

MINUTES

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

JANUARY 25, 2017
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, S. Theis, J. Cogley, J. Gibbons, J. McKeon, J. Stinedurf

CALL TO THE PUBLIC

Barb Potocki, 8420 Woodland Shore Drive - Stated that there is a new cell tower at Hacker and Grand River which was installed two (2) weeks ago.

Mike Palmer, 10382 Grand River - Disagreed with the Chair stating you can't discuss anything at the Call to the Public regarding an agenda item and you have to wait until the agenda item; distributed a hand-out regarding Cornerstone Church's REU's.

AGENDA

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

Motion carried.

MINUTES

J. Dorset moved and J. Cogley seconded **to approve the November 30, 2016 regular meeting minutes as presented.**

Motion carried.

ZBA APPLICATION # 16/14; LOCATION: 11275 EAGLE WAY; TAX ID # 12-27-301-034; OWNER AND APPLICANT: THOMAS R. PETTY; ZONING: R-2 (RESIDENTIAL SINGLE FAMILY)

- a. Ground floor area of detached structure, a variance from *Section 3-04(h)* of the Zoning Ordinance
- b. Height of detached structure, a variance from *Section 3-04(f)* of the Zoning Ordinance

Applicant Tom Petty described his request to construct an addition to his pole barn. He explained that he could build two (2) buildings of 1,414 sq. ft. each but due to topographical (wetlands and steep slopes) he does not have another location for the second (2nd) pole barn. He stated that the barn will not be visible to neighbors due to the location below grade and existing landscaping plus he is willing to add additional landscaping for screening (evergreen trees). It was discussed that the addition will be forty (40) ft. by forty-eight (48) ft., not forty-two (42) ft. by forty-eight (48) ft. as depicted on the drawing so the total size would be 3,456 sq. ft. Additionally, a variance for the height is required since twenty-one (21) ft. to the midpoint of the roof is proposed verses the eighteen (18) ft. to the midpoint of the roof as allowed per the Zoning Ordinance.

K. Mathews reviewed her letter dated January 11, 2017.

PUBLIC HEARING

The public hearing opened at 7:45 P.M.

John Evangelista, 4662 Crow's Nest Court - Concerns with looking at a very large garage; the amount of cars, trucks, and equipment at the site; traffic, noise, sound.

David Arnesen, 11138 Pine Needle Court - Concerned about the visibility of a large garage; noise; equipment; more activity; more detrimental; stick with the rules (zoning ordinances).

The public hearing closed at 7:52 P.M.

J. Cogley moved and J. Dorset seconded to approve the variance requests for ZBA Application 16/14; Location: 11275 Eagle Way; Tax ID # 12-27-301-034; Owner and Applicant: Thomas R. Petty; Zoning: R-2 (Residential Single Family), variances from the ground floor area of detached structure, a variance from *Section 3-04(h)* of the Zoning Ordinance and a variance for the height of the detached structure, a variance from *Section 3-04(f)* of the Zoning Ordinance for the following reasons: there is no impact beyond the impact that already exists on the site; will clean up the property by putting equipment and other items into the proposed barn; the property is kept up; the property is not an eyesore; there is no impact or hardship to neighbors; and the property owner will plant twelve (12) blue spruce trees on the north side of his property to further block the view from neighbors. The variances will include a twenty-one (21) ft. high to the midpoint of the roof height and a forty (40) ft. by forty-eight (48) ft. addition to the existing pole barn to make the total square footage 3,456 sq. ft. in the location as designated on the plot plan.

Ayes: J. Dorset, J. McKeon, S. Theis, J. Gibbons

Nays: J. Stinedurf, F. Grapentien

Motion carried.

ELECTION OF 2017 OFFICERS

J. Stinedurf moved and J. Cogley seconded to appoint F. Grapentien, Chair; J. Dorset Vice-Chair; and J. Gibbons, Secretary for 2017.

Motion carried.

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

Chairperson Grapentien overviewed OHM's letter dated January 18, 2017 and presented the e-mails provided at the table.

Vicki/Sam Raguso - 1/8/17 e-mail to Livingston Press (was in press on 1/10/17) - opposed.

Stephen Rushak - 1/25/17 e-mail - continued from his 11/30/16 e-mail - opposed.

Stephanie Anderson - 1/25/17 e-mail - opposed.

Melanie Pipple - 1/25/17 e-mail - opposed.

Tammy Cooper - 1/25/17 e-mail - opposed.

Doug Taylor - 1/25/17 e-mail - opposed.

Andrea Wade - 1/25/17 e-mail - opposed.

