

PROPOSED AGENDA

CHARTER TOWNSHIP OF BRIGHTON
ZONING BOARD OF APPEALS
4363 BUNO ROAD
BRIGHTON, MI 48114

NOVEMBER 30, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0562

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. CALL TO THE PUBLIC
- E. AGENDA
- F. MINUTES

1. OCTOBER 26, 2016 REGULAR MEETING

G. BUSINESS

- 1. **ZBA APPLICATION#: 16/13; LOCATION: 2743 HACKER RD.; TAX ID#: 12-18-301-005; OWNER AND APPLICANT: DOUG FINKBEINER; ZONING: R-5 (WATERFRONT RESIDENTIAL)**
 - a. Expansion of a Non-Conforming Use and Building, a variance from *Section 21, Sec.'s 21-03 and 21-04*, of the Zoning Ordinance
 - b. Setback from natural features (wetlands), a variance from *Article 3, Sec. 3-03, District Regulations*, of the Zoning Ordinance
- 2. **ZBA APPLICATION#: 16/11; LOCATION: 8320 HILTON RD.; TAX ID#: 12-19-300-025; OWNER: MADELINE TAYLOR TRUST; APPLICANT: VERIZON C/O JONATHAN CRANE; ZONING: I-1 (INDUSTRIAL)**
 - a. Setback from easterly and southerly property lines, variances from *Article 13, Sec. 13-16(d)(10)b.*, *Setback from Property Line*, of the Zoning Ordinance
 - b. Setback from natural features (wetlands), a variance from *Article 7, Sec. 7-03, District Regulations*, of the Zoning Ordinance

- H. REPORTS AND CORRESPONDENCE
- I. CALL TO THE PUBLIC
- J. ADJOURNMENT

The Charter Township of Brighton will provide the necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon 10 days' notice to the Charter Township of Brighton, Attn: Township Manager. Individuals should contact the Charter Township of Brighton by writing or contacting the following: Kelly Mathews, 4363 Buno Road, Brighton, MI 48114. Telephone: 810-229-0562 or e-mail at.....planner@brightontwp.com.

PROPOSED MINUTES

CHARTER TOWNSHIP OF BRIGHTON
ZONING BOARD OF APPEALS
4363 BUNO ROAD
BRIGHTON, MI 48114

OCTOBER 26, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0562

Chairperson F. Grapentien called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.

Present: F. Grapentien, J. Dorset, D. Hawk, J. Cogley, J. Gibbons, J. McKeon, J. Stinedurf

F. Grapentien introduced the new PC liaison to the ZBA, J. Stinedurf.

CALL TO THE PUBLIC

None.

AGENDA

J. Cogley moved and J. Dorset seconded to **approve the agenda as presented.**

Motion carried.

MINUTES

J. Dorset moved and J. Gibbons seconded to **approve the August 24, 2016 regular meeting minutes as presented.** (F. Grapentien explained that the Kroger's issue that was tabled at the August meeting was resolved so the applicant wouldn't be coming back before the ZBA).

Motion carried.

Abstained: J. Stinedurf

ZBA APPLICATION # 16/12; LOCATION: 3576 ROSEANN DRIVE; TAX ID # 12-21-400-026; OWNER: JADE WOMACK; APPLICANT: GREGORY DEAN; ZONING: R-2 (RESIDENTIAL SINGLE FAMILY)

Applicant representative G. Dean explained that in order to construct a pool for the homeowner the pool needs to be partially located in the south side yard due to the location of the septic field, wetlands, topography, and utilities for the site. He explained that the pool will be located a distance from neighbors, that the site is large, and with existing trees and wetlands and additional landscaping that is planned, it will be buffered from the neighbors. K. Mathews reviewed her report dated September 30, 2016.

PUBLIC HEARING

The public hearing opened at 7:15 P.M.

No comments.

The public hearing closed at 7:15 P.M.

J. Cogley moved and J. Gibbons seconded to **approve a variance from Zoning Ordinance Article 13, Sec. 13-13, Swimming Pools, for ZBA Application # 16/12; Location: 3576 Rose Ann Drive; Tax ID # 12-21-400-026; Owner: Jade Womack; Applicant: Gregory Dean, to allow a swimming pool to be partially located in the south side yard due to the uniqueness of the lot being as is it almost seventeen (17) acres, that there are no nearby neighbors, due to the natural topography and wetlands on the site, that there is no visual intrusion for neighbors, they are adding landscaping to the south side to further screen the pool from neighbors, and no additional government regulations are needed.**

Motion carried.

REPORTS AND CORRESPONDENCE

D. Hawk - Township Board update.

J. Stinedurf - Planning Commission update.

F. Grapentien - Thanked Deb Hawk for her years serving on the Township Board and the ZBA and said that she would be missed.

CALL TO THE PUBLIC

None.

J. Dorset moved and J. Cogley seconded **to adjourn.**

Motion carried.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

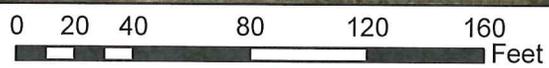
Frank Grapentien, Chairperson

John Gibbons, Secretary

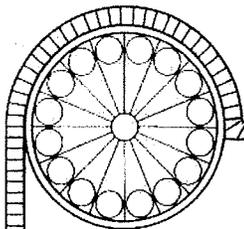
Kelly Mathews, Recording Secretary

Ann M. Bollin, CMC, CMMC, Clerk

2743 Hacker Rd.



Charter Township of Brighton



CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298. • Telephone: (810)229-0550 Fax: (810) 229-1778

www.brightontwp.com

ZONING BOARD OF APPEALS APPLICATION

1. Date Filed _____ 3. ZBA Number _____ RECEIVED
2. Meeting Date _____ 4. Fee Paid _____ OCT 28 2016

5. Applicant Information

BRIGHTON TOWNSHIP

Name DOUGLAS M FINKBEINER

Address 2742 S. HACKER RD

City/State/Zip BRIGHTON, MI 48114

Phone (313) 407-6176 Fax _____

Interest in the Property (e.g. fee simple, land option, etc.) _____

Property Owner Other (Specify) _____

6. Current Property Owner Information

Name _____

Address _____

City/State/Zip _____

Phone _____ Fax _____

Length of Ownership 2 MONTHS

7. Location of Property for which the Variance is Requested

Address _____

Cross Streets BENDIX & HACKER

Tax I.D. # 4712-18-301-005 (PARCEL #)

8. Property Information

Zoning District R-5

Area (Acreage) 0.60 ACRES Width 60' 9" Depth N 409.38' S. 450.58'

Current Use RESIDENTIAL

9. Variance Request

Total Number of Variances Requested /

Describe your Request EXTEND THE 2ND STORY EAST TOWARD
WOODLAND LAKE 11'. FIRST STORY AND FOOTPRINT
WILL REMAIN UNCHANGED. THIS EXTENSION WILL NOT
VIOLATE ZONING SETBACKS BUT BASED ON SURVEY ATTACHED
WILL VIOLATE 3-03(9) AVERAGE SET BACKS
WITHIN 300' IN BOTH DIRECTIONS

Section(s) of the Zoning Ordinance 3-03(9)

10. Criteria for a Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

STRICT COMPLIANCE WOULD CONTINUE TO RESTRICT
VIEW TO THE SOUTH. SEE ATTACHED. PROPERTY TO THE
SOUTH IS CURRENTLY NON-COMFORMING AND THE
DETACHED GARAGE SITS EAST OF THE PROPOSED 2ND
STORY EXTENSION. THE MAIN BUILDING EAST OF THE
GARAGE.

