

**AT&T
REQUEST FOR VARIANCE**

Parcel # 5022-28-101-018

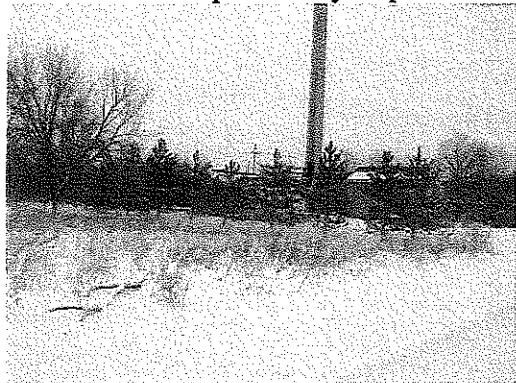
Property Owner: City of Novi (Novi Ice Arena Wireless Facility)

Applicant: AT&T Wireless by the Haley Law Firm

AT&T is applying for a variance from the City's wireless ordinance section 2508.1g which provides:

g. Antenna towers, poles and related equipment shelter buildings shall be subject to site plan review as provided in Section 2516. Equipment shelter buildings shall be constructed of face brick on all sides with gable roof in addition to compliance with standards at Section 2520.

1. **THE SITE.** The subject property is an existing wireless facility on City property located behind the ice arena. The compound contains a 155 foot monopole along with the ground equipment for 5 carriers. Four of the carriers installations are of outdoor equipment on steel platforms, the 5th carrier's equipment is contained in a shelter. The plans approved for the original AT&T installation were for 12 outdoor cabinets on the platform. Over the years cabinets have been installed and removed. Currently there are three cabinets and AT&T desires to add 2 additional cabinets to the site. The site is completely screened by landscaping as had been previously required under the ordinance.



View of compound from access drive View of Nextel shelter and outdoor cabinets



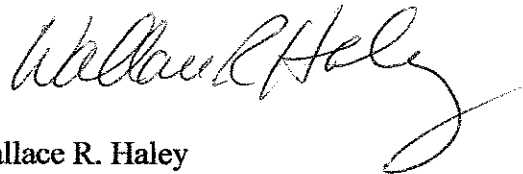
2. **THE "ZONING" ENVIRONMENT.** AT&T's facility was approved in 2001. Since then other carriers have installed their equipment as outdoor platforms. Nextel installed a shelter. Metro PCS installed outdoor cabinets after obtaining a variance from the Shelter mandate. It should be noted that the ordinance does not say that a shelter is required. Previously, Tim Schmidt, formerly of the planning department, opined that the above language did not require a shelter. However, Kristen Kapelanski of the planning department has stated that the outdoor cabinets proposed by AT&T must be placed in a shelter.
3. **THE GRANTING OF THE VARIANCE.** In summary, applicants request a variance from the above section to allow for the addition of two cabinets to the existing platform, or alternatively ask for an interpretation of the above section that a shelter is not required.

The variances requested should be granted for the following reasons:

- A. AT&T has previously been approved for 12 outdoor cabinets at this site and with the two new cabinets, there will be a total of only 5.
- B. The facility already exists with 4 carriers with outdoor cabinets and only one carrier has constructed a shelter.
- C. A variance has previously been granted to Metro PCS to allow construction of outdoor cabinets.
- D. There is already effective screening of the site by the mature trees surrounding the site.
- E. The most visible item in the facility is the Nextel shelter.
- F. The site is set back from adjoining properties and the closest properties to the site are industrial.
- G. Construction of a shelter would be economically wasteful and would be unnecessarily burdensome to AT&T.

The requirement of building a shelter to house two additional cabinets is unnecessarily burdensome to AT&T and provides a substantial injustice to them given the outdoor cabinets currently existing for the other carriers.

