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**ADA TOWNSHIP ZONING BOARD OF APPEALS
MINUTES
TUESDAY AUGUST 1, 2006, 4:30 P.M.
ADA TOWNSHIP OFFICES
7330 THORNAPPLE RIVER DR. SE, ADA, MICHIGAN**

MEMBERS PRESENT: Fields, Hartley, Korth, Pratt and Boman
STAFF PRESENT: Thompson and Kushion. Township Attorney Ron Redick
COMMUNITY PRESENT: 5
ABSENT: None

I. CALL MEETING TO ORDER: 4:30 pm

II. APPROVAL OF AGENDA: Moved by Member Pratt. Supported by Co-Chair Fields
Yes: 5 No: 0 Absent: None

III. APPROVAL OF THE MAY 2nd, MAY 12th, JUNE 8th, and July 11th 2006 Minutes

1. MAY 2, 2006 Minutes-Chairman Boman stated the correction of the first paragraph on the second page should read "Mr. Telman showed how the zoning information was in the P1-A Zoning District." And in the second sentence it should read "his" not "hers."

Moved by Member Korth with the changes that are currently in blue to remain and the red type being the withdrawals as well as the two additional items Chairman Boman added. Supported by Member Pratt.
Yes: 5 No: 0 Absent: 0
Motion Carried.

2. MAY 12, 2006 Minutes: Chairman Boman stated changes in blue to remain and the red type being withdrawn. Correction of the 4th sentence in the first paragraph, Member Korth stated "this did not go out with his approval" and should be changed to read "this did not go out with his knowledge."
Moved by Co-Chair Fields to correct the change in the minutes regarding Member Korth's wording. Supported by Member Korth. Yes: 5 No: 0 Absent: None Motion Carried.

3. JUNE 8, 2006 Minutes: Chairman Boman stated the changes in blue to remain and the red type being withdrawn.

Co-Chair Fields stated on the bottom of page 6, the sentence read "Mr. Fields discussed his thoughts and concerns with the rest of the Zoning Board of Appeals by going over Planning Director Ferro's presentation and the ordinance wording" with further comment stating "and "by referring to the ZBA's prior determination in the matter involving Reith Riley, which in Mr. Field's view, was decided correctly" and was to be noted in the June 8, 2006 minutes.

DRAFT

Chairman Boman stated on Page 4 in the second paragraph from bottom, there was a typo to be corrected as it stated “earth and burm” and should have read earthen berm.

Moved by Member Korth to accept the June 8, 2006 minutes with the changes that are currently in blue, the red type being withdrawn, correction made by Co-Chair Fields and the typo on page 4 changing “earth and burm” to earthen berm. Supported by Member Pratt. Yes: 5 No: 0 Absent: 0 Motion Carried.

4. JULY 11, 2006 Minutes: Chairman Boman stated on items two (2) and three (3) there was one absentee (Jack Hartley) at the July 11th meeting.

Member Korth stated on Page 3, #3, it read “moved by Member Korth to approve if limit the size of the sign subject on the condition should multi-tenants come into the building in the future, this sign would be reduced” and to be added to this sentence “as necessary to standards in effect at such time.”

Moved by Member Korth to approve the July 11, 2006 minutes with the discussed changes. Supported by Member Hartley. Yes: 5 No: 0 Absent: None Motion Carried

IV. OLD BUSINESS

1. Consideration and Adoption of Resolution Affirming in part and Reversing in part the Decisions of Zoning Administrator with Regard to the Pettis Property Located at 1101 Pettis Avenue.

Chairman Boman stated the Ada Township Attorney Ron Redick has prepared a revised resolution. Chairman Boman asked if they should take each section of the resolution and vote on it separately.

Member Pratt stated she liked the new resolution much more and in the letter from Ron Redick he talks about the fact that “could prepare multi section resolution which could allow the ZBA members to base their votes on the information presented to the Zoning Board of Appeals and it would be more accurate.”

Member Korth stated he did not agree with the way the resolution was written such as “under 1(b), on page 2, where it said “the ZBA was presented with no evidence showing that permanent concrete recycling facilities were operated” was fundamentally wrong and he disagreed with this as there was evidence the township was aware of this prior to the effective date and the paragraph should be struck. Co-Chair Fields and Member Pratt agreed with Member Korth.

Co-Chair Fields stated he would like to see a change from (c) into (b) and slightly change the introduction to new 1(b) based on “the plain terms of the prior 1967 ordinance as supported by ZBA’s prior’s determination of the matter involving Reith Reilly, then go to use the text message” and then the new “(d) would be old (c).

Under 2 (c) of the resolution Member Korth stated “the ZBA was supplied with insufficient evidence demonstrating that commercial yard waste composting activities, of the type now being conducted and composting of this type” and Member Korth stated he felt there was sufficient evidence. Member Korth stated on the last page the final sentence above section 5 reads “accordingly this issue is expressly preserved for later determination if raised by the township” and did not think this language should be in there or as the ZBA’s decision and should be dropped. Co-Chair Fields and Member Hartley agreed.

It was noted Member Pratt did not uphold the ZBA administrator’s position to stop the concrete crushing, that the township was negligent nine years ago and felt it was grandfathered in despite what had

DRAFT

happened. Member Fields stated he supported inserting in the beginning of page 2, section 1 to read for the reasons stated below, the ZBA, by a vote of 4 to 1, with Member Pratt voting “no” regarding the concrete recycling and the ZBA was clear what her position was.

Attorney Redick stated on page 3, the correction to read “commercial yard waste compost”.

Chairman Boman stated the change from BZA to ZBA (Zoning Board of Appeals) needed to be clarified and Attorney Redick stated an e-mail from the Clerk regarding this change was made today and it was noted all further meetings were to be addressed as the ZBA (Zoning Board of Appeals).

Motion to approve the resolution as changed by Co-Chair Fields, supported by Member Hartley. Y: 5 N: 0 Absent: None Motion Carried and Resolution passes as changed.

V. NEW BUSINESS-None

VI. CORRESPONDENCE-None

VII. PUBLIC COMMENT: Joe Niedzwiecki, 5451 Knapp St., stated he came to a meeting in March regarding a zoning issue between the Niedzwiecki’s and Bette Roberts, and was present to ask for a letter from the Zoning Board of Appeals which would say the road cannot be a road access. Mr. Niedzwiecki stated the Kent County Road Commission would not accept the information he presented to them regarding the Zoning Board of Appeals decision. Member Korth stated the application was denied as a primary driveway and not a secondary access. Member Korth suggested putting this item on the September agenda.

VIII. ADJOURNMENT: 4:55 pm Moved by Co-Chair Fields. Supported by Member Korth to adjourn. Yes: 5 No: 0 Motion Carried.

Deborah Ensing Millhuff, CMC
Ada Township Clerk

RS/DT

**All Correspondence regarding variance requests are on file in the Planning and Zoning Department*