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Quarry owners request reconsideration

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PORTAGE TOWNSHIP - A request to keep operating by owners of the Valley View Quarry on Green Acres Road in Portage Township was turned down Monday by the township board during its regular meeting.

During public comment period, VVQ co-owner Gary Moyle asked the board if they could be allowed to continue operating despite a judge's recent ruling the quarry is operating in an area zoned rural residential.

"There's a lot of jobs at stake," he said.

Thursday, Gogebic County Circuit Court Judge Roy Gotham ruled on a final point in a lawsuit brought by three residents of the quarry, which is owned by Thomas J. Moyle Inc., and Portage Township, stating the township zoning ordinance is not exclusionary against quarry operations, and VVQ must cease operations immediately.

The two lawsuits were combined by Gotham and a hearing was conducted Feb. 14 in Houghton County Circuit Court to determine if the quarry was in violation of the township ordinance by being located in an area zoned rural residential. Gotham ruled in favor of the plaintiffs on most points, but wanted more time to consider the Moyles' claim the zoning was exclusionary against quarry operations. Thursday, he ruled it was not.

At Monday's board meeting, Gary Moyle said the company's construction efforts require gravel, which it must find elsewhere, meaning some of their jobs could be delayed.

"A lot of people think we're just serving our own needs, but (the quarry) benefits the county," he said.

Portage Township Supervisor Bruce Petersen said Township Attorney Nicholas Daavettila told him there was a chance the case could go to an appeals court, so he didn't want to say much about the case.

"There's been an opinion by a judge," he said.

Township Trustee John Ollila said he didn't see any point in discussing the issue further.


"It has run its course," he said. "It's over."

Ollila said although the Moyles may appeal Gotham's decision, he didn't think the board should give the Moyles permission to continue operating the quarry.

"We did not invest all these months of time and money to enforce the ordinance to then turn around and say it doesn't count," he said.

Petersen said most of the 3,221 residents of Portage Township understand and follow the zoning ordinances.

"They all fall under a zoning ordinance and they all benefit from that zoning ordinance," he said.

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Petersen said he's sorry about the loss of jobs at the quarry and the harm it may do to the Moyle company.

"It's too bad it got to this point," he said.

Board members said the Moyles could have time to move any remaining material and equipment from the quarry, but they should do it in the least disruptive way possible.

Steve Pence, attorney for plaintiffs Emily and Victor Betterly and Kevin Grzelak, who have property near the quarry, said allowing the Moyles time to remove material and equipment was reasonable.

Pence said the Moyles' claim that the quarry was legal until July 2010 was denied by Gotham.

Also at the meeting was quarry co-owner Andy Moyle, who said the suit brought by the three residents didn't represent all the residents of the township.

Andy Moyle said he found many other businesses operating in the township, which he claims are operating in rural residential zoning.

Township Treasurer Carol Little said the board should have challenged the operation of the quarry when it opened in 2004, and board members will be more diligent in the future about enforcing zoning regulations.

"This has been an expensive lesson for us as a board," she said.

Andy Moyle asked if the Moyles will ever be able to apply for special use permits for other property in Section 15, which is where the quarry is located, and Petersen said that is a question for Daavettila to answer.

Before opening the quarry, Petersen said the Moyles could have requested a change to the zoning so the quarry could operate legally.

"That would have been the logical thing to do," he said. "That didn't happen."

In other business, the board:

heard from Petersen the 2010 census shows Portage Township has 3,221 residents, which is an increase of 10 percent over 2000.

heard from Petersen the Michigan Department of Environmental Quality has granted permits for the Dakota Heights waste water sewer project.

heard from Petersen a water meter in the recently-completed Hurontown/Dodgeville sewer system is showing extremely high levels of water flow. Because of that, meter company technicians will be coming Wednesday to calibrate the meter.

approved spending \$2,000 to replace carpet in the township hall.

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