



Faulk & Foster

May 1, 2007

Mannette Minier
Planning Department
Georgetown Township
1515 Baldwin St.
P.O. Box 769
Jenison, MI 49429
(616) 457-2690

RE: **Clearwire, US LLC Zoning Variance Application** for the extension of an existing light tower site located at **8375 20th Avenue SW**, Clearwire Site: MI-GRP122

Dear Ms. Minier,

Please find enclosed the Zoning Variance Application Form for a new Clearwire site located at 8357 20th Avenue SW. The proposed site entails the replacement and extension of the existing light pole to 110 feet and the placement of communications equipment on the pole for wireless internet services.

The necessity of the variance is because the proposed tower is closer than two (2) miles to existing towers. However, we are already co-locating on these towers, and still do not have sufficient coverage within the Township.

Please also find our answers to the questions discussing the conditions of a grant of a variance, propagation maps showing the gap in coverage without the site, a photograph of an example of a Clearwire equipment cabinet, and eight (8) sets of signed and sealed Site Plans, and the three hundred dollar (\$300.00) fee.

Please note that within the next week we will also provide a NIER letter confirming that there are no radiation concerns with the site, and a letter from an RF Engineer stating that the site is necessary in order for us to get the coverage we need in the Township.

Thank you for your prompt attention to this matter. Please do not hesitate to contact me at 975-0923 ext. 110 with any questions that you have regarding this filing.

Sincerely,

Jamie Abbg
Zoning Specialist
Faulk & Foster
O/B/O Clearwire US LLC

PERMIT NUMBER:

APPLICATION FOR ZONING APPEAL

Georgetown Charter Township
1515 Baldwin St, P.O. Box 769
Jenison, MI 49429
616-457-2690 Ext. 228

revised: 01-06-06

APPLICANT INFORMATION

COMPANY NAME: Faulk + Foster obo Clearwire US LLC		PHONE: 975-0923 x110
APPLICANT NAME: Jamie Abbigy for F + F		BIRTHDATE:
ADDRESS: 3040 Charlevoix SE Ste 202	CITY / STATE / ZIP: Grand Rapids, MI 49546	

PROPERTY INFORMATION

COMPANY NAME: Jenison Public Schools		PHONE: 975-0923 x110
OWNER / AGENT NAME: Faulk + Foster for JPS		TITLE:
ADDRESS: 3040 Charlevoix SE Ste 202	CITY / STATE / ZIP: Grand Rapids, MI 49546	
PARCEL NUMBER: 70-14-10-300-016	ZONING DISTRICT: LDR	

EXISTING USE:
Light Tower

REQUEST INFORMATION

STATE THE NATURE OF THE APPEAL, INTERPRETATION OR VARIANCE REQUEST:
We need a variance from the 2 mile rule for the construction of a new cell tower.

SECTION OF THE ORDINANCE RELATING TO THE REQUEST:
20.4(AB)(6)

EIGHT (8) FOLDED COPIES OF A SITE PLAN ARE REQUIRED TO ACCOMPANY THIS APPLICATION

APPLICANT SIGNATURE

I HEREBY ATTEST THAT THE INFORMATION ON THIS FORM IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE AND COPIES OF ALL MATERIALS SUBMITTED TO THE BOARD WILL ALSO BE SUBMITTED TO THE TOWNSHIP. I UNDERSTAND THAT I MAY BE REQUIRED TO BE SWORN IN TO GIVE TESTAMONY. I HEREBY GRANT PERMISSION FOR MEMBERS OF THE TOWNSHIP BOARD OF APPEALS TO ENTER THE SUBJECT PROPERTY FOR THE PURPOSE OF GATHERING INFORMATION RELATED TO THIS REQUEST. IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE TOWNSHIP WEBSITE AT WWW.GTWP.COM. BY SIGNING, PERMISSION IS GRANTED FOR THE TOWNSHIP STAFF AND BOARD MEMBERS TO ENTER THE SUBJECT PROPERTY FOR PURPOSES OF GATHERING INFORMATION TO REVIEW THIS REQUEST.

APPLICANT SIGNATURE: Jamie Abbigy for F + F	DATE: 5-1-07
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FOR OFFICE USE ONLY

DATE OF ZONING BOARD OF APPEALS MEETING:	DATE ADVERTISED:	DATE PROPERTY NOTICES WERE SENT:
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Sec. 28.11 of the Georgetown Charter Township Zoning Ordinance establishes the powers and duties of the Zoning Board of Appeals. All Variance requests must meet the specific standards listed in that section in order to be approved. In the space below or additional sheets, if needed, state how your request meets each of the approval standards.

