

**BOARD OF ZONING APPEALS
MEETING MINUTES**

MARCH 11, 2021

**THE REGULAR MEETING OF THE RICHMOND BOARD OF ZONING APPEALS
WAS CALLED TO ORDER VIRTUALLY ON ZOOM ON THURSDAY, MARCH 11,
2021, AT 7:00 P.M., BY CHAIRMAN MISTERAVICH**

ROLL CALL

Present: Caperton, Garber, Kaminski, Misteravich, Schade

Absent: None

Others: City Planner Jeschke, City Manager Moore

Visitors: Jay Spencer, Blue Water Gas Storage; Bill Mestdagh, Division Place;
Tony Lucido, Jim McQuery

APPROVAL OF MINUTES

Motion by **Kaminski**, seconded by **Caperton**, to approve the minutes of the January 14, 2021, regular meeting, as amended:

Pg. 2, under B-1, near bottom of page, make the change as follows:

- The ~~condominium~~ Homeowner's Association which required the minimum 1,800 square foot house has been dissolved.

All yeas

Motion passes

AUDIENCE PARTICIPATION

None received.

CORRESPONDENCE

Thank you letter from Marlane Potter
City Council Meeting Minutes of January 2, 2021
City Council Meeting Minutes of January 18, 2021
City Council Meeting Minutes of February 1, 2021

Received and Filed.

ADOPTION OF AGENDA

The agenda was adopted as presented.

PUBLIC HEARING

A-1. VAR-01-2021/Division Place Properties

Motion by **Kaminski**, seconded by **Schade**, to open the Public Hearing at 7:09 pm.

All yeas

Motion passes

City Planner Jeschke informed the Board that the applicant was requesting a variance from the dimensional standards, to create a single family lot at Howard Street that would be 55 feet wide where 60 feet is the minimum lot width allowed.

Tony Lucido, 68890 Howard Street, was opposed to the granting of the variance. The lot would be too narrow and any house built would be too close to his driveway.

Jim McQuery, 68930 Howard Street, was opposed to the granting of the variance.

Bill Mestdagh, Division Place Properties informed the Board that the adjacent property on Howard Street was also 55 feet wide. He did indicate that he would be willing to speak with the adjacent property owners if they wanted to purchase this lot.

Motion by **Kaminski**, seconded by **Caperton**, to close the Public Hearing at 7:22 pm.

All yeas

Motion passes

A-2. VAR-02-2021/City of Richmond on behalf of Blue Water Gas Storage

Motion by **Garner**, seconded by **Caperton**, to open the Public Hearing at 7:23 pm.

All yeas

Motion passes

City Planner Jeschke informed the Board that the applicant was requesting a variance from the dimensional standards to allow a public utility communication tower.

No verbal or written comments were received.

Motion by **Kaminski**, seconded by **Garber**, to close the public hearing at 7:25 pm.

All yeas

Motion passes

ITEMS FOR CONSIDERATION

B-1. VAR-01-2021/Division Place Properties

City Planner Jeschke informed the Board that the requested variance would allow the application to create a single family lot that is 55 feet wide where the minimum lot width allowed is 60 feet. The resulting lot would be 55 feet wide by 140 feet deep, with a lot area of approximately 7,400 square feet. The lot directly to the south of this parcel on Howard Street has the same width of 55 feet.

The proposed variance is justified and the City Planner is recommending approval of the requested variance.

It was noted that even if this variance is granted, the applicant would still need to request a lot split from the City Council.

Motion by **Kaminski**, seconded by **Caperton**, to approve the requested variance from Article 5.101 (Table of Dimensional Standards by District) to create a Single Family Lot on Howard Street that is 55 feet wide where 60 feet is the minimum lot width allowed on property location at 36984 Division Road (APN: 50-07-06-01-128-027), based on the following findings of fact:

1. The strict compliance with the code requirements will deprive the property owners from being able to parcel this property off from their apartment complex. This portion of the overall property is zoned R-3 and not granting this variance would result in this portion being unbuildable with regard to Division Place Apartments.
2. The variance will not create an injustice in that the property to the south of this parcel on Howard Street already has a minimum lot width of 55 feet.
3. The property is peculiar in shape – it juts out from the main parcel and is zoned R-3. Because of the angle of Howard Street, the lot has 61 feet of frontage on Howard Street but is only 55 feet wide.
4. The need for the variance is not self-created in that the property directly to the south has the same lot width as this portion of the parcel they are planning to create.
5. Approval of this variance will not cause an adverse impact on the adjacent properties, nor will it create a public nuisance or materially impair the public health, safety, morals, or welfare of the surrounding area.
6. The practical difficulty of this property is that this portion of their property is already zoned R-3 and the property owner would not be allowed to develop this property without rezoning it to RM-1.

All yeas

Motion passes

B-2. VAR-02-2021/City of Richmond on behalf of Blue Water Gas Storage

City Planner Jeschke informed the Board that the requested variance would be to allow a 165 foot tall public utility communications tripod tower that is approximately 60 feet from the nearest property line where a setback equal to the height of the tower is required.

The applicant is proposing a 165 tripod tower within a 50' X 50' enclosed area. The tower will not be required to have any lighting by the FAA. The tower manufacturer states that the tower is able to withstand a basic wind speed of 90 mph with no ice and 40 mph with 1" radial ice.

Bluewater Gas Storage is part of WEC Energy. Located in both St. Clair County and Macomb County, Bluewater Gas Storage provides seasonal natural gas storage needs for approximately 1.4 million natural gas customer. They are trying to link all of their facilities to provide essential data communications information between all its area locations.

Based on the City Council's input, administration and Bluewater Gas Storage reviewed the DPW Parcel and Well 9 property at the end of Well 9 drive off of Skinner. Council felt that the area near Well 9 would be out of the way and not interfere with any sight lines. This site does require a tower height of 165', however, it will be much less noticeable to any resident.

Some discussion on whether the applicant would have to have insurance, in case of any damage caused by the tower. Jay Spencer indicated that Bluewater Gas Storage would have liability insurance.

Motion by **Kaminski**, seconded by **Garber**, to approve the requested variance from section 16.06 (standards for wireless communications towers) of the Zoning Ordinance to allow a public utility communication tower approximately 60 feet from a property boundary where 165 feet (height of the tower) is required on property located at 36870 Division Road (APN: 50-07-03-36-376-002), based on the following findings of fact:

1. Strict compliance with the dimensional standards would prevent the construction of this tower on City property. For the safety of our DPW, the proposed location is the most appropriate.
2. The variance will do substantial relief in that the proposed location will not require the demolition or alternation of existing structure and will keep the tower away from adjacent habitable structures.
3. The need for variance is to minimize the need for the removal or compatibility of other structures on the site.

4. The problem and resulting need for the variance is not self-created in that the City Council recommended this property. The proposed tower location is the most appropriate location for such a structure.
5. The variance will not cause any significant adverse impacts to adjacent properties.
6. The tower will improve communications for Bluewater Gas Storage and allow for future do-location of other tower users throughout the entire city which could benefit the entire community.

All yeas

Motion passes

MISCELLANEOUS MATTERS FROM THE CITY STAFF

City Manager Moore thanked Board members for meeting tonight via Zoom

COMMENTS FROM CHAIRMAN AND BOARD MEMBERS

None.

ADJOURNMENT

Motion by **Schade**, seconded by **Kaminski**, to adjourn the Board of Zoning Appeals meeting at 7:52 p.m.

All yeas

Motion passes

Respectfully submitted:
Karen Stagl
City Clerk