

Springfield Township  
Zoning Board of Appeals Meeting  
Minutes of December 18, 2008

**Call to Order:** Chairperson Wendt called the December 18, 2008 Regular Meeting of the Springfield Township Zoning Board of Appeals to order at 8:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350.

**Attendance:**

**Board Members Present**

Skip Wendt  
Dean Baker  
Dennis Vallad  
Bill Whitley

**Board Members Absent**

Jim Carlton

**Staff Present**

Mike Trout

**Public Comment:**           None

**Approval of Agenda:**

- **Board Member Vallad moved to approve the agenda as presented. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt, Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

**Approval of Minutes:**   October 16, 2008

- **Board Member Vallad moved to approve the October 16, 2008 minutes as published. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton; Abstain: Whitley. The motion carried by a 3 to 0 vote.**

**Old Business:**               None

**New Business:**

Chairperson Wendt stated only one item will be addressed this evening, which is the request by SBA Corporation. The other applicants have either asked that their request be withdrawn or tabled to a later meeting.

1.     Request by Divine Mercy Catholic Parish, 4055 Parker Road, Davisburg, MI 48350 for the following variances in order to install a temporary sign on its property, to be visible from Davisburg Rd.

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- a) Allow a temporary sign that does not direct attention to a use or service conducted or offered on the premises as required by Section 16.07.2.a of Zoning Ordinance No. 26.
- b) Allow a ground sign identifying a non-residential Special Land Use whose location and size has not been determined during site plan review as required by Section 16.07.3(a)3 of Zoning Ordinance No. 26
- c) Allow use of a temporary sign not listed in Section 16.07.8 as a permitted temporary sign and with a total of sixty-four (64) square feet rather than sixteen (16) square feet allowed by Section 16.07.8 of Zoning Ordinance No. 26.

The property that is subject of the requests is located on Davisburg Rd., across from Clemae and west of Ormond. P.I. 07-18-376-010.

Supervisor Trout stated Divine Mercy Catholic Parish has decided that their request for a temporary sign is not necessary. They are in the Site Plan Review process, and once the Plan is approved, they will have authority to begin signage on their property.

Trustee Vallad noted that the applicant has asked that a portion, or the entire \$300.00 application fee, be returned to Divine Mercy Catholic Parish. He stated this is not under the authority of the Zoning Board of Appeals and the request needs to be acted on by the Township Board.

Supervisor Trout stated this item will be on the next Township Board agenda for consideration.

- 2. Request by Pauline S. Tedder, 401 Englewood Dr., Roscommon, MI 48653 for a variance, as required by Section 16.20.2 of Zoning Ordinance 26, to create a 7.68 acres parcel comprised of an access strip sixty (60) feet wide and three hundred seventy (370) feet deep.

The property that is the subject of the variance request is located on the south side of Davisburg Rd., west of Dixie Highway and east of Pine Lake Rd. P.I. #07-15-200-013.

Supervisor Trout stated this item is on hold until property issues can be cleared up with M-DOT. There is a question regarding a road right-of-way and access and easements.

Board Member Baker noted a letter dated December 18, 2008 has been received from Grant Ward Surveyors asking that this item be tabled until the March meeting.

- **Board Member Whitley moved to accept the request to table the Tedder request until the March 2009 meeting as requested by Grant Ward. Board Member Vallad supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt, Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

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3. Request by Michael and Amber Angona, 9524 Dolores, Clarkston, MI 48348 to permit placement of a shed with a five (5) foot side setback, rather than the minimum fifteen (15) foot setback required per Section 25 of Zoning Ordinance No. 26.

The property that is subject of the request is located at 9524 Dolores. P.I. #07-11-453-009.

Supervisor Trout stated there is a question about a lot line on the Angona's property and they have asked that their request be postponed. This request is in regard to a structure that has already been built. The construction started without a permit and a variance request was submitted. Upon further investigation, it appears the lot line is not completely determined, and needs to be surveyed. He stated a citation was issued and Mr. & Mrs. Angona have until February to correct the situation before going to court.

- **Board Member Whitley moved to table the Angona request until the January 2009 meeting. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt, Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

4. Request by SBA Corporation, c/o Ellen Tencer, 5030 Cooley Lake Rd., Waterford, MI 48327 to permit construction of a tower with a seventy (70) foot setback from a residential district, rather than the minimum one hundred fifty seven (157) feet required per Section 16.09.3.a(5)(b) of Zoning Ordinance No. 26.

The property that is subject of the request is the I-75 rest stop located on the east side of I-75 and north of Davisburg Rd. P.I. #07-09-426-002.

Ellen Tencer, 5030 Cooley Lake Rd., Waterford, MI 48327, representing SBA Corporation, was present in regard to this request.

Ms. Tencer stated the tower is to be placed at the northbound I-75 rest stop. The location was picked because it is hidden by trees and would keep the tower away from bathroom and picnic grounds areas, and the expressway. M-DOT selected the location.

Board Member Whitley clarified that what is needed is an eighty (80) foot variance to have a one hundred-fifty (150) foot tower.

