

Ishpeming Zoning Board of Appeals
Meeting Minutes for May 19, 2015 (**Agenda items** are in **bold** text)
4:00 P.M. @ Ishpeming Senior Center

Meeting Called to order for the Ishpeming Zoning Board of Appeals by Chairperson Elyse Bertucci at 4:03 P.M.

Roll Call – Present: David Johnson, Gabe Seelen, and Elyse Bertucci.

Absent: Evelyn Valente–Heikkila and Dick Burke.

Public present: Gerry Heyn, Ken Baynard of ABC 10, Jay Barrett, Tim Prisk, Pastor Kevin of CrossBridge Church, Eugene and Jean Bilkey, and Al Pierce, Zoning Administrator.

Public Discussion – None.

Public Hearings

1. ZV 2015-01

ABC-10 is requesting a Variance for the height of a Wireless Television Tower which exceeds the horizontal distance from the lot lines in the GC (General Commercial) Zoning District at 1705 Ash St. Elyse read the ad from the Mining Journal. ABC-10 noted that the pole height had been reduced to 90' and the type changed to a monopole from the Conditional Use request denied by the Planning Commission.

Elyse asked if there was any Public Comment on the site plan. Eugene and Jean Bilkey, 1818 Prairie, asked "Why does this tower have to go here, because in Marquette the towers are not this high."

ABC-10 responded that the signal will be coming from the new Humboldt Township tower 11 miles distant and must clear a ridgeline in the transmission path, Ninety feet (90') is the lowest design height. There are no transmission reception facilities in Marquette as they are located outside city limits and much higher in site elevation. Presently ABC-10 is renting space from the NMU/ Charter tower and has been informed that the lease is being cancelled. The proposed site will eliminate reliance upon second parties, improve required emergency broadcast signals, double signal broadcasting strength and improve signal reception.

The proposed tower will not require guy wires and be self-supporting. A 3 ½ foot diameter microwave dish will be at the top of the tower. ABC-10 admitted there are other possible alternate considerations, but time constraints are a factor due to expiration of an FCC construction permit. September construction is anticipated if approved. The proposed tower will be about 3 ½' diameter at ground level and taper as it gains elevation. There were Public objections at the Planning Commission meeting and the Conditional Use request was denied. A revised application will be made by ABC-10 subsequently.

Elyse questioned the Site Plan accuracy. Al explained that the applicant did not submit a revised Site Plan for the 90' tower and that he had added 3 notes to the plan indicating the revised tower height, clear fall zone reductions and an anticipated minor revision to the actual tower location due to an estimated 20' excavation depth adjacent to an on-site truck loading ramp.

In the event of approval, Al suggested two conditions involving: 1. Future Planning Commission Conditional Use approval, and 2. Insurance indemnification for the benefit of the City of Ishpeming meeting the requirements of Ishpeming's City Attorney. He stated that no correspondence or phone inquiries were received regarding this request.

ABC-10 stated that a guyed tower cannot be placed on the existing building due to site location and stress concerns, that there will be access steps for service /maintenance inside the tower, and that the pole would be fenced at the ground level to restrict access.

The following Findings of Fact were noted;

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the owner of record of Lots 17, 18, 19, & the N'y 20' of Lot 20, Cliffs Eighth Addition, City of Ishpeming, MI. The subject parcel is located in the GC (General Commercial) District and the proposed tower height exceeds the horizontal distance to the lot line(s). The current building on the parcel serves All Seasons Floral, Morrison Gift Shop, Straight Line Archery, and other businesses in addition to broadcasting.
3. The building contains 2 stories, with broadcast use on the second floor. The West side is on Ash Street, the North on Jopling, and the East side abuts a 24' wide Public alley. Adjacent buildings off site contain State Farm Insurance, UP Home Health and Hospice, and the R.G. Williams Clinic. The East side of the alley contains significant overhead utility lines and the Southwest portion of the site contains an overhead line for a streetlight.
4. The purpose of the Tower is to improve signal coverage and transmitter power, especially important in the case of an Emergency Alert System warning. If approved, this proposed tower would work in conjunction with the Humboldt Township tower. The tower, as proposed, would be a self-supporting monopole (tubular) tower 90' high, which decreases in cross sectional area with height and is designed for a 90 mph wind and ¾" of ice buildup. At the top will be a 3 ½ foot diameter dish. No co-location of other wireless providers are proposed. The monopole tower is proposed to have a non-reflective surface in a sheet-metal tone.
5. In a worst case scenario a tower can collapse. In a collapse situation, the only building to be affected would be the ABC 10 studio building itself, per the edited Site Plan. Vehicles parked in the collapse zone on-site, at UP Home Health, R.G. Williams Clinic, or in the alley or Ash Street (Ishpeming City ownership) could be damaged along with over-head utility lines.
6. The Planning Commission, meeting on May 4, 2015, denied a Conditional Use request by the applicant for a 100' high triangular self-supported steel lattice tower considering testimony regarding residential incompatibility and aesthetic considerations. If the Zoning Board of Appeals approves a 90' height and site placement variance for this proposed ABC 10 tower, the case would have to be rescheduled and approved by the Planning Commission.
7. Section 19.1 E. of the Zoning Ordinance for the City of Ishpeming states in part *"In no case shall the height of ..., wireless transmission poles, ...exceed the horizontal distance from the placement of such structure to the lot line."* In order to comply with this section a variance from the Zoning Board of Appeals is required to be approved.

