



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
May 10, 2017 6:30PM



A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

- o Wednesday, April 26, 2017

D. COMMUNICATIONS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. ZBA CASE NO. 17-05-10-1 (VERIZON WIRELESS), P.O. BOX 21485, DETROIT, MI 48221

| | |
|------------------|---|
| DESCRIPTION: | 4888 Dawn Avenue |
| TAX PARCEL: | 20-204-005 |
| ZONING DISTRICT: | I (Industrial), Wireless Communication Facility Overlay |

The applicant is requesting a variance from the following sections of the Code of Ordinances:

- Section 86-435(f)(1), which states the minimum lot area is one acre.
- Section 86-435(f)(2), which states the minimum lot width is 100 feet.
- Section 86-438(f)(1)(c), which states at wireless communications facilities with a freestanding wireless communications support structure, a minimum of two off-street parking spaces shall be provided on the site. An additional off-street parking space for each two employees required as on-site personnel shall be provided at the facilities.
- Section 86-438(f)(3)(c)(2), when a monopole, self-supporting lattice tower, or guyed tower is used as the wireless communications support structure, it shall be set back from all property lines a distance equal to the height of the monopole, self-supporting lattice tower, or guyed tower or the minimum setback required by the zoning district, whichever is greater.

Individuals with disabilities requiring auxiliary aids or services should contact the Township Manager Frank L. Walsh, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4258 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

Meridian Township exists to create a sustainable community through the most effective use of available resources that achieve the highest quality of life.



A PRIME COMMUNITY
meridian.mi.us

The applicant is requesting to construct a 90 foot tall wireless communication tower.

- ☞ Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

G. OTHER BUSINESS

H. PUBLIC REMARKS

I. BOARD MEMBER COMMENTS

J. ADJOURNMENT

K. POST SCRIPT – No Post Script

Information regarding the request may be examined at the Department of Community Planning and Development, 5151 Marsh Road, Okemos, Michigan 48864-1198, between the hours of 8:00 am and 5:00 pm, Monday through Friday. Comments may be made in writing addressed to the Zoning Board of Appeals at 5151 Marsh Road, Okemos, MI 48864 or may be made at the hearing.

**BRET DREYFUS, CMMC
TOWNSHIP CLERK**

ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. **If you do intend to speak before the Zoning Board of Appeals please sign in at the door.** During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons
4. Applicant rebuttal

5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

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**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, April 26, 2017**

PRESENT: Members Jackson, Stivers, Ohlrogge, Chair Beauchine, Rios (alternate member)
ABSENT: None
STAFF: Mark Kieselbach, Director of Community Planning and Development
Keith Chapman, Assistant Planner

A. CALL MEETING TO ORDER

Chair Beauchine called the meeting to order at 6:30 p.m.

B. APPROVAL OF AGENDA

MEMBER JACKSON MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER STIVERS

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, March 22, 2017

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES OF WEDNESDAY, March 22, 2017 AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

D. COMMUNICATIONS

None.

E. UNFINISHED BUSINESS

None.

F. NEW BUSINESS

1. ZBA CASE NO.17-03-22-1 (PARKER), 6281 W. REYNOLDS ROAD, HASLETT, MI 48840

DESCRIPTION: 6281 W. Reynolds Road
TAX PARCEL: 03-253-023
ZONING DISTRICT: RB (Single Family-High Density), Lake Lansing Overlay

The applicant is requesting the Zoning Board of Appeals (ZBA) to rehear a previously denied variance in accordance with the following section of the Code of Ordinances:

- Section 86-225 - No application, which has been denied wholly or in part by the Zoning Board Of Appeals, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

If the ZBA decides to rehear the case then the request is a variance from the following section of the Code of Ordinances:

Section 86-618(1), which states nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

Assistant Planner, Keith Chapman, outlined the case for discussion. He stated the Zoning Board of Appeals (ZBA) at its meeting on March 22, 2017 denied the applicant's request. The applicant is requesting the ZBA to rehear the case based on changed circumstances.

Chair Beauchine referenced the process for rehearing a case from Section 86-225.

Mr. Chapman stated the amended request is to excavate the existing hill in front of the house and convert the crawl space to a walkout basement. The additions will increase the square footage of the house from 1,644 square feet to approximately 2,483 square feet. The applicant has approval from the Ingham County Road Department (ICRD) to build stairs in the right-of-way.

Member Jackson stated the chart in the packet showed a change in the overall square footage of the house.

Member Stivers stated there was enough new evidence and proof of changed circumstances to rehear the case.

