

**ROSE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
April 4, 2017**

The following residents and guests signed in as present:

Maura Jung Tim Meade Kim Meade Fred Low

Other(s) present: Susan Weaver (recording secretary), Clerk/Debbie Miller,
Zoning Administrator/ David Plewes

The regular meeting of the Rose Township Zoning Board of Appeals was called to order at 7:30 p.m. at the Rose Township Hall, 9080 Mason Street, Rose Township, Michigan.

Board Members Present: Living-Hawley, Koop, Gambka, Claus, Sharich
Board Members Not Present: None

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for April 4, 2017.

Koop adds - Correspondence: MTA Notice.

Moved by Sharich, seconded by Gambka, motion carried to approve the Agenda as amended.

Voting Yes: Koop, Gambka, Sharich, Claus, Living-Hawley

Voting No: None

APPROVAL OF MINUTES:

A. Approval of Regular Meeting Minutes of March 7, 2017

Moved by Sharich, seconded by Gambka, motion fails (no support) to change "table" last sentence first paragraph p. 2 to "postpone" and "table third paragraph, p. 2 to "postpone".

Moved by Koop, seconded by Sharich, motion carried to amend the minutes in paragraph 3, by changing the word "table" to "postpone".

Voting Yes: Koop, Gambka, Sharich, Claus, Living-Hawley

Voting No: None

Koop proposes the following changes be made to the minutes of March 7, 2017:

"After the sentence "Mrs. Meade states there is also a permit for a new well." Insert "(Note: Mrs. Meade presented to Mr. Koop a copy of an application to abandon an existing well and a second application for a new well.)"

After the sentence beginning "Mr. Koop states he contacted the Health Department..." Add the following sentence "In response to questions from Mr. Koop, Mr. Meade acknowledged that he purchased property prior to getting any approvals from the Health Department."

After the sentence Mrs. Meade states that pertained to the original trailer..." Add the sentence

“Mr. Meade acknowledged that they have already purchased a new manufactured home.”

Delete “Koop states the applicants should re-file, Board should table the matter while applicant await approval”. Add the following paragraph after “Sharich states the house...” The Board discussed whether to proceed to making a decision now or wait until the applicants can get approval from health department to use the existing septic system. Koop pointed out if the Board made a decision to deny Mr. Meade’s variance request tonight and the health department subsequently approved use of the existing septic, the applications would be prohibited by ordinance for re-apply for this same variance for one (1) year.”

Moved by Koop, seconded by Sharich, motion carried to approve the changes proposed by Koop as referenced above be made to the March 7, 2017 meeting minutes.

Voting Yes: Koop, Gambka, Sharich, Claus, Living-Hawley

Voting No: None

PUBLIC HEARING:

A. Mr. Fred Low, applicant for property owners Dennis and Dain Vettese of 2375 E. Rose Center Road (06-36-301-003), is requesting a variance from Sec. 38-338.4c of Rose Township Zoning Ordinance requiring accessory buildings for cell towers be constructed of brick with a pitched shingled roof. The variance request is to allow installation of outdoor equipment with canopy.

Koop asks that the record show, pursuant to information received in Board packet, that all property owners within three (300) feet have been notified as required, that written documentation has been received authorizing Mr. Fred Low (Chaille Tower Consultants for Parallel Infrastructure) to represent the property owners for purposes of this variance, and that members of the Board may enter the property for purpose of inspection.

Open Public Hearing at 7:42 p.m.

Mr. Low states he represents the property owners and informs the Board the property owners wanted to be here tonight, but had work conflicts. The ordinance requires the building to be brick with a pitched roof, the industry has moved away from this type of dwelling and these type of shelters are expensive. These structures also have a negative impact environmentally, causes cell site to use more power. Several studies conducted and show power consumption to be twice as much as proposed outdoor equipment with canopy. The front of parcel is obscured from residential properties and topography dictates the distance from road and the wooded area would make the outdoor equipment barely visible. Conifers will be planted around the site and the outdoor equipment is designed to prevent animal infestation.

Close Public Hearing at 7:48 p.m.

Mr. Low states the majority of Townships agree with this proposal, aesthetically.

Claus asks if there would be lights on the outdoor facility and would they cause light pollution. Mr. Low responds yes, motion sensor lighting, no pollution.

