

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES

September 12, 2013

Chairman R. Hilt called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, S. Warmington, B. Larson, W. German Jr., T. Halterman,
E. Fordham

MEMBERS ABSENT: S. Brock

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. EldenBrady, 1336 Spring St.; M. Landis, Parmenter O'Toole; J.
Schrier, Parmenter O'Toole

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of August 13, 2013 be approved was made by B. Larson, supported by E. Fordham and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2013-03: Request for a zoning appeal and to be granted a business registration to operate a farm at 1192 Ambrosia St, 381 Catherine Ave, 383 Catherine Ave, 370 McLaughlin Ave, 1272 Spring St, 1336 Spring St, 1192 Wood St and also to operate a market at 1198 Wood St., by Joshua & Anna EldenBrady. This case was tabled from the August 2013 meeting. M. Franzak summarized the request and stated that personnel from the City Attorney's office were present to answer questions. Board members were provided a written opinion from attorney M. Landis from the City Attorney's office regarding the EldenBrady's request and the urban farming issue. R. Hilt asked J. EldenBrady if he had any new information to add. J. EldenBrady stated that he had three things to add: He stated that McLaughlin Grows was an urban farm allowed to operate in the City, and that the City had partnered with them; He objected to the fact that he was not given a copy of the City Attorney's letter so that he could review it and respond; He stated that there were two different zoning districts involved in his request and asked that the board vote on them separately.

R. Hilt reviewed the findings of fact, and stated that this request did not meet those criteria. J. EldenBrady stated that his case was for a zoning appeal, not a variance. R. Hilt stated that, if there was no other new information, the board would return to the closed public hearing status.

A motion to deny the zoning appeal and subsequent business license for Patchwork Pastures Urban Farm & Wood Street Market was made by B. Larson, supported by S. Warmington and unanimously approved.

B. Larson asked if the applicant could be given a copy of the letter from M. Landis that was provided to board members. J. Schrier stated that under the Freedom of Information Act, the

request would be denied because it was attorney-client privileged communication; however, the ZBA was the client in this case, and could decide what to do with the information.

A motion to waive the attorney-client privilege in this one instance and provide a copy of the letter from the attorney M. Landis dated September 9, 2013 to Joshua EldenBrady was made by B. Larson, supported by W. German and approved, with R. Hilt voting nay.

OLD BUSINESS

None

OTHER

Role of the ZBA – J. Schrier provided written and verbal information on the role of the Zoning Board of Appeals. He stressed that it was important for the board to consider the City-wide good when making their decisions, not just one particular case.

There being no further business, the meeting was adjourned at 4:37 p.m.