MEMBER OHLROGGE MOVED TO REHEAR THE CASE.

SECONDED BY MEMBER RIOS.

Member Stivers stated the permitted purpose has not changed only the square footage and asked if that was enough to rehear the case.

Member Ohlrogge replied the decreased first floor square footage and the removal of the first floor deck creates the change.

ROLL CALL VOTE: Yes: Members Stivers, Ohlrogge, Jackson, Chair Beauchine, Rios
No: None.
Motion carried unanimously.

Barry Wood and Bruce Stewart, Studio Two, 2222 Moores River Drive, Lansing, representatives for the applicant. Mr. Wood stated the footprint on all floors had been reduced. He added the walkout basement will be barrier free creating a safety feature. He also mentioned the existing deck which encroaches into the side yard setback on the south side of the house will be removed, along with a deck at grade level, which was used for a sidewalk.

Chair Beauchine opened public remarks

Robert Russell, 629 West Reynolds, spoke in favor of the variance stating the improvements will address safety issues, appearance, and access to the house.

Shawn O'Brien, property owner of 6293 West Reynolds, spoke about the history of the Lake Lansing Overlay District and how his property has the same issues. He spoke in favor of the variance request and believes the intent of the Lansing Overlay District would be adhered to.

Beth Fardugi, 6285 West Reynolds, stated the improvements would increase the property value of the neighborhood.

Chair Beauchine referenced a letter received today from Robert Guzall, 6265 West Reynolds, dated April 25th, who spoke in favor of the request.

Member Stivers read the following portion of the letter from Mr. Guzall, "Removing the tiered landscaping will make it easier for the road commission to plow the streets and EMS to gain access into the house".

Chari Beauchine closed public remarks.

Member Jackson asked about the regulations relative to the retaining walls.

Director Kieselbach replied the retaining walls are in the road right-of-way and the ICRD has approved the work in the right-of-way.

Member Ohlrogge asked if the previous plan had a portion of the house going into the road right-of-way.

Director Kieselbach replied the porch in the original plan did go into the road right-of-way.

MEMBER JACKSON MOVED TO APPROVE THE VARIANCE FROM SECTION 86-618(1).

SECONDED BY MEMBER RIOS.

Member Ohlrogge read from (Section 86-221) review criteria one, which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. She stated there were unique circumstances in this case and the applicant has kept the changes to the house within the existing footprint.

Member Ohlrogge read review criteria two, which states these special circumstances are not self-created. She replied there are special circumstances which were not self-created, because the house was built in 1931.

Member Ohlrogge read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of this chapter. She replied strict interpretation would create practical difficulties and the applicant has worked to keep the changes within the existing footprint of the house.

Member Ohlrogge read review criteria four, which states that the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose. She agreed with the statement adding it was the applicant desire to make the property safer.

Member Ohlrogge read review criteria five, which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. She commented the variance would be in keeping with the spirit of the zoning ordinance, and provides public safety.

Member Ohlrogge read review criteria six, which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. She stated the changes would keep the essential character of the house and neighbors have stated the surrounding property values would increase with the improvements.

Member Ohlrogge read review criteria seven, which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions. She commented how this is a unique situation with the house being built to the property line and agreed with this statement.

Member Ohlrogge read review criteria eight, which states granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. She stated by granting the request, it provides the opportunity for improvements to be made to the property.

Member Stivers stated it appeared that other houses on the street have made similar changes to their properties.

Member Jackson stated that information was not pertinent to this case.

Member Stivers stated if the conditions are general or recurrent regarding these properties it may necessitate the formulation of a general regulation.

Member Rios stated the ZBA needs to take the information presented for this case and to rule on what is submitted. The ZBA cannot consider unknown factors.

Chair Beauchine replied when a case comes before the ZBA, staff researches the subject property and prior changes to the property are noted in the staff memorandum.

Member Jackson stated her decision is not based on what other properties look like or what other neighbors have done. She did question if the proposed changes would affect the nonconforming statuses.

Director Kieselbach replied every case must stand on its own merit. If a variance is granted in one situation and a neighbor requests the same variance does not mean the variance will be granted. The ZBA looks at the conditions specific to the property. The granting of a variance does not establish a precedent for other variances.

Member Stivers stated the ZBA needs to consider the unique circumstances peculiar to the subject, but doesn't the ZBA also need to look at other properties.

Member Jackson replied uniqueness is relative to the whole Township and to other houses in the same zoning district and subject to the same zoning standards. She added the subject property is also within the Lake Lansing Overlay District with a zero setback from the property line which many houses have in this district.

