

PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Edward Resha, Robert Grosshans, Alayna Stagg, Kenneth Brostrom, and Ishwar Naik.

Members Absent: None.

Others Present: Kelven Braun, Mick Blunden, Dennis Kelly, Wendy Smith, Linda Mason, Phillip Mason, Planning Director Bruce E. Fowler, Associate Planner Paul Montagno, and Recording Secretary Marge Burkheiser.

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Naik called the meeting to order at 6:37 p.m. A quorum was present.

2.0 Approval of Agenda

Motion by Member Resha, supported by Member Grosshans, to approve the agenda, as presented.

MOTION CARRIED

3.0 Communications and Announcements

None.

4.0 Items from the Floor

None.

5.0 Old Business

None.

6.0 New Business

6.1 ZBA 05-03 Detroit Edison-Bemis Road Substation
[submitted for a fence variance]
(1500 West Bemis Road, Section 31)

Planner Montagno reviewed the report. He said that the request is for an 8-foot fence. He noted the surrounding area. He said that the area is currently agricultural (AG) and large

lot residential (York Township). He reviewed the findings with staff for the Members to consider.

Member Resha said that the National Code would supercede any other code. He said that the power stations fall under a different entity.

Member Brostrom stated that safety is the issue. He said that the National Code stated a minimum of a seven (7) foot fence is required.

Planner Montagno stated that the Township Ordinance states a 10-foot high fence to have barbed wire.

Mick Blunden, representing DTE, stated that standard construction is a six (6) foot chain link fence with barbed wire on top. He said that they said that if this was not possible they would like an 8-foot fence without barbed wire, for safety reasons.

Member Brostrom asked that if someone were to climb the fence, are there any additional safety features.

Mr. Blunden replied no.

Dennis Kelly, of DTE, said that once inside there is nothing within arms reach, a person would have to climb the equipment.

Chairperson Naik asked if anyone has gotten in.

Mr. Kelly replied yes, on occasion.

Member Brostrom asked about signage on the fence.

Mr. Kelly replied that there are "high voltage" signs on the fencing.

Chairperson Naik asked if the details were in the site plan.

Mr. Blunden replied yes.

The Members, staff and the DTE representatives reviewed the site plan.

Chairperson Naik asked for public comments.

Kelven Braun, 1995 Bemis Road, stated that he has a duplex in Pittsfield Township. He said that since the poles were installed there have been problems with bleeding of creosote and odors. He said that creosote is used in the poles. He stated that his concern is that the creosote will get into his well.

Member Grosshans asked how far the poles are from the well.

Mr. Braun replied approximately thirty-five (35) feet, and the well is approximately sixty (60) feet deep. He said that he did not have a problem with the fence.

Wendy Smith, 1637 Bemis Road, wanted to know the location of the road to the site.

Mr. Blunden stated that one (1) pond is in the City of Saline. He said that there were road sight issues and they purchased additional property. He said that the MDEQ has been contacted about the pond.

Member Resha noted that all of the trees would be mitigated.

Member Grosshans asked Mr. Braun where he was located in the Township.

Mr. Braun said that he was still an island to the west of the site.

Member Grosshans asked Ms. Smith if she had any questions about the fence.

Ms. Smith replied that DTE could do what they needed to do concerning the fence.

Linda Mason, 1623 Bemis Road, York Township, asked whether she would be able to see the substation from her home. She said that there would be a lot more traffic. She said that she did not want to see the fence from her house.

Chairperson Naik reminded everyone that the hearing is for the fence only.

Member Resha said that once this project was finished there would be little traffic. He told Ms. Mason that there would be trees planted and landscaping on the site.

Mr. Blunden noted that the station is almost a 1,000 feet north of Bemis Road.

Chairperson Naik asked about the color of the fence.

Mr. Kelly stated that the fence would be vinyl coated and it would also be grounded.

Motion by Member Resha, support by Member Grosshans, to close the public hearing.

MOTION CARRIED

Motion by Member Resha, supported by Member Grosshans, to accept the findings as presented by staff. (Attachment #1)

MOTION CARRIED

Motion by Member Resha, supported by Member Brostrom, to approve ZBA 05-03 Detroit Edison (Bemis Road Substation) for the requested variance of an 8-foot fence without barbed wire.

ROLL CALL:

YES: Resha, Stagg, Brostrom, Naik, Grosshans.
NO: None
ABSENT: None
ABSTAIN: None

**MOTION CARRIED
(APPROVED)**

7.0 Zoning Administrator's Report

Planner Montagno said that Orco Investments (ZBA 05-02) has been scheduled for May 9, 2005. He said that Paul LeBlanc, a professional planner, would be reviewing the information provided and preparing a report for the Township. He said that the applicant was agreeable to changing the meeting and having all information be submitted prior to the meeting date.

Planner Bruce E. Fowler introduced himself to the Members and gave a brief history of his work experiences.

The Members welcomed Planner Fowler to the Township.

8.0 Member's Report

Member Resha offered the suggestion that staff review the Township Ordinance and make changes to meet the National Code or other codes that would supercede Township Codes, to prevent future problems. He said that besides the electrical codes he thought that there were also other codes for building.

Planner Montagno suggested the possibility of adding a disclaimer to the ordinances about meeting National Code requirements. He also said it might be advisable to obtain a legal opinion.

The Members and staff briefly discussed the possibility of staff being able to give administrative approval and not bringing minor issues to the ZBA.

9.0 Secretary's Report

None.

10.0 Chairperson's Report

None.

11.0 Approval of Prior Minutes

None.

12.0 Adjournment

Motion by Member Resha, supported by Member Stagg, to adjourn the meeting.

MOTION CARRIED

Chairperson Naik adjourned the meeting at 7:32 p.m.

s/Alayna Stagg, Secretary

June 13, 2005

(Attachment #1)

In accordance with Section 60.04 B, prior to granting a variance the Board of Appeals shall make findings that the following requirements have been met by the applicant for the variance;

1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.

According to the applicant, the standard construction of an electrical substation includes a 6 foot chain link fence with barbed wire on top.

The compliance with the regulations of fences in the Zoning Ordinance does not allow for the applicant to comply with the National Electrical Safety Code Part I, Section II, 110 A which requires an electric substation to have a minimum 7 foot chain link fence without barbed wire for safety. To meet these requirements of this code, the applicant is requesting a variance to have an 8 foot high fence without barbed wire.

2. That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

The granting of the variance would do substantial justice for the applicant and other property owners in the district by allowing the Detroit Edison electrical substation to meet the safety requirements of its construction.

3. That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.

The plight of the applicant is due to unique circumstances of the property and the need to meet the safety requirements of the National Electrical Safety Code which applies to the subject site.

4. That the plight or problem is not self-created.

The plight is created from the site being required to comply with contradicting regulations from the Pittsfield Township Zoning Ordinance and the National Electrical Safety Code. The problem is not self-created.

5. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

This does not appear to be a factor.

6. That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.

The variance would secure the public safety by allowing the substation to have the proper fencing required by the National Electrical Safety Code.