

PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Kathie Mahn, Ishwar Naik, Alayna Stagg, Kenneth Brostrom.

Members Absent: Dennis Ward.

Others Present: Moise Niculcea, Estera Niculcea, Richard Plisko, Joe Grammatico, Greg Elliott, David Nelson, Phil Conlin, Martin Leavitt, Planning Director Bruce E. Fowler, Senior Planner Paul Montagno, and Recording Secretary Laura Ford.

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Naik called the meeting to order at 6:37 p.m. A quorum was present.

2.0 Approval of Agenda

Motion by Member Brostrom, supported by Member Stagg, to approve the agenda, as presented.

MOTION CARRIED

3.0 Communications and Announcements

None.

4.0 Items from the Floor

None.

5.0 Old Business

5.1 ZBA 07-05 Moise Niculcea

[submitted to request reconsideration of September 24, 2007, denial of variance for setback within a required major road setback]

Planning Director Bruce E. Fowler reviewed the report. He stated this is a request for reconsideration of this case. He said the ZBA would first hear the staff report and then hear from the applicant regarding their reasons for requesting the reconsideration. He said the Board would decide on whether or not to grant the reconsideration and they could either hear the case immediately or at a subsequent meeting.

Chairperson Naik mentioned that at the previous meeting there were people present who were opposed to the variance.

Director Fowler stated that in the packets is a memorandum from James Walter, Township Supervisor; a memorandum from himself; and the petitioner's brief on the case. He read Mr. Walter's letter dated December 6, 2007: "After extensive investigation and discussion with staff and Mr. Niculcea and his representatives I find that the hardship and expense that enforcing the Pittsfield Township Zoning Board of Appeals decision on September 24, 2007, would far exceed the value to our community of enforcing this decision. Although I do not necessarily agree with all the allegations by Mr. Niculcea, in his appeal, based on the new evidence presented there is sufficient dispute in this case to merit avoiding litigation. In light of the Planning Department's assessment attached, the Road Commission's lack of objection and the commitment of Mr. Niculcea to buffer this structure from the road, I respectfully request that the ZBA accept Mr. Niculcea's appeal and reverse the September 24, 2007 decision."

Director Fowler reviewed his memorandum. He stated that the Planning Department reviewed the location of the residence, which is currently under construction. He said that the applicant constructed a residence that is within the future setback of Maple Road and on September 24, 2007, the ZBA denied the request for a front yard variance. He said they assessed the effect of leaving the residence as is with a 17-foot encroachment into the front yard setback. He said that vehicular motorized and non-motorized traffic will not be adversely affected by leaving the house in its current location. He said the residence is set back 60 feet from the roadway.

Director Fowler stated that the home does not obstruct visibility along Maple Road. He said the location would not impede fire protection. He said the WCRC has stated that it would not have an adverse effect on road maintenance. He added that the WCRC has no plans for widening or reconstructing the road in its 2007 through 2011 capital improvement plan or the 2030 long-range plan. He said the existing utility easements will not be adversely affected by leaving the home in its current location. He said there are no water or sanitary sewer easements along Maple Road. He said that the location of the front of the residence extends considerably farther than the other residences. He said that the homes to the north do not face Maple Road. He added that the only adverse effect is that it violates the setbacks. He said the effect of the intrusion of the residence may be mitigated by additional landscaping to screen the residence from the road.

Martin Leavitt, representing the applicant, stated that they make their request mindful of the requirements of Section 60.5 B of the code. He said their request is based on new evidence discovered after the previous meeting and after meeting with the Township officials. He said that after the variance was denied Mr.

Niculcea recognized that he had to review the situation with counsel familiar with Michigan law. He said Mr. Niculcea came to him and demonstrated the hardship this denial would cause on himself and his wife. He mentioned that the least desirable option would be to pursue this outside the Township and they met with the Township to try to find a solution. He discussed writing a letter to Mr. Walter. He added that Mr. Walter's response was firm but he agreed to work with them. He said they met on November 24, 2007 and the Township agreed to look for alternate solutions to the problem.