Member Stivers questioned how a property can be unique if for example other houses in the same area also have a zero setback from the property line.

Chair Beauchine referenced review criteria seven, and stated if all the houses on Reynolds Road were enough to create an ordinance, then for this case the ZBA should say no to the request and move forward with the process to formulate a general regulation. The Lake Lansing Overlay District is a small area not needing a general regulation to make such conditions practicable.

ROLL CALL VOTE: YES: Members Stivers, Jackson, Ohlrogge and Chair Beauchine, Rios
NO: None.
Motion carried unanimously.

G. OTHER BUSINESS

None.

H. PUBLIC REMARKS

Chair Beauchine closed public remarks

I. BOARD MEMBER COMMENTS

J. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:45 p.m.

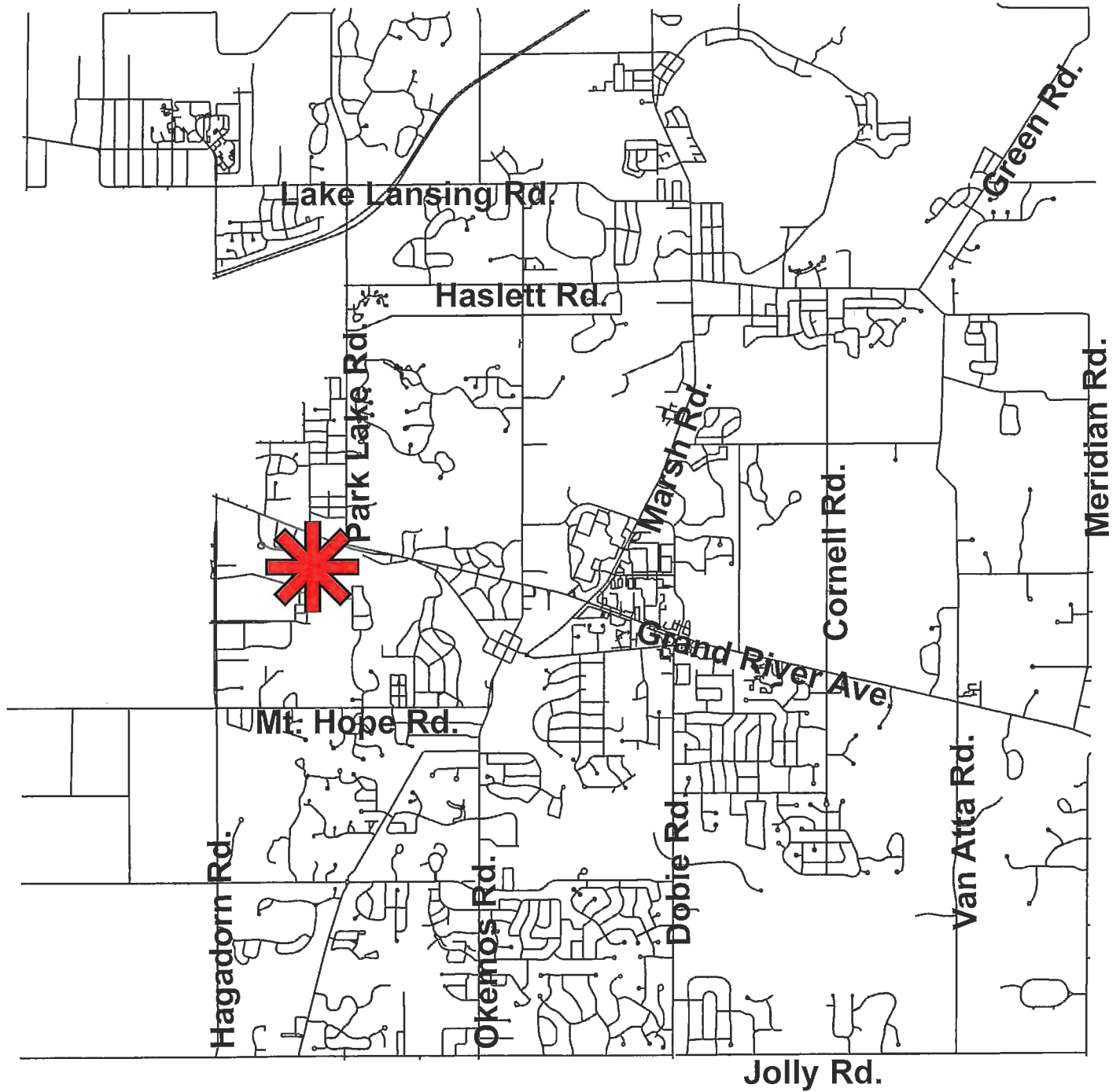
K. POST SCRIPT

Member Stivers

Respectfully Submitted,

Rebekah Lemley
Recording Secretary

Meridian Township



Location Map

ZBA #17-05-10-1 (Verizon Wireless)




VARIANCE APPLICATION SUPPLEMENT

A variance will be granted, if the following Review Criteria are met:

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.
4. That the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose.
5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.



