/6/13 Martha Wyatt

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): **This is optional and will not affect any decision on your application.**)

\_\_\_\_\_  
Signature of Applicant(s)    Date

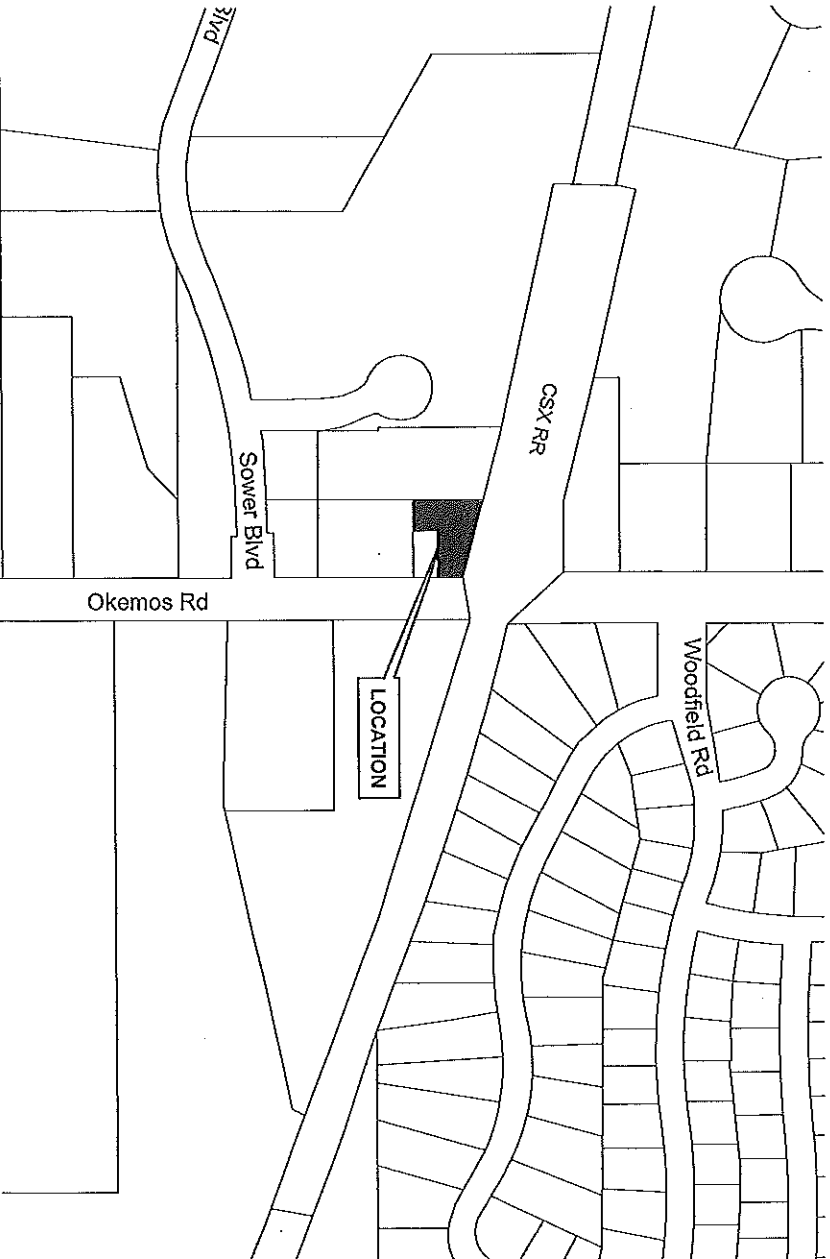
\_\_\_\_\_  
Signature of Applicant(s)    Date





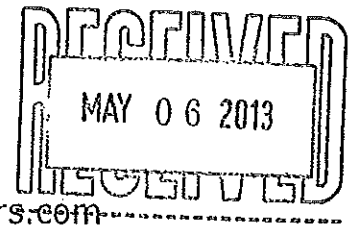
**ZONING BOARD OF APPEALS #13-07-24-1  
(LARRY HARB)**

**APPEAL OF DIRECTOR'S  
DECISION REGARDING ALLOWED  
USES IN PROFESSIONAL  
OFFICE DISTRICT (PO) FOR  
BUSINESS AT 4225 OKEMOS ROAD  
CHARTER TOWNSHIP OF MERIDIAN**





www.ITRiskmanagers.com



May 5, 2013

Meridian Township  
Zoning Board of Appeals  
5151 Marsh Road  
Okemos, MI 48864

Dear Zoning Appeals Board,

This is a notice of appeal in response to Mr. Kieselbach's letter to Mr. Larry Harb of Okemos Road Properties, LLC, 4225 Okemos Road dated April 24, 2013, pertaining to our request to allow MOLGS, Inc. to locate its FFL dealer's license at the above address.