Mr. Leavitt stated that he asked Mr. Niculcea what setbacks were shown on the plans for the house they previously built that is adjacent to this home. He said that Mr. Niculcea looked at the files for his first house and came across "Exhibit B." He said that Exhibit B is a site plan/survey dated October 23, 2002, and it refreshed Mr. Niculcea's memory. He said that before Mr. Niculcea started to design the house in question he met with officials from the Township Planning Department. He said that he went over this diagram with them and recognized that this was an oddly shaped lot. He said this would not accommodate a normal size house for the lot. He said that Mr. Niculcea felt he could accommodate this if the intersection of the side setback line and the rear setback line could be moved up to the west. He said this permitted him to tuck the corner of the structure within that area. He said that this official told Mr. Niculcea he had enough room now with the current front setback and that official wrote "50" along the west boundary of Maple Road. He said that on the rear setback 50 is also written but in different writing, Mr. Niculcea's writing.

Mr. Leavitt stated that based on this information Mr. Niculcea gave this survey to the architect thinking this was the appropriate setback. He said that the location of the current home emanated from this meeting and the plans were drawn as a result of what Mr. Niculcea was told at this meeting. He said that the new evidence justifies reconsideration of this matter. He mentioned that once they discovered this document they had additional meetings with the Township and explained to Mr. Walter why they felt this justified their position. He said the Township maintained their position but agreed to look further into the situation. He said the Township officials felt there was sufficient confusion to warrant looking at the situation based on the new evidence and the great hardship that the denial of the variance would cause. He said they agreed that the proper way to present this would be to come back to the ZBA with a petition for reconsideration.

Member Stagg asked who met with Mr. Niculcea to discuss the plan for the first house.

Mr. Leavitt stated it was a party in the Planning Department at the front desk. He said Mr. Niculcea went there as a preliminary step to having the house designed and the placement located.

Chairperson Naik asked when this happened.

Moise Niculcea, applicant, stated one (1) year ago. He said that during the winter they were working on the drawings.

Member Brostrom asked if this was done prior to the construction of the house to the south of the present property.

Mr. Leavitt stated this drawing was done prior to the construction of the house to the south. He said Mr. Niculcea used the same drawing when inquiring about constructing the second house.

Director Fowler stated that Suzanne Hicks, Associate Planner, was the staff person working on this case. He said that Mrs. Hicks recalls meeting with the applicant at the counter, although she does not recall writing the "50" on the plan.

Chairperson Naik stated that at the previous meeting in September there was a lot of discussion on this issue regarding the setbacks and the changes. He said the surveyor had made some adjustment because "he started at one corner and came across and said well maybe you do not need 100 feet." He said there was an error made at that time. He said that the house was already designed and they tried to fit the home within the setback and started at one end and when that did not work, he started at the other end.

Director Fowler stated that he does recall the surveyor being present at that meeting and the minutes indicate that he stated that he had made an error.

Chairperson Naik stated this is a two-step process; reconsideration and then going through the findings if they do reconsider. He said that he is uncertain about the fact that the ZBA went through a public hearing process. He said there is no one here to present their case today, whether it is a legal requirement or not. He said this is a board that looks out for people's interests. He said he would like to study this information further and get legal advice from the Township attorney. He said there have been times when the ZBA has been sued. He said they should be very clear about where they go from here.

Member Brostrom suggested making a motion for reconsideration and then the ZBA can discuss when to hear the case.

Motion by Member Brostrom, supported by Member Stagg, to reconsider ZBA 07-05 Moise Niculcea.

MOTION CARRIED

Member Brostrom stated that if the ZBA allows this reconsideration than they should notify the neighbors and the people who were present at the previous meeting. He said he would like to carefully study the case. He said that reconsideration is reasonable. He said that the people who spoke at the previous meeting should be notified.

Member Stagg agreed with Member Brostrom and Chairperson Naik regarding notifying the neighbors and receiving advice from an attorney.

Member Mahn agreed with the other members.

Chairperson Naik stated the ZBA would reconsider the case; however, they would not be hearing anything further at this point.

Mr. Leavitt stated he appreciates the ZBA's action. He said that hopefully the ZBA hears this case in the near future because there has been a significant delay in the project.

Chairperson Naik directed staff to notify the people who attended the previous meeting and provide correspondence on the proper procedures from the Township attorney.

Chairperson Naik stated that the attorney should do some research and cite any precedence (this could cause). He asked what precedence this could set up for the future. He said the ZBA has been careful to avoid this. He mentioned that at the previous meeting, a resident cited a problem she had where a step was a quarter inch higher than the building standard and the Township made her remove it.

6.0 New Business

6.1 ZBA 07-06 Sweetwater Corporate Park, LLC

[submitted to appeal Zoning Administrator and Planning Commission decision]

Greg Elliott, representing applicant, stated that he submitted a letter dated December 10, 2007. He added that this letter is the substance of their argument.