To: Zoning Board of Appeals
From: 
Keith Chapman, Assistant Planner
Date: May 5, 2017
Re: ZBA Case No. 17-05-10-1 (Verizon Wireless)

ZBA CASE NO.: 17-05-10-1 (Verizon Wireless), P.O. Box 21485, Detroit, MI 48221
DESCRIPTION: 4888 Dawn Avenue
TAX PARCEL: 20-204-005
ZONING DISTRICT: I (Industrial), Wireless Communication Facility Overlay District

The applicant is requesting a variance from the following sections of the Code of Ordinances:

- Section 86-435(f)(1), which states the minimum lot area is one acre.
- Section 86-435(f)(2), which states the minimum lot width is 100 feet.
- Section 86-438(f)(1)(c), which states at wireless communications facilities with a freestanding wireless communications support structure, a minimum of two off-street parking spaces shall be provided on the site. An additional off-street parking space for each two employees required as on-site personnel shall be provided at the facilities.
- Section 86-438(f)(3)(c)(2), when a monopole, self-supporting lattice tower, or guyed tower is used as the wireless communications support structure, it shall be set back from all property lines a distance equal to the height of the monopole, self-supporting lattice tower, or guyed tower or the minimum setback required by the zoning district, whichever is greater.

Verizon Wireless, represented by Domaine Consulting, has requested four variances to install a 90-foot tall wireless communication tower at 4888 Dawn Avenue. The site is zoned I (Industrial) and is approximately 0.847 acre.

The wireless communication tower, associated equipment cabinet, generator, and propane tank will be located within a fenced area on a 2,500 square foot lease area. The leased area will be directly adjacent to an approximately 4,000 square foot commercial storage building owned by Vandelet Industries. Access to the site will be provided directly from Dawn Avenue. The wireless communication tower is a 90 feet tall with a seven foot antenna attached to the top.

Memo to Zoning Board of Appeals
May 10, 2017
Re: ZBA Case No. 17-05-10-1 (Verizon Wireless)
Page 2

The Michigan Land Division Act considers areas leased for more than one year a land division. To receive Township approval of a land division, the leased area must comply with the lot width and lot area requirements of the underlying zoning district. The proposed lot (lease) area is shown as 2,500 square feet and the minimum lot area requirement in the I (Industrial) district is one acre (43,560 square feet). The proposed lot is shown with a width of 50 feet, and the Industrial district standards require a minimum 100 feet. A variance of 41,060 square feet of lot area is required for Section 86-435(f)(1) and 50 feet of lot width for Section 86-435(f)(2).

Section 86-438(f)(1)(c) of the Wireless Communication Facility Overlay District Ordinance requires two off-street parking spaces. No off-street parking is shown on the site plan. A variance is required for the two required concrete or asphalt off-street parking spaces.

Section 86-438(f)(3)(c)(2) states that the tower must be setback from all property lines a distance equal to the height of the tower or the minimum setback required by the zoning district, whichever is greater. The 90 foot tower height is greater than the minimum 25 foot front yard setback, 20.2 foot side yard setback, and the 14.4 foot rear yard setback in the Industrial district. The side and rear yard setbacks are calculated as ten percent of the width and depth, respectively. The tower is shown as being 86.7 feet from the south property line, requiring a variance of 3.3 feet.

Site History

- On March 27, 2017, the Planning Commission voted to approve Special Use Permit #17011, a request to install a 90 foot wireless communications tower within a 2,500 square foot leased area located at 4888 Dawn Avenue. Some of the relevant approval conditions are as follows:
 1. The wire security fence shall be limited to a maximum height of six feet.
 2. The accessory equipment shelter shall be designed in a manner that is architecturally compatible with the surrounding neighborhood.
 3. The applicant shall apply for and receive all necessary variances from the Zoning Board of Appeals or redesign the project to comply with the zoning ordinance.
- According to the Assessing Department records, the existing commercial storage building was constructed in 1973.
- Three variances were approved on May 14, 1974 for the construction of a warehouse. Granting of the variances allowed for a 1 foot rear yard and side yard setback, along with 47% lot coverage where a maximum of 40% is allowed. Two interpretations were requested for the rear and side yard setbacks of 10% of depth and width respectively. The file for this case is missing; any further detail is unknown of the request. However, the existing building only occupies approximately 11% of the site and has setbacks greater than 1 foot from the side and rear property lines.