- b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

THE VARIANCE WOULD RELIEVE THE VIEW TO THE
SOUTH, BRING THE HOME TO MODERN LAKE STANDARDS
(PROXIMITY TO WATER) & ENHANCE PROPERTY VALUE.
THE COTTAGE TO THE NORTH IS VERY OLD WITH THE FRONT
PORCH CLOSE TO COLAPSE AND NO WELL. THIS PROPERTY
WILL BE BUILT ON IN THE FUTURE AND THEY TOO
WILL WANT THE MODERN LAKE STANDARD
OF PROXIMITY

- c. Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

11' EXTENSION ON THE SECOND STOREY DOES NOT IMPACT LINE OF SIGHT FOR ANY OF THE ADJASCENT PROPERTIES. GARAGE TO THE SOUTH BLOCKS ALL LINE OF SIGHT FROM THE SOUTH. PROPERTY TO THE NORTH IS SINGLE STORY AND AS SHOWN LINE OF SIGHT IS NOT AFFECTED

- d. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

No.

- e. Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?

YES.

- THE MAIN FLOOR FOUNDATION AND FOOTPRINT WAS MAINTAINED TO REDUCE IMPACT.
- 2ND STORY EXTENSION WILL BRING MODERN UPDATES TO THE LINE OF SIGHT AND MASTER SUITE ON A LAKE PROPERTY

- f. Will the granting of the variance materially impair the intent and purpose of this ordinance?

No.

- MINOR CHANGE TO AVERAGE SET BACK (75' - 208')
- MODERN UPDATES TO LINE OF SIGHT AND MASTER BEDROOM
- 2ND STORY ADDITION/EXTENSION ONLY
- NO LINE OF SIGHTS ARE AFFECTED (NORS')

Date: October 31, 2016
To: Zoning Board of Appeals
Charter Township of Brighton
From: Kelly Mathews
Location: 2743 S. Hacker
Request: Variance to the Natural Features (Waterfront) Setback
Zoning: R-5, Waterfront Residential
Tax ID#: 12-18-301-005
Applicant: Doug Finkbeiner
Owner: Doug Finkbeiner

Dear ZBA Members:

At your request, the Zoning Board of Appeals (ZBA) application has been reviewed. The review is based upon the standards contained in the Zoning Ordinance and a review of the application materials. The following comments are offered for your review.

VARIANCE REQUESTS

Expansion of a Non-Conforming Use and Building (*Article 21, Sec.'s 21-03 and 21-04, Non-Conforming Uses and Buildings*). The applicant is requesting variances to allow an addition to the non-conforming home.

Variance to allow an approximate 69 ft. setback from the natural features setback (lake) for the principal structure instead of the average within 300 ft. of the property which is approximately 199 ft., a variance from *Sec. 3-03* of the Zoning Ordinance. The site is a 0.58 acre parcel of land located on Hacker Rd. on Woodland Lake.

STANDARDS FOR ZBA ACTION

The ZBA should only grant a dimensional variance to the Zoning Ordinance when circumstances of practical difficulty, unnecessary hardship unique to a particular property, or extraordinary circumstances are present. *Article 22, Section 22-06* outlines a number of criteria applicable to dimensional variances that the ZBA should review in order to determine the need for the requested as discussed below.

1. Practical Difficulty/Substantial Justice. *Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of the requested variance or appeal would do substantial justice to the applicant as well as*

to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

The proposal is to add two (2) additions to an existing home of approximately 1,472 sq. ft. The first addition is approximately 303 sq. ft. between the detached garage and existing home and the front addition is approximately 352 sq. ft. Additionally, an eighty (80) sq. ft. second story deck is planned. Detail on the elevations have been provided. All of the other Zoning Ordinance requirements will be met: side yard setback, front yard setback, height of home, and lot coverage.

The variance request is to allow an approximate 69 ft. setback from the natural features (waterfront) for the principal structure instead of the required approximate 199 ft. average setback, a variance from *Sec. 3-03* of the Zoning Ordinance. The current home does not meet the average natural features setback and the proposal is to add an addition that extends an additional 10'10" into the waterfront setback.

The Zoning Ordinance enacted in 2004 requires homes to be located at the average setback within 300 ft. of a property that is located on a lake in order to ensure that a new structure does not impact the line of sight for existing homes in the area. The existing homes within the 300 ft. area average 199 ft. from Woodland Lake. At the location of the proposed home, the neighbors within 300 ft. from the property will not have their views substantially affected since the location will be almost the same as it is currently. In order to enlarge the home, a variance to allow the expansion of a non-conforming building and lot is required.

Compliance with the strict letter of the restrictions governing setbacks for the home would unreasonably prevent the use of the property. Zoning for the property has changed since this home was constructed and the current home does not meet the waterfront/natural features setback. Granting of the requested variances would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel. The variance request is not a function of a zoning change for the property or an ordinance change; it is an existing condition. In order to enlarge the home, a waterfront setback variance in addition to the variances to allow the expansion of a non-conforming building and lot is required.

2. Public Safety and Welfare. *The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.*

The proposed approximate 69 ft. setback from Woodland Lake is an additional 10'10" closer to Woodland Lake than what currently exists for the home so it should not substantially change the public safety and welfare.

The requested variances do not substantially interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances. In order to allow additions to the home, the variance request to allow a non-conforming building and lot to be expanded is required.

3. Impact on Surrounding Neighborhood. *The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.*

The variance request to allow an addition to extend an additional 10'10" into the waterfront setback from the existing home should not substantially impact the appropriate development, continued use, or value of adjacent properties. The neighbors located within 300 ft. of the property should not be substantially affected by the location of the home.

The variances will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. In order to allow additions to the home, the variance request to allow a non-conforming building and lot to be expanded is required.

4. Extraordinary Circumstances. *There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.*

The requested variance is self-created. The applicant would like to place a larger home on the site. The homes within 300 ft. of the lake include homes that are located further back than this property which extends the average setback further back. The Zoning Ordinance requirement that a property must meet the average setback within 300 ft. of the property is a new ordinance requirement since 2004.

There are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses. In order to allow additions to the home, the variance request to allow a non-conforming building and lot to be expanded is required.

RECOMMENDATION

It is recommended that the variance as proposed is approved; specifically, the following variance.

A variance to allow an approximate 69 ft. setback for the natural features (waterfront) setback for the principal structure instead of the approximate 199 ft. average setback, a variance from *Sec. 3-03* of the Zoning Ordinance, for the following reasons. The home addition extension into the waterfront setback is minimal and does not change the view sheds substantially from what currently exists. The applicant will meet all of the other Zoning Ordinance requirements for the new home.