Respectfully submitted,

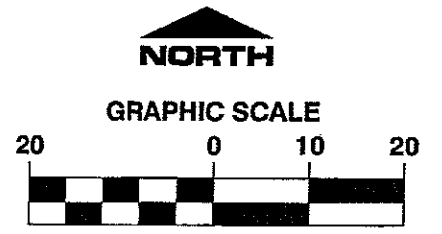
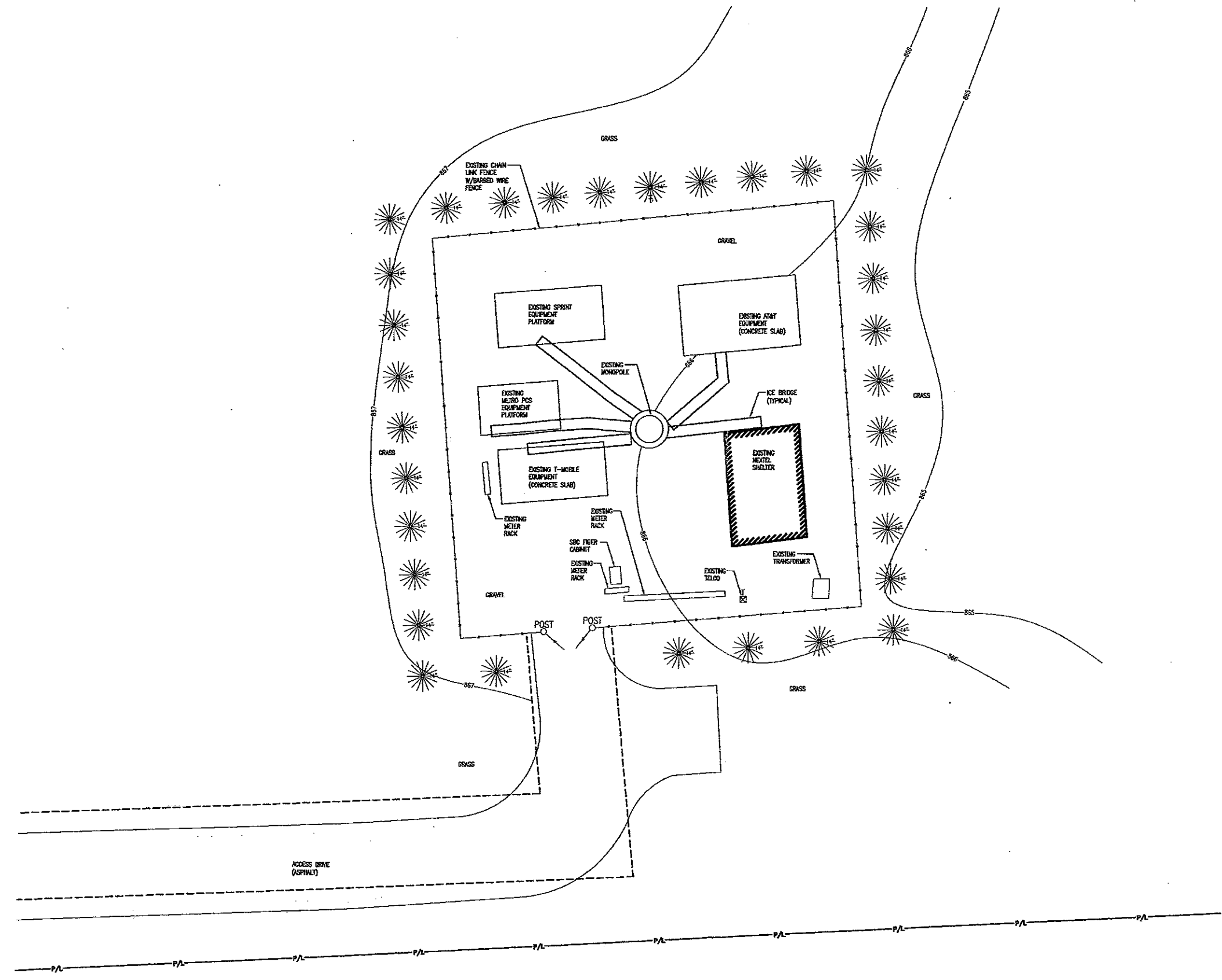


Wallace R. Haley
HALEY LAW FIRM, PLC

Dated: February 1, 2008

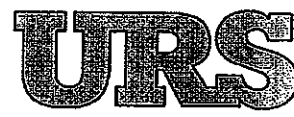
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LEGEND