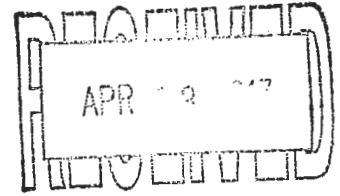
Memo to Zoning Board of Appeals
May 10, 2017
Re: ZBA Case No. 17-05-10-1 (Verizon Wireless)
Page 2

Attachments

1. Application materials
2. Site location map

G:\COMMUN PLNG & DEV\PLNG\ZBA\2017 ZBA\ZBA 17-05-10\ZBA 17-05-10-1 (Verizon Wireless)\STAFF REPORT VERIZON

CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560



VARIANCE APPLICATION

A. Applicant VERIZON WIRELESS REPRESENTED BY DOMAINE CONSULTING
Address of Applicant P.O. BOX 21485, DETROIT, MI 48221

Telephone (Work) 248-808-2774 Telephone (Home) _____
Fax _____ Email address: _____
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 4888 DAWN
Zoning district 1 Parcel number 33-02-02-20-204-005

- C. Nature of request (Please check all that apply):
- Request for variance(s)
 - Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 - Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Section 86-438 (3(c.(2))), Section 86-506, Section 62-4

Zoning Ordinance section(s) _____

- D. Required Supporting Material Supporting Material if Applicable
- Property survey -Architectural sketches
 - Legal description -Other
 - Proof of property ownership or approval letter from owner
 - Site plan to scale
 - Written statement, which demonstrates how all the review criteria will be met (See next page)

[Signature] Beland Callaway 4/11/17
Signature of Applicant Print Name Date

Fee: \$ 450 Received by/Date: Noter Menser

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

Signature of Applicant(s) _____
Date

Signature of Applicant(s) _____
Date

From: **Jerry McKenna** jerrym@prometalworks.com
Subject: RE: Verizon Site #473 "Grand River Park Lake" - Zoning
Date: February 7, 2017 at 12:11 PM
To: **Leland Calloway** leland.calloway@domainerealty.com

JM

Hi Leland,

Yes you have our permission. Let me know if you need anything from me.
Thank you,

Jerry McKenna
Professional Metal Works
8109 Old M-78
Haslett, MI 48840
Office 517-351-7411
Cell 517-214-4700



From: Leland Calloway [<mailto:leland.calloway@domainerealty.com>]
Sent: Tuesday, February 7, 2017 11:08 AM
To: Jerry McKenna <jerrym@prometalworks.com>
Subject: Re: Verizon Site #473 "Grand River Park Lake" - Zoning

Mr McKenna,

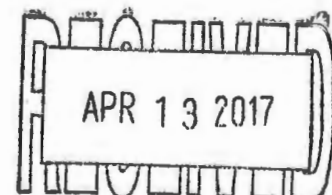
Can you please confirm that it is okay for me to file for zoning (Special Use Permit and possibly Zoning Board of Appeals for tower setback)? Meridian Township will not move my application forward with out your authorization.

Leland Calloway
Domaine Consulting | Domaine Realty
leland.calloway@domainerealty.com
248-808-2774

On Aug 12, 2016, at 2:09 PM, Jerry McKenna <jerrym@prometalworks.com> wrote:

No problem.

Jerry McKenna
Professional Metal Works
8109 Old M-78



Verizon Wireless Variance Request

Section 86-506

Per Peter Menser "Parking and drive aisles must be paved with concrete or asphalt, but only gravel is proposed. Meridian Township requires parking spaces in every zoning district (with the exception of single family residential districts) to be paved

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.

This is the only property in the vicinity that has a gravel parking lot where a cell tower is proposed.

2. These special circumstances are not self-created.

The existing parking lot and access is gravel. The tower will be visited an average of 2 times per month by each of possibly two wireless communications providers. This requirement is unnecessary for this use and burdensome on Verizon Wireless.

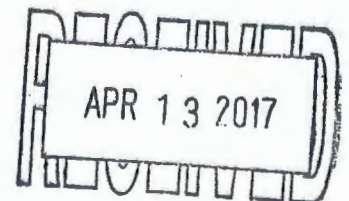
3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.

The practical difficulty would be requiring designated paved parking spaces for an extremely low traffic use in a parking lot that will not have any other paving. Verizon Wireless does not believe this is the intent of the drafters of this ordinance provision.

