

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – August 26, 2009

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Henry Kerr at 7:00 p.m. in the Council Chambers. None were in the audience.

MEMBERS PRESENT: Timothy Bunch (alt.), David Felicijan, Henry Kerr, Rob Linenger, Robert Atkins, Lowell Seyburn, Marianna Singer, Donald Mordas (alt.)

MEMBERS EXCUSED:

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Charlie Bear, Assistant City Attorney

NEW BUSINESS:

ZBA# 09-07, 2015 West Centre Avenue: Staff summarized the request for a Temporary Use Permit to locate and operate a temporary wireless communications tower beginning September 2009 for a maximum seven to twelve month period. Ralph Wyngarden and Dave Marvin, of Faulk & Foster, and Eric Greenfield, site acquisition manager for Metro PCS were present to speak on behalf of Metro PCS Michigan Inc. Mr. Wyngarden explained Metro PCS has encountered delays in locating new towers and co-locating at five other locations throughout the city but was targeting a September 1, 2009 market launch date. A temporary 95 foot high cell on wheels (COW) mounted on a trailer was proposed at 2015 West Centre for a seven to twelve month period to provide coverage for the vicinity until all five sites were operational. Kerr inquired if Metro PCS was encountering difficulties providing coverage in other areas. Mr. Wyngarden replied COW's have been necessary in other areas. Felicijan sought clarification whether the proposed COW at this location was necessary if the other sites referenced went online. Mr. Greenfield explained that given the timing of the other sites to become operational and their location there would be a hole in coverage for several months if the COW at this site were not operational. Felicijan noted the National Electrical Code required their conduit to be buried and the original application did not show that. Mr. Greenfield responded the revised drawings the Board just received showed they now would be. Singer inquired if there were any vacancies for sale or lease on adjacent properties. Mr. Marvin responded no. Felicijan questioned what would happen if they did not get all the other sites operational within the next 12 months. Mr. Wyngarden replied they were confident they would be within that time frame and in any event would agree to a Temporary Use Permit with no extensions.

A public hearing was opened. As no one was in the audience the public hearing was closed.

A motion was made by Linenger, seconded by Singer, to grant a Temporary Use Permit to locate and operate a temporary wireless communications tower beginning September 1, 2009 for a maximum twelve month period with the following conditions: 1. A maximum 12 month period be established with no extensions; 2. A temporary six-foot fence be erected around the COW enclosing the trailer and guy wires for security and safety purposes; 3. The COW and all related equipment be removed, and the land restored to its prior condition upon expiration of the Temporary Use Permit. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. Upon roll call vote: Linenger-Yes, Kerr-Yes, Seyburn-Yes, Atkins-Yes, Felicijan-Yes, Singer – Yes, Bunch – Yes. Motion carried 7-0.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:25 p.m.

Respectfully submitted,

Jeff Mais, Zoning & Codes Administrator