

**MINUTES OF A SPECIAL MEETING OF THE COOPER CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD ON THURSDAY, JULY 30, 2015**

A special meeting of the Zoning Board of Appeals for Cooper Charter Township was held on Thursday, July 30, 2015, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Magura, Manley, Reynolds, and Urban

Members Absent: Gluchowski

Also Present: Michael D. Homier of Foster, Swift, Collins & Smith, Township Attorney; Russ Wicklund, Township Planning Consultant, Applicant, Michael Klein, Vice President/Market Manager, Southern Michigan Region, on behalf of Midwest Communication, Inc. WKZO.

In Chairperson Gluchowski's absence, a Motion to appoint Comm. Urban as Chairperson for this meeting was made by Comm. Reynolds, supported by Comm. Magura. Motion carried 4-0-1, with one member absent.

The meeting was called to order at 4:36 p.m. by Chairperson Urban.

Review and Approval of Minutes

Comm. Magura stated that on page 2, paragraph 2, of the May 28, 2015 minutes, the second sentence should read: "The new tower is designed to collapse onto itself." Motion by Comm. Magura, supported by Comm. Reynolds, to approve the Minutes, as amended, from the Zoning Board of Appeals Meeting held on May 28, 2015. Motion carried 4-0-1, with one member absent.

Public Hearing

Continuation of Request for Variance by Midwest Communications, 2254 McKinley, Kalamazoo, Michigan, Parcel No. 3902-26-376-180.

A motion to remove the variance request from the table was made by Comm. Reynolds, supported by Comm. Magura. Motion carried 4-0-1, with one member absent.

The discussion regarding the Applicant's request for a variance to permit reconstruction of a nonconforming structure and use continued from the May 28, 2015 meeting.

Chairperson Urban reiterated the items requested from the Applicant, i.e., a more detailed, certified site plan showing exactly where the tower is to be located relative to the property lines, as well as anchor points, a complete structural design report and FCC documentation. Applicant provided a letter from Consumers Energy releasing their easement.

Comm. Reynolds stated that although he wanted correspondence from the FCC, which was not available, he was satisfied with the documentation provided in the packet received.

Comm. Urban stated he reviewed the site plan and was satisfied with it. Comm. Urban also read the Geotechnical Exploration and Engineering Report prepared by Professional Service Industries (“PSI”) and was impressed with the report and believes that the recommendations of PSI should be implemented and a condition of approval.

The Applicant’s representative, Mr. Klein, stated the Applicant would adhere to the recommendations made in the PSI report. He expressed his appreciation for the ZBA’s work on the application.

A motion was made by Comm. Reynolds to approve the application on the condition that all of the recommendations and conditions as stated in the April 3, 2014 Geotechnical Exploration and Engineering Report prepared by Professional Service Industries, Inc. are implemented and based on the following findings of fact:

- the destruction of the prior tower was an act of nature and not the fault of the Applicant;
- reconstruction of the tower of the same size, shape and design is not feasible based upon today’s industry standards;
- reconstruction of the tower in the manner proposed achieves the intent of the size, shape and design requirements of the zoning ordinance, does substantial justice and is based upon the protection of the health, safety and welfare of the public; and
- reconstruction of the tower as proposed is supported by the record in this matter.

The motion was supported by Comm. Manley. Motion carried 4-0-1, with one member absent.

Other Business

Adjournment

There being no further business to come before the Board, a motion to adjourn was made by Comm. Reynolds, supported by Comm. Magura. Motion carried 4-0-1, with one member absent.