Section 28.11 of the Zoning Ordinance states:

- (C) **Variations.** The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from the requirements of this Ordinance, when the applicant demonstrates that ALL of the following conditions will be satisfied.

(Please describe, in detail, how your request meets each of the following standards.)

- (1) Granting the variance be in the public interest and will ensure that the spirit of this Ordinance shall be observed. *(Will the intentions of the ordinance be upheld and will there be no detrimental effects to the public if the variance is granted?)*

We are requesting a variance because the proposed light tower replacement and extension has been determined to be a new cell tower site; and as a new cell tower site, it is closer than two (2) miles to other existing cell tower sites (Ordinance).

“Unless located on the same site or tower with another user, no new tower shall be erected within a two (2) mile radius of an existing radio, television, or cellular communications tower” (Section 20.4(AB)(6) Georgetown Township Zoning Ordinance).

We understand that the intention of the two (2) mile rule is to limit the multiplicity of towers within the Township for aesthetic reasons, and to encourage co-location on existing towers where feasible. We believe that our site is consistent with the intentions of the ordinance for the following reasons:

- (a) **Co-location.** We have already co-located on the existing towers within two (2) miles of the proposed site, but as the propagation maps and letter from the RF Engineer indicate, we do not get sufficient coverage in the Township without the proposed site.
- (b) **Aesthetics.** In choosing to replace an existing light pole rather than building a new site on raw land, we have made every effort to preserve the aesthetics of the area. This tower is a semi-stealth tower.

There will be no detrimental effects to the public from this tower. As the NIER letter establishes, there are no radiation concerns to the public from the tower. Further, the public will benefit from the tower. The Jenison Public Schools (“JPS”) will receive monthly rental revenue from our client. And, the JPS will be allowed to place its communication’s antennas on the top of the tower. Further, the JPS will have the opportunity to generate additional revenue from any co-locators on the tower.

- (2) Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted. *(Is the use to which the variance relates allowed in the zoning district where the site is located?)*

The ordinance allows for a new cell tower within the zoning district (LDR) with a Special Use Permit (Section 8.3(O) Georgetown Township Zoning Ordinance). The only reason for the variance is because the proposed site is within two (2) miles of other existing cell sites.

- (3) That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance. *(What unusual*

circumstances related to the property, that are different from other neighboring properties, necessitate the request?)

Neighboring properties would also require a variance because of the two-mile rule. The unusual circumstance here is the need to have coverage in the Township that we cannot get with the existing towers. This property is uniquely suited to resolve the problem because it already has an existing light tower, and by extending the light tower we are able to get the necessary coverage we need, and benefit the Jenison Public Schools.

- (4) That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions to an approved variance will eliminate or sufficiently mitigate potential detrimental impacts. *(Present evidence that if the variance is granted, the adjacent properties will not suffer from detrimental effects.)*

Adjacent property owners will suffer no ill-effects from the extension of the tower. The lights will be at the same height as before, so no nuisance from the lights being moved. The tower more than meets any setback requirements. The only effect on the neighbors will be positive; it is the availability of Clearwire wireless internet in their homes.

- (5) That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district. *(What substantial property right are you denied under the current circumstances?)*

JPS is denied the right to generate revenue from the property, and to extend the tower for the purpose of adding its own communication antennas to the tower.

- (6) That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12 *(Are there any circumstances on the property that are currently non-conforming? If so, will the non-conforming be increased or enlarged?)*