Proposed New Addition/Remodel

2743 South Hacker Rd

Dated October 20, 2016

Available for viewing in the
Planning and Clerk's Department

Boundary/Topographical Survey/
Plot Plan

2743 South Hacker Rd

Dated October 28, 2016

Available for viewing in the
Planning and Clerk's Department

8320 Hilton Rd.

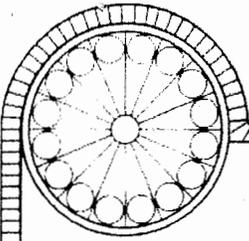


N



0 30 60 120 180 240 Feet

Charter Township of Brighton



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www.brightontwp.com

ZONING BOARD OF APPEALS APPLICATION

1. **Date Filed** _____ 3. **ZBA Number** _____

2. **Meeting Date** _____ 4. **Fee Paid** _____

5. Applicant Information

RECEIVED

SEP 21 2016

Name Jonathan R. Crane on behalf of Verizon Wireless

Address 1126 N. Main St.

City/State/Zip Rochester, MI 48307

BRIGHTON TOWNSHIP

Phone 248-650-8000 Fax 248-650-9239

Interest in the Property (e.g. fee simple, land option, etc.)

Property Owner Other (Specify) Tenant

6. Current Property Owner Information

Name Madeline D. Taylor Trust UAD c/o Attorney Jennifer Gross

Address 7960 Grand River, Suite 270

City/State/Zip Brighton, MI 48114

Phone 810-227-3103 Fax _____

Length of Ownership 20+ years

7. Location of Property for which the Variance is Requested

Address Adjacent to I-96 on Hilton Road

Cross Streets East of Grand River & I-96 (NE Quadrant)

Tax I.D. # 12-19-300-025

8. Property Information

Zoning District I-1

Area (Acreage) 4 acres +/- Width _____ Depth 60'x275' irregular shape

Current Use Storage facility

9. Variance Request

Total Number of Variances Requested Two

Describe your Request Applicant requests dimensional variances to permit a wireless monopole to be constructed on this industrially zoned parcel. Specific variance requests are: Setback from property line equal to Section 13-16 represents proposed monopole in Industrial District.

Section(s) of the Zoning Ordinance Section 13.6 d 10b - Setback from property line
Section 24 - Table 7.03 25' setback from natural features area

10. Criteria for a Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

Dimensional variance requests only requires a practical difficulty

- a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

The proposed location is the only industrial zoned parcel within the services area.
Existing site development is coordinated to provide the wireless telecommunications services to residents, businesses and persons traveling within the corridor.

- b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

The addition of the monopole provides continuous and efficient wireless services.
it is located away from developable lands and within industrial zoned property.
There are no other impacted users adjacent to this site.

- c. Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

The location was selected to minimize impacts upon adjacent property owners.

North - Commercial Office 300'+/-

South - I-96 Expressway

East - Large undeveloped wetlands

West - Exit ramp from Expressway

- d. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

This is a dimensional variance with a reasonable showing of practical difficulty.

As a practical difficulty dimensional variance actions of the applicant are permitted.

In the instant case, the applicant is following the intentions of the Ordinance and locating on a previously developed Industrial property.

- e. Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?

Yes, this is the minimal requirements to a wireless monopole structure at this location. Radio frequency propagation maps are attached.

- f. Will the granting of the variance materially impair the intent and purpose of this ordinance?

No it will not impair the ordinance. In fact, it will fulfill the uses as well follow past precedents in Brighton Township regarding wireless tower setbacks.

9. Supplement

Variance Request

Section 13.6d 10b

Permission to build a 120' monopole on industrially zoned property in Section Brighton Township

This use is a permitted special use on industrially zoned property.

Variance Requirements

Setback equal to $\frac{1}{2}$ of tower height + 25'

Proposed monopole is 120'

Setback requirement = $60 + 25 = \underline{85'}$

	Distance to PL	Distance Required	Variance Required
East	37'	85'	48'
West	117'	85'	NA
North	478'	85'	NA
South	99'	85'	NA

Note that the setback Easterly is to an undevelopable wetlands area.

Setback from Wetlands:

Table 7-03

Natural features setback 25'

Providing 17' from fence compound area.

No hard surface paving anticipated is the setback there eliminates any increased runoff into wetlands.



ARCHITECTS. ENGINEERS. PLANNERS.

November 22, 2016

Charter Township of Brighton
4363 Buno Road
Brighton, MI 48114

Attention: Kelly Mathews, Township Planner

**Regarding: Verizon Wireless Site #1207
Variance Review #1
OHM Job Number: 0151-16-1118**

We have reviewed the material, received by this office on November 10, 2016 for the above-referenced project based on the Township's Engineering Standards. Plans were prepared by Midwestern Consulting and have a latest revision date of September 29, 2016. The Applicant is requesting the Zoning Board of Appeals' approval for the Variance Request for the east property line setback requirements. A general summary of the site, followed by our review comments and recommendations, is noted below.

General

The existing site is located on parcel #12-19-300-025 on the property of 8320 Hilton Road. The site is currently zoned as Industrial I-1. The Applicant is proposing to construct a new cell tower monopole and an equipment cabinet and propane tank enclosed by chain-link fence at the base of the tower. The tower and enclosed fence is proposed on an 840 square foot lease area with access via an 18-foot wide easement connecting to the back of the paved storage area. The site will also have landscaping around the outside of the fence.

Utilities

The site will have no water connections, and it will not produce any garbage, hazardous waste, or wastewater. The site will be serviced by electricity, telephone, and fiber-optic utilities. The small size of the site makes it exempt from Livingston County Drain Commission storm water detention requirements.

Paving/Access/Traffic

Access to the site is proposed to be provided from Hilton Road by way of an existing paved drive with a dedicated easement. No parking spaces are required for this site. Proposed site access for emergency vehicle circulation and maneuverability will be evaluated by the Brighton Township Fire Department.

Drainage/Grading

Existing and proposed grades are shown via contours. Existing conditions appear to convey runoff overland from the west side of the site to the east side of the site. The drainage properties of the proposed site are essentially the same as the existing site with a slight reduction in the area of impervious surface. There are existing wetlands on the east property line of the site. The wireless monopole facility is proposed to be located within the 25-foot natural features setback and provides approximately 17 feet from the fenced area to the wetland edge. Based on the existing commercial use within the current wetland buffer, reduction in the natural features setback would not appear to have impacts on the wildlife usage or ecological character or function of the wetland.

OHM Advisors
34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150

T 734.522.6711
F 734.522.6427

OHM-Advisors.com

Setback Variance

The applicant is requesting dimensional variances to construct a 120-foot tall wireless monopole. The required setback distance for the proposed monopole is 85 feet and the east side setback provided is only 37 feet. We note that the adjacent property to the east contains a significant wetland that would likely render this portion of the adjacent parcel undevelopable.