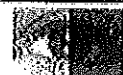
My insurance agency, IT Risk Managers, Inc. currently occupies half of the office building located at 4225 Okemos Road or approximately 2,000 of the 3,600 square feet. The additional 1,600 square feet is currently for lease. We anticipate that the firearm transfer activity will be done in an office or conference room leased by IT Risk Managers.

The 4225 Okemos Road property is located on the west side of Okemos Road, just south of the railroad tracks. This property is set back considerably off the road, at the west side property line so most people don't even know that there is an office building there, unless they are really looking for it. We share our parking lot with the HDI Home Builders office (house) located at the front, east side of the property line.

On the north side of our property line are the railroad tracks. This property owned by the railroad and is zoned industrial. The railroad leases space to the Meridian Landscape Supply along the south side of the tracks. This neighbor has all types of industrial activities including retail sales, storage of landscaping material, and light tractor and truck traffic all day. On the north side of the tracks is Feldkamp Design Associates, Inc., a cabinet manufacturer, that also leases space from the railroad and operates as a retail sales office and work shop for their cabinet business at this location. Just north of this property, also zoned industrial are the old warehouse units.

Boarding on the south of our property is an old industrial building that has been converted into office space. This property has a mixture of tenants and is included in the PO zoning area. There are two additional office building included in this PO zoning before you get to Sower Road.

The 4225 Okemos Road property has a conforming sign located at the east side of the property, but no one can see it due to all of the non-conforming buildings and signage boarding our property which I understand has all been grandfathered.



The 4225 Okemos Road property was built as an owner occupied law office in 2000 and unfortunately has not been fully occupied since the law firm dissolved in about 2002. Okemos Road Properties, LLC purchased the property in 2012 after the property had been for sale for over four years and finally went into foreclosure. Tenants over the years have included a Farmers Insurance agent, a church, a children's day care center, a massage therapist and a mortgage banking operation.

As the new, owner- occupied building owner, our goal is to put new life into the building and do the needed maintenance that has been deferred for over half of the building's life. I am sure you understand that fixing and updating all a commercial property just takes capital. Therefore, the more rental income that can generated from this building, the more the maintenance can happen in a timely fashion.

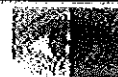
I understand that the Professional Office (PO) Zoning is designed to accommodate nonresidential uses of a professional nature. However, I respectfully disagree with the Township's decision that MOLGS activities are of a retail nature and not a professional service and therefore should be located in a commercial zoning. In fact, I will argue that allowing MOLGS the opportunity to move its Federal Firearm License to the 4225 Okemos Road location for the purpose of transferring firearms is in fact in compliance since MOLGS is truly providing a service of a professional nature.

I can see how one would assume that all sporting goods or firearms sales should be considered a retail business and therefore required to be located in a commercial zone. But, MOLGS business plan is different than most retail firearms stores and therefore I would like to ask the Zoning Board of Appeals to closely evaluate the activities of MOLGS and why I believe that what we provide is a professional service and not a retail operation.

Unlike your typical retail store, MOLGS will not have an inventory at this location. In fact, we are classified by our wholesaler as a "non-stocking" dealer. In addition, MOLGS will not sell the usual sundry items that one would find in a retail sporting goods or gun store at this location, i.e. items like gun cleaning supplies, ammunition, scopes, targets, clothing and other complementary items. Most importantly no one will come to our location just to look at our inventory or go "shopping" like a typical retail store, because we will not have any.

Individuals will only come to our location after they have purchased their firearm and now need to have an FBI NICs background check and to complete the paperwork to legally transfer their newly acquired firearm. The paperwork part of the firearm transfer is in fact a professional service. This is the activity that MOLGS wants the authorization for at the 4225 Okemos Road location.

Whether the firearms purchase was done at a live auction or online auction, won in a raffle or purchased from an individual or FFL dealer from out of state, these transactions all require that a FBI NICs background check be conducted by a licensed FFL dealer in the purchaser's state of residence. This is the professional service that MOLGS will be providing for a fee. In each of these scenarios MOLGS will collect no money for the firearm, but will only be paid a fee for our services rendered; the legal transfer and background check. Therefore, MOLGS' operation is not your typical retail sale operation, but more of a professional service, which is a legal activity permitted in a PO zoned property.