4. That the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose.

5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.

Granting this variance would not be contrary to the public interest and would provide substantial justice because the paving of the access easement and two parking spaces is unnecessary for this use as it would not provide better use of the property or improve the community in any way which we believe would be the spirit and intent of the ordinance. Public safety is not a consideration for this type of variance.



Verizon Wireless Variance Request

6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

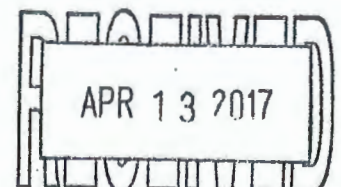
Not having a paved access easement and 2 parking spaces would not affect any surrounding properties. The property across the street has a functioning gravel parking lot used daily by employees.. The other properties are blocked form the property by a building, wooded or open fields.

7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.

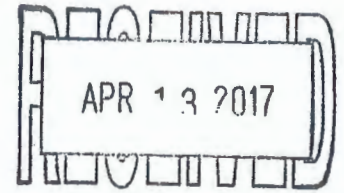
No. This use is proposed in an industrial district, there may be other districts in the township where, because of the nature of the immediate community, parking spaces might be appropriate. The township already has other communications facilities (there is one near Park Lake and Haslett Road) where there appear to be no designated parking spaces and there are no issues.

8. Granting the variance will be generally consistent with public interest and the purpose and intent of this Chapter.

Granting this variance will be consistent with the public interest because it is in keeping the current conditions on the property. As stated before Verizon does not believe that paving just the easement and 2 parking spaces for a unmanned communications facility in the intent of this ordinance requirement.



Verizon Wireless Variance Request



Section 86-438 (3(c.(2)))

Freestanding wireless communication facilities incorporating a monopole must be setback a distance equal to the height of the pole. The setback is measured from the cell tower structure to the property lines. The proposed 90-foot tall cell tower is 86.7 feet from the southeast property line.

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.

There are no other available properties in the needed service area where Verizon could locate a tower and meet the setback requirement. This property is the best candidate for this use and was the requested location by both the township Planning Commission and Township Board.

2. These special circumstances are not self-created

This circumstance is not self created because of the lack of available properties in the service area where a tower can be located and 90' is the minimum height Verizon Wireless needs in order to achieve its service goals.

3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.

If Verizon were to reduce the height of the tower to meet the ordinance requirement it would effect the service Verizon could provide to its customers since 90 feet is the minimum height requires in this area. This would not only provide a difficulty for Verizon but its customers as well.

4. That the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose.

Please see previous answer

5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.

We located the proposed tower on the property so that we would need to the most minimum variance possible. The requested variance is 3.3 feet. Granting this variance

Verizon Wireless Variance Request

would not be contrary to the public interest since better service would be provided by the ninety foot tower and that better service would provide more public safety by allowing better communication for example 911 calls. Substantial justice would be provided by the improved communication provided by a ninety foot tower.

6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

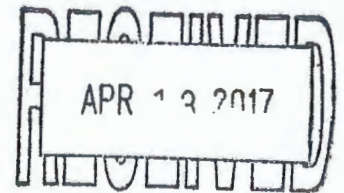
Since the tower is self-collapsing and the area is an industrial zone there will be no adverse affects to adjacent land nor the essential character in the vicinity.

7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.

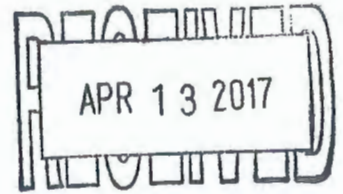
This condition is only caused by the lack of alternative locations and the development and size of the lots on Dawn road.

8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.

Granting this variance will serve the public interest because of the improved service a ninety foot tower can provide as well as the better chance of co-location by another wireless communications provider. The lower the tower the less likely a co-locator will be able to use it.



Verizon Wireless Variance Request



Section 62-4

The Michigan Land Division Act considers areas leased for more than one year a land division. To receive Township approval of a land division, the leased area must comply with the lot width and lot area requirements of the zoning district. The proposed 2,500 square foot lease area must be at least one acre in size and have 100 feet of frontage for consistency with Industrial district standards, a variance is required for lot size and frontage.

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.

This is the only property in the area where a wireless communications facility is proposed either because of the willingness of a landlord to lease space or the unsuitable natural characteristics of the property.

2. These special circumstances are not self-created.

There are no properties in the area where a wireless communications facility can be located, either because of the willingness of a landlord to lease space or the unsuitable natural characteristics of the property, that would not require a land division under the requirements of the ordinance.

