

## November 12, 2013

The Union County Board of Adjustment met in special session on Tuesday, November 12, 2013 at 7:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street, with Chairman Darren Greene presiding.

BOARD MEMBERS PRESENT: Chairman Darren Greene, Vice-Chairman Mark Tilley, Rick Davis, Jennifer Stewart and Douglas Hutton

BOARD MEMBERS ABSENT: Louis Philippi and Jonathan Holland

ALSO PRESENT: Richard Lee Jenson, Land Use Administrator and Bill Sturges, Attorney for the Board

Chairman Darren Greene called the meeting to order at 7:00 p.m.

### REGULAR MEETING

A. Approval of minutes from February 11, 2013.

Motion was made by Mark Tilley to approve the minutes; seconded by Rick Davis. Motion carried.

B. Approval of minutes from September 8, 2013.

Motion was made by Douglas Hutton to approve the minutes; seconded by Rick Davis. Motion carried.

C. Approval of the following "Temporary Mobile Home Permits"

- #125 - Ty P. Helms, 2812 Price Rushing Road, Monroe, NC 28110      Approved April 3, 1995
- #126 - Donald W. Moore, 500 Blanchard Circle, Indian Trail, NC 28079      Approved April 3, 1997
- #129 - Dennis & Connie Mangum, 6720 Rebel Road, Marshville, NC 28103      Approved July 3, 2001
- #131 - Houston & Aileen McLain, 6103 R A Austin Road, Marshville, NC 28103      Approved April 7, 2003
- #132 - Kelly Swaim, 3805 Mullis Newsome Road, Monroe, NC 28110      Approved November 6, 2006
- #135 - Marilyn Purser, 1631 Ridge Road, Monroe, NC 28110      Approved September 14, 2009
- #136 - Barry Robinson 4418 Western Union School Rd, Waxhaw, NC 28173      Appr'd February 11, 2013

Chairman Darren Greene asked Lee Jenson to come forward and be sworn in.

Mr. Jenson stated that there was an error with the Temporary Mobile Home permits, #091 has already been removed and should not be on this list. He also stated we received a letter from

#126 Donald Moore, 500 Blanchard Circle that he is no longer requesting that his permit be renewed.

Motion was made by Rick Davis to approve the Temporary Mobile Home Permits with the above listed modifications; seconded by Mark Tilley. Motion carried.

## **PUBLIC HEARING**

- A. Determination of any conflicts of interest for Special Use 2013-012 (Item B)
- B. “Special Use 2013-012” – American Towers LLC requesting a “Special Use” under Section 180E and Section 54 of the Union County Land Use Ordinance to construct a 199 ft. telecommunications tower and related equipment shelter. Located at 7221 Wolf Pond Road, being on Tax Map 04-132-002; presently zoned RA-40.

Chairman Darren Greene asked Mr. Jenson if the petition submitted was complete. Mr. Jenson stated the petition was complete.

Chairman Darren Greene asked if any Board member had a conflict with this agenda item. No one came forward.

Chairman Greene asked if there was anyone present in opposition that would like this petition to be continued. No one came forward.

Mr. Jenson came forward and presented the following staff analysis:

### **\* PRE-HEARING STAFF ANALYSIS\***

#### **Special Use Petition No. 2013-012**

**Property Owner:** George Blackburn

**Petitioner:** American Towers, LLC

**Location:** 7221 Wolf Pond Rd. (04-132-002)

**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.

**South**

The area to the south is zoned RA-40 and B-4.

**West**

The area to the west is zoned RA-40.

**Subject Property**

The petitioned property is currently zoned RA-40 and B-4; however, the proposed site is located on the RA-40 zoned portion.

***Existing Land Use*****North**

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

**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 a non-conforming automobile repair garage, a conforming car wash, and open field.

***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.

Lee Jenson submitted the complete Land Use application as Exhibit #1. He submitted slideshow presentation as Exhibit #2.

Pat Sarsfield, representative for American Tower came forward and submitted Petitioner Exhibit #1 – binder. He stated they do comply with all ordinances and construction design as submitted in the binder. Pat Sarsfield stated due to significant studies that have been done, this area would be better for the needs in this area.

Chairman Greene asked if there was anyone present to submit evidence in opposition to come forward. No one came forward.

After discussions and deliberations were made by the Board, Douglas Hutton made a motion to approve the Special Use Permit as submitted, seconded by Jennifer Stewart. Motion passed unanimously.

There being no further business to come before the Board at this time, the public hearing was adjourned at 7:45 p.m.

Respectfully submitted,

Susan R. Calkins  
Secretary to Board of Adjustment