

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE
POINTE WOODS HELD ON MONDAY, JUNE 21, 2010, IN THE COUNCIL-COURT ROOM
OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS,
MICHIGAN.

The meeting was called to order at 7:35 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council members: Boddy, Bryant, Granger, Howle, McConaghy, Sucher
Absent: None

Also Present: City Administrator Wollenweber
City Attorney Charles Berschback
Director of Public Safety Fincham
Director of Public Works Ahee
Building Inspector Tutag
City Engineer Lockwood (8:00 p.m.)
Recording Secretary Babij Ryska

The following Commission members were in attendance:

Leland Allcut Jr., Board of Canvassers
Thomas Fahrner, Mack Avenue Study Committee
Michael Fuller, Planning Commission
Richard Shetler Jr., Senior Citizens' Commission
Allen Dickinson, Planning Commission
Angelo DiClemente, Beautification Commission
Philip Hage, Beautification Commission

Motion by Bryant, seconded by Howle, that all items on tonight's agenda be received,
placed on file, and taken in order of appearance.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher
No: None
Absent: None

ZONING BOARD OF APPEALS
06-21-10 – 2

THE MEETING WAS THEREUPON OPENED AT 7:35 P.M. FOR A ZONING BOARD OF APPEALS PUBLIC HEARING UNDER THE PROVISIONS OF CHAPTER 50, ZONING, SECTION 50-181 OF THE 2007 CITY CODE TO HEAR THE APPEAL OF HALEY LAW FIRM, PLC, ON BEHALF OF AT&T, WHO IS SEEKING TWO VARIANCES TO INSTALL A 100' TALL STEALTH WIRELESS COMMUNICATIONS FACILITY AT 1200 PARKWAY. THE REQUEST IS NONCOMPLIANT WITH SECTION 50-621(3)(A) AND SECTION 50-621(3)(C) DUE TO THE PROPOSED SETBACK FROM RESIDENTIAL AND NONRESIDENTIAL BUILDINGS. A VARIANCE IS THEREFORE REQUIRED.

Motion by Howle, seconded by Bryant, that, for purposes of the Zoning Board of Appeal hearing, the following items be received and placed on file:

- 4A. AT&T 100' Tall Stealth Wireless Communications Facility (WCF), 1200 Parkway
1. Application to the ZBA 06/02/10 w/attachment
 2. Project Summary
 3. Proposed Site Plan 05/18/10
 4. Planning Commission Excerpt 05/25/10
 5. Memo 06/15/10 – Building Official, w/attachments
 6. Letter 06/14/10 – City Attorney
 7. Letter/Lease Agreement 06/14/10 – City Attorney
 8. Affidavit of Legal Publication 06/03/10
 9. Affidavit of Property Owners Notified
 10. Aerial Views

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No: None

Absent: None

Building Official Tutag provided an overview of the Petitioner's request.

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. The following individual was heard:

Wallace Haley, on behalf of AT&T
8065 Grand River
Brighton, MI 48114

ZONING BOARD OF APPEALS
06-21-10 – 3

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. The following individuals were heard:

Thomas Perna
1174 Aline Dr.

Janis Kulka
21750 Eastbrook Ct.

Dorothy Lilly
1232 Edmunton Dr.

Sharon Schmidt
1212 Edmunton Dr.

Jeanne Lizza
1241 Blairmoor Ct.

Edward Szandzik
21671 River Rd.

Jill Bush
1053 Moorland

Mary Anne D'Arca
1242 Edmunton Dr.

George Lilly
1232 Edmunton Dr.

Joseph Tringale
21849 River Rd.

James Kelly
23142 N. Rosedale Ct., St. Clair Shores

David Bergeron
1065 Woods Ln.

George Petroff
1457 Yorktown

Motion by Granger, seconded by Boddy, that the public hearing BE CLOSED at 8:14 p.m. PASSED UNANIMOUSLY.

Discussion ensued regarding the concerns of the public, aesthetics, and placement of the proposed tower.

The Chair declared a recess at 8:33 p.m., and reconvened at 8:48 p.m.

The Zoning Board of Appeals recessed at 8:49 p.m. and reconvened as the City Council for the purpose of addressing the Presentations of the Public Safety Award Recognitions. The Zoning Board of Appeals reconvened at 8:57 p.m.

Discussion continued regarding the concerns of the public, aesthetics, and placement of the proposed tower.

Motion by Bryant, seconded by Boddy, that the Zoning Board of Appeals grant the variances from the 2007 City Code: Section 50-621(3)(a), Setback from residential; and Section 50-621(3)(c), Setback from nonresidential buildings to allow AT&T to construct a 100' tall stealth Wireless Communications Facility at the City's DPW yard at 1200 Parkway.

Motion by Bryant, seconded by Boddy, to amend the previous motion by adding, "contingent upon further approval by the Planning Commission and Council as required by the Wireless Communications Facilities Ordinance".

Motion by Bryant, seconded by Boddy, to amend the previous motion by adding, "also conditioned upon receipt of a sealed letter from a structural engineer licensed in the State of Michigan, who is acceptable to Grosse Pointe Woods, indicating how the structure would collapse and that the proposed setbacks from the residential lots would be adequate".

Motion by Bryant, seconded by Boddy, to amend the previous motion by adding, "and that the variances be granted for the following reasons:

1. The applicant has worked with staff to obtain the best possible location that would not interfere with current and future operations in the DPW yard. No location exists at the facility that could satisfy being more than 100' from a non-residential building and more than 300' from residential lots. The restrictions prevent the reasonable use of the property for a permitted use within the district.
2. Granting of the variance would provide much needed coverage in this area of the city as referenced on page 8 of the project summary. A relaxation of the setback requirements will provide substantial relief to the petitioner as no site exists within this area of the city that a WCF can be built without variances.
3. The subject property is unique in size, shape, and use that prevent the WCF from being constructed without relief.
4. The purpose of these variances is to provide relief from overly restrictive zoning created by the City who in this instance is also the landowner, a situation not created by the petitioner.
5. Granting of the variances will insure the spirit and intent of the ordinance is observed, public safety and welfare secured, and substantial justice done."

Motion carried by the following vote:

Yes: Boddy, Bryant, McConaghy, Novitke, Sucher

No: Granger, Howle

Absent: None

Motion by McConaghy, seconded by Boddy, that the Zoning Board of Appeals minutes from tonight's meeting be immediately certified.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No: None

Absent: None

Motion by Howle, seconded by Boddy, to adjourn tonight's meeting at 9:42 p.m.
PASSED UNANIMOUSLY.