

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
APRIL 19, 2018
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1. CALL TO ORDER

The meeting of the Superior Charter Township Zoning Board of Appeals was called to order by Chairman Rintamaki at 7:00 p.m.

2. ROLL CALL

The Zoning Board of Appeals members present were Dail, Guenther, Heningburg, Parm and Rintamaki. Deeds and Lewis were absent. Rick Mayernik, Building and Zoning Official, was also in attendance. A quorum was present.

3. ADOPTION OF AGENDA

A motion was made by Member Dail and supported by Member Heningburg to adopt the agenda as presented. The motion carried by voice vote.

4. APPROVAL OF MINUTES

A motion was made by Member Dail and supported by Member Parm to approve the minutes of September 11, 2017 as amended. The motion carried by voice vote.

5. CITIZEN PARTICIPATION

There was no Citizen Participation.

6. COMMUNICATIONS

There were no Communications.

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

None.

8. OLD BUSINESS

- A. ZBA #17-07 Variance from Section 14.02(D)(3)(c) (Setback from Road Right of Way), and 14.02(D)(3)(a)(3) (one mile separation) if necessary, for the construction of a 180 foot monopole tower. This property is located at the M-14 off-ramp and Ford Road off-ramp overpass and is zoned RC (Recreation-Conservation District).

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Chairman Rintamaki stated that the meeting was postponed last time in order to get more information from the architect. Since then, letters were received from Verizon, MDOT explaining why the tower was necessary.

Member Dail mentioned that the other issue on the agenda was the definition of a tower.

Chairman Rintamaki replied that there was no need to discuss that agenda item. He stated there may be a need for the Township to update the definition of a tower and the distance requirements may need to be looked at. He suggested that the agenda item be withdrawn and the definition goes to the Board of Trustees for review.

Member Guenther asked for specifics in which section of the ordinance was being granted a variance. He noted that 14.02(D)(3) states that “a tower shall have a minimum setback from all property boundaries...” but that will not apply in this case.

Mr. Mayernik replied that in this case, the tower isn’t set back from the right of way, but it is in the right of way.

It was noted that the required fall zone is satisfied.

Member Guenther reiterated that the Zoning Board of Appeals would be approving a 180 foot tower without flashing lights, as that is required at 200 feet.

Mr. Mayernik stated that if a Conditional Use Permit is granted, the project will go to Planning Commission for site plan review.

Mr. Crane explained the sharing of towers and the safety involved in that.

Chairman Rintamaki read the Zoning Board of Appeals Standards for Review and it was determined that all standards were satisfied.

Chairman Rintamaki added that this is case is unique because MDOT could trump some of these items.

Member Guenther inquired as to why MDOT did not circumnavigate Zoning Board of Appeals.

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Mr. Crane replied that MDOT has an agreement with SBA Corp. regarding state-owned land. SBA manages the towers and the building permit comes from the State, but as part of the contractual arrangement with the State, MDOT must have zoning approval.

Motion by Member Guenther supported by Member Heningburg to approve ZBA #17-07 granting a variance from Section 14.02(D)(3)(c) (setback from road right of way), and 14.02(D)(3)(a)(3) (one mile separation) if necessary, for the construction of a 180 foot monopole tower.

Roll Call Vote:

Yes: Dail, Guenther, Heningburg, Parm, Rintamaki.
No: None.
Absent: Deeds, Lewis.
Abstain: None.

The Motion Carried.

B. ZBA #17-06 Interpretation of Article 17.03(234)(h), Definition of "Tower."

Mr. Mayernik requested STPC #17-06 be withdrawn.

Motion by voice vote.

Roll Call Vote:

Yes: Dail, Guenther, Heningburg, Parm, Rintamaki.
No: None.
Absent: Deeds, Lewis.
Abstain: None.

The Motion Carried.

9. OTHER BUSINESS AS NECESSARY

None.

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10. ADJOURNMENT

A motion was made by Member Parm and supported by Member Guenther to adjourn the meeting at 7:27 p.m.

Respectfully submitted,

John Rintamaki, Chairman Zoning Board of Appeals

Laura Bennett, Recording Secretary Superior Charter Township
3040 N. Prospect, Ypsilanti, MI 48198