	CHAIN LINK FENCE
	PROPERTY LINE
	CONCRETE
	CONTOUR LINE
	ACCESS EASEMENT
	TELEPHONE PEDESTAL
	TREE
	GATE POST



34555 W. 12 MI. RD.
 FARMINGTON HILLS, MI. 48331
 248 553-9449

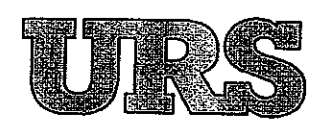
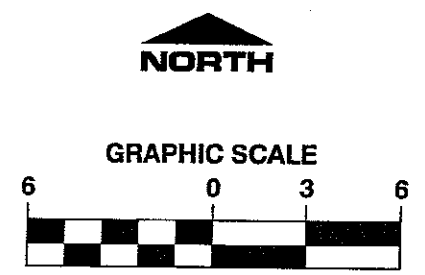
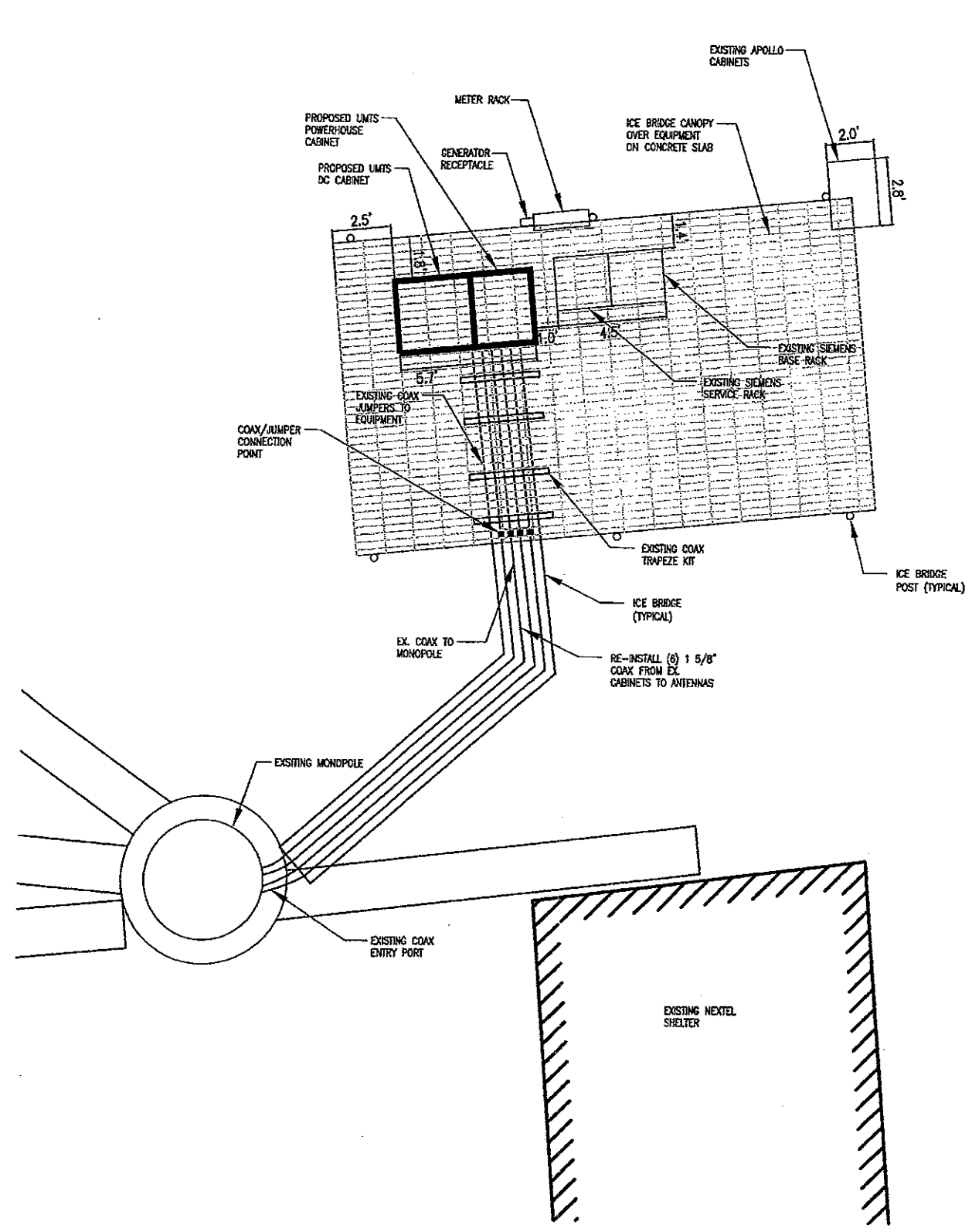
SITE NAME: 9 MILE / MEADOWBROOK
SITE NO. DET 3770
 42400 ARENA DRIVE, NOVI, MI
 NOVI, MI 48375



NO.	DATE	REVISIONS	BY	CHK	APP'D
0	11/20/07	ISSUED FOR CONSTRUCTION	MB	MB	MB
SCALE: AS SHOWN		DESIGNED BY: M. BACON	DRAWN BY: M. BACON		

AT&T MOBILITY	
LEASE AREA SURVEY PLAN	
DRAWING NUMBER	REV
DET-3770-03	0

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SITE NAME: 9 MILE / MEADOWBROOK
SITE NO. DET 3770
 42400 ARENA DRIVE, NOVI, MI
 NOVI, MI 48375



					AT&T MOBILITY	
					EQUIPMENT PLAN	
0	11/20/07	ISSUED FOR CONSTRUCTION	MB	MB	MB	
NO.	DATE	REVISIONS	BY	CHK	APP'D	DRAWING NUMBER
						DET-3770-04
SCALE: AS SHOWN		DESIGNED BY: M. BACON	DRAWN BY: M. BACON			REV
						0



PLAN REVIEW CENTER REPORT

February 8, 2008

Planning Review

Cellular DET 3770 (Novi Ice Arena)

SP #08-05

Petitioner

AT&T by Haley Law Firm, PLC (Wallace Haley)