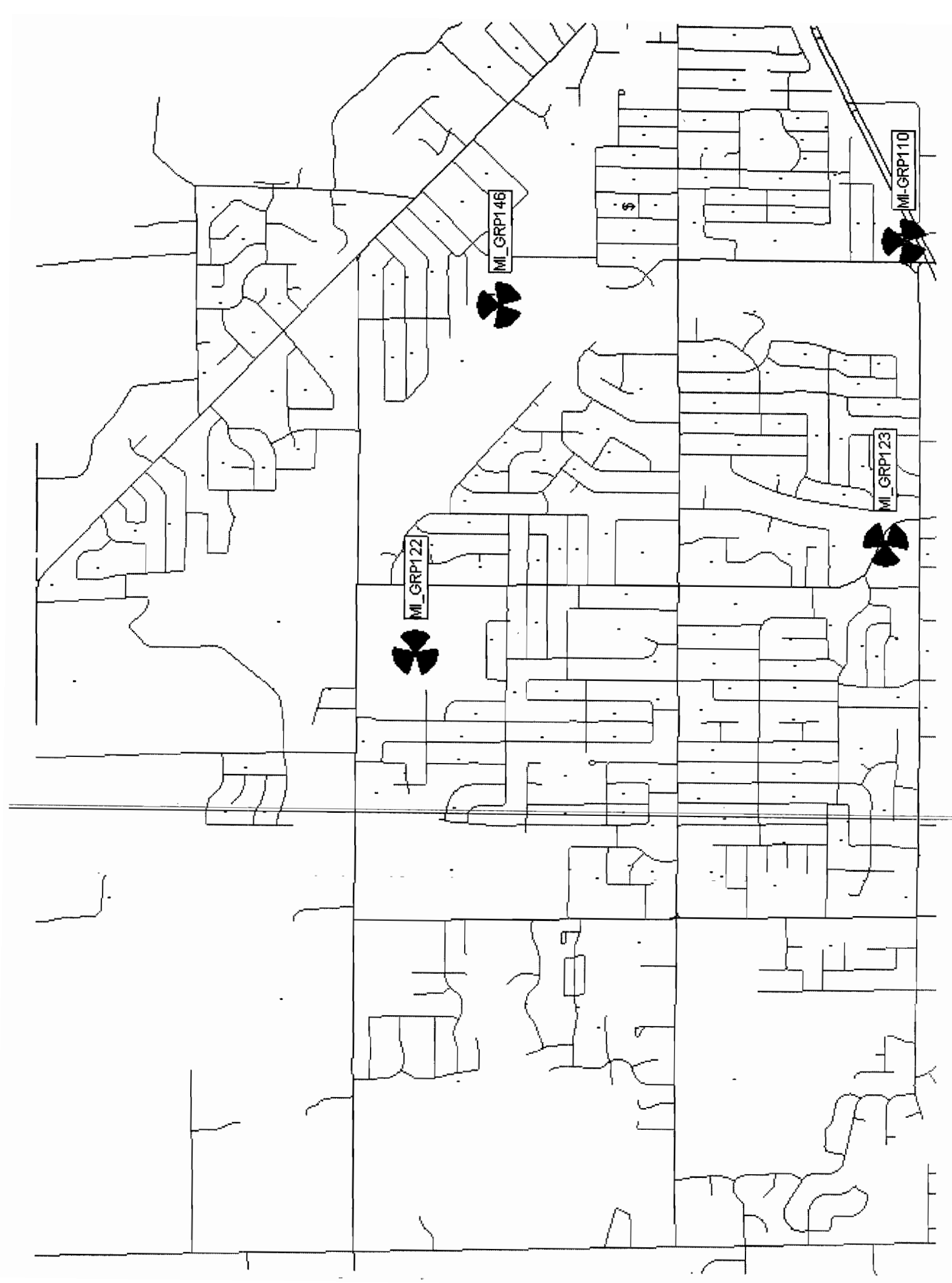
We are not aware of any non-conforming issues related to the proposed site.

- (7) That the variance is not necessitated as a result of any action or inaction of the applicant. (revised 4-23-2001) *(Is this request necessary because of anything that has been done or not done by the applicant?)*
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Our client would prefer to co-locate on an existing tower, as it would be much less expensive and less time-consuming. We have already been approved to co-locate on numerous towers within the Township. We searched our database, and drove the area extensively, but could not find an existing tower that would get us the coverage we need in the area.

The propagation maps and engineer's letter indicate that even after co-locating on every available tower in the area, there is a significant gap in coverage that necessitates locating at the proposed site.

Our client has made considerable efforts to make this a win-win for the community in partnering with the JPS. The benefits to the community include our client paying for the construction of the replacement tower, rent revenue going to the JPS for our client's equipment on the tower as well as any future co-locators who may go on the tower, and JPS will also locate its communication antennas on the tower.



