

ISABELLA COUNTY  
ZONING BOARD OF APPEALS

June 17, 2020

An Electronic Meeting of the Isabella County Planning Commission was held on June 17, 2020 via Zoom on the above date.

MEMBERS PRESENT: Jim Wynes, Phillip Vogel, Tom Riley, Brent Duffett

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Timothy A. Nieporte, Community Development Director  
Ray Johnson, Planner/Zoning Administrator  
Kim Kennedy, Recording Secretary

The meeting was called to order by the Chair at 9:00 a.m.

The Pledge of Allegiance was recited by the Board.

Mr. Wynes welcomed attendees to the first electronic meeting of the Isabella County Zoning Board of Appeals. Mr. Wynes stated that the meeting will be recorded and live streamed to YouTube where the public will have the opportunity to view the meeting live and access it in the future. He stated that the Recording Secretary will perform roll call votes for every vote during the meeting and the public meeting attendees will be able to listen by telephone call-ins, and participate in public comments by following the directions in the public notice for this meeting. Mr. Wynes stated that the Zoning Board of Appeals members and staff will not be muted in the meetings and should be respectful and try not to speak over others. He reminded attendees to be patient with the process and with each other.

**APPROVAL OF AGENDA**

A motion was made by Mr. Riley supported by Mr. Duffett to approve the agenda.

Mr. Wynes called for a roll call vote.

Mr. Wynes – Yes

Mr. Vogel – Yes

Mr. Riley – Yes

Mr. Duffett – Yes

No: None

Motion carried.

## **PREVIOUS MINUTES**

Minutes from the March 4, 2020 special meeting were circulated to the Board prior to the meeting for their review.

A motion was made by Mr. Vogel and supported by Mr. Riley to approve the minutes as presented.

Mr. Wynes called for a roll call vote.

Mr. Vogel – Yes  
Mr. Riley – Yes  
Mr. Duffett – Yes  
Mr. Wynes – Yes

No: None

Motion carried.

## **PUBLIC COMMENT**

Mr. Wynes opened public comment.

Mr. Nieporte, Isabella County Community Department Director, informed attendees that they are muted and if they wished to speak press \*9 on the telephone key pad that will identify them with a raised hand and the host Ray Johnson, Isabella County Zoning Administrator and Planner will notify the Chairman of any raised hands.

Host Ray Johnson, Isabella County Planner and Zoning Administrator stated that there were no raised hands.

Mr Nieporte asked Mr. Johnson how many callers were on.

Mr. Johnson stated one.

Mr. Nieporte asked caller if they would like to comment to press \*9.

Mr. Johnson stated no hand have been raised

Mr. Nieporte stated there are no public comments.

Mr. Wynes closed public comment.

**VAR#20-01 – Verizon Wireless- Gilmore Township**

Mr. Nieporte stated that an application was received from Verizon Wireless to construct a communication tower located in Gilmore Township on N. Winn Rd., near W. Coleman Rd. The property owner is Larry Sheffert. He stated the applicant is requesting a variance to allow for a communication tower or antenna to be constructed 318 feet from a residential use located on the property where 500 feet is required and 2.5 miles from an existing communication tower or antenna where 3 miles is required.

Mr. Nieporte paused to confirm Chairman Wynes was still connected to the meeting. After confirmation that Chairman Wynes was still on with audio the meeting resumed.

Mr. Wynes regained video connection.

Mr. Nieporte gave a brief history of the proposed variance. He stated that on February 15, 2017 the Zoning Board of Appeals held a public hearing and approved a variance request identical to the current application. Mr. Nieporte stated the applicant obtained a Special Use approval from the Planning Commission in April 2017. Mr. Nieporte explained construction did not take place and the special use expired.

Mr. Nieporte stated that the applicant provided a narrative and site plan that addresses the criteria in Section 14.04 C of the ordinance. Mr. Nieporte stated that this is a large track of land located just east of N. Winn Rd. and south of W Coleman Rd. and is split zoned between General Commercial (C-1) and General Agricultural (AG-2). The commercial district has 430 ft of frontage on N Winn Rd. and the tower will be located in the commercial district.

Mr. Nieporte stated that after review of the application it appears to be complete. Staff has posted a sign on the property and posted the request in the Morning Sun as per State law and Ordinance requirements. As of the today staff has not received any written comment for or against this variance request.

Mr. Nieporte reviewed site plan document referencing the mobile home that is within the 500 ft set back. Mr. Nieporte stated that the home is owned by the property owner and is used as a recreational home. There are two other homes nearby, one across Winn Rd. and one to the south, however both are ~~but~~ outside the 500 ft requirement. One home owner spoke last year at the public hearing to get clarification of what was being proposed. They did not express any opposition to the tower.

Mr. Nieporte referenced a map (shown on-screen by the host) which visualizes the distance between the proposed cell tower and the current one within 2.5 miles.

Mr. Rob Labelle attorney representing Verizon Wireless reviewed history of this site and the applications that were approved in 2017. Mr. Labelle explained due to access and environmental issues, the construction was delayed. Verizon has resolved these issues and are ready to move forward with this site. Mr. Labelle informed the board that there are 24 approvals from different agencies needing to be approved before construction can start and that was part of the delay.

Mr. Labelle explained the way sites are evaluated and chosen. He explained how towers must form a honeycomb pattern of coverage without overlapping each other. This tower will also address capacity issues for nearby towers.

Mr. Labelle addressed the home within 500 ft of the tower. He stated it is the property owners' home he did not think a variance was needed, but their request is a variance to be 318 ft from this home.

Mr. Wynes asked for board questions.

Mr. Vogel asked if the location will need an address or a parcel number assigned.

Mr. Nieporte stated that yes, an address has been assigned.

Mr. Labelle stated that an address is needed for power and that no parcel number will be assigned.

Mr. Nieporte stated that an address was assigned for purpose of Verizon utilization and E911 purposes.

Public Hearing open 9:21 a.m.

Mr. Nieporte informed attendees if they wished to speak press \*9 on the telephone key pad that will identify them with a raised hand and the host Ray Johnson, Isabella County Planner and Zoning Administrator would know they wish to comment.

Host Ray Johnson, Isabella County Planner and Zoning Administrator stated that there were no raised hands.

Mr. Nieporte did a second call for public comment.

Mr. Wynes closed public comment.

Public Hearing closed 9:21 a.m.

Mr. Wynes called for a motion and a second.

A motion made by Mr. Duffett second Mr. Vogel to Approve Variance Number 20-01 (VAR#20-01) based on review of Section 14.04 C that there are extraordinary circumstances with the placement of the tower and it is not detrimental to the area.

Mr. Wynes called for a roll call vote.

Mr. Riley – Yes

Mr. Duffett – Yes

Mr. Wynes – Yes  
Mr. Vogel – Yes

No: None

Motion carried.

### **STAFF COMMENTS**

Mr. Nieporte thanked all board members for attending. He also indicated that electronic meetings may continue for next month but will be sure everyone will be informed.

### **APPEALS BOARD MEMBER COMMENTS**

None

### **ADJOURNMENT**

A motion was made by Mr. Riley, supported by Mr. Vogel to adjourn the meeting.

Mr. Wynes called for a roll call vote.

Mr. Wynes – Yes  
Mr. Vogel – Yes  
Mr. Riley – Yes  
Mr. Duffett – Yes

No: None

Motion carried.

Meeting was adjourned at 9:27 am.

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Tom Riley, Secretary  
Kim Kennedy, Recording Secretary