Mr. Low states the outdoor facility is constructed of galvanized steel, four (4) post construction with a lien-to on top. The land will be leased.

Board members would be more comfortable with an opaque screening as the structure does not seem

compatible with the area. Mr. Low states it is being proposed that if screening was a concern a type of wood, low maintenance, fence is proposed in the packet.

Koop states the ordinance speaks of the subject property being within one thousand (1000) feet of a residential district. Koop further states in the documentation there is no data qualifying references to cost savings. Mr. Low states he can provide the Board with a few Italian studies. Koop inquires how heating/cooling would be handled. Mr. Low states the equipment would need to be temperature controlled (cooled/humidity) if there was a shelter, but the proposed outdoor set-up is much smaller which equals less cost.

Koop states the owners are requesting a variance, asking us to make a determination based on the cost of the shelter v. outdoor structure. Mr. Low states the main focus of the ordinance is to focus on making it an appealing compound/structure/installation. Mr. Low states cost is not the issue, willing to make structure non-visible and blend with property.

Plewes states if approved, the Board has more control and can place conditions on approval. If the Board denies request, old building goes in and would just have to meet the minimum requirements of the Ordinance.

Koop states the decision to grant variance does not create a precedent. Plewes states if using language "cost savings" could create illusion of precedent. Plewes states it is a large parcel and zoned industrial.

Moved by Koop, seconded by Sharich, motion carried to approve the Board's findings of fact: 1. the property is zoned M1 and structure has already received approval for use on the site, 2. the property is within one thousand (1000) feet of a residential district, 3. proposed facility is to be located on a large parcel of land exceeding fifty (50) acres; 4. the nearest existing home/house is over one thousand (1000) feet away; and 5. partial concealment of the facility is achieved by the differential in elevation from Pepper Rd. to the accessory facility of at least seven (7') feet.

**Voting Yes: Koop, Gambka, Sharich, Claus, Living-Hawley
Voting No: None**

Moved by Sharich, seconded by Living-Hawley, motion carried to approve the installation of the proposed accessory facility with the following condition, that it is a pavilion style structure and conditioned upon the erection of a wood-like vinyl fencing with the overall height of nine (9) feet.

**Voting Yes: Claus, Sharich, Living Hawley, Gambka, Koop
Voting No: None**

Moved by Claus, seconded by Gambka, motion carried to further amend the above-stated motion to include the proposed accessory structure not to exceed eleven (11) feet, six (6) inches in height.

**Voting Yes: Sharich, Living-Hawley, Gambka, Koop, Claus
Voting No: None**

OLD BUSINESS:

None.

NEW BUSINESS:

A. Introduction of New Member (Linda Living-Hawley)

OTHER BUSINESS:

None.

TABLED:

None.

PENDING (POSTPONED):

- A. Mr. Tim Meade owner of vacant lot on Cogshall Street (06-03-203-008), is requesting a variance from the Rose Township Ordinance. The request is for a total side yard setback variance to locate a manufactured structure within eight (8) feet of the west side yard setback and five (5) feet of the east side yard setback. Rose Township Zoning Ordinance, Table 38-232 Schedule of Regulations, requires that the total side yard setback be a minimum of fifteen (15) feet.

Koop asks if the trailer has already been purchased. Response yes.

Moved by Claus, seconded by Sharich, motion carried to approve the variance for Mr. Tim Meade, with a side yard setback of 5 feet located at 4030 Cogshall Rd. based on Fact Finding that it is consistent with the Master Plan; does not compromise public safety and welfare; applicant's substantial property rights are upheld; while applicant could put smaller residence on property or different configuration, it does not harm any other property owner and that it complies with Oakland County Health Department regulations.

Voting Yes: Claus, Sharich, Living-Hawley, Gambka
Voting No: Koop

CORRESPONDENCE/COMMUNICATIONS:

Koop states there is zoning and planning training (MTA), suggests that new Board members attend.


BRIEF PUBLIC COMMENT – General Items NOT on Agenda (limit comments to 3 minutes each item):

None.

ADJOURNMENT:

Meeting adjourned at 9:25 p.m.

Approved/Corrected—



 Debbie Miller, MMC, CMMC
 Rose Township Clerk