Review Type

Preliminary and Final Site Plan

Property Characteristics

- Site Location: 42400 Arena Drive, North of Nine Mile Road, east of Novi Road
- Site Zoning: I-1, Light Industrial
- Adjoining Zoning: North and South: I-1; West: RM-1; East: Railroad right-of-way, I-1
- Site Use(s): Novi Ice Arena and existing cellular phone tower
- Adjoining Uses: North: Sports Club of Novi, Vacant; South:
- Site Size: 15 acres
- Plan Date: November 20, 2007

Project Summary

The applicant is proposing to add an additional equipment cabinet and antennas to the existing cell tower on site. The proposed equipment cabinet would be installed on the existing concrete slab which currently holds existing AT&T equipment cabinets. There have been no site plan extensions filed and/or approved for this site. Therefore, all new site work would be subject to the current ordinance standards.

Recommendation

Provided the applicant can get the necessary variance from the Zoning Board of Appeals, approval of the Preliminary and Final Site Plan **is recommended**. The applicant should be made aware that stamping sets **are required**. Six sets of plans are required for stamping set approval.

Administrative review of proposed plans

The Zoning Ordinance allows administrative review when the applicant proposes only to construct an antenna on an existing structure or to relocate and/or rebuild an existing structure, without the construction of any additional tower or pole. Special land use approval is not required if the criteria of Zoning Ordinance Section 2508.1 are met.

Accessory Structure Materials (Section 2508.1.g.)

Per Section 2508.1.g of the Zoning Ordinance, the proposed equipment cabinet must be screened by a shelter with a face brick exterior and a gabled roof. The applicant has indicated they will be seeking a Zoning Board of Appeals variance for this requirement.

Building Department Review

Site Plan approval does not give the applicant the ability to erect the new equipment cabinet or commence other associated site work. The applicant will still need to seek a building permit in order to construct on the site. Should the Building Division require changes with respect to the location of the shelter, the applicant should contact the Planning Division to ensure that no additional review is required.

Provided the applicant receives the necessary variances from the Zoning Board of Appeals, six (6) sets of plans for stamping should be submitted. Please contact myself with any comments or concerns.



Planning Review by Kristen Kapelanski, Planner 248-347-0586 or
kkapelanski@cityofnovi.org

[1] Thank you.
[2] **MEMBER FISCHER:** But we do look
[3] forward to meeting with you next month.
[4] And if I can have a motion to table
[5] next month.
[6] **MEMBER BAUER:** Motion to table.
[7] **MEMBER FISCHER:** All in favor, say
[8] aye.
[9] (Vote taken.)
[10] **MEMBER FISCHER:** All right. So
[11] we'll see you next month with revised plans.
[12]
[13] **CASE NUMBER 06-014**
[14] **MEMBER FISCHER:** At this time I
[15] would like to call case number 06-014 filed by
[16] Metro PCS Michigan, Incorporated, for
[17] 42380 Arena Drive. The petitioner is requesting
[18] a variance to the requirement of a face brick
[19] exterior equipment shelter building on all four
[20] sides located at said address. The applicant
[21] wishes to install a metal equipment cabinet that
[22] is not an approved material.
[23] If you could raise your hand and be
[24] sworn in by our secretary.

Page 41

[1] proposing.
[2] Like many of the other carriers in
[3] Novi and throughout southeastern Michigan, in
[4] fact, throughout the country, we utilize, as part
[5] of our network infrastructure, outdoor equipment
[6] cabinets. Some carriers use shelters. Some
[7] carriers use buildings.
[8] This particular equipment is
[9] designed to be placed outdoors, and that is the
[10] that equipment we're proposing tonight.
[11] I would indicate this equipment is
[12] more streamline, takes up less space. And,
[13] again, it's designed to be placed outdoors, not
[14] within another enclosure.
[15] I have — this evening I brought
[16] some additional pictures of an actual
[17] installation. This picture is of a site in the
[18] city of Farmington that's actually been recently
[19] installed. It will give you an idea of the real
[20] life proportions and look of the equipment.
[21] I would note for the board that
[22] this is a minimal installation. We are proposing
[23] one radio equipment cabinet with one battery
[24] cabinet. The battery cabinet is the smaller

Page 43

[1] **MEMBER GRONACHAN:** Do you swear or
[2] affirm that the information that you're about to
[3] give in the matter before you is the truth?
[4] **MR. JERSON:** Yes.
[5] **MEMBER FISCHER:** If you could state
[6] your name and address and proceed.
[7] **MR. JERSON:** Thank you, sir. My
[8] name is Matthew Jerson. I'm with Richard,
[9] Conner, Riley and Associates, and I represent
[10] Metro PCS. My address is 30150 Telegraph Road,
[11] suite 420, Bingham Farms, Michigan 48025.
[12] Metro PCS currently in its initial
[13] infrastructure build plan phase here in the
[14] state. They are the latest wireless carrier to
[15] enter this market in Michigan, and they plan to
[16] launch service here in this first quarter of
[17] 2006.
[18] I'm happy to report all of the
[19] sites that we have identified during this initial
[20] phase for the city of Novi have been co location
[21] sites. We've worked very hard to make sure that
[22] that's been the case. We are simply asking the
[23] board tonight to be fair and equitable in
[24] treating the equipment cabinets that we are

