

**ISABELLA COUNTY
ZONING BOARD OF APPEALS
Application for Variance**

APPLICANT INFORMATION:

Name Skyway Towers, represented by Leland Calloway of ArcHaven, LLC Owner/Agent/Other (Circle One)

Address 23133 Woodward Ave, #446, Ferndale, MI 48220

Phone 248-808-2774

Fax _____

PROPERTY OWNER INFORMATION: (if different from applicant)

Name Judy and Keith Moeggenberg

Address 6707 E. Beal City Road, Mt Pleasant, MI 48858

Phone 989-621-1730

Fax _____

PROPERTY INFORMATION:

Address/Location 6707 E. Beal City Road, Mt Pleasant, MI 48858

Tax I.D. Number 06-019-40-002-00

Zoning District AG-1

Township Denver Township

Section 19

Directions to property From Mt Pleasant - take S Isabella Rd north to Beal City East Rd and go
East for about 2 miles, the property will be on the North side of the road.

ATTACHMENTS: Please submit the following items with the application.


A Site Plan showing the following: Dimensions of property, location of roads, easements and driveways. The location and dimension of any existing buildings and/or structures; any unique natural features such as lakes, rivers, streams, wetlands, steep slopes. The location and dimensions of proposed building(s) and/or structures.

A copy of the deed and accurate legal description of property.

The applicant must demonstrate evidence of a practical difficulty and demonstrate that **ALL** conditions in Section 14.04 (C) (1-5) are met (see reverse).

Nature of request: Requesting a variance from the Isabella County ordinance Article 12 (H)(6)

which requires a 3 mile tower separation distance between towers

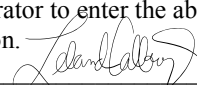

Signature of Applicant

Agent for Skyway Towers

6/6/24

Date

Optional: I hereby grant permission for members of the Isabella County Zoning Board of Appeals and Zoning Administrator to enter the above described property for the purposes of gathering information related to this application.


Signature of Applicant on behalf of Skyway (lessee)

6/6/24

Date

OFFICE USE ONLY

File # _____

Received by _____

Fee \$175.00

Check Number _____

Date Received _____

Receipt Number _____

SECTION 14.04

VARIANCE REQUESTS AND PROCEDURES ***(08-07 Eff. July 20, 2008)***

1. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:

- (a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Article or amendment.
- (b) By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.
- (c) By reason of the use or development of the property immediately adjoining the property in question.

The wireless communications facility and proposed tower location are due to the nature of wireless communications, the topography, traffic and the population density in the area. The proposed tower would be used to help off load over capacity on the existing tower along highway 127 as well as improve service to traffic and residences along Beal City Road and he surrounding area.

Based on the coverage and capacity needs explained in the attached propagation maps, Verizon and Skyway found a willing landlord to lease property. This is the only property we found that meets the ordinance requirements and is inside the specified search area. Unfortunately, there is nowhere outside of the 3- mile radius from the existing tower (tower separation requirement), where Verizon is currently located, that a new tower can be built and the service needs be met therefor Verizon is asking for a 0.72 mile variance to meet the 3-mile separation rule which is the minimum needed

2. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The possibility that compliance with this Ordinance may prove to be more expensive or otherwise inconvenient shall not be part of the consideration of the Zoning Board of Appeals.

The proposed tower will have no effect on preservation and enjoyment of any substantial property right of any landowner in Denver Township or in Isabella County. If anything, the tower will improve the preservation and enjoyment of property by providing increased communication over most of the properties in the area.

3. The variance will not be detrimental to adjacent property and the surrounding neighborhood.

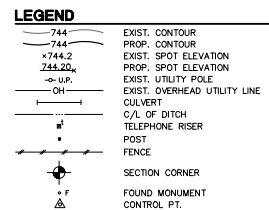
The wireless communications facility is self operating and unmanned, there will be no pollution emitted and no detrimental effects to the land or any uses in the township of county.

4. The variance will not materially impair the intent and purpose of this Ordinance or the provision from which the variance is requested.

The separation distance is to limit the proliferation of towers. However cellular technology continues to grow and become more of a necessity in daily life. While there will be areas of the county where a 3-mile separation may be sufficient for the provision of service needs, in more populated and well traveled areas variances will be required. This request is needed for the specific purpose of proving service to a particular area of the county with a communications gap and will not materially impair the intent and purpose of this Ordinance.

5. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

The need is caused by the use of wireless communications technology by the people in Isabella County. Verizon Wireless tries its best to service customers where they are and has no role in creating practical difficulties requiring the need for a variance.



TAX PARCEL: #06-019-40-002-00
OWNER: JUDY MOEGGENBERG AND
KEITH MOEGGENBERG
6707 EAST BEAL CITY ROAD
MT. PLEASANT, MICHIGAN 48858
CELL SITE ADDRESS:
_____ EAST BEAL CITY ROAD
MT. PLEASANT, MICHIGAN 48858

SCALE: 1"=2000'

LATITUDE 43° 40' 17.4"
LONGITUDE 84° 42' 50.0"
GROUND ELEV. @ TOWER BASE = 745.30

Commencing at the South 1/4 corner of Section 19, T15N, R3W, Denver Township, Isabella County, Michigan; thence S 89°39'45" E 1097.14 feet along the south line of said Section 19 (also being the centerline of East Beal City Road, 66 feet wide); thence N 00°20'15" E 554.50 feet; thence S 89°39'45" E 37.50 feet; thence N 00°20'15" E 15.00 feet to the POINT OF BEGINNING;

A 30 foot wide easement for ingress, egress and public utilities, the centerline of said easement is described as follows:

Situated in the Township of Denver, Isabella County, State of Michigan:

The West 1/2 of the Southeast 1/4 and the West 1/2 of the East 1/2 of the Southeast 1/4 of Section 19, Township 15 North, Range 3 West, Except that part lying South and East of the centerline of former railroad right of way, Denver Township, Isabella County, Michigan.