The applicant provided a letter, signed and sealed by a licensed professional engineer, regarding the design standards for the proposed monopole. The engineer's letter states that the monopole is designed to fail and hang at the 90-foot elevation, resulting in a maximum fall radius of 30 feet. We note that no design plans, details, or structural calculations for the monopole or foundation were provided for review.

Conclusion and Recommendation

As submitted, the applicant has provided signed and sealed engineering information that the 37-foot setback area provided would accommodate the theoretical maximum fall radius of 30 feet. Based on our review of the information provided, we take no exception to the requested variance and recommend the Zoning Board of Appeals consider approval of the applicant's request.

We note that the procedures for approval of a new monopole wireless facility, such as that which is proposed here, include special land use and site plan in accordance with Articles 18 and 19 of the Zoning Ordinance.

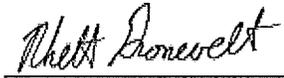
If you have any questions regarding this review or any of the comments presented, feel free to contact us at (734) 522-6711 or jacob.rushlow@ohm-advisors.com.

Sincerely,

OHM ADVISORS



Jacob Rushlow, P.E.
Client Representative



Rhett Gronevelt, P.E.
Client Principal

cc: Brian Vick, Township Manager (via e-mail)
File

TIMOTHY BUREAU CONSULTING LLC

14050 Lockett Ln
Grand Haven, MI 49417
(616) 842-6725

MEMORANDUM TRANSMITTED VIA EMAIL

November 22, 2016

TO: Jonathan R. Crane, Esq.

FROM: Timothy Bureau

SUBJECT: Verizon Woodland Lake Telecommunications Tower Site #1207
Brighton Charter Township, T2N, R6E, Section 19, Livingston County, MI

Per your request, I have assessed the potential impact upon the adjacent wetland from locating the proposed tower complex within 25 feet of the wetland margin. The following discussion is a result of research on the site, conducting an inspection and evaluation of the area on November 2, 2016, and several days of considering the situation.

The Issue

Verizon Wireless proposes to construct a monopole antenna and related equipment cabinets within the Brighton Charter Township wetland buffer area. It is my understanding Verizon Wireless has submitted structural data regarding the strength of the monopole design, which is not my area of expertise. This analysis is intended to address the proposed tower potential impact on the buffer area and adjacent wetland functional values.

The primary intent of a wetland buffer is twofold. First, such a buffer is intended to provide screening through maintenance of vegetation higher in elevation than the wetland proper and to provide food, cover, breeding and nursery habitat, and a travel corridor around the wetland perimeter for use by mammals, birds, reptiles, & amphibians. The absence of ongoing directly adjacent human use protects the habitat from disturbance. The second primary purpose of a wetland buffer is water quality related. Vegetated wetland buffers slow runoff into a wetland and provide water quality benefit by reducing the rate of runoff, thereby increasing physical entrapment of suspended particles, nutrient uptake and utilization, & microbial transformation and photo degradation of pollutants.

In this case, conversion of the existing paved driving/parking area into the proposed tower compound does not adversely affect the wetland functional values, and may slightly improve the buffer function, as noted below.

Project Analysis

Based on my site inspection and research, the subject wetland is located in an urban setting, with the west wetland boundary being directly adjacent to the subject storage complex, industrial use, and the I-96 Interstate corridor. The eastern wetland perimeter is essentially undeveloped. The wetland is considered an emergent vegetation type, with a forested and

scrub/shrub margin. Unfortunately, it appears this wetland is dominated by undesirable species, such as phragmites and purple loosestrife. Based on the vegetation and aerial photographs, the wetland water regime can fluctuate appreciably, with pulse input typical of urban runoff. Fisheries values are negligible and wildlife values are essentially confined to the wetland proper and the eastern undeveloped perimeter.

The subject tower site does not provide a wildlife travel corridor due to the I-96 barrier and urbanization to the southwest. The site, and indeed the entire storage facility east perimeter, currently provides little benefit in respect to buffering the wetland or providing edge habitat or margin travel as the current storage use and pavement extends to the top of slope along the wetland edge. It is apparent the storage facility maintains the wetland edge area as cutting of woody vegetation and the resulting slash slope placement were evident. Therefore, the proposed project will not reduce the current buffer width or function.

Since the entire storage facility wetland edge is an active use area, the placement of the tower complex will actually reduce potential use (human) disturbance in that area once construction is completed, as storage patrons may no longer travel through or park within the tower site. In fact, human use may be diminished all along the storage/wetland boundary as access to the two westernmost storage buildings will require internal travel away from the wetland.

Typical wetland functional values were examined to determine if the proposed tower facility will result in adverse impact. First, the subject wetland is not a rare type, and wetlands are not rare in the area. The current "buffer" would be rated a zero (0) using a MiRAM (Michigan Rapid Assessment Methodology) analysis, due to small width (just the slope) and existing use and pavement. Hydrologic values and regimes will not change if the tower is installed. Habitat and habitat structures and features will not change if the tower is installed. Water quality may slightly improve with the removal of some impervious surface. Therefore, the MiRAM score of this wetland will not be affected by the proposed project.

Conclusion

I have concluded there are no biological or wetland functional based concerns which inhibit placement of the cellular tower at the proposed location. No adverse impacts to the subject wetland are anticipated to result from the proposed tower construction. The conversion of the existing use area to the passive tower compound will actually serve to increase the "buffer" by diminishing adjacent human activity.

Date: November 22, 2016

To: Zoning Board of Appeals
Charter Township of Brighton

From: Kelly Mathews

Location: 8320 Hilton Rd.

Request: Setbacks from easterly and southerly setback and natural feature (wetland) setback

Zoning: I-1, Light Industrial

Tax ID#: 12-19-300-025

Applicant: Verizon Wireless c/o Jonathan R. Crane

Owner: Madeline D. Taylor Trust

Dear ZBA Members:

At your request, the Zoning Board of Appeals (ZBA) application has been reviewed. The review is based upon the standards contained in the Zoning Ordinance and a review of the application materials. The following comments are offered for your review:

VARIANCE REQUESTS:

The applicant would like to construct a 120 ft. tower and accessory structure on a 3.29 acre site which has a larger building and three (3) additional storage buildings in the rear for Taylor Moving and Storage. The applicant would like to add a cell tower in the rear of the parcel adjacent to the wetlands area on the adjacent parcel and behind one of the storage buildings, and near I-96. The applicant has provided data stating that the tower needs to be on this parcel relative to other towers in the area. Additionally, the applicant has provided engineering data regarding the fall zone.

The applicant is requesting the following variances from the Zoning Ordinance:

Variance from Sec. 13-16(d)(10)b of the Zoning Ordinance - Requires a setback of the height of the structure (120 ft.) plus twenty-five (25) ft. to residentially zoned property which is to the east and south of the proposed tower so the setback required is 145 ft. To the east the setback is 37 ft. so a variance of 108 ft. is required. To the south the setback is 99 ft. so a variance of 46 ft. is required.