Page 42

[1] shorter cabinet adjacent to it.
[2] On the submitted drawings we're
[3] also proposing expansion of one additional radio
[4] cabinet and one additional battery cabinet.
[5] I would note at this site I was
[6] involved in the initial (inaudible) for Sprint at
[7] the ice arena for the location. This is really,
[8] in many respects, an ideal location to minimize
[9] the visual impact of these sites.
[10] The road is not thru road. The
[11] only cars that are really traveling down to the
[12] site are representatives of the tower companies
[13] to service and maintain it.
[14] There's existing pine trees,
[15] evergreen trees, that are planted around the
[16] entire compound. There's also a large —
[17] relatively large berm that's along the north and
[18] west sides, which further blocks the view.
[19] As a practical matter, you can't
[20] see this site when you're at the ice arena. You
[21] have to actually travel down the road to be
[22] there.
[23] I would also note that there are a
[24] few carriers there with outdoor equipment

Page 44

[1] currently. We're proposing to place this between
[2] Sprint and T-Mobile. And from the front of the
[3] entrance, as a practical matter, you wouldn't
[4] even see our equipment. T-Mobile's equipment
[5] which may, in fact, be bigger, it's probably
[6] comparable, but I know that there's more pieces,
[7] cabinets there than we're proposing is actually
[8] screening the view from the front.
[9] And I would note two other
[10] additional comments. The brick building, I am
[11] certainly — I'm certain that a brick building is
[12] going to have more of a visual impact as far as
[13] the size and the look and appearance than the
[14] outdoor equipment cabinets. Most Communities, in
[15] fact, prefer outdoor equipment cabinets as
[16] opposed to a shelter or a building.
[17] Lastly, I would note, too, the
[18] ordinance specifically requests face brick only
[19] with respect to shelter buildings. And we're, in
[20] fact, proposing a cabinet. We're not proposing a
[21] building.
[22] So, with that, I would ask for the
[23] board's support.
[24] I would be happy to answer any

Page 45

[1] Member Krieger?
[2] MEMBER KRIEGER: I have a question.
[3] Is the surrounding developed?
[4] MR. SAVEN: I think for where the
[5] arena drive is, I think you have the industrial
[6] application which is directly south, and this is
[7] where the Novi Ace Arena is at. It's located on
[8] the properties of the Novi Ice Arena, I believe,
[9] and the tower location is there, which sits to
[10] the rear of the property.
[11] MEMBER KRIEGER: So it would not
[12] have a visual impact except for the ice arena?
[13] MR. SAVEN: It's located in the
[14] rear of the ice arena.
[15] MEMBER KRIEGER: Thank you,
[16] Mr. Chair.
[17] MEMBER FISCHER: Thank you,
[18] Member Krieger. Member Gronachan.
[19] MEMBER GRONACHAN: Forget my name
[20] for a minute?
[21] MEMBER FISCHER: Wanted to.
[22] MEMBER GRONACHAN: Mr. Saven, the
[23] petitioner indicated that there's other cell
[24] companies at this same location. And did I

Page 47

[1] questions that you might have.
[2] MEMBER FISCHER: Thank you very
[3] much.
[4] In this case there were fourteen
[5] notices mailed with zero approvals and zero
[6] objections.
[7] Is there anyone in the audience
[8] that wishes to comment on this case?
[9] (No response.)
[10] MEMBER FISCHER: Seeing none, I'll
[11] ask the building department if they have any
[12] comments.
[13] MR. SAVEN: I think this is a very
[14] tough issue because, number one, I think from a
[15] standpoint of view this is one of the waves of
[16] the future, all of these cabinets and equipments
[17] and things of this nature that's associated. But
[18] I think where the most impact is going to be is
[19] the visual impact, where this is relative to the
[20] site, and it's probably more of the things that
[21] the board should take into consideration in this
[22] matter.
[23] MEMBER FISCHER: Anything else?
[24] I'll open it up for board discussion.