Senior Planner Paul Montagno reviewed the report. He said the applicant is requesting a modification of the decision of the Planning Commission and the Zoning Administrator. He said the site is located in the southwest corner of Textile Road and State Road. He listed the surrounding land uses. He said the applicant inquired with staff, concerning the possibility of establishing a nursing home use within the Sweetwater Corporate Park. He said the Zoning Administrator's interpretation was that the proposed use was not permitted in the

Sweetwater Corporate Park. He discussed the list of uses that are allowed at this site. He said the applicant requested a determination from the Planning Commission of a major or minor change to the Planned Unit Development (PUD) on November 1, 2007. He added that this was determined to be a major change. He said the applicant is appealing both of these decisions. He said that Mr. Elliott's letter mentions a third action, which is being appealed. He said the third action states that the Planning Commission denied the addition of the use to the PUD, although, since there was no rezoning request they did not take action in that regard. He said the permitted uses in the PUD do not include a nursing home as a permitted use. He said that in the Zoning Ordinance a nursing home is a permitted use, with a conditional use permit (CUP), in the public facilities (PF), R-3, high density multiple-family residential (R-4) and agricultural (AG) districts.

Planner Montagno stated that the zoning district that most resembles this PUD is a business park (BP) or light industrial (I-1) district, and these districts do not permit nursing homes. He read the paragraph that the applicant refers to as containing language that permits a nursing home. He added that the Zoning Administrator interprets these uses to be office uses. He said that the Zoning Administrator further determined that a nursing home is not a similar use to any of the office uses mentioned in the letter. He discussed the Planning Commission making the determination of a major or minor change. He said the Planning Commission determined this would be a major change under the criteria of a major or minor change in Section 52.12 of the Zoning Ordinance.

Planner Montagno stated that the Planning Commission noted that the proposed addition of a senior assisted living facility or nursing home as a permitted use would constitute a change in the concept of the development because this use does not fit within a research or development future land use vision for the State Road Corridor. He added that the Comprehensive Plan has specific language about the State Road Corridor. He said that the Planning Commission noted that the proposed addition would constitute a change in use or character of the development because nursing homes and congregant care facilities are residential in nature as opposed to typical business uses. He said the proposed addition would increase the number of dwelling units. He mentioned there are no residential dwelling unit's onsite now. He said the Zoning Administrator determined that a nursing home is not a medical organization or a medical use. He said that the applicant is asking them to accept that the word medical, in the list of uses read, is modified by the word organization and uses.

Chairperson Naik asked if the ZBA has the authority to reverse the Planning Commission's decision.

Planner Montagno replied yes.

Member Mahn asked who the Zoning Administrator was.

Planner Montagno stated that he was the Zoning Administrator making the decision in this case.

Member Mahn asked that when a PUD is set up and goes before the Planning Commission the uses are defined.

Planner Montagno replied yes. He said that with a PUD an area plan is developed between the applicant and the Planning Commission. He said it lays out the specific site plan and lists the approved uses. He said the area plan acts as the zoning document that governs that area.

Member Mahn asked what was the original objective of this PUD.

Planner Montagno stated a business park.

Member Mahn asked if the originally proposed building and structures have a site plan.

Planner Montagno stated that it lays out the lots and the roads. He said that it does not go into specifics. He said that individual site plans are submitted as the lots are developed.

Member Mahn stated that this property was set up as a PUD in the late '90s. She asked if the project could sit and not move forward at a particular pace.

Planner Montagno stated that it could expire. He said that the applicant has requested extensions of the approvals in the past. He said the Planning Commission always supported the ongoing approval of this PUD.

Member Mahn stated that if this was not a PUD would they have applied for a CUP.

Planner Montagno stated that it depends on the zoning district. He said that if it was zoned BP there is not a CUP in a business park for a nursing home. He said that it would not have been permitted. He added they would have to rezone it to the other zoning districts mentioned.

Member Mahn asked that if a nursing home were approved it would go on the list of uses.

Planner Montagno replied yes. He said there are other business parks in the Township that have nursing homes. He said that Park Place for Business on Oak Valley Drive contains a hospice center.

Member Mahn asked that when this was originally set up is that how it was originally zoned or was it something prior to the current Master Plan.

Planner Montagno replied yes, that is the case for Park Place for Business. He said it would have been developed with the Planning Commission to determine the appropriate uses for the area.

Member Mahn asked if the Comprehensive Plan has been changed since that decision was made.