ZBA reviewed the November 30th motion where the Verizon cell tower variance request was tabled. Mr. Grapentien overviewed the updated pages in the booklet provided by Applicant. K. Mathews reviewed her letter dated January 12, 2017. Applicant Representative, Mr. Crane, provided an overview of the updated pages and answered questions from the November 30th meeting. A technical person from Verizon overviewed the exhaust plots in the sectors and explained why the cell tower was needed in this location.

PUBLIC HEARING

The public hearing opened at 9:10 P.M.

Barb Potocki, 8420 Woodland Shore Drive - Coverage on the maps depicts that there is overlapping coverage; this location helps the City of Brighton more than the Township. She presented a petition that was given to the City of Milford against the cell tower and also stated the tower will decrease property values by 10%; aesthetics are not good; noise concerns; need more demonstration for the need for the tower; Verizon has a habit of breaking leases; the longevity of the lease; and recently a new cell tower was put up at Hacker and Grand River.

S. Raguso, 8425 Hilton - Verizon was turned down by the City of Brighton and Milford; Verizon breaks leases; referred to the Milford petition.

M. Kassab, 31550 Northwestern Hwy, Farmington Hills - Developer/owner of property adjacent to the proposed cell tower site. He presented an overview of the history of the previously proposed multi-family project; feels there is a safety concern for the tower being located adjacent to his property; feels they can mitigate the wetlands to have housing right next to this property; and that it could be a problem for their development if they have to move their project further back away from the tower site.

S. Raguso, 8425 Hilton - Milford turned a cell tower down; aesthetics; real estate values will fall; should not reduce setbacks to residential and wetlands; there are many cell towers in the area; health issues.

C. Guard, 8344 Pointe Shore Drive - Echoed other complaints; aesthetics is a concern.

Barb Potocki, 8420 Woodland Shore Drive - Presented on an iPad pictures of a recently installed cell tower at Hacker and Grand River.

G. Gilbert, 8391 Hilton - Against the cell tower; echoed others' concerns.

T. Bureau, Grand Haven - Wetlands consultant - He stated that in order to fill wetlands you have to have good reasons and you have to mitigate 1.5 times the area to be filled; he stated the Township has a 25 ft. wetland buffer; to fill those wetlands would be quite a bit of fill and would require a permit from the Army Corps of Engineers besides the MDEQ.

K. Rushak, 8321 Hilton - Opposed; the proposed tower is too close to the wetlands; stated her husband had sent the e-mail read into the record earlier.

M. Kassab, Farmington Hills - Reiterated that they feel that they will be able to fill part of the wetlands and that the proposed cell tower location is a self-created hardship; there are other sites in the area.

Resident, 8341 Hilton - Why would we deviate from our 25 ft. wetlands setback? Property values will go down; health; aesthetics.

Seven (7) emails previously referenced were put into the record; all opposing the variance request.

The public hearing closed at 10:00 P.M.

J. Gibbons moved and J. Cogley seconded **to approve the variance requests for 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) to allow setback variances to the residential property lines to the east (108 ft. variance) and south (46 ft. variance), a variance from Article 13, Sec. 13-16(d)(10)b, and a setback variance to the wetlands to the east (8 ft. variance), a variance from Article 7, Sec. 7-03, for the following reasons: advice regarding the wetlands from the January 18, 2017 OHM letter; there is a practical difficulty and justice if not approved; no impact to public safety; no impact on neighbors' continued use of their properties; and the need for the variances are not self-created.**

Ayes: S. Theis, J. Gibbons

Nayes: J. Stinedurf, J. Dorset, J. McKeon, F. Grapentien, J. Cogley
Motion failed.

REPORTS AND CORRESPONDENCE

J. Stinedurf – Planning Commission update; Shepherd of the Lakes addition.

F. Grapentien - Utilities Committee and Asset Management Plan updates.

J. Dorset - Discussion on public comments and whether the three (3) minute rule for speakers can be enforced.

CALL TO THE PUBLIC

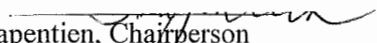
None.

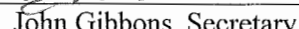
J. Cogley moved and J. Dorset seconded **to adjourn.**

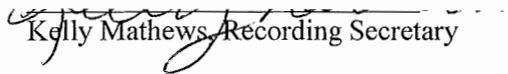
Motion carried.

The meeting adjourned at 10:27 p.m.

Respectfully submitted,


Frank Grapentien, Chairperson


John Gibbons, Secretary


Kelly Mathews, Recording Secretary


Ann M. Bollin, CMC, CMMC, Clerk