David Johnson made a motion, supported by Gabe Seelen to approve the 90' monopole tower height variance **subject** to 2 conditions:

- A.** Action should be contingent upon a future Conditional Use approval of a self-supporting monopole (tubular) tower 90' high by the Ishpeming Planning Commission;
- B.** The Applicant is to provide an Indemnification and Insurance Agreement meeting the requirements of the City of Ishpeming Attorney that will defend, indemnify and hold harmless the City of Ishpeming in the event of tower collapse or collateral damage.

The motion passed unanimously, variance request approved.

2. ZV 2015-02

At 4:25 P.M., Elyse read from the Public Notice "Crossbridge Church requests variances from the North side yard & West rear yard for a building addition & from the South side yard for a 4' x 10' covered entryway in the Central Business District (CBD) on a parcel described as: Cleveland Iron Mining Co's Addition Lots 46, 47, 48 & E 1/2 vac. alley bet. Lots 48 & 49., a.k.a. 119 N. Third St, Ishpeming, MI."

Jay Barrett, Tim Prisk, and Pastor Kevin represented the interests of the church at the hearing. The church needs more space for worship and is starting a community youth program. The sanctuary will expand into the proposed gymnasium area. Tim explained that the site is small, the new building will expand on three sides of the existing structure, and the requested variances will allow the proposed building to be enlarged and remain on the property. There are no utilities in the vacated alley on the West side of the site. The South side of the parcel also abuts a paved alley and will probably be converted into a green space strip. The church has parking agreements with the VFW Post on the West side and St. Vincent De Paul on the South side.

Elyse indicated that any parking on the site will be eliminated with the building expansion and that a larger building will only mean more cars and potential parking issues. The only snow storage area remaining on site with the building expansion will essentially be on the roof. The covered entryway proposed on the South side is expected to alter the snow plowing pattern in the alley.

The church has attempted to purchase land on the East side of Third Street, but the offer was rejected. Al expressed his concern that snow from the roof, under the proper conditions, could fall into Public R.O.W.'s on the North and South sides and onto VFW property on the West side.

The following Findings of Fact were noted;

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the owner of record of Cleveland Iron Mining Co's Addition Lots 46, 47, 48 & E 1/2 Vac. Alley Bet. Lots 48 & 49., A.K.A. 119 N. Third St, Ishpeming, Michigan.
3. The existing building is proposed to be expanded upon to the North and West sides, with a small entryway addition on the South side. The church is to be converted to a multi-purpose use shared by a sanctuary and gymnasium. Space is at a premium on this site to provide for an expanded congregation.
4. The applicant proposes to place on the South parcel side a 4' x 10' covered entranceway requiring a variance of One foot (1') from the South property/ alley line. The required sideyard is 5'. If approved, this addition will revise the snow removal pattern in the platted alley.
5. The applicant proposes to place a +/- 15' x 40' wide addition at the rear of the existing building requiring a variance of ½ foot (0.5') from the centerline of the vacated alley (West property line). The required rearyard is 10'. If approved, this addition will alter the snow storage pattern for the adjacent owners (VFW).
6. The applicant proposes to place on the North parcel side a +/- 60' x 105' addition at the side of the existing building requiring a variance of ½ foot (0.5') from the North property/ R.O.W. line. The required sideyard is 5'.
7. All stated variance dimensions are to the outside face of visible walls or posts.

Gabe Seelen made a motion, supported by David Johnson, that a variance of ½ foot (0.5') from the North property/ R.O.W. line, and a variance of ½ foot (0.5') from the centerline of the vacated alley (West property line) be granted for the exterior building walls, and that a variance for a proposed 4' x 10' covered entranceway located One foot (1') from the South property/ alley line be granted **subject** to 2 conditions:

- A. All roof coverings, now and in the future, shall only be shingle type material that will prevent the snow from falling/ sliding of the roof in large quantities. No metal roof systems are to be utilized on this expanded building under any circumstances;
- B. All below grade concrete foundation footings are to remain within the subject property boundaries.

The motion passed unanimously, variance request approved.

Approval of Previous Meeting Minutes – Upon a motion by Gabe Seelen, supported by David Johnson, the meeting minutes of Oct. 29, 2014 were unanimously approved.

Old Business- none.

Public Discussion- None

Meeting Adjournment was passed unanimously, upon a motion by Gabe Seelen supported by Elyse Bertucci, at 4:45 P.M.

By:



Alan K. Pierce, Zoning Administrator