The setback to the west (I-96 R.O.W.) is 85 ft. (Setbacks from R.O.W. are half (1/2) the height of the tower (60) plus twenty-five (25) ft. so eighty-five (85) ft. is required and 117 ft. is provided. To the north is business zoned property which requires a setback of

half (½) the height of the tower (60) plus ten (10) ft. which is seventy (70) ft. and 478 ft. is provided.

Variance from Sec. 7-03, District Regulations of the Zoning Ordinance - Requires that no structures be located closer than twenty-five (25) ft. to natural features (wetlands). The proposal is for the accessory structure leased area to be a minimum of seventeen (17) ft. from the wetlands.

STANDARDS FOR ZBA ACTION

The ZBA should only grant a variance to the Zoning Ordinance when circumstances of practical difficulty, unnecessary hardship unique to a particular property, or extraordinary circumstances are present. *Article 22, Section 22-06* outlines a number of criteria applicable to variances that the ZBA should review in order to determine the need for the requested as discussed on the following page.

1. Practical Difficulty/Substantial Justice. *Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of the requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.*

The applicant would like to construct a 120 ft. tower and accessory structure on a 3.29 acre site. The applicant is requesting variances from *Sec. 13-16(d)(10)b* of the Zoning Ordinance which requires a setback of the height of the structure (tower) plus twenty-five (25) ft. to residentially zoned property. Engineering information has been provided which depicts the fall zone information. Additionally, data on where towers are in the area to determine whether the applicant needs to place a tower in this area has also been provided. Distances to the storage buildings should be depicted since they are very close to the proposed tower. The tower is located approximately ten (10) ft. to the storage building to the north and approximately twenty-five (25) ft. to the storage building to the west.

Cell towers require a setback of the height of the structure (tower) plus twenty-five (25) ft. to residentially zoned property which is located to the east and south of the proposed tower so the setback required is 145 ft. To the east the setback is 37 ft. so a variance of 108 ft. is required. To the south the setback is 99 ft. so a variance of 46 ft. is required. The setback to the west (I-96) is 117 ft. which requires a setback of half (½) the height of the tower plus twenty-five (25) ft. so eighty-five (85) ft. is required. To the north is business zoned property which requires a setback of half (½) the height of the tower plus ten (10) ft. which is seventy (70) ft. and 478 ft. is provided.

The Township's engineer has reviewed the engineering data provided and has provided a letter which is attached. The engineer has stated that he agrees with the engineering

information and the fall zone and believes that the wetland will not be substantially impacted by the proposed cell tower and equipment.

2. Public Safety and Welfare. *The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.*

The proposed cell tower and accessory structure (cabinets/equipment) being located too close to the easterly and southerly property is a public safety and welfare concern unless the structure falls within itself. The distance of the tower to the adjacent storage buildings is a concern: the distances are only ten (10) ft. to the north and twenty-five (25) ft. to the west. Additionally, the distance to the wetlands is only seventeen (17) ft. from the leased area. The applicant needs to describe how the variances, if granted, would not affect neighboring structures, and the traveling public on I-96 and the wetlands to the east.

3. Impact on Surrounding Neighborhood. *The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.*

The addition of a cell tower and equipment in the area could impact the development, use, or value of adjacent properties and the surrounding neighborhood.

4. Extraordinary Circumstances. *There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.*

The need for the variance is self-created because Verizon's proposed tower and accessory structure (cabinets/equipment) does not meet the Zoning Ordinance as far as setbacks.

RECOMMENDATION

It is not recommended that the requested variances, variances from *Section 13-16* and *Section 7-03* of the Zoning Ordinance are approved.

Variance from Sec. 13-16(d)(10)b of the Zoning Ordinance - Requires a setback of the height of the structure (tower) plus twenty-five (25) ft. to residentially zoned property which is to the east and south of the proposed tower so the setback required is 145 ft. To the east the setback is 37 ft. so a variance of 108 ft. is required. To the south the setback is 99 ft. so a variance of 46 ft. is required.

The setback to the west is 117 ft. to I-96 which requires a setback of half (½) the height of the tower plus twenty-five (25) ft. so eighty-five (85) ft. To the north is business zoned property which requires a setback of half (½) the height of the tower plus ten (10) ft. which is seventy (70) ft. and 478 ft. is provided.

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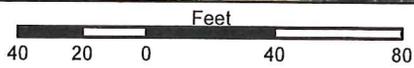


Parcel Map with 2010 Aerial Photo

MAP INTERPRETATION NOTICE
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of Livingston County. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.



Proposed Site:
 8320 Hilton Road
 120' proposed tower.
 Distance to property lines:
 117' to the West;
 37' to the East;
 99' to the South;
 478' to the North.



