

**TALLMADGE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 15, 2009**

Charles Gilson called the meeting to order at 7:00 p.m.

Members present: Shirley Bruin, Marvin Bennink, Mary Gavin, Clifford Bronkema and Charles Gilson

The minutes of the July 16, 2009 meeting were approved as presented.

1. Dale Scholten of General Communications is requesting a variance from Section 3.35 (c) 3 – Wireless Communication Facilities, General Requirements, Height, and – Section 15.05 (e) – Parking Lot Layout and Construction, Surfacing. This is for part of parcel number 70-10-01-151-011 which is zoned Commercial and is located at O-14205 Ironwood Drive.

Charles Gilson confirmed that Mr. Scholten had received the Standards of Review from the Zoning Ordinance containing the criteria used to determine whether they should approve a variance request.

Mr. Scholten said he is in the radio communication business and rents out tower space. His main location is in Walker. Mr. Scholten said that Tallmadge Township requires pavement for driveways in Commercial zoning, however there would not be much traffic generated at this site, possibly once or twice per week and the driveway would be approximately 500 feet in length. He spoke with MDOT, since this property is located on a state highway, and their only concern was that gravel would not be dragged out onto Ironwood. Therefore, MDOT would approve a gravel driveway with the condition there would be paving near the entrance. Mr. Scholten said it would be very expensive to pave the entire driveway.

Mr. Scholten explained that bigger and stronger towers allow more customers, and he initially wanted a guyed tower, however the township only allows monopoles. He deals with internet providers and television and radio stations, and monopoles are not developed for these multiple services. Mr. Ransford had informed Mr. Scholten that the Zoning Board of Appeals could not grant a variance from a monopole, but he is requesting a variance for the height, to allow 200 feet, which would not require lighting. The township allows 175 feet in height. The additional 25 feet would allow more options for potential rentals. The property is zoned Commercial and the proposed tower site is back off the road.

Charles Gilson asked how many residential houses were near by. Mr. Scholten said there is an existing tower off of Leonard in a residential area. He added that wireless internet and other wireless services are exploding, and a tower is almost needed every 3-4 miles. He also provides mobile communications and broadcast. The township only seems to consider cellular.

The meeting opened to the public.

Robert Bolek of 14290 Ironwood said he does not want to see a tower out of his window. One other neighbor had come into the office and said he had no problems with the request. Mr. Scholten confirmed that Mr. Bolek lived between the gas station and the motel and said there are power lines running right by Mr. Bolek's house and all through the area and this would not be any different. Mr. Scholten said the proposed tower would be almost 600 feet back from Ironwood and on a parcel of approximately 3 ½ acres.

Shirley Bruin was concerned about the fall area, and noted that if the tower fell straight out it could be 85 feet onto someone else's property. Mr. Scholten said that would be very unlikely. Ms. Bruin asked if the tower could be moved closer to the road. Mr. Scholten said he would prefer to keep the tower to the back of the property in order to allow for other Commercial use in the front.

Mary Gavin confirmed that Mr. Scholten was requesting the additional 25 feet because of the type of signals. Mr. Scholten said it would give him more rental opportunity. He would prefer taller than 200 feet, however that would require lights. A tower of 175 feet in height would allow for 3 or 4 cellular users, however the additional 25 feet would allow for more communication services such as wireless internet and radio communications.

Shirley Bruin asked about drainage. Mr. Scholten explained that if the driveway were paved the entire length, he would need a drainage plan, since that would create drainage problems.

Marvin Bennink does not see any extenuating circumstances on either request, and feels it is primarily economic. He added that if the ZBA granted a variance for a gravel drive for this property, they would have a hard time requiring pavement for other Commercial properties.

Mr. Scholten explained that he would not need the extra 25 feet if the tower were going to be used only for cellular, but the intent for this tower is 90% for WIFI. Mary Gavin agrees, the proposed tower could be used for new technology that Tallmadge Township does not have. She added that the township needs to address the fact that new technology is coming and Tallmadge is not ready.

The meeting closed to the public.

The Zoning Board of Appeals considered the request for a height variance first. Marvin Bennink moved, Shirley Bruin supported, motion CARRIED to DENY the request for a height variance based on the fact the Zoning Ordinance requires a 175 foot maximum height. Ayes: Shirley Bruin, Marvin Bennink, Mary Gavin, Clifford Bronkema and Charles Gilson. Nays: none.

The Zoning Board of Appeals then considered the request for a variance from the paved driveway. Clifford Bronkema feels that a paved apron would be sufficient, as long as MDOT approved it. He feels that this is an extraordinary circumstance based on the length of the proposed driveway. Shirley Bruin expressed concern that other requests would be made for gravel driveways in the future.

Mary Gavin moved, Marvin Bennink supported, motion CARRIED to DENY the request based on the fact the exceptional or extraordinary circumstances applying to the property in question are self-created. Ayes: Shirley Bruin, Marvin Bennink, Mary Gavin, Clifford Bronkema and Charles Gilson. Nays: none.

Meeting Adjourned at 7:45 p.m.

Respectfully Submitted,

Denise L. Somers, Administrative Assistant