Page 46

[1] understand that correct?
[2] MR. JERSON: Yes.
[3] MEMBER GRONACHAN: Do you know what
[4] the material is of these other-
[5] MR. SAVEN: (Interposing) No, I do
[6] not.
[7] MEMBER SHROYER: I do.
[8] MEMBER GRONACHAN: Member Shroyer,
[9] through the chair.
[10] MEMBER SHROYER: Right now, Sprint
[11] on the northwest corner is on a platform;
[12] Cingular, northeast corner, is on a pad; and
[13] T-Mobile is on a pad on the southwest corner.
[14] They're all exposed to the elements. There is
[15] one brick-faced shelter with gabled roof, and
[16] that's Nextel, currently sits on the southeast
[17] corner at this location.
[18] MEMBER FISCHER: Must be why I get
[19] crummy service through Nextel.
[20] MEMBER GRONACHAN: So — you're
[21] saying platform. You're saying that they're in
[22] cabinets like this then?
[23] MEMBER SHROYER: Right.
[24] MEMBER GRONACHAN: Okay. So

Page 48

[1] there's two that have these cabinets?
[2] MEMBER SHROYER: Three.
[3] MEMBER GRONACHAN: And one with a
[4] brick face besides the — this petitioner.
[5] Sir, I have a question.
[6] MR. JERSON: Sure.
[7] MEMBER GRONACHAN: Why not build
[8] with brick? You indicated everything else, but
[9] you never answered the question as to why you
[10] wouldn't use the brick.
[11] MR. JERSON: Well, the equipment is
[12] out — it's designed and manufactured to be
[13] outdoors. You can't actually enclose it.
[14] There's air conditioning units, there's heat
[15] problems that would result if you did that. I
[16] think that probably the reason Nextel is a brick
[17] face is because they probably proposed a shelter.
[18] I know that Sprint originally had proposed an
[19] outdoor equipment cabinet. I'm not sure about
[20] the other companies. But certainly there's three
[21] companies that are using cabinets. I think the
[22] ordinance requirement specifically states it's
[23] only brick face with respect to shelter
[24] buildings.

Page 49

[1] gabled roofs, I sure would like to know that
[2] before we act on this tonight. If they haven't
[3] addressed it, that's fine, too. And I know we're
[4] within our rights by following the ordinances and
[5] acting on it as we may, but I was — I really
[6] wanted to know the sequence that that fell into
[7] and where we're headed, because in visiting other
[8] sites in the city — and I can think of one right
[9] off the bat — is Harold on Grand River. There's
[10] also a brick face building with Gabled roof
[11] storing cellular equipment.
[12] So where are we going with this?
[13] If the City doesn't know, maybe we need to table
[14] it and come back to it at a later time.
[15] I'll yield to Mr. Schultz.
[16] MR. SCHULTZ: If I may, through the
[17] Chair. I can't speak to the sequence of when the
[18] — which cabinets came. But I did speak to
[19] Tim Schmidt today about this just briefly, and I
[20] can't say that his position represented —
[21] represents the planning department's or
[22] commission's views, but it did not appear to me
[23] that this is the subject of an ongoing discussion
[24] or anything like that at planning commission or

Page 51

[1] And I think when you look around,
[2] typically Nextel does use shelters usually.
[3] MEMBER GRONACHAN: I have nothing
[4] further. Thank you.
[5] MEMBER FISCHER: Thank you,
[6] Member Gronachan. Member Shroyer.
[7] MEMBER SHROYER: I did want to ask
[8] the City if they know the sequence of
[9] applications as they came in on the cell
[10] applications. Was Sprint the first one that came
[11] in, or Cingular or-
[12] MR. JERSON: (Interposing) Sprint
[13] is the first one. Sprint was the company that
[14] actually built the site.
[15] MEMBER SHROYER: Was Nextel the
[16] last one?
[17] MR. JERSON: I don't know.
[18] MEMBER SHROYER: What I'm trying to
[19] get at is I know the City has had a lot of
[20] discussions around this through, and through the
[21] planning commission especially, and if they're
[22] saying, you know, from here on out we want to
[23] make sure that every single application coming
[24] into the City is going to be brick shelter with

Page 50

[1] planning department level.
[2] I think there was a recognition in
[3] the conversation we had that this ordinance is
[4] kind of written with the assumption that a
[5] provider's going to come in with an actual
[6] building, so if they do that and they come in
[7] proposing a shelter building, here's what we want
[8] it to look like. The ordinance is not
[9] particularly set up to deal with somebody who
[10] comes in with an open outdoor cabinet that's
[11] designed to be an outdoor cabinet.
[12] But has the City gotten to the
[13] point of trying to resolve this with an ordinance
[14] amendment, I don't think there's any work with
[15] that that's ongoing with that.
[16] This is kind of squarely in your
[17] lap, interpreting the ordinance and then giving a
[18] variance if you find that that's appropriate.
[19] MEMBER SHROYER: Thank you. I
[20] appreciate that. I was concerned about that.
[21] I know at least probably two years
[22] ago the request came in from a gas company
[23] concerning the same thing at the dead end of
[24] Clark Street and Grand River. They were told you

Page 52

[1] build a brick building with gabled roofs, things
[2] like that, As well to store equipment. I don't
[3] know if it was equipment designed to be outdoors,
[4] et cetera.

