

**Ash Township
Zoning Board of Appeals
Meeting Minutes
December 3, 2013**

Held on: Meeting was called to order by Chairman Stumpmier on Tuesday, December 3, 2013, at 7:30 p.m. in the Ash Township Hall, 1677 Ready Rd., Carleton, MI.

Members Present: Sid Stumpmier, Darrell Mossburg, Jim Booth, Ace DeVillez and Jerry Hunter.

Members Absent: Ron Keilman.

Others Present: Jim Vaslo – Township Manager, William Godfroy – Township Attorney and 32 citizens.

Chairman asked if everyone received a copy of the November 5, 2013, minutes and if there were any additions or corrections?

Motion #199 Motion to Approve Minutes.

Motion by Booth supported by Mossburg to approve the Zoning Board of Appeals meeting minutes of November 5, 2013, as presented. Voice vote taken. Motion carried.

Motion #200 Agenda Approval.

Motion by Booth supported by Hunter to approve the agenda as presented.
Voice vote taken. Motion carried.

Old Business:

None

New Business:

- A. **A Public Hearing** for Parcels #5801-070-030-00 and 5801-070-031-00, commonly known as 13452 and 13596 Telegraph Road, Flat Rock, MI 48143, owned by U.S. Silica Company who is requesting an interpretation of Zoning Ordinance 7C, Section 21.15.4(a), as it pertains to an extractive operation and a variance from Zoning Ordinance 7C, Section 21.15.4(a) which pertains to Earth Berms.

Motion #201 Open the Public Hearing.

Motion by Mossburg supported by DeVillez to open the Public Hearing for Parcels #5801-070-030-00 and 5801-070-031-00 and the requested variance. Voice vote taken. Motion

The Chairman recognized representatives from U.S. Silica and allowed them time to speak. They reviewed the proposed mining project with the Board discussing the overall project and in particular the proposed screening earth berms on the perimeter of the U.S. Silica property in Ash Township. They also reviewed their variance application and supporting documents. Much discussion took place. U.S. Silica answered questions from the ZBA members and audience. Many topics unrelated to the variance request were brought up during discussions. The Chairman informed the audience and Board that the ZBA's is holding this public hearing only for the requested variance and would not be acting on any other issues regarding the proposed quarry.

It was noted that the Township received one written comment against the proposed variance and no verbal comments, for or against, were received.

Motion #202 Close the Public Hearing.

Motion by Mossburg supported by Booth to close the Public Hearing for Parcels #5801-070-030-00 and 5801-070-031-00 and the requested variance. Voice vote taken. Motion carried.

Motion #203 Open the Finding of Facts.

Motion by DeVillez supported by Mossburg to open the finding of facts for the requested variance for Parcels #5801-070-030-00 and 5801-070-031-00. Voice vote taken. Motion carried.

- Fact-Stumpmier- That less truck traffic will be generated if the variance of 3:1 for slopes is granted. Supported by DeVillez.
- Fact-Booth- That an earth berm is a more effective screening material than vegetative materials. Supported by Mossburg.
- Fact-Mossburg- The ordinance allows vegetative screening, an earth berm is above the minimum requirements. Supported by DeVillez.
- Fact-DeVillez- Concerns from the public have been addressed in good faith by U.S. Silica during the permitting process. Supported by Mossburg.

Motion #204 Close the Finding of Facts.

Motion by Booth supported by DeVillez to close the finding of fact. Voice vote taken. Motion carried.

Motion #205 Grant Requested Variance.

Motion by Mossburg supported by DeVillez to grant the requested variance from Section 21.15.4(a) of the Zoning Ordinance 7C for Parcels #5801-070-030-00 and 5801-070-031-00, allowing minimal relief of 3:1 from the 4:1 slope requirement for earth berms in Ash Township. Roll Call: 5-Yes, 0-No Motion carried.

Motion #206 Adjournment.

Motion by DeVillez supported by Booth to adjourn at 8:22 p.m.
Voice Vote taken. Motion approved.

Respectfully Submitted,
Jim Vaslo
Township Manager