Planner Montagno stated he does not know the date of the Park Place for Business approval off the top of his head.

Member Stagg clarified that the Planning Commission decided this would be a major change.

Planner Montagno stated the Commission did determine this was a major change. He said the applicant would have to rezone the property.

Member Brostrom asked if it was in October of 2007 that the applicant first presented the nursing home use.

Planner Montagno stated that the applicant had verbally asked about it in the past.

Mr. Elliott stated there was an issue with respect to independent senior living.

Planner Montagno stated that the nursing home use was first asked for in October.

Member Stagg stated that assisted living was tossed around before October but the first time that the nursing home use came up was in October.

Planner Montagno stated that the applicant requested a major or minor change determination from the Planning Commission, with respect to independent living.

Mr. Elliott stated that the Planning Commission took action on their request on October 18, 2007, and they passed a resolution on November 1, 2007. He said they objected to them doing this because they had already taken action on October 18, 2007. He said they are asking the ZBA to decide that the use would be permitted under the language that exists for the PUD or determine the Planning Commission was wrong when they decided that the addition of this use would be

a major change. He discussed when the plan changed in relation to Park Place for Business. He said there is a new Comprehensive Plan since that site was rezoned. He said that the land is designated in the current plan as research and development just like this land. He mentioned the special criteria for State Road. He said that knowing what that use is and the mixture of uses are in the PUD, at the time they adopted the Comprehensive Plan, they found it appropriate to designate it exactly the same as this property. He said that if there is something about the nursing home use that is incompatible with the character of the PUD then how is it that a church, school, and other institutional uses are allowed here and that does not threaten the character of the PUD or the State Road Corridor.

Mr. Elliott stated that medical offices and similar medical uses are permitted here. He asked why a nursing home would be inconsistent with the character of the development. He said the applicant has come to the Planning Commission before with an additional use, Gretchen's House, a childcare facility and the Planning Commission determined that was a minor change. He said the use of the PUD is a business park and when they add a childcare facility it is still a business park. He said that the Planning Commission believes that if a nursing home were permitted it would change and no longer be a business park, but a residential development. He said that a nursing home is not a residential use.

Member Mahn stated that if the ZBA found in the applicant's favor that they could do this, what type of nursing home would be proposed.

Joe Grammatico, applicant, stated that he has been a builder for 50 years. He said the PUD was acquired in 1996. He mentioned selling two (2) parcels, one to the daycare and one to another developer, Dave Hughes. He asked if they even need a minor change. He said he has gone out of his way to help Pittsfield Township with donations. He said that he donated four (4) acres of land to the Washtenaw County Road Commission (WCRC) to finish State Street. He added that he gave \$200,000 for the red light and another \$50,000 so they could drain the water. He said that it says businesses not offices and it says medical. He added that this is what a nursing home is. He said that in these times they cannot do a lot of industrial building because there are currently industrial buildings that will be empty for the next 20 years. He said he tried to make it sensible with the Planning Commission by asking for a minor change or a conditional use. He added that this is a win for everyone and without it, it is a lose.

Member Mahn asked what type of nursing home this would be.

Mr. Grammatico stated this would be a single story 100,000 square foot building. He said it would look dressier than the Hartland House. He said it is not a residence. He said that people are in and out of a nursing home. He said there are

doctors and nurses on duty. He mentioned that the road is finished out front and they are ready to go.

Member Mahn asked if this would be an intermediate or skilled care nursing home facility.

Mr. Grammatico stated the people would get meals and be taken care of. He said that people would come for two (2) weeks and they leave or they would die. He said this is not a residence or a full time thing. He added that they do not buy the unit like they would with an assisted living facility.

Member Mahn asked if Mr. Grammatico is stating that no one would be living there permanently at anytime. She asked if people would be in situations where they require nursing care for years on end.

Mr. Grammatico stated that it would not be a permanent residence. He said there are waiting lists and once they cure them they would go home and maybe have to come back.

Member Mahn stated that Hartland Health is a rehabilitation facility where people go in and out but 15 percent of their population is permanent residents. She asked how they would define that.

Mr. Grammatico stated that there is a wait list and once they take care of them for two (2) or four (4) weeks they move them out. He said this is not the place where they die and it is not the place where they live.

Member Mahn stated that she is familiar with nursing facilities. She said that in her experience she does not know of a nursing home that does not have at least one (1) permanent resident. She added this makes it a residence.

Mr. Elliott stated that clearly sometimes people do end up spending their last days in nursing homes. He said it does not change the character of what a nursing home is. He said a nursing home is not a residential use, it is an institutional use.