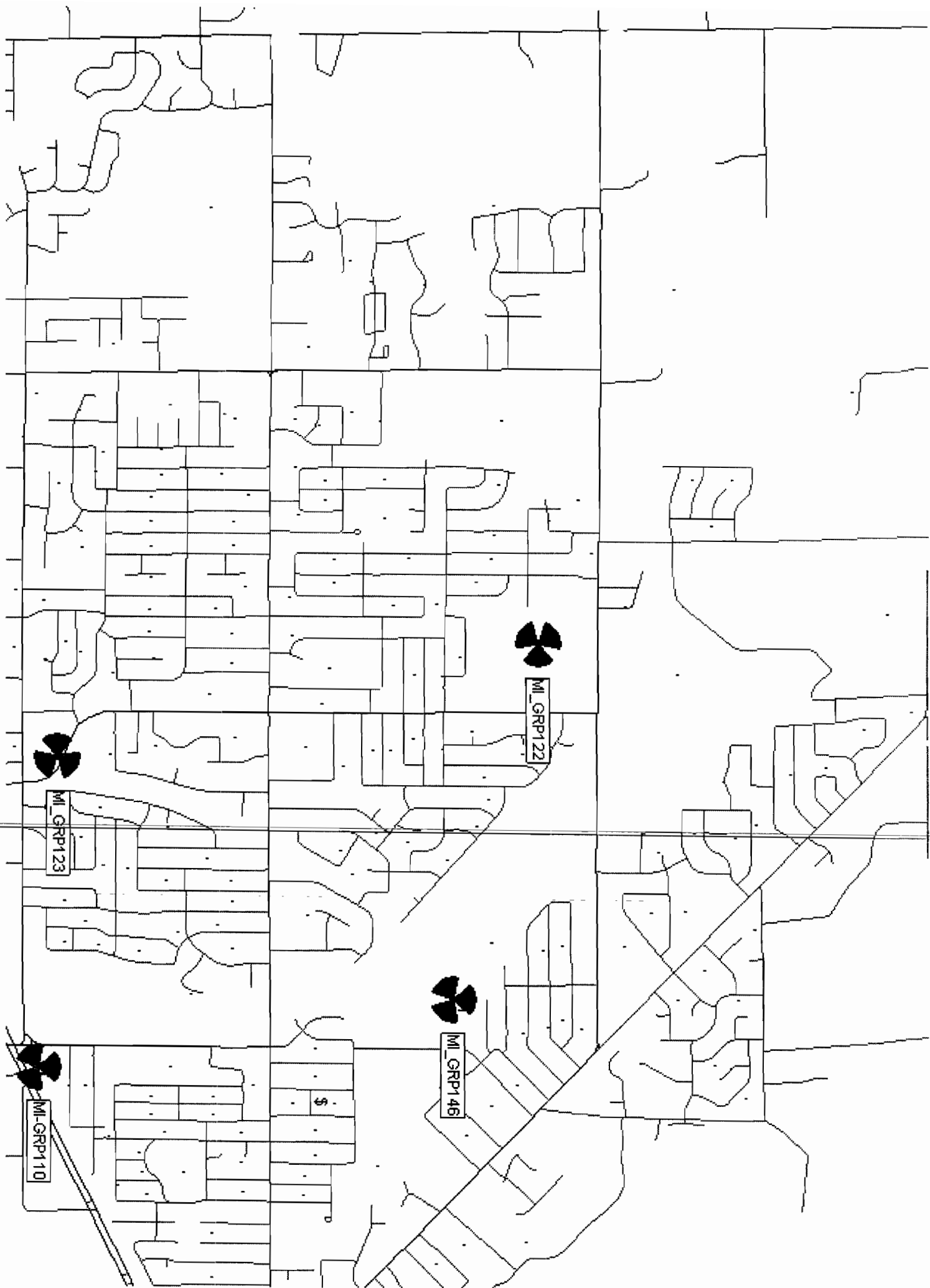
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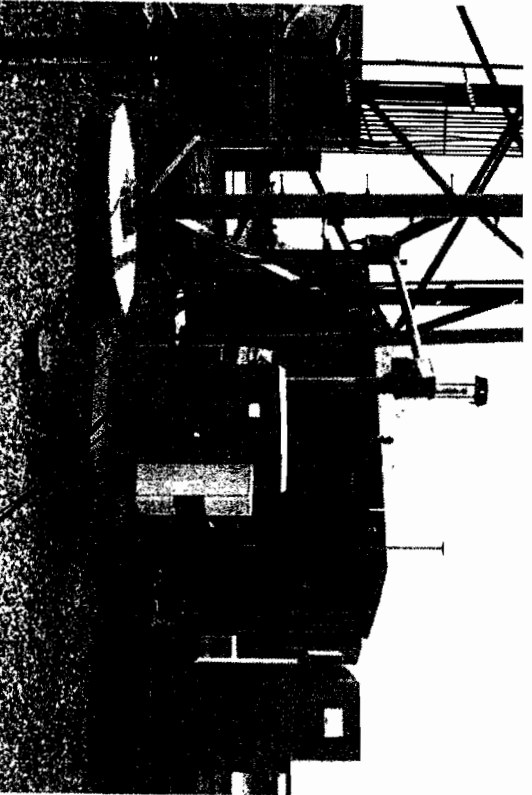
Clearwire Construction Installation Guide

Clearwire Network Deployment

Rev. 3.3 01-23-07

Overview

This document includes the standards for all construction for New Site Deployment projects equipped with NextNet technology. Typical installations on Monopole, Self-Support Tower, Guyed Towers, Water towers, Rooftop, Stealth / Concealed structures.



*Clearwire
Cabinet*