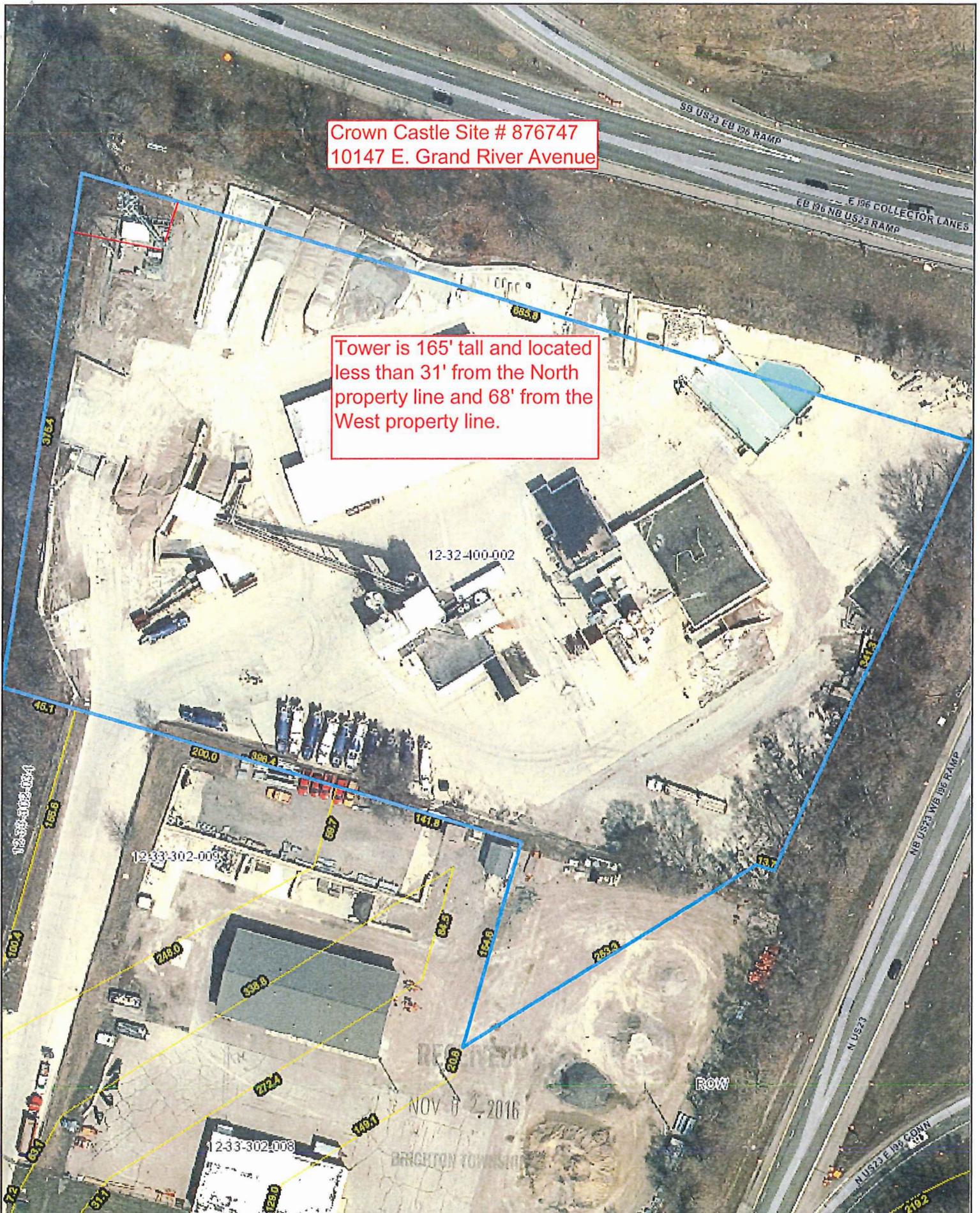
Parcel Map with 2015 Aerial Photo

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Crown Castle Site # 876747
10147 E. Grand River Avenue

Tower is 165' tall and located
less than 31' from the North
property line and 68' from the
West property line.



American Tower Site # 305506
1375 Rickett Road



Tower is 151' tall and located approximately 60' from the right of way line to the South and less than 131' from the residential structures. Distance to West property line approximately 75'.

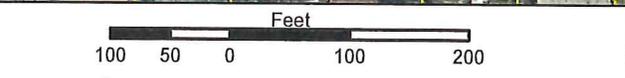


American Tower
Site # 305687
1574 S Old US 23

Tower is 194' tall and
located less than 150'
from the front yard right
of way line.



Livingston County, Michigan
Information Technology Department
G.I.S. Division
304 E. Grand River Ave., Howell, MI 48843
517.548.3230
<http://www.livgov.com>



Parcel Map with 2015 Aerial Photo

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Water Tower at General Motors Proving Grounds.
3300 General Motors Drive.



Water Tower is 132' tall; located 155' from the property line.

Verizon Wireless
Site # 74 - Milford
9900 Highslope Ct

Tower is 137' tall with appurtenances and located 90' from the West property line; 80' from the North property line; 100' from the East property line and 88' from the South property line.

**Site originally developed by Michigan State Police



Michael F. Plahovinsak, P.E.

October 10, 2016

Kelly Mathews
Planning Department
Brighton Township, Michigan

Re: Proposed 120-ft Monopole
Located in Livingston Co., MI, Site #1207 Woodland Lake
MFP #40916-135

I understand that there may be some concern on the part of local building officials regarding the potential for failure of the proposed communication monopole. Communication structures are designed in accordance with the Telecommunications Industry Association ANSI/TIA-222-G, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures".

I will design this monopole to withstand a 3-second gust wind speed of 90 mph (V_{asd}) in accordance with ANSI/TIA-222-G for Livingston County. *The design will also conform to the requirements of the 2012 International Building Code as adopted by the State of Michigan.*

This monopole will be intentionally designed to accommodate a theoretical fall radius. The upper 30' of the pole will be designed to meet the wind loads of the design, however, the lower portion of the pole will be designed with a minimum 10% extra capacity. Assuming the pole will be fabricated according to my design and well maintained, in the event of a failure due to extreme wind and a comparable appurtenance antenna loads (winds in excess of the design wind load), it would yield/buckle at the 90' elevation. The yielded section would result in a maximum 30' fall radius, but would most likely remain connected and hang from the standing section.

The structure will be designed with all of the applicable factors as required by the code. I have designed and analyzed over 10,000 telecommunication structures over the past 16 years; To my knowledge, a properly designed, constructed and maintained pole has never collapsed. Monopoles are safe structures with a long history of reliable operation.

I hope this review of the monopole design has given you a greater degree of comfort regarding the design capacity inherent in pole structures. If you have any additional questions please call me at 614-398-6250 or email mike@mfpeng.com.