Ms. Tencer clarified they currently have a seventy foot setback and a total setback of one hundred fifty seven (157) foot is needed. An eighty-seven (87) foot variance is needed. The seven foot needed is for the lightening rod that is placed on top of the tower.

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Chairperson Wendt stated if the tower were to fall, it is suppose to collapse on itself and asked Ms. Tencer how that happens.

Ms. Tencer responded she sent packages to the Board that included photographs of different towers. Included were pictures towers still standing after Hurricane Katrina in New Orleans, LA and a tower in Howell, MI that was in complete failure due to a coaxial cable catching fire.

Ms. Tencer stated the towers are designed with weak links at certain points that will crimp, but the tower does not fall or break apart. She stated a tower has never fallen in the United States.

Chairperson Wendt asked if there is an overlapping grid pattern showing how the proposed tower will help with cellular service.

Ms. Tencer responded yes, but that information was provided to the Planning Commission and not the ZBA.

Ms. Tencer stated at this time, T-Mobile is the only carrier going on the proposed tower, but that other carriers may go on in the future. T-Mobile is already on towers to the north and south of the proposed tower. Other companies that will probably go on this tower are already on towers to the north and south.

Board Member Whitley asked about the tower in Howell, MI that was in complete failure, and confirmed with Ms. Tencer that there has never been a rupture or an uprooting.

Ms. Tencer responded that is correct. She referenced a letter included in the ZBA packet from Sabre Tower and Poles dated December 5, 2008 that states the same thing. She stated Sabre makes towers to be placed all over the country including areas where there are earthquakes, hurricanes and tornados and one has never fallen. She stated the worst failure she has ever seen was the tower in Howell.

Board Member Baker stated he has a copy of the map provided to the Planning Commission and asked Ms. Tencer to review what the map is trying to depict.

Ms. Tencer responded this map was done by T-Mobile. She again stated they are the only carrier going on the proposed tower, but that SBA markets the tower to other carriers once the tower is approved for construction. The map shows where T-Mobile is located on towers in the area.

Board Member Whitley stated it is not indicated if there is a backup generator supply and asked if there are plans for a generator.

Ms. Tencer responded no. She stated the towers are required to have a three day battery back-up and that the Federal government is revising this and she thinks the battery

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backup will be five or seven days. If a power outage lasts longer than the battery back-up, a generator will be brought in. Generators are not brought into every location, only ones deemed critical.

Dot Lalone, 11000 Davisburg Road, asked why another tower is needed along I-75.

Chairperson Wendt stated there is a gap in coverage now that would disrupt cell phone communication.

Ms. Tencer responded there are two problems with towers. One problem is that there is a gap in coverage. The other problem is a capacity issue. Each carrier on every tower can only handle 300 telephone calls per tower and when traffic gets backed up on I-75 that capacity gets used up quickly. If data usage is factored in (computers, text messaging, etc.) the 300 calls capacity could be reduced to 150.

She stated there is pretty heavy capacity in that area and there are a lot of people that do not have land line telephones and use cell phones as residential phones that also affect the capacity.

Board Member Baker asked if the tower in Howell is the same height as the tower proposed tonight. Ms. Tencer responded yes.

- **Board Member Baker moved to approve the variance request made by SBA Corporation for a seventy (70) foot setback instead of the required one hundred fifty seven (157) foot setback for this tower based on the fact that special conditions and circumstances exist at the property for siting this structure. That literal interpretation of the provisions of the ordinance would deprive the applicant rights commonly enjoyed by other property properties in the same zoning (Public Service) district and the variance is the minimum variance necessary to make possible this use. Board Member Whitley supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt, Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

### **5. 2009 Meeting Dates**

Board Member Whitley asked why the meetings couldn't be on Wednesdays instead of switching back and forth between Wednesday and Thursday throughout the year.

Chairperson Wendt responded he doesn't see any reason why not and that the Wednesday meeting dates from May through August was done as a convenience to him.

Board Member Vallad stated there may have been a past schedule conflict with former Supervisor Walls that was the reason for the change. He stated he does not object to either day and asked Supervisor Trout if there are scheduled meetings for the third Wednesday of the month.

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Supervisor Trout responded no.

- **Board Member Whitley moved that the 2009 meeting schedule for the Zoning Board of Appeals be scheduled for the third Wednesday of the month throughout the year. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt, Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

### 6. Election of Officers

- **Board Member Vallad moved to nominate Skip Wendt as Chairperson of the Zoning Board of Appeals for the 2009 calendar year. Board Member Whitley supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt, Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**
- **Board Member Vallad moved to nominate Bill Whitley as Vice-Chairperson of the Zoning Board of Appeals for the 2009 calendar year. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt, Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

Board Member Vallad asked if a Secretary needs to be appointed. Supervisor Trout responded if one needs to be appointed, it can be done at the next meeting.

### **Adjournment:**

Hearing no other business, Chairperson Wendt adjourned the meeting at 8:30 p.m.

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Renee Wilson, Recording Secretary