Member Mahn asked if they are looking at residential uses as strictly being someone who owns a home or a condominium.

Mr. Elliott stated that it would include independent senior living facilities. He said there is a difference between assisted living facilities and nursing homes. He said this is on the far extreme and it is a nursing home. He said these uses are found in the same category as hospitals and institutions like that, not in the category of residential uses.

Member Stagg stated that she has never heard that a nursing home is for short-term care. She said that she has no idea what criteria they would set up to say that the person would have to leave. She said this sounds like eviction. She said that hospice care is meant for very short-term care and if they live past that time there are problems and they have to leave. She added they would then go to a nursing home. She said she has never heard of people being taken care of in 30 days to six (6) months and then told to leave. She said she defies anyone to set that up ahead of time and follow through with it.

Mr. Grammatico asked Ms. Stagg if she has ever visited a nursing home.

Member Stagg replied yes. She said that she worked at Gilbert residence in Ypsilanti. She said that part of it was a nursing home and the other part was assisted care.

Mr. Elliott stated that it is a name and someone in the facility would rather have it called a residence.

Member Mahn discussed licensing. She said that all nursing homes providing organized nursing care and medical treatment 24 hours per day in a residential setting to seven (7) or more individuals are required to be licensed. She pointed out the reference to "residential setting."

Mr. Elliott stated that no one would claim that a hospital is a residential use. He said that no one wants to live in the nursing home. He said the insurance companies dictate how long they stay. He said that no one sets out to live in a nursing home or a hospital. He said it is better to make it as residential and home-like as possible. He said it does not change what it is.

Member Brostrom discussed Attachment C in the report and the Planning Commissions reasons for rejection. He said that a nursing home is not even remotely research and development. He said that Attachment C includes many uses that are not research and development. He asked if all of these uses including technical schools would be permitted.

Planner Montagno stated that these uses here, if you compare them to a straight zoning district such as research, business park and light industrial they are all hand picked from those uses. He said that if you look at those districts nursing homes and hospitals are not permitted in those districts.

Member Brostrom asked Mr. Elliott if he believes that a nursing home is comparable to a hospital.

Mr. Elliott stated that in the places where nursing homes and hospitals are expressly provided for, all the other types of business uses are not. He said they are allowed there, not by right, but as conditional uses. He said you would not expect them to be swept into a broader and more general category such as the business uses that are provided for. He said that someone would normally expect every use to have a home and to be a permitted use somewhere. He said that where the business, professional and medical uses are allowed that would be the place where you would allow hospitals and other institutional uses. He said there is a whole category of institutional uses allowed in this PUD, such as technical schools, childcare facilities and places of worship. He said the question is whether this constitutes a major change to this PUD and will it change the character of the PUD.

Planner Montagno stated there typically is a home, whether permitted or conditional, for all uses within the Zoning Ordinance. He said that by law there should be a place in every community for each particular use. He said that while hospitals and nursing homes are not a conditional or permitted use in these business park and light industrial districts, things like childcare facilities are permitted as a conditional use. He said this is why a childcare facility was added because it is a conditional use in a BP district. He said it is allowed in this PUD. He added that in a straight BP district they would need to obtain a CUP. He said that in the PUD, it was not one of the originally conceived ideas but the applicant asked to include it as a use.

Phil Conlin, partner in the Sweetwater project, asked where in the Township the PF zoning district is.

Planner Montagno stated that the Saline High School and the Pittsfield Township Administration Building are within that district.

Mr. Conlin asked where in this Township it is permitted to build a nursing home. He said that a lot of people are getting old here and they want to provide for them as a Township. He said that if they are trying to provide for the citizens of this Township maybe the mechanisms we have are not in place correctly and the petitioner needs direction in where to go to do this.

Member Staggs stated that this is not the appropriate forum to discuss this.

Dave Nielsen, resident of Centennial Farms, stated that he received a letter in the mail regarding this hearing. He asked the ZBA to consider the difference between the facilities that the applicant has mentioned such as churches, schools and other non-profit uses, and a 24-hour seven (7) day a week (facility). He added that dozens of staff members would need to access the facility and this changes the character of the types of facilities that would sit on a property like this, versus a

business that would operate during normal or extended business hours. He said it is not the same type of operation as you would see for a nursing facility. He said that nursing homes are places where people stay for quite awhile. He said they do not shut the doors at 5 p.m., it is a 24 hour seven (7) day a week operation. He asked how the process proceeds from here.