Being the same property conveyed to Judy Moeggenberg and Keith Moeggenberg, husband and wife, grantee, from Elenor Moeggenberg, a/k/a Eleanor Moeggenberg, a single woman, survivor of herself and Paul E. Moeggenberg, deceased, grantor, by quit claim deed recorded 06/25/2012, in Book 1594, Page 281, of the Isabella County Records.

1. Rotate all bearings 00°14'21" counter-clockwise to obtain bearings based on True North as determined from global positioning system (GPS).
2. This site is not located in a flood area (zone x) per Flood Insurance Rate Map number 26073C0215D, effective date February 05, 2014.
3. This site plan is based on the survey of the existing conditions conducted by Midwest Consulting, LLC on 02-03-2020.

Top of spike set as control point #1 located along south side of East Beal City Road and west of existing access drive.
Elevation: 744.21 (NAVD 88 Datum)

PREPARED BY:
MIDWESTERN CONSULTING, L.L.C.

SCOTT G. FISHER P.E. #58473



SITE #MI-09625
/ZW SITE #6835
SEBUSH SOUTHEAST*

DENVER TOWNSHIP
ISABELLA COUNTY
MICHIGAN

[illegible]

MIDWESTERN
CONSULTING

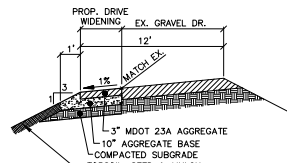
3854 Plaza Drive
Ann Arbor, Michigan 48106
(734) 995-0100
www.midwesternconsulting.com
Land Development • Land Use
Institutional • Municipal
Wireless Communications
Transportation • Utility Services

JOB No. **15154-09625**

SITE SURVEY GENERAL INFORMATION

1

SHEET 1 OF 2



12'

1'

4'

2%

ELEVATION PER PLAN

3" MDOT 23A AGGREGATE

10" AGGREGATE BASE

COMPACTED SUBGRADE

5/(MAX)

12'

12'

160' (TOP OF TOWER)

155' (TO C/L OF RAD)

PROPOSED LIGHTNING ROD

PROPOSED ANTENNA/FRAME (LESSEE)

FUTURE ANTENNA/FRAME (BY OTHERS)

NOTE: ACTUAL ANTENNA ARRAY HEIGHTS MAY VARY

PROPOSED SELF-SUPPORTING (LATTICE TYPE) TOWER

PROPOSED FENCE

PROPOSED EQUIPMENT CABINET

Know what's **below**.
Call before you dig.

05630

LIBR 1594 PG 0281

Received
ISABELLA COUNTY, MI
06-20-2012 10:52 am

Received
ISABELLA COUNTY, MI
06-25-2012 09:40 am

201200005630
Filed for Record in
ISABELLA COUNTY, MI
SHARON A BROWN, REGISTER OF DEEDS
06-25-2012 At 10:12:52 am.
QUIT C DEED 14.00
Liber 1594 Page 281 - 281
201200005630
FIRST NATIONAL BANK
SASE

QUIT CLAIM DEED

The Grantor(s) : Elenor Moeggenberg, a/k/a Eleanor Moeggenberg, a single woman, survivor of herself and Paul E Moeggenberg, deceased

whose address is : 6707 E. Beal City Rd., Mt. Pleasant, MI 48858

quit claim(s) to : Judy Moeggenberg and Keith Moeggenberg, wife and husband

whose address is : 6707 E. Beal City Rd., Mt. Pleasant, MI 48858


the following described premises situated in the Township of Denver, Isabella County, State of Michigan:

THE WEST 1/2 OF THE SOUTHEAST 1/4 AND THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 WEST, EXCEPT THAT PART LYING SOUTH AND EAST OF THE CENTERLINE OF THE FORMER RAILROAD RIGHT OF WAY, DENVER TOWNSHIP, ISABELLA COUNTY, MICHIGAN.

Commonly known as: 6707 E. Beal City Rd., Mt. Pleasant, MI 48848
P.P. 06-019-40-002-00

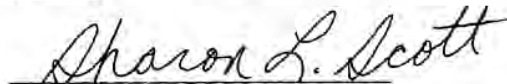
For conveyance to remove the life estate interest of Paul E. Moeggenberg and Eleanor Moeggenberg, husband and wife

for the sum of less than \$100.00 (One Hundred and NO/100) this deed is exempt from transfer tax pursuant to MCLA 207.505(A) and MCLA 207.526(A).


Elenor Moeggenberg
a/k/a Eleanor Moeggenberg

STATE OF MICHIGAN)
County of ISABELLA)

The foregoing instrument was acknowledged before me this 1ST day of JUNE, 2012 by
Elenor Moeggenberg, a/k/a Eleanor Moeggenberg, a single woman.


SHARON L. SCOTT
Notary Public
ISABELLA County, Michigan

Acct. #200086

When Recorded Return To:
First National Bank of America
P.O. Box 980

Acting in ISABELLA County, MI
My commission expires: 2013 JAN 21

Drafted By: Laura Wesley
First National Bank of America
241 E. Saginaw Hwy.