3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.

A land division here is unnecessary and would negatively affect the owner's future development of the property which would negatively affect the community.

4. That the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose.

The subject property is in an industrial district. Failure to grant this variance would not allow him to efficiently and appropriately develop the property in the future which would have a negative impact on the community.

5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.

Granting the variance is the minimum action that will make possible the use of the land and structure in a manner which would best serve to the public interest by allowing efficient and appropriate development of the property now and in the future.

Verizon Wireless Variance Request

6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

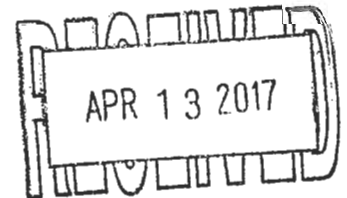
Granting this variance will not have any effect on neighboring properties. The property can continue to be developed in an appropriate and efficient manner.

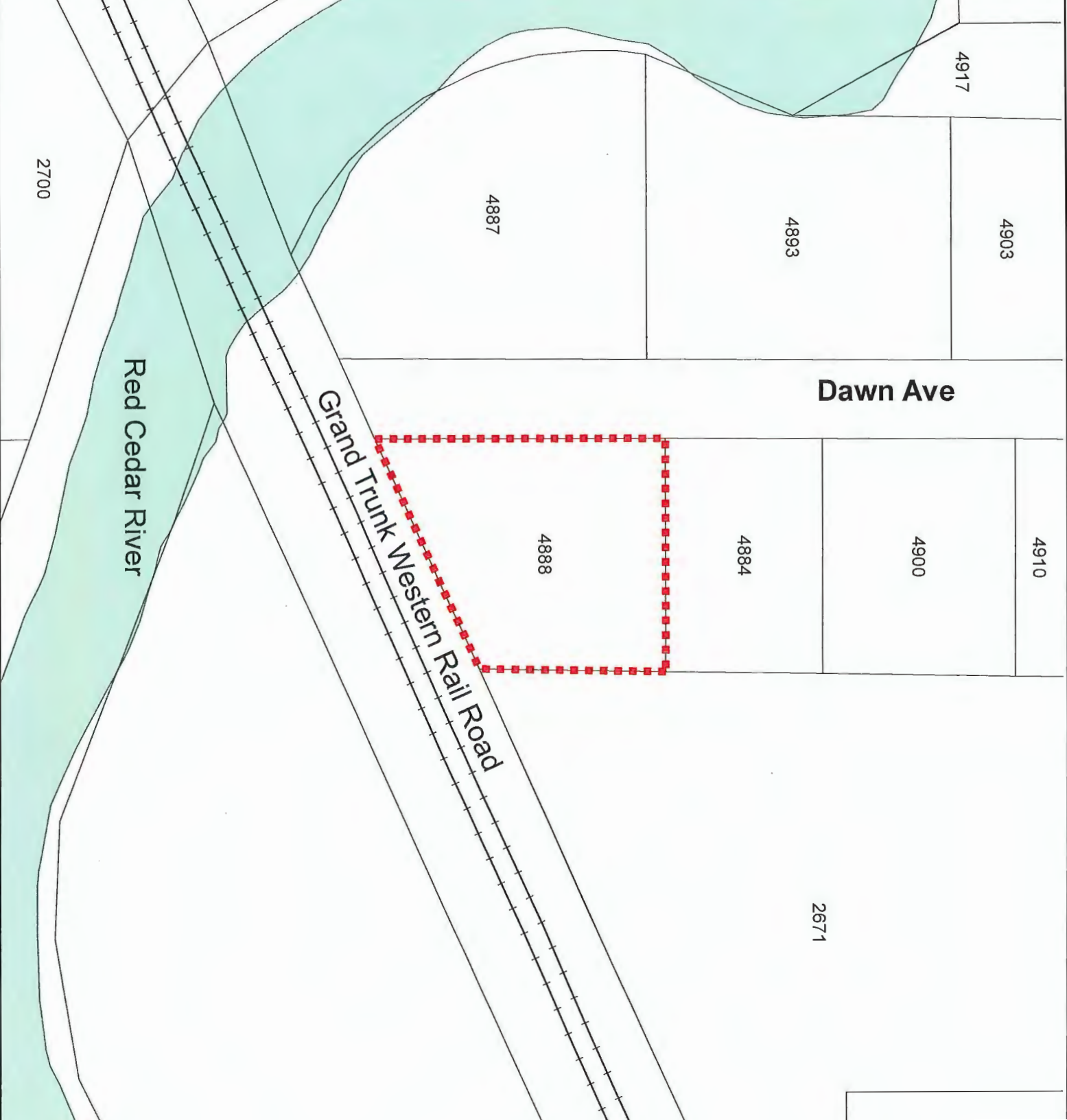
7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.