Federal law requires that all firearm sales, no matter how the firearm is purchased, be transferred in person and that a FBI NICs background check be completed on the purchaser at the location listed on the FFL dealer's license. In addition, all out of state sales, even a person to person sale must be done in conjunction with a FFL dealer. Once again MOLGS will be providing the professional service of conducting the in person NICs background check to comply with Federal law. There are a few exceptions to this law, but if the President of the United States gets his way, these exceptions will soon be gone.

In addition, Michigan State law requires the issuance of a pistol permit for all hand gun transfers. This permit used to be issued by the Michigan State Police, but as of December 2012 the law was changed and it is now the responsibility of the FFL licensed dealer transferring the pistol to issue this permit. Again, this is another professional service that MOLGS will provide.

Most of the larger independent retail firearms or chain sporting goods store do not provide this service since they are in the retail firearms sales business and make their money from the "sale of the firearm" instead of the transfer of the firearm.

Hopefully, this explanation helps the Board better understand the firearm transfer paperwork process. As a final explanation, you could compare the entire sales and transfer process to the typical real estate transaction. Think of it as the closing of the actual real estate sale. Maybe the sale occurred at the proposed property, or in the real estate sales office or maybe over the internet. Now, just like in our firearms transfer business, the actual sale takes place somewhere else and just like the real estate closing that takes place at the title company, the transfer of a firearm will take place at the MOLGS office.

By law, the address listed on the FFL license is where this activity must take place. Therefore, just like the real estate closing, which can be done in a PO zone, in a professional office setting, I would like the opportunity to do firearm transfers in the same professional manner. Therefore, I will argue that doing FFL transfers is a professional service that can be done in a PO zoning and will not in any way significantly increase the activity at the 4225 Okemos Road location.

In the last two years MOLGS has done approximately 80 transactions, therefore providing this additional service at the 4225 Okemos Road address will in no way affect the services offered by the township or impact the traffic at this location. There are currently more than adequate resources available to handle this business.

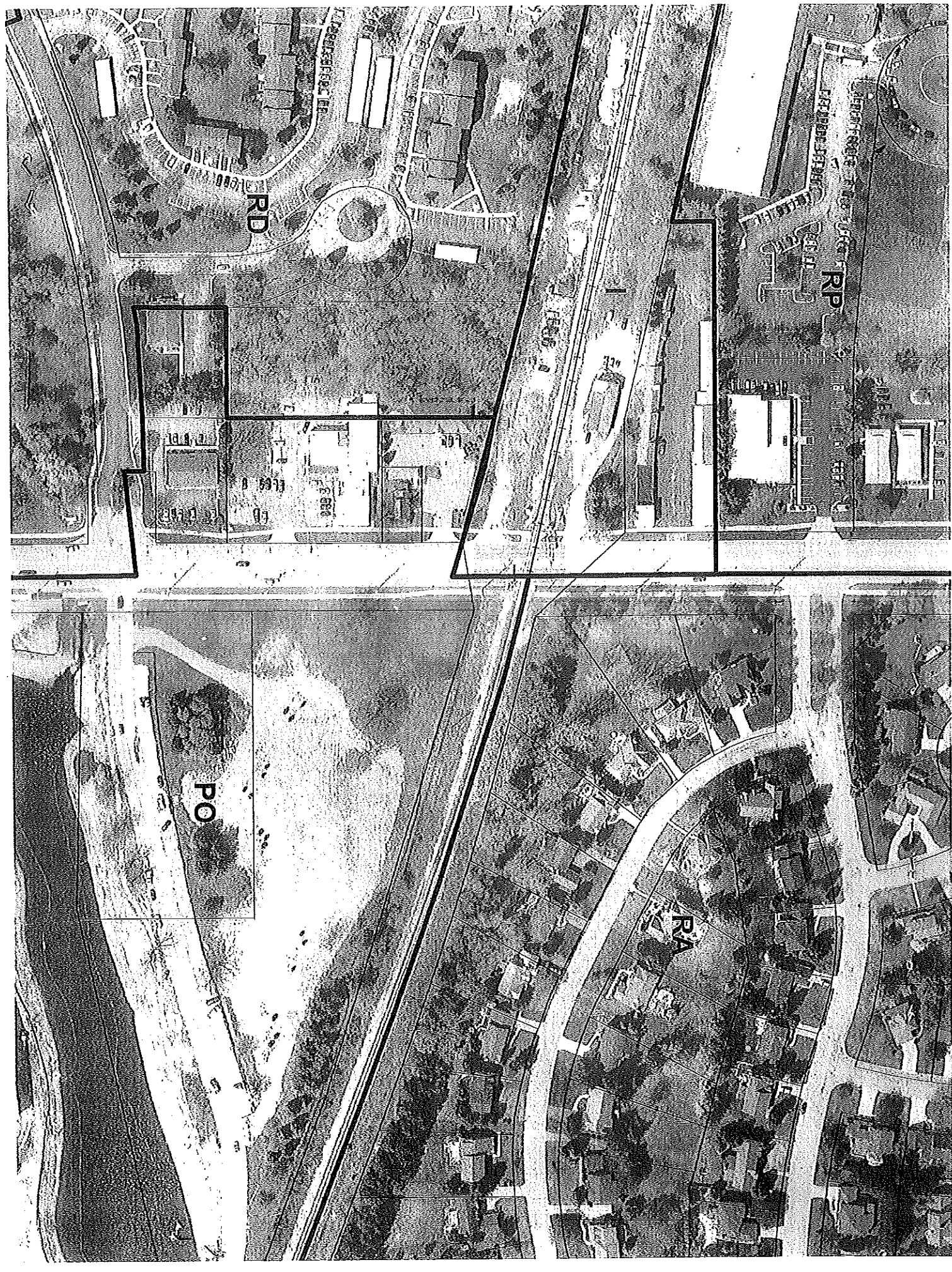
Since the PO zoning does not address online business and certain types of online business can be located in a PO zoning, I would argue that MOLGS is one that can be located at 4225 Okemos Road and would ask this Board of Appeals to grant my request.

