

September 8, 2013

The Union County Board of Adjustment met in regular session on September 8, 2013 at 7:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street, with Vice Chairman Darren Greene presiding.

BOARD MEMBERS PRESENT: Darren Greene, Vice Chairman
Mark Tilley
Rick Davis
Louis Philippi
Jennifer Stewart

ALTERNATES PRESENT:

ALSO PRESENT: Richard Lee Jenson, Land Use Administrator
Bill Sturges, Board Attorney
Susan Calkins, Secretary to the Board

Vice Chairman Darren Greene called the meeting to order at 7:00 p.m. and announced that Chairman Bill McGuirt had resigned from the Board. He thanked Mr. McGuirt for his service to the County on the board and stated that he would be missed.

Mr. Greene stated that a chairman would be elected at the next meeting and that he would preside at this meeting in his capacity as vice chairman. He announced that a quorum was present.

Mr. Tilley made a motion that the minutes of the July 8, 2013 meeting be approved as written and distributed; seconded by Mr. Davis; motion carried.

PUBLIC HEARING:

“Special Use 2013-007” - SBA Communications Corporation requesting a “Special Use” under Section 180E and Section 54 of the Union County Land Use Ordinance to construct a 199 foot telecommunications tower and related equipment shelter. Located at Poplin Road, being on Tax Map 08-297-009C; presently zoned RA-40.

Mr. Greene asked if any board member had a conflict of interest with this agenda item. It was determined there were no conflicts of interest.

Lee Jenson was sworn.

Mr. Greene asked Mr. Jenson if the petition was complete. Mr. Jenson stated that the petition was complete.

Mr. Philippi moved that the petition be heard; seconded by Mr. Davis; motion carried.

There was no request for continuance.

Mr. Jenson presented the following staff analysis:

Property Owner: Robert & Donna Orr

Petitioner: SBA Communications

Location: Poplin Rd behind 4808 Poplin Rd. (08-297-009C)

Request: To construct a 199' telecommunications tower and related equipment.

Summary

This petition seeks approval to construct a 199' telecommunications tower and related equipment.

Existing Zoning

North

The area to the north is zoned RA-40.

East

The area to the east is zoned RA-40 and located within the City of Monroe.

South

The area to the south is zoned RA-40.

West

The area to the west is zoned RA-40.

Subject Property

The petitioned property is currently zoned RA-40.

Existing Land Use

North

The area to the north consists of low density residential development, agricultural uses, and institutional uses (Porter Ridge School complex).

East

The area to the east consists of low to medium density residential development and agricultural uses.

South

The area to the south consists of low density residential development and agricultural uses.

West

The area to the west consists of low to medium density residential development and agricultural uses.

Subject Property

The subject property is currently vacant.

Proposed Land Use

The Union County, North Carolina 2025 Comprehensive Plan calls for this area to develop as low density residential 0-1 dwelling units per acre.

Mr. Greene invited witnesses to be sworn.

Susan Irvin, having been duly affirmed, testified as follows:

Ms. Irvin is a zoning attorney representing the property owners. She presented a power point presentation of the attachments to the application.

Ms. Irvin answered question posed by the board members.

Robert Lease was confirmed and testified as follows:

Mr. Lease testified about the construction of the cell tower and the fall zone of the tower. He testified that 50 per cent of telephone users are wireless users; 911 would be enhanced, service to the school, and would provide coverage for future users.

The following exhibits were received into evidence:

#1 - application

#2 - Power Point Presentation

The applicant offered no further evidence.

Brenda Gantz, having been duly affirmed, testified in opposition to the application as follows:

Ms. Gantz testified she is concerned about the cell tower falling and injuring her grandchildren.

There was no further testimony in opposition.

The public hearing was closed and the board deliberated. Mr. Tilley made a motion to approve the petition; seconded by Mr. Davis. The motion carried unanimously.

PUBLIC HEARING

“Special Use 2013-008” - Global Signal Acquisitions, LLC requesting a “Special Use” under Section 180E and Section 54 of the Union County Land Use Ordinance to remove the existing 151 existing telecommunications tower and replace with a 199 foot telecommunications tower and related equipment. Located near 4821 Mullis Newsome Road, being on Tax Map 08-051-002F; presently zoned RA-40.

Mr. Greene inquired of Mr. Jenson if the application was complete; Mr. Jenson stated that it was complete.

Mr. Tilley made a motion to hear the petition; seconded by Jennifer Stewart; the motion carried.

Mr. Greene inquired whether there was a motion to continue. There was no motion to continue.

Mr. Jenson was sworn and gave the following staff analysis:

Property Owner: Geraldine Elms Purser

Petitioner: Global Signal Acquisitions, LLC

Location: 3821 Mullis Newsome Rd. (08-051-002F)

Request: To construct a 199’ telecommunications tower and related equipment. This tower will replace an existing 151’ telecommunications tower.

Summary

This petition seeks approval to construct a 199’ telecommunications tower and related equipment. This tower will replace an existing 151’ telecommunications tower.

Existing Zoning

North

The area to the north is zoned RA-40.

East

The area to the east is zoned RA-40.

South

The area to the south is zoned RA-40.

West

The area to the west is zoned RA-40.

Subject Property

The petitioned property is currently zoned RA-40.

Existing Land Use

North

The area to the north consists of low density residential development, agricultural uses, and institutional uses (Porter Ridge School complex).

East

The area to the east consists of low density residential development and agricultural uses.

South

The area to the south consists of low density residential development and agricultural uses.

West

The area to the west consists of low density residential development and agricultural uses.

Subject Property

The subject property is currently used as a single family residence and a 151' telecommunications tower.

Proposed Land Use

The Union County, North Carolina 2025 Comprehensive Plan calls for this area to develop as low density residential 0-1 dwelling units per acre.

Mr. Jenson answered question posed by the Board Members.

Henry Campen, Council for applicant, was affirmed and testified as follows:

This application is to replace an existing 151-foot cell tower with a 199-foot tower to better coverage. The new tower will be erected on the same foundation. The application complies with all the requirements and standards. A notebook with exhibits was distributed and Mr. Campen explained the documents.

#3 - Letter from structural engineer

Bryce Pickens, having been duly affirmed, testified as follows:

Mr. Pickens stated he is with Global Signal Arquisitions, LLC. He testified as to the cell tower's usefulness in the area and that the applications complies with all requirements and standards.

Mr. Pickens answered questions posed by the Board Members.

Mesut Dogan, having been duly affirmed, testified as follows:

Mr. Dogan is employed by SBA as a radio frequency engineer. Mr. Dogan was tendered and accepted as an expert witness in the field of radio frequency. He testified as to the technical aspects of the cell tower.

Mr. Dogan answered questions posed by the Board Members.

Ed Hord, having been duly affirmed, testified as follows:

Mr. Hord is employed by the Commercial Group as a certified land appraiser. He was tendered and accepted as an expert in the field of land appraisal. Mr. Hord testified on the impact of the surrounding area. He testified that the proposed cell tower will not negatively impact the surrounding or abutting properties, and that the cell tower would be in harmony with the area.

Mr. Hord answered questions posed by the Board Members.

There was no further evidence for the applicant.

There was no opposition evidence.

Mr. Greene closed the public hearing and the board deliberated. Mr. Philippi made a motion that the tower be camouflaged. There was no second. Mr. Tilley moved that the application be approved; seconded by Mr. Philippi. The motion carried.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Susan R. Calkins
Secretary to Board of Adjustment