

One down ...

Posted by

[jmalone](#) March 25, 2008 16:36PM

The Forks Township Zoning Hearing Board tossed developer KMRD's procedural challenge Monday, but attorney John Van Luvanee promised an appeal.

"I wasn't surprised by their decision," Van Luvanee said. "We will wait for the written decision, and from that point we obviously appeal."

Van Luvanee challenged the adoption of four zoning ordinances, dating back more than 20 years. But the board agreed to hear testimony regarding the adoption of the 2006 ordinance, because if the current ordinance passed muster, it would make all other challenges moot.

Township solicitor Karl Kline said he was pleased with the board's decision and expects the developer to file an appeal.

"I think you can go to the bank on that," Kline said.

Van Luvanee said he felt the board erred by not allowing him to argue a case about each zoning ordinance and regarding the adoption of the 2006 ordinance. He originally raised 18 objections about the 2006 ordinance, but narrowed his list to one -- that the ordinance was not properly advertised.

Kline said the advertising met all legal obligations.

"They said the notice wasn't good enough," Kline said. "We felt confident that the notice was adequate."

The board sided with Kline.

KMRD's substantive challenge still looms. The next hearing is slated for March 31 and Kline said it should be one of the last hearings as the township wraps up its case.

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Comments

mia1965 says...

this needs to get over with, whatever it takes. i have and 85 year old mother who can truly use this money god forbid something happens to her and land up in a nursing home, i can't pay the nursing home with a bag of dirt.. this is unreal how long it has taken this should have been done long ago. my mother can use this money that is doing a whole bunch of nothing for her. remember the expression "land rich and money poor" cause that is what my mother is right now. this is her future and god willing my and my brothers future and some day our kids future if my mother don't use it up in a nursing home.

Posted on 03/26/08 at 4:41PM

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