Thank you in advance for your consideration,

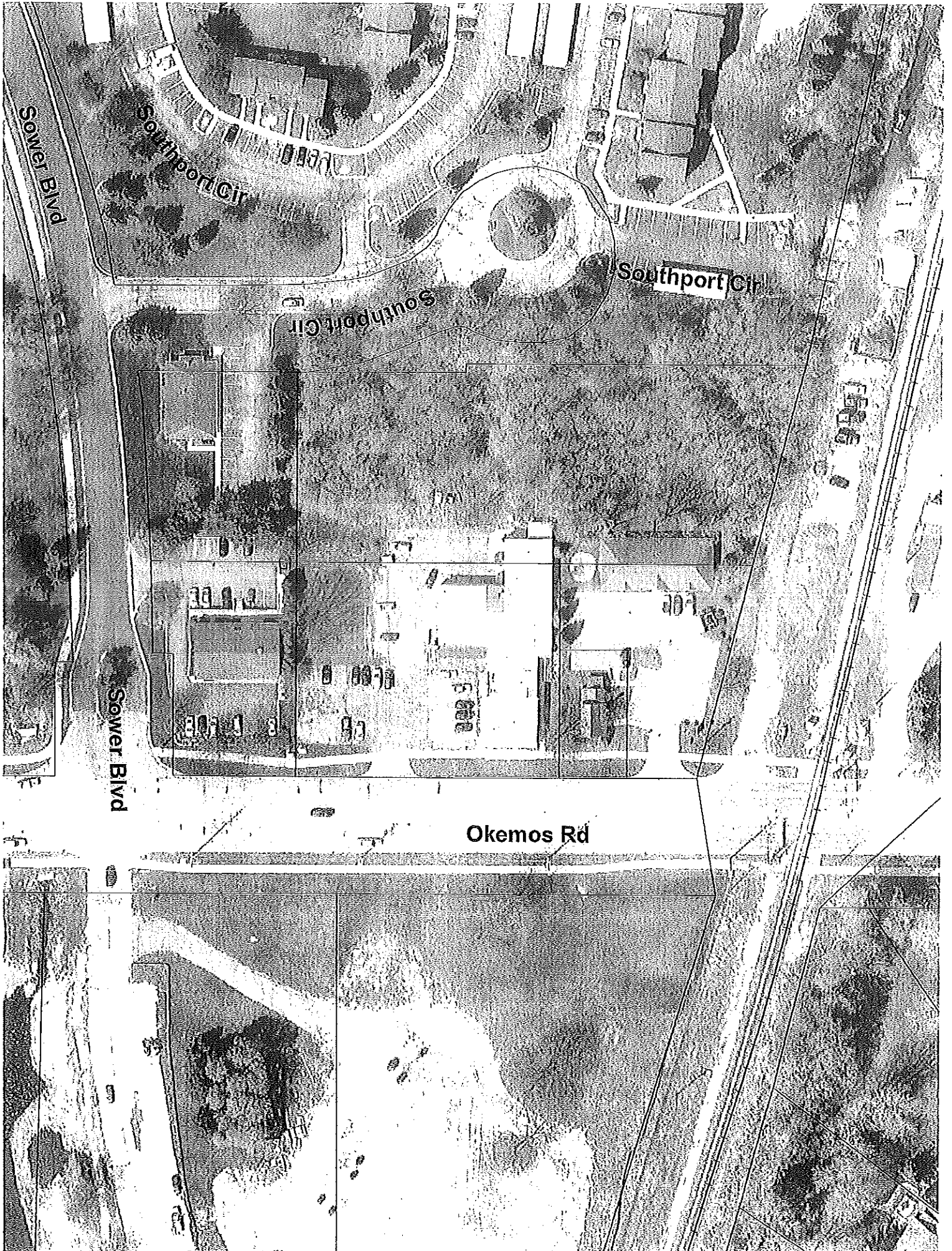
Larry Harb





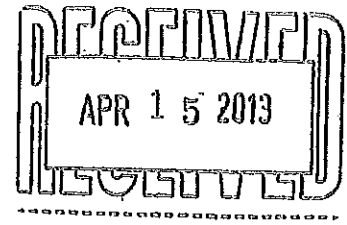








**Okemos Road Properties, LLC**  
4225 Okemos, Road  
Okemos, MI 48864



**Special Use Permit**  
**Request Standards for 4225 Okemos Road, Okemos, MI.**  
**Township Code of Ordinances, Section 86-126**

This is a request for a special use for the property located at 4225 Okemos Road, Okemos, MI. The owner of this property is Okemos Road Properties, LLC, (ORP). ORP is a one member LLC, and Pamela Harb, (my wife) is the only member. Her phone number is 517-381-9909. This property is currently zoned PO, professional office.

This site has a 3,600 square foot office building located on it. Currently IT Risk Managers, Inc., a licensed insurance agency owned by (Pamela and Lawrence Harb) leases 2,000 sq.ft and the remaining 1,600 sq.ft. is available for lease. We purchased the building in November of 2012 from Mason State Bank which had acquired it by foreclosure. To my knowledge this building has not been fully occupied since it was built in 2000 as an owner occupied law office. The property is bordered by Industrial zoning and the rail road tracks on the north, a vacant lot on the west and professional office zoning to the east and south.

The purpose of this request is to allow My On Line Gun Store, Inc. (MOLGS) dba: Buy Sell Auction Guns.com an Okemos based online company the ability to obtain office space in our office building, at the 4225 Okemos Road location.

MOLGS is a Sub "S" corporation also owned by Pamela and Lawrence Harb. MOLGS is an Okemos home based business. MOLGS is licensed by the United States government, department of Alcohol, Tobacco and Firearms (ATF) as a Federal Firearms Licensed (FFL) dealer. This license authorizes MOLGS to legally buy, sell and transfer firearms in accordance with both State and Federal Firearms laws, but only at the address on the license.

While most online businesses can easily lease office space (in a PO zoned property) and go undetected within the community, due to the licensing requirements, MOLGS cannot. With most, if not all online businesses, transactions are done online, making them oblivious to the neighboring businesses and the community. However, according to the ATF, while online firearm sales are totally legal, Federal law states that all delivery and transfer of firearms must be done in person at the address on the license. As the record keeper for the ATF, licensing the address gives the ATF access to all your books and records if needed and also insures that a background check is done on the individual (visually verifying the person) purchasing the firearm. In order for MOLGS to obtain a license at the 4225 Okemos Road address, ATF will want to verify that the Township will allow this activity at this location. Therefore, I am requesting that the Township give its approval for an FFL license to be issued to this address before MOLGS applies to the ATF.