Chairperson Naik stated that the ZBA decides whether or not to support the Zoning Administrator's decision.

Motion by Member Mahn, supported by Member Brostrom, to close the public hearing.

MOTION CARRIED

Member Brostrom asked if the ZBA should offer the petitioner the option of postponing because not all of the members are present.

Chairperson Naik stated that because Member Ward is a Planning Commission member he would recuse himself.

Motion by Member Stagg, supported by Member Brostrom, to support the Zoning Administrator's decision made on ZBA 07-06 Sweetwater Corporate Park, LLC.

Discussion:

Member Brostrom stated that he cannot find a basis for not approving the Zoning Administrator's position. He added that this is not the place for it.

Member Mahn stated that she supports the Zoning Administrator's decision that this is not permitted under the PUD.

Member Stagg stated that she does not see this as medical. She said that a nursing home is not a medical facility but a residence. She said that it operates 24 hours, seven (7) days a week, and there is staff coming in. She added that people live there. She recalled someone coming before the ZBA and requesting that massage be considered a medical use. She said that a person would have only stayed there for an hour, and this request was denied. She said she supports the Zoning Administrator's decision.

Chairperson Naik asked Planner Montagno to clarify how the childcare facility was permitted.

Planner Montagno stated that in a business park it is a conditional use. He said that since this is a PUD all of the uses that could be approved are listed. He added there are no conditional uses in a PUD. He said that at the time a use is included in a PUD, any conditions needed as determined by the Planning Commission would be included in the approved language for those uses.

Chairperson Naik stated that if the applicant had identified when they submitted the PUD that this would be a nursing home, what would have been the Township's position.

Planner Montagno stated that he cannot speculate on this. He said it would have been the appropriate time to present this. He said the Planning Commission would have decided at that time whether or not to include it. He said that the applicant submits an application for a rezoning and includes an area plan that lists the uses that they would like.

Member Stagg asked when the last time was that they discussed the criteria for the PUD.

Planner Montagno stated that the application was submitted as RZ 96-03. He said that the approval occurred in 1997. He said that it was later amended through a minor change to include a childcare facility.

Member Stagg referred to the paragraph and read, business, professional, executive, or administrative offices. She said this is the main text and it goes on to qualify those. She said that what is allowed is business, professional, executive or administrative offices.

Mr. Grammatico stated that Member Stagg is not reading it right.

Member Mahn agreed with Member Stagg and stated that she reads it the same way.

YES: BROSTROM, MAHN, NAIK, STAGG
NO: NONE
ABSENT: WARD
ABSTAIN: NONE

MOTION CARRIED

Motion by Member Stagg, supported by Member Mahn, to support the Planning Commission's decision that this is a major change in zoning for ZBA 07-06 Sweetwater Corporate Park, LLC.

Discussion:

Member Brostrom asked if the applicant could still apply for a rezoning.

Planner Montagno replied yes.

Member Mahn stated that this is a major change. She said that people live there and sometimes it is not by choice. She added there currently are no dwelling units.

Member Stagg stated that the uses are stated as business, professional, executive or administrative offices.

Member Brostrom agreed with Member Stagg. He said he could see how a daycare facility would be a conditional use. He said that a nursing home is an around the clock use. He added this is a major change.

Chairperson Naik stated that the Planning Commission has had a lot of experience dealing with this type of situation as opposed to this board. He said he is not about to second-guess the Planning Commission. He added that their conclusion was appropriate.

YES: STAGG, MAHN, NAIK, BROSTROM
NO: NONE
ABSENT: WARD
ABSTAIN: NONE

MOTION CARRIED

7.0 Zoning Administrator's Report

7.1 2008 Meeting Schedule (submitted for approval)

Director Fowler discussed the dates for the December 2008 meeting.

Motion by Member Mahn, supported by Member Brostrom, to change the calendar date for December to be December 15, 2008 instead of December 22, 2008.

MOTION CARRIED

8.0 Member's Report

None.

9.0 Secretary's Report

None.

10.0 Chairperson's Report

None.

11.0 Approval of Prior Minutes

11.1 Minutes of September 24, 2007

The minutes were postponed until the next meeting.

12.0 Adjournment

Motion by Member Mahn, supported by Member Stagg, to adjourn the meeting.

MOTION CARRIED

Chairperson Naik adjourned the meeting at 8:31 p.m.

s/Alayna Stagg, Secretary

February 25, 2008