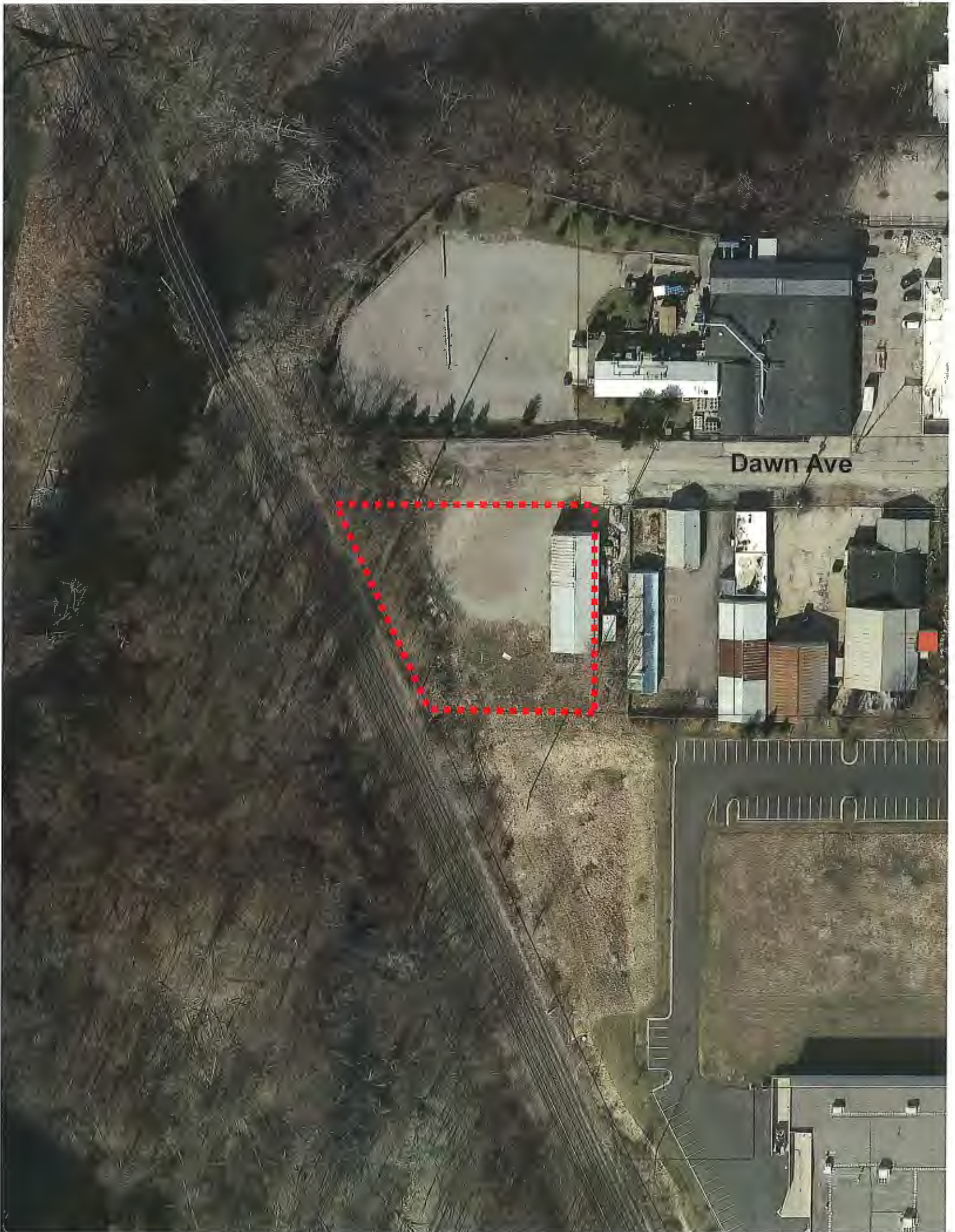
This is only necessary because of the limited frontage of the subject property. This limitation is not necessarily general or recurrent in Meridian Township.

8. Granting the variance will be generally consistent with public interest and the purpose and intent of this Chapter.

The township has found, several times, in the past that granting a variance from land division with respect to construction of wireless communications facilities is appropriate to be consistent with the public interest and the purpose and intent of the ordinance.







Dawn Ave