[5] One of the questions I would ask
[6] the petitioner, I'm sure that this meets all
[7] safety and OSHA and MIOSHA standards-
[8] MR. JERSON: (Interposing)
[9] absolutely.

[10] MEMBER SHROYER: -et cetera?
[11] Is there a reason for it being —
[12] the one you provided in Farmington Hills — being
[13] on a platform as opposed to being on a pad?

[14] MR. JERSON: Typically our sites
[15] are built on elevated platforms. There are
[16] certain cases, usually smaller installation,
[17] where they are put on concrete pads. I'm not
[18] sure if this one could be placed on a pad or not.
[19] I think somebody had mentioned, too — I think
[20] one of the carriers, I believe it's T-Mobile
[21] directly to the south of this, is also on a
[22] elevated platform, so I think we have both
[23] situations there.

[24] MEMBER SHROYER: Sprint.

Page 53

[1] possible expansion is still less than at least
[2] T-Mobile, and I think both Cingular and Sprint,
[3] too.

[4] MEMBER SHROYER: The property is
[5] surrounded, as he mentioned, by I believe white
[6] pines, they go all way around it. It doesn't
[7] totally block out the view, but it is in the back
[8] of the ice arena area going down Cingular Drive a
[9] ways. I don't anticipate any additional building
[10] going on in the immediate area.

[11] Basically I don't see a problem
[12] with this request, and I'll be in favor of a
[13] motion for this. Thank you.

[14] MEMBER FISCHER: Any other
[15] discussion?

[16] (No further discussion.)

[17] MEMBER FISCHER: You were on a
[18] roll. Do you care to make a motion for our
[19] consideration?

[20] MEMBER SHROYER: I planned not to
[21] talk a lot tonight because I'm getting over a
[22] flu.

[23] MEMBER GRONACHAN: I'll do it.

[24] MEMBER FISCHER: Member Gronachan.

Page 55

[1] MR. JERSON: We typically do it on
[2] a — Sprint usually Does it on a elevated
[3] platform, too.

[4] MEMBER SHROYER: Sprint's on a
[5] platform. T-Mobile's on a pad. They will be
[6] blocking your view — or the view of your
[7] equipment from the entry-

[8] MR. JERSON: (Interposing) Yes.

[9] MEMBER SHROYER: -but they are
[10] shorter pieces of equipment, so yours will show
[11] above it.

[12] I don't see any disconcertable
[13] viewings of your equipment that would prevent me
[14] from being okay with this request.

[15] MR. JERSON: I'm not actually sure
[16] if they're — I think they're comparable in
[17] height.

[18] I have been at the site recently,
[19] and I can tell you — oh. The fact that it's on
[20] the — that may have impact as to the total
[21] height. I'm sure the equipment is very
[22] comparable.

[23] And the number — the number of
[24] boxes that we're proposing, again, with the

Page 54

[1] MEMBER GRONACHAN: In case number
[2] 06-014 filed by Metro PCS Michigan, Inc., I move
[3] that we approve the variance as requested for the
[4] applicant to install metal equipment as opposed
[5] to the face brick and gabled roof based on the
[6] petitioner's testimony, and that this is outdoor
[7] equipment placed on the outdoors, it's been
[8] indicated that this is a minimized — that the —
[9] sorry — that the site of this project is
[10] minimal, that there's minimal exposure. And that
[11] also I recommend that the — this ordinance be
[12] sent to ordinance review for further
[13] clarification for anything else that comes before
[14] us in the future on this matter.

[15] MEMBER BAUER: Second.

[16] MEMBER FISCHER: There's a motion
[17] and the second on the table. Any further
[18] discussion?

[19] MEMBER SHROYER: Can we add — I'd
[20] like to see the verbiage in there that the
[21] petitioner has stated that it will meet all
[22] MIOSHA standards for safety purposes.

[23] MEMBER GRONACHAN: I accept that
[24] amendment.

Page 56

[1] MEMBER SHROYER: Thank you.
[2] MEMBER FISCHER: Any other
[3] discussion?
[4] (No further discussion.)
[5] MEMBER FISCHER: Seeing none,
[6] Miss Marchioni, will you please call the roll.
[7] MS. MARCHIONI: Member Gronachan?
[8] MEMBER GRONACHAN: Yes.
[9] MS. MARCHIONI: Member Bauer?
[10] MEMBER BAUER: Yes.
[11] MS. MARCHIONI: Member Fischer?
[12] MEMBER FISCHER: Aye.
[13] MS. MARCHIONI: Member Krieger?
[14] MEMBER KRIEGER: Yes.
[15] MS. MARCHIONI: Member Sanghvi?
[16] MEMBER SANGHVI: Aye.
[17] MS. MARCHIONI: Member Shroyer?
[18] MEMBER SHROYER: Yes.
[19] MS. MARCHIONI: Motion passes six
[20] to zero.
[21] MEMBER FISCHER: Your variance has
[22] been granted.
[23] MR. JERSON: Thank you.
[24]

