



Armada Township

ZONING BOARD OF APPEALS

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ZONING BOARD of APPEALS

Draft Minutes

December 8, 2011 – 7:00 p.m.

1. Call to order
2. Pledge of allegiance
3. Roll call: Hicks_____, Kappa _____, Kehrig _____, Lobeck _____, Xagoraris_____
4. Approve/amend agenda
5. Explanation of Public Hearing procedure
6. Public Hearing: Variance Application – Consumers Energy – DTE Substation setback
 - a. Confirmation of receipt and adequacy of
 1. Publication of notice
 2. Distribution list of neighbors
 - b. Applicants presentation of proposal
 - c. Reading of recommendations or correspondence pertinent to proposal
 - d. Board questions and comments
 - e. Citizen's comments
 - f. Other pertinent comments as permitted by the chair
 - g. Adjournment of the public hearing
6. Variance consideration by the board
7. Correspondences
 - 2012 Expiring Terms
8. Election of Officers – Chair, vice-chair, secretary
9. Set meeting to approve minutes
10. Public comments
11. Adjournment

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Call to order: DJ Kehrig called the meeting to order at 7:07 p.m.

Pledge of allegiance: DJ led the group in the pledge immediately after opening.

Roll call: Present: Kehrig, Lobeck, Xagoraris. Absent: Hicks, Kappa. Also present: Recording secretary Sam Boelke.

Approve/amend agenda: Motion by Lobeck, seconded by Kehrig, to approve agenda as presented. All ayes, motion carries.

Explanation of Public Hearing procedure

Public Hearing: Variance Application – Consumers Energy – DTE Substation setback

Motion by Lobeck, seconded by Kehrig, to open the public hearing at 7:10 p.m. All ayes, motion carries.

- a. Confirmation of receipt and adequacy of
 1. Publication of notice: Kehrig read public hearing notification and affidavit of publication
 2. Distribution list of neighbors: Kehrig read Ray Twp.'s list of resident notification.
- b. Applicants presentation of proposal:

Jeannie King, Stella Carroll, Ed Willoughby and Ursula Warren were present from Consumers Energy. Jeannie King explained the need for the variance from setback requirements from center of Omo road. The DTE substation is needed to supply additional electrical power to the new compressor plant that was approved late last year under a special land use. Due to site circumstances, they cannot set the substation any further back from the road. They cite public safety as their number one concern and the fact that the substation is an essential part of the compressor plant. It will replace the existing service. The setback on their site plan is 85 feet and according to Article IX, R-1, Section 9.03 D, it should be 110 feet from road. They are asking for 25-foot variance from section 9.03 D of our ordinance book.
- c. Reading of recommendations or correspondence pertinent to proposal - nothing pertinent presented.
- d. Board questions and comments
 - **Practical difficulty** – Will enforcement of the ordinance create a practical difficulty for the applicant? DTE determined the plant needs to have this additional power to function properly and the best way to provide that power is to construct an on-site substation. Initial projections thought it might not be necessary, but it turned out to be needed.
 - **Conditions and circumstances are unique to property.** As a public utility, it is unique.
 - **Conditions and circumstances not created by the owner or his predecessor in title.** These conditions were not created by the owner, it was determined that the size of additional equipment requires increased electrical capacity as determined by electrical utility, DTE.
 - **Why the requested variance will not confer special privileges denied other similar properties in the same zoning district.** As a unique property with functionality not found anywhere else in this district, granting this variance will not show special privilege.
 - **Why the requested variance will not be against the spirit and intent of the ordinance.** As a substation, it is a point of ignition and it needs to be as far away as possible from the gas supply from an operational and public safety standpoint. DTE needs the substation directly below the existing overhead lines to provide the greatest reliability in its transmission of service. Another concern is the topography of the area has some drainage issues causing several low spots that prevent the substation placement in other areas. Existing pipeline easements are another limitation to placement. This site was a compromise between where DTE needed it to be and how far away Consumers wanted it from the main plant in the interest of public safety.

Should something happen, it needs to be clear to first responders which area was in need.

e. Citizen's comments – no public comments.

f. Other pertinent comments as permitted by the chair.

The planning commission did vote at their December 7, 2011 meeting to recommend the site plan to the township board providing the variance was granted and the landscaping was put in as requested.

g. Adjournment of the public hearing

Variance consideration by the board

Motion made by Lobeck, seconded by Xagoraris, to grant a 25-foot variance from section 9.03D setback requirements from 110 ft to 85 ft. based on DTE's determination of an additional power requirement and location of site in relation to existing power lines and for safety reasons to keep the source of ignition as far as possible from existing operations. All ayes, motion carries.

Correspondences

- 2012 Expiring Terms – DJ Kehrig as secretary and Diane Xagoraris – please submit letter or e-mail requesting reappointment to the recording secretary by February 2, 2011 for board appointment in March. If you do not wish to be reappointed, please let the recording secretary know as soon as possible so the position can be posted.

Election of Officers – Current officers are: Chair-Gail Hicks, vice-chair and board liaison-Wayne Lobeck, and secretary and planning commission liaison DJ Kehrig.

Nominations:

- Chair Gail Hicks - all in favor – unanimous
- Vice chair – DJ - all in favor – unanimous
- Secretary Wayne – all in favor – unanimous

Set meeting to approve minutes: Motion made by Lobeck, seconded by Xagoraris, to set next meeting January 11, 2012, 6:45 p.m. just before Township board meeting. All ayes, motion carries.

Public comments -0-

Adjournment: Motion made by Xagoraris, seconded by Kehrig, to adjourn the meeting at 7:53 p.m. all ayes, motion carries.

Respectfully submitted:

Sam Boelke
Recording Secretary

Approved:

DJ Kehrig, Meeting Chair

date