Sincerely,



Michael F. Plahovinsak, P.E.
Professional Engineer

RECEIVED

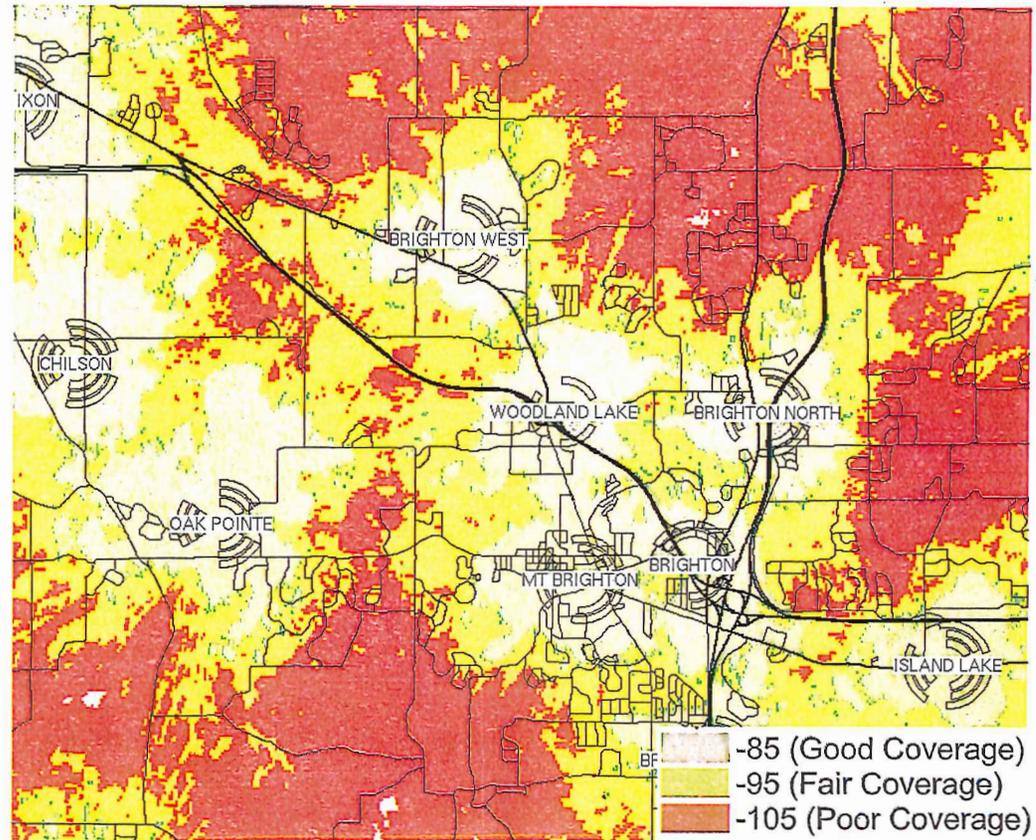
OCT 14 2016

BRIGHTON TOWNSHIP

Site Plan-Verizon Site #1207-“Woodland
Lake” Dated September 29, 2016

Available for viewing in the
Planning and Clerk’s Department

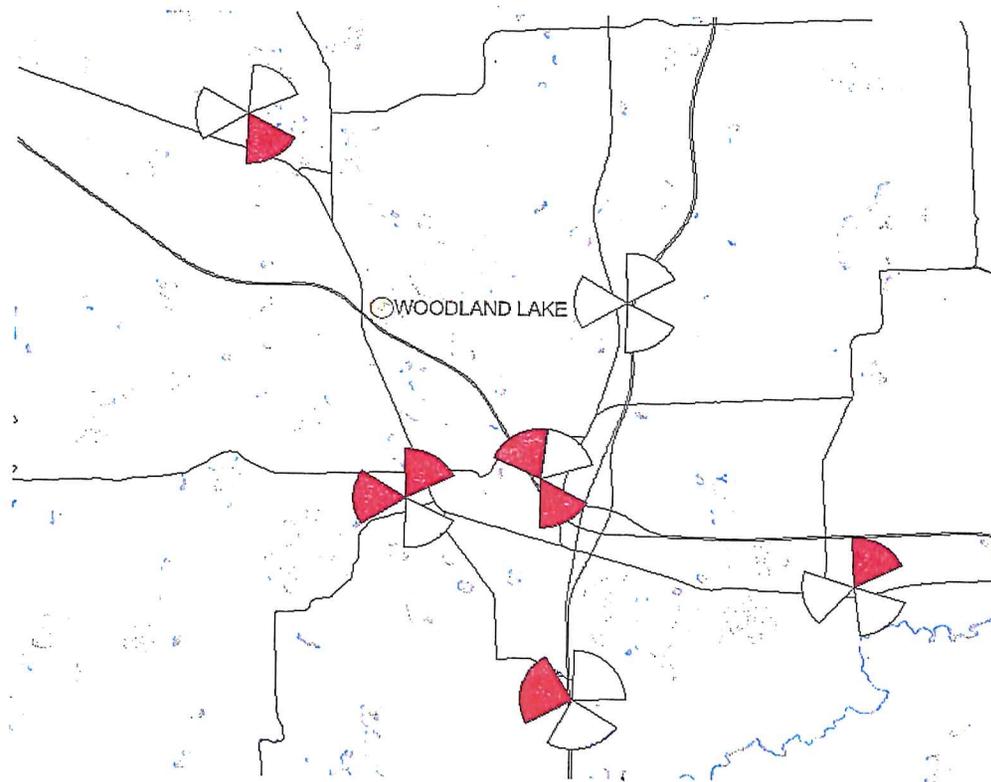
Coverage with Woodland Lake location

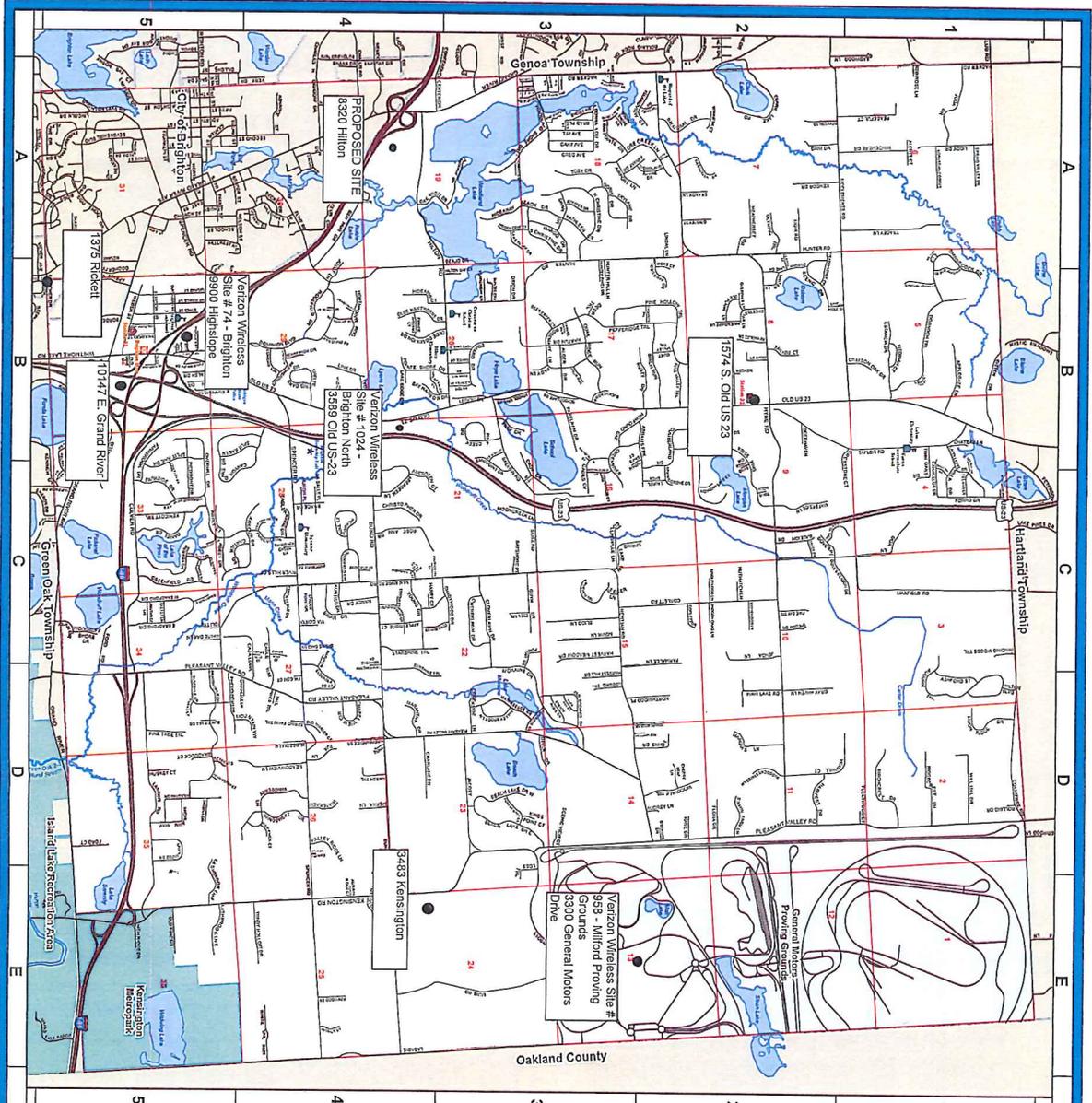


Existing Verizon Locations in Brighton

Location Name	Address	City	Zip	Tower Height
Mt. Brighton	300 Franklin Street	Brighton	48116	190
Brighton	9900 High Slope Road	Brighton	48114	135
Brighton North	3589 South Old US23	Brighton	48114	170
Brighton West	2047 Euler Road	Brighton	48114	155
Oak Pointe	2911 Dorr Road	Brighton	48116	199