In addition, in the State of Michigan specifically, if an individual purchases or transfers a handgun from one individual to another, Michigan State law requires that the individual obtain a handgun purchase permit (form RI-060). This permit is issued by the Michigan State Police. However, due to the increase in handgun permit requests and the limited resources of the Michigan State Police, in December of 2012 the law was changed and handgun permits are now issued by the FFL dealer. This too must be done in person to insure that the permit is issued to the proper person and that a background check can be done.

Allowing MOLGS to obtain an FFL license and occupy space at the 4225 Okemos Road address will not have any detrimental impact on the economic welfare of the surrounding properties or the community. In fact, we have discussed this with the neighboring business owners and no one has expressed an issue with us doing this activity.

In addition, allowing this activity will not have any impact on existing public facilities or sanitation facilities servicing this location. This activity will not involve the use of materials and or equipment that will be detrimental to the general welfare or excessive production of traffic, noise, smoke, fumes, glare or odors. This activity will not have any impact on the natural resources of the Township. In fact, we don't believe that anyone but those using our online services will even know that we exist.

MOLGS obtained its FFL license in May 2011 and over the past 2 years we have only done 77 transactions. While we do expect this number to increase as we execute our business plan in a new location and due to the expected changes in the federal background check laws currently being debated in Congress, we don't expect our increase in business to have any significant or noticeable impact on the neighboring businesses, the township or the community. However allowing MOLGS to have a FFL license at the 4225 address will give us an additional use of the building and make it much easier for Meridian Township residents to legally buy, sell and transfer their firearms.

We appreciate your consideration of this request and look forward to your positive response.

If you have any additional questions, please do not hesitate to contact me, Larry Harb at 517-381-9909 or by e-mail at [Larry@ITRiskmanagers.com](mailto:Larry@ITRiskmanagers.com)

# CHARTER TOWNSHIP OF MERIDIAN

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Angela Wilson

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Trustee  
Trustee  
Trustee

April 24, 2013

Mr. Larry Harb  
Okemos Road Properties LLC  
4225 Okemos Road  
Okemos, MI 48864

**Re: 4225 Okemos Road**

Dear Mr. Harb:

I am writing in response to your request of April 15, 2013 regarding the use of the property located at 4225 Okemos Road. The zoning of the property is PO (Professional and Office). The Township Zoning Ordinances states the purpose of the PO zoning district (Section 86-432) is to "accommodate those nonresidential uses of an administrative or professional nature which are necessary to the normal conduct of a community's activities. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature, or other activities which require the constant visits of the general public."


The PO zoning district, Section 86-432(b), allows uses either by right or by special use permit. The Zoning Ordinance Section 86-659 also allows for a use not specified in any other section to be considered by the Planning Commission for a special use permit. A copy of both sections has been attached for your review.

In your request you indicated the proposed use is an online firearms business and asked the Township to approve the use so a Federal Firearms License (FFL) could be issued for 4225 Okemos Road property. The FFL would allow you to legally buy, sell and transfer firearms at this address. Further, you stated that most if not all transactions would be done online but due to federal law, the delivery and transfer of firearms must be done in person at the address on the FFL.

The PO zoning district does not address an online business as a use by right or by special use permit. While certain types of online businesses could possibly be located in a PO district, those that involve the selling of merchandise and rely on customers coming to the site are more commercial in nature and should be located in a commercial zoning district, as retail establishments are an allowed use. The need for a physical place to receive, display, store or ship merchandise is not in keeping with the PO zoning district.

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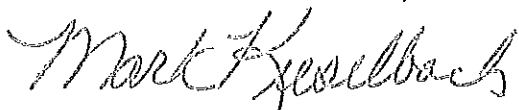
Mr. Larry Harb  
4225 Okemos Road  
Page 2

Based on the information that has been provided it would be my interpretation an online firearms business is not a use allowed in the PO zoning district but could be an allowed use in the commercial zoning districts subject to meeting the specific requirements of the individual district. While the initial transaction may occur online, the primary use of the site is retail, the sale and transfer of firearms. Since retail uses are allowed in commercial zoning districts therefore a special use permit per Section 86-659 is not applicable in this case.

A person aggrieved by the decision of the Director of Community Planning and Development may appeal the decision to the Zoning Board of Appeals by filing a notice of appeal and a fee of \$200.00. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the Department of Community Planning and Development within ten days of the date of the decision of the Director of Community Planning and Development. For this case it is ten days from the date of the letter.

If you have any questions regarding this matter, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Mark Kieselbach".

Mark Kieselbach (517) 853-4506  
Director of Community Planning and Development