Page 57

[1] additional comments, too.
[2] Like the other site, this site is
[3] hard to see from the areas where people would be
[4] traversing in their cars. Along Grand River, the
[5] site is blocked by the existing building that's
[6] adjacent to it. There's also large — in this
[7] case, much larger evergreen trees along the east,
[8] and I think they also go into the south a little
[9] bit, too, which block the views from Taft Road
[10] which, as you know, is a dead end street, doesn't
[11] normally receive a lot of traffic.
[12] I've been by the site a few times.
[13] I've been by there most recently tonight. I can
[14] tell you, driving down both those roads, also
[15] noting the fact that the access into the site is
[16] restricted. There's locked gates both from
[17] Grand River and Taft.
[18] This site is hard to see. The only
[19] place you can actually see the ground equipment
[20] is from Taft, probably halfway down the road
[21] towards a dead end, so it's not a site that's
[22] going to be heavily viewed.
[23] I would also note before, just to
[24] reiterate the important points, a brick faced

Page 59

[1] CASE NUMBER 06-015
[2] MEMBER FISCHER: Don't go too far.
[3] I'd like to call case number 06-015 filed by
[4] Metro PCS Michigan, Inc., for 45500 Grand River.
[5] The petitioner is requesting to install a metal
[6] equipment cabinet that is not of an approved
[7] material.
[8] If you could raise your hand and be
[9] sworn in for this case.
[10] MEMBER GRONACHAN: Do you swear or
[11] affirm that the information that you're about to
[12] give in the matter before you is the truth?
[13] MR. JERSON: Yes.
[14] MEMBER FISCHER: Name and address
[15] and proceed.
[16] MR. JERSON: Thank you. Matthew
[17] Jerson. I'm with Richards, Connor, Riley and
[18] Associates. I represent Metro PCS. My address
[19] is 30150 Telegraph Road, suite 420,
[20] Bingham Farms, Michigan 48025.
[21] I would ask the board to consider
[22] the general and the specific comments that we had
[23] mentioned from the previous site, because they
[24] are applicable to this one, but I would make

Page 58

[1] shelter would actually have a more visual,
[2] stronger, larger impact than would the equipment
[3] cabinets. The picture that we have up is the
[4] same equipment that we'd be proposing at this
[5] site as the last site. This equipment, again, is
[6] designed to be placed outdoors. It doesn't
[7] function within an enclosure.
[8] And I would also note the comments
[9] about the ordinance. The ordinance really is
[10] specifying — a brick face applies specifically
[11] and only to equipment shelter buildings.
[12] So with that I'd be happy to answer
[13] any questions you might have.
[14] MEMBER FISCHER: In this case there
[15] were twenty-three notices mailed with zero
[16] approvals and zero objections.
[17] Anyone in the audience that wishes
[18] to Comment on this case?
[19] (No response.)
[20] MEMBER FISCHER: Seeing none, I'll
[21] go to the building department for their comments.
[22] MR. SAVEN: No comments. Same as
[23] previous case.
[24] MEMBER FISCHER: And board

Page 60



BOARD OF APPEALS

45175 West Ten Mile Road
Novi, Michigan 48375-3024
(248) 347-0415

March 12, 2006

Richard Connor Riley & Associates, LLC
Carmen Kleckler
30150 Telegraph Road, Suite 420
Bingham Farms, MI 48025

RE: Zoning Board of Appeals Case No. 06-014 – 42380 Arena Drive

At the March 7, 2006 Regular Meeting of the Zoning Board of Appeals the following motion passed:

IN CASE NO. 06-014 TO APPROVE THE VARIANCE AS REQUESTED FOR THE APPLICANT TO INSTALL METAL EQUIPMENT AS OPPOSED TO THE FACE BRICK AND GABLED ROOF BASED ON THE PETITIONER'S TESTIMONY AND THAT THIS IS OUTDOOR EQUIPMENT PLACED OUTDOORS. IT HAS BEEN INDICATED THAT THE SITE OF THIS PROJECT WILL HAVE MINIMAL EXPOSURE. THE PETITIONER HAS STATED THAT IT WILL MEET ALL MIOSHA STANDARDS FOR SAFETY PURPOSES. ALSO, WE RECOMMEND THAT THIS ORDINANCE BE SENT TO ORDINANCE REVIEW FOR FURTHER CLARIFICATION FOR ANYTHING ELSE THAT COMES BEFORE THIS BOARD IN THE FUTURE IN THIS MATTER.

Sincerely,

CITY OF NOVI
ZONING BOARD OF APPEALS

Donald Saven
Building Official

Cc: Justin Fischer
Building Department
Mark Spencer, Planning Department
Barbara McBeth, Planning Department