Exhaust Sectors (Red)





Charter Township of Brighton

Map prepared by Livingston County GIS
 12/20/2009
 1:50,000 Scale

Legend:

- Township Hall
- Fire Stations
- Police Stations
- Ambulance Bases
- Schools
- Section
- Instate Highway
- State Highway
- US Highway
- Major Roads
- Minor Roads

Water Features:

- Rivers
- Lakes

Other Symbols:

- North Arrow
- Scale Bar (0 to 1.5 Miles)

SECTION INDEX

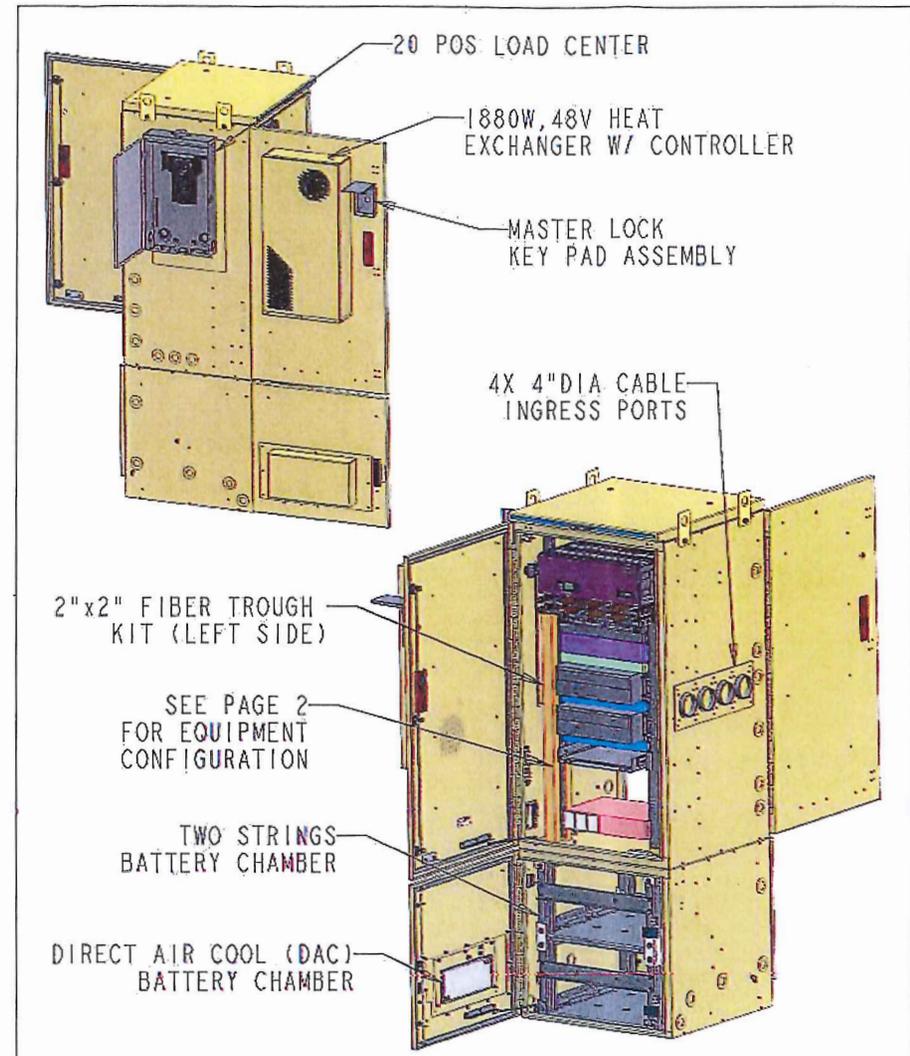
| Section |
|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 |
| 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 |
| 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 |
| 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 |
| 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 |
| 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 |
| 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |

Cabinet

Andrew Konyha

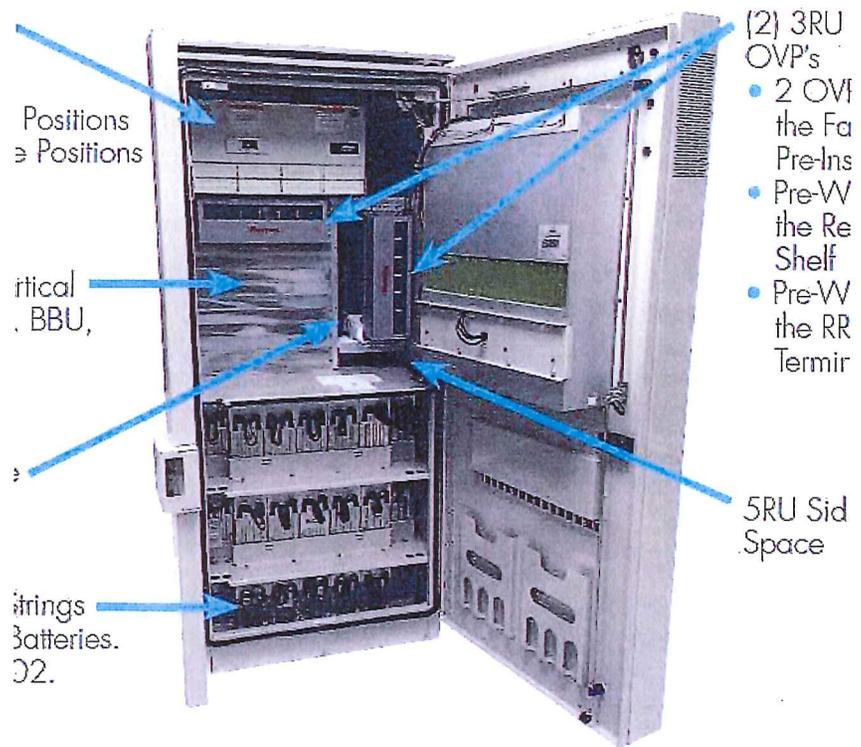
Equipment

- Cabinet
- Charles
 - 32"w x 32"d x 90.5"t



Equipment

- Cabinet
 - Commscope
 - 32" w x 35.3" d x 72" t



Equipment

- Generator
 - Polar Power
 - 29.6”w x 49.4”d x 76.5”h



Questions?

**Andrew Konyha
New Build Planning
248-914-1419**



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only.
Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

MEMORANDUM

TO: BRIGHTON TOWNSHIP RESIDENTS
FROM: ANN M. BOLLIN, CLERK
SUBJECT: ZONING BOARD OF APPEALS ELECTRONIC PACKETS
DATE: MAY 6, 2016

Packets for the Brighton Township Zoning Board of Appeals meetings posted to the website contain scanned original documents. These electronic packets are subject to change based on meeting material presented to the Zoning Board of Appeals throughout the course of the meeting. For a complete original packet following the Zoning Board of Appeals meeting contact the Clerk's Office at 810-229-